



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9817  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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CLERK'S OFFICE

FEB 07 2007

STATE OF ILLINOIS  
Pollution Control Board

(217) 782-9817  
TDD: (217) 782-9143

February 2, 2007

The Honorable Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

AC07-37

Re: Illinois Environmental Protection Agency v. Lawrence Abraham Bartolomucci  
IEPA File No. 30-07-AC; 0818035004—Jefferson County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
LAWRENCE ABRAHAM )  
BARTOLOMUCCI, )  
 )  
Respondent. )

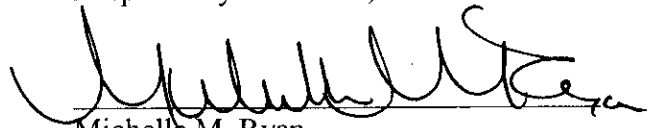
AC **01-37**  
(IEPA No. 30-07-AC)

**NOTICE OF FILING**

To: Lawrence A. Bartolomucci  
P.O. Box 2325  
Mt. Vernon, Illinois 62864

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: February 2, 2007

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 07 2007

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL	)
PROTECTION AGENCY,	)
	)
Complainant,	)
	)
v.	)
	)
LAWRENCE ABRAHAM BARTOLOMUCCI,	)
	)
	)
	)
Respondent.	)

AC **07-37**  
(IEPA No. 30-07-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2004).

FACTS

1. That Lawrence Abraham Bartolomucci ("Respondent") was the owner and operator of a facility located as Part of the W ½ of NW beginning 62.28 feet south of the NW corner then South 938.64', East 1314.8', North 284.62', East 567.5', North 707', West 1715.77', Southwest 181.87' to the point of beginning, Sec. 7, 3 South, 3 East containing 39.36 acres more or less, with a site parcel number 11-07-101-002, located in Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Vernon/Ortiesen Corp. (formerly Bartolomucci, Abe).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818035004.
3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on December 14, 2006, Gerald Steele of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

#### VIOLATIONS

Based upon direct observations made by Gerald Steele during the course of his December 14, 2006 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2004).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 1, 2007, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2004), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each

violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2004). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Douglas P. Scott  
Douglas P. Scott, Director *by wire*  
Illinois Environmental Protection Agency

Date: 2/2/07

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

**RECEIVED**  
CLERK'S OFFICE

FEB 07 2007

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
LAWRENCE ABRAHAM BARTOLOMUCCI, )  
 )  
 )  
 )  
Respondent. )

AC **01-37**  
(IEPA No. 30-07-AC)

FACILITY: Mt. Vernon/Ortgiesen Corp.(formerly Bartolomucci, Abe)

SITE CODE NO.: 0818035004

COUNTY: Jefferson CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: December 14, 2006

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.





4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Ortgiesen Corporation site.

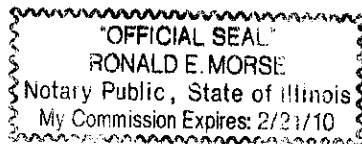
Ronald E. Morse

Subscribed and Sworn to before me

this 24<sup>TH</sup> day of January, 2007

Ronald E. Morse

Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Open Dump Inspection Checklist**

County: Jefferson LPC#: 0818035004 Region: 7 - Marion  
 Location/Site Name: Mt.Vernon / Ortgiesen Corp.  
 Date: 12/14/2006 Time: From 2:20 pm To 3:10 pm Previous Inspection Date: 02/07/2006  
 Inspector(s): G. Steele Weather: Sunny, 40, wet  
 No. of Photos Taken: # 3 Est. Amt. of Waste: 560 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Worker Complaint #: C-05-158-M  
 Latitude: 38.28385 Longitude: -88.92953 Collection Point Description: Site Entrance -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party  
Mailing Address(es)  
and Phone Number(s):

Ortgiesen Corp.  
Barbara Ortgiesen  
13486 N. Ashland Ln.  
Woodlawn, Illinois 62898



	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0818035004

Inspection Date: 12/14/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency**  
**Narrative Inspection Report**

**Site #:** 0818035004

**Date:** Dec. 14, 2006

**County:** Jefferson

**Inspector:** G.E. Steele

**Subject:** Mt. Vernon / Ortgiesen Corp. (formerly Bartolomucci, Abe)

This site was inspected as a follow-up to an investigation done on February 7, 2006. This site was inspected concurrently with the adjacent Dycus-Adams and Benny Beard sites. I spoke to a man working at the site. He said an auction had been held in mid-November, at which time the property owned by Mr. Bartolomucci was sold to three parties. Records at the Jefferson Co. Courthouse, filed 12-15-2006, show that this 39.98 acre parcel, 11-07-101-002, had been sold to:

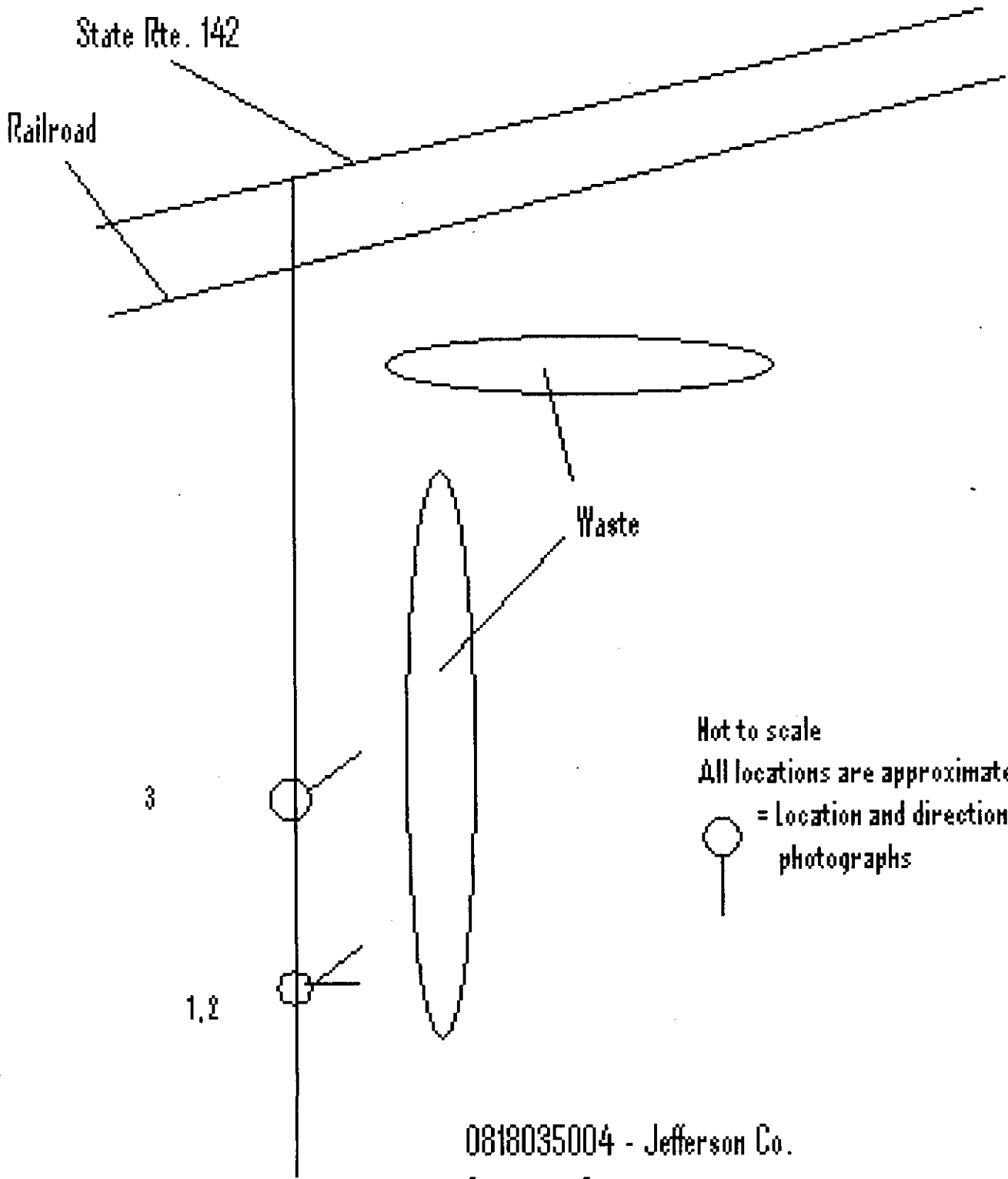
Ortgiesen Corp.  
Barbara Ortgiesen, Reg. Agent  
13486 N. Ashland Lane  
Woodlawn, Illinois

This site is an agricultural field. Wastes observed previously when the site was owned and operated by Mr. Bartolomucci were again seen at this site. They included pallets, building material, and wood. Additional materials were also seen at this time. Pallets, boxes containing miscellaneous items, a wood stove, carpeting, empty boxes and paper, and a pick-up truck were observed. The bed of the truck was filled with boxes. A travel trailer was also parked here. 11 of the items were exposed to the elements, and many were setting on the ground. The waste was predominately sitting in a single row running the length of the property, approximately 200 yards long by 2 yards wide. An approximate 8 yard by 20 yard strip was seen in the northeast corner.

Line 1, and 8: Open dumping, and open duping allowing litter; various items were open dumped at this property. They were on the ground and exposed to the elements. They were not in use, not usable in their current condition, and not being protected for future use.

Line 6, 7, and 12: Operating a waste disposal operation without a permit, and failure to submit an application: There is no record of L. Abe Bartolomucci, or Ortgiesen Corp. having applied for or receiving a permit for this site. All of the wastes are from off-site, as this is an agricultural field.

North ↑



Not to scale  
All locations are approximate  
○ = Location and direction of photographs

0818035004 - Jefferson Co.  
Ortgiesen Corp.  
12/14/2006



**DIGITAL PHOTOGRAPHS**

**Date: Dec. 14, 2006**  
**Time: 2:45 pm**  
**Direction: East**  
**Photo by: G.E. Steele**  
**Exposure #: 001**  
**Comments:**



**Date: Dec. 14, 2006**  
**Time: 2:45 pm**  
**Direction: Northeast**  
**Photo by: G.E. Steele**  
**Exposure #: 002**  
**Comments:**





## DIGITAL PHOTOGRAPHS



**Date:** Dec. 14, 2006  
**Time:** 2:47 pm  
**Direction:** Northeast  
**Photo by:** G.E. Steele  
**Exposure #:** 003  
**Comments:**

**Date:**  
**Time:**  
**Direction:**  
**Photo by:**  
**Exposure #:** No Photo  
**Comments:**

No Photo

**File Names:** 0818035004~12142006-[Exp. #].jpg

## PROOF OF SERVICE

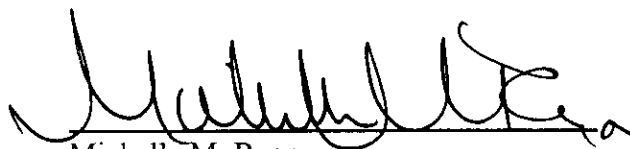
I hereby certify that I did on the 2<sup>nd</sup> day of February 2007, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Lawrence A. Bartolomucci  
P.O. 2325  
Mt. Vernon, Illinois 62864

*Cert # 7000 1670 0008 6137 8606*

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
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