

# American Demolition Corporation

305 Ramona Ave., Elgin, IL 60120 Tel: (847) 608-0010 Fax: (847) 608-0060



Illinois Environmental Protection Agency  
Fiscal Services Division  
PO BOX 19276  
Springfield IL 62794-9276

*AC 15-29*

4/6/15

**RECEIVED**  
CLERK'S OFFICE

APR 09 2015

STATE OF ILLINOIS  
Pollution Control Board

RE: Sitecode 1438055008

Dear Sir or Madam:

Please find attached proof of payment of the civil penalty pursuant to the attached Opinion and Order of the Board.

This check cleared our account on 3/5/2015.

Please make sure this payment is correctly applied.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robin Seaver', written in a cursive style.

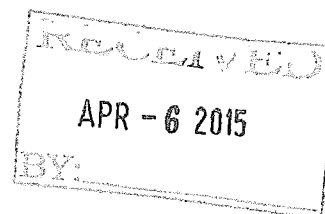
Robin Seaver  
Controller  
American Demolition Corporation

Cc: Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

April 2, 2014



ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 15-29  
 ) (IEPA No. 38-15-AC)  
ERIC LANE, JOHN RUDD, BOB ) (Administrative Citation)  
WHITAKER, AND AMERICAN )  
DEMOLITION CORPORATION, )  
 )  
Respondents. )

OPINION AND ORDER OF THE BOARD (by D. Glosser):

On February 4, 2015, the Illinois Environmental Agency (Agency) timely filed an administrative citation against Eric Lane, John Rudd, Bob Whitaker, and American Demolition Corporation (respondents). See 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondents' facility located at 9125 W. Wheeler Road, Mapleton, Peoria County. The property is commonly known to the Agency as the "Lane, Eric" site and is designated with Site Code No. 1438055008. For the reasons below, the Board finds that the respondents violated the Environmental Protection Act (Act) (415 ILCS 5 (2014)) and orders the respondents to pay \$4,500 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations. See 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2014); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that on December 17 and 18, 2014, the respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2014)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of general or clean construction debris. The Agency asks the Board to impose the statutory \$1,500 civil penalty per violation on the respondents, for a total civil penalty of \$4,500. As required, the Agency served American Demolition Corporation on February 2, 2015, John Rudd on February 3, 2015, Eric Lane on February 9, 2015, and Bob Whitaker on February 17, 2015. All are within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2014); see also 35 Ill. Adm. Code 101.300(c), 108.202(b).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the

corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2014); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due no later than March 25, 2015. The respondents failed to timely file a petition. Accordingly, the Board finds that the respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), 21(p)(7) (2014)).

The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation. *See* 415 ILCS 5/42(b)(4-5) (2014); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and no indication in the record that this is a second or subsequent adjudicated violation, the total civil penalty is \$4,500. Under Section 31.1(d)(1) of the Act (415 ILCS 5/31.1(d)(1) (2014)), the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

### ORDER

1. The Board finds that Eric Lane, John Rudd, Bob Whitaker, and American Demolition Corporation (respondents) violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2014)).
2. The respondents must pay a civil penalty of \$4,500 no later than May 4, 2015, which is the first business day following the 30th day after the date of this order. The respondents must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust. The case number, case name, and the respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. The respondents must send the certified check or money order and the remittance form to:
 

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2014); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 2, 2015, by a vote of 5-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board



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**AMERICAN DEMOLITION CORP.**  
305 RAMONA AVE.  
ELGIN, IL 60120  
(847) 608-0010

**WEST SUBURBAN BANK**  
LOMBARD, IL 60148  
70-2334/719

64958

2/26/2015

PAY TO THE ORDER OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

\$ \*\*4,500.00

Four Thousand Five Hundred and 00/100\*\*\*\*\* DOLLARS

ILLINOIS ENVIRONMENTAL PROTECTION AGEN  
P.O. BOX 19276  
SPRINGFIELD, IL 62794-9276

*Celia D. Wirth*

MEMO

3008-DUMPING VIOLATIONS

⑈064958⑈ ⑆071923349⑆ 4400030202⑈

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