

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of DuPage,)
)
 Complainant,)
)
 v.)
) AC
) DP-AC-11-
 Dale A. Turek)
 Ronald J. Turek,)
)
 Respondents.)

RECEIVED
CLERK'S OFFICE
OCT 28 2011
STATE OF ILLINOIS
Pollution Control Board

12-12

ORIGINAL

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of DuPage.

Respectfully submitted,

Mary Fleming

Mary Fleming
Assistant State's Attorney

DATED: Oct. 27, 2011
County of DuPage
503 North County Farm Road
Wheaton, IL 60187

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
OCT 28 2011
STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
 Complainant,)
)
 v.)
)
 Dale A Turek)
 Ronald J. Turek,)
)
 Respondents.)

12-12
AC 11-

NOTICE OF FILING

TO: Dale A. Turek & Ronald J. Turek
424 36th Street
Downers Grove, IL 60515

2 ORIGINAL

PLEASE TAKE NOTICE that on Oct. 27, 2011 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,

Mary A. Fleming
Mary Fleming
Assistant State's Attorney

County of DuPage
503 North County Farm Road
Wheaton, IL 60187
(630) 407-8200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
OCT 28 2011
STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
Complainant,)
)
v.) AC # 12-12
) DP-11-01
Dale A. Turek)
Ronald J. Turek,)
)
Respondents.)

ADMINISTRATIVE CITATION

Violation: 415 ILCS 5/21(p)(1) Civil Penalty \$1,500.00
TOTAL: \$1,500.00

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. Complainant, County of DuPage, is a unit of local government to which the Illinois Environmental Protection Agency has delegated authority to issue administrative citations pursuant to Section 4(r) of the Illinois Environmental Protection Act, ("Act"), 415 ILCS 5/4(r) (2007). DuPage County is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.

2. The Respondents, Dale A. Turek and Ronald J. Turek, are the present occupants and in control and possession of the property at 424 36th Street, Downers Grove, located in the County of DuPage, State of Illinois.

3. The property is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #0438025029. The facility is known to the County as the Turek site.

4. The Respondents have occupied, controlled and/or operated the facility at all relevant times hereto.

5. On August 31, 2011, Joy Hinz, Field Inspector for DuPage County as delegated by the Illinois Environmental Protection Agency, inspected the property. A true and correct copy of the inspection report, along with Ms. Hinz's affidavit, are attached hereto and made a part hereof.

6. Based upon direct observations made by Ms. Hinz during the course of her inspection, DuPage County has determined that Respondent violated the Act as follows:

- a. Respondent caused or allowed the open dumping of waste in a manner resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2007).

Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), 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 civil penalty of One Thousand Five Hundred Dollars (\$1,500.00).

Notices and Instructions to Respondent

1. **You must pay the civil penalty set forth above unless you contest this Administrative Citation.** The following paragraphs contain payment instructions and more information about contesting this Administrative Citation.
2. To pay the civil penalty (and any other amounts due) send two (2) checks or money orders with the attached Remittance Form, one check in the amount of Seven Hundred and Fifty Dollars payable to DuPage County and the second

check or money order in the amount of Seven Hundred and Fifty Dollars payable to the Illinois Environmental Protection Agency to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

To ensure that you receive timely and proper credit for your payment, complete the attached Remittance Form and include it with your payment.

3. You may contest this Administrative Citation by filing a Petition for Review, including a Notice of Filing, Certificate of Service, and Appearance with the Illinois Pollution Control Board ("Board").
4. **Any Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation on you. The Board will not review the Administrative Citation if the Petition for Review is not filed within this time.**
5. The Petition for Review must be filed with:

Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

A copy of the Petition for Review must be served on the County of DuPage at the following address:

County of DuPage
Office of the State's Attorney, Civil Division
503 North County Farm Road
Wheaton, IL 60187

6. The contents of a Petition for Review and the procedures to be followed are governed by the Board's procedural rules. Copies may be obtained from the Clerk of the Board at the address above, by calling the Board at (312) 814-3620, or from the Board's website at:

<http://www.ipcb.state.il.us/rules/procedural/procedural.htm>

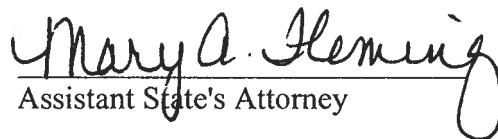
7. If you do not contest this Administrative Citation by filing a petition for review with the Board within the allotted time, the Board will enter an order finding that

you committed the violations alleged above imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) and 35 Ill. Adm. Code 108.500(a).

8. If you contest this Administrative Citation by filing a timely petition for review with the Board, the Board will hold a hearing. The Board's procedural rules have more information on hearings; see 35 Ill. Adm. Code Parts 101 and 108.
9. If the Board finds after the hearing that you committed a violation as alleged above, you will be assessed the hearing costs incurred by the County of DuPage and the Board. Hearing costs are assessed in addition to the statutory civil penalty for the violations. If the Board finds after the hearing that you did not commit a violation as alleged above, or that the violation resulted from uncontrollable circumstances, you will not be assessed hearing costs and you will not have to pay a civil penalty.
10. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, interest on the amount due will be assessed against you from the date payment is due and including the date that payment is received.
11. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, the Office of the Illinois Attorney General and/or the City of Chicago Department of Law may initiate court proceedings against you to collect the amount due, plus any interest accrued. In that event, you may also be liable for court costs.

DATE: Oct. 27, 2011

County of DuPage
Office of the State's Attorney


Assistant State's Attorney

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

OCT 28 2011

STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
 Complainant,)
)
 v.) AC
) DP-11-01
 Dale A. Turek)
 Ronald J. Turek,)
)
 Respondents.)

12-12

ORIGINAL

FACILITY: Turek Site
COUNTY: DuPage
DATE OF INSPECTION: August 31, 2011
SITE CODE: 0438025029
CIVIL PENALTY: \$1,500.00

Date Remitted _____

SS/FEIN # _____

Signature _____

Instructions

Enter the date of your remittance, your Federal Employee Identification Number (FEIN) (or social security number (SSN) if an individual) and sign this Remittance Form. Print the name of the person signing this Remittance Form and that person's title, if applicable.

Send two (2) checks or money orders with the attached Remittance Form, one check in the amount of Seven Hundred and Fifty Dollars payable to DuPage County and the second check or money order in the amount of Seven Hundred and Fifty Dollars payable to the Illinois Environmental Protection Agency to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 28 2011

STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
Complainant,)
)
v.)
)
Dale A. Turek)
Ronald J. Turek,)
)
Respondents.)

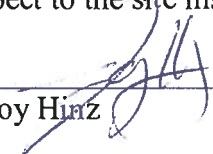
12-12
AC 11-
DP-11-01

2 ORIGINAL

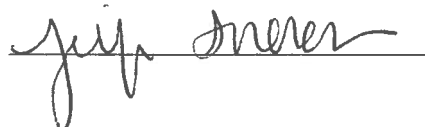
AFFIDAVIT

Affiant, Joy Hinz, being duly sworn, voluntarily deposes and states as follows:

1. At all times relevant to the above-captioned Administrative Citation, Affiant was employed as an inspector by the County of DuPage, Department of Economic Development and Planning.
2. On August 31, 2011 between 1:40 p.m. and 2:10 p.m., respectively, Affiant conducted an inspection of the property located at 424 36th Street; Downers Grove, Illinois.
3. Affiant conducted an onsite inspection, which included walking around the property and photographing the site.
4. In connection with this inspection, Affiant completed the Inspection Report appended to and made part of the above-captioned Administrative Citation, which is an accurate record of Affiant's observations and factual conclusions with respect to the site. This August 31, 2011 inspection report references observations and factual conclusions with respect to the site inspection.

Joy Hinz 

Subscribed and sworn before me
This 26 day of October 2011





State of Illinois
Environmental Protection Agency
Narrative Inspection Report Document

County: DuPage County

Date: August 31, 2011

Inspector: Joy Hinz

Site No: 0438025028

Location: 424 36th St., Downers Grove

Time: 1:40 - 2:10 p.m.

Weather Conditions: 64 degrees Fahrenheit with sunny skies and winds from the southeast at 8 mph. Conditions obtained from The Weather Channel electronic mail

Estimated Amount of Waste: 300 cubic yards

General Remarks

Pre-Inspection Notes: This site was issued Violation Notice, L-2003-DP2012 on January 10, 2003. Violations of 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 55(a)(1) of the {Illinois} Environmental Protection Act and 812.101 of Title 35, Subtitle G of the Illinois Administrative Code were alleged. Illinois EPA remove the tires from the site. DuPage County also cited violations of the Zoning Ordinance for vehicles and storage of junk & debris. The County worked with the property owners Ron and Dale Turek and compliance was eventually achieved.

In April 2007, Code Enforcement again identified junk & debris and vehicles being improperly stored at the property. A case was filed in for the alleged violations. Subsequent inspections by Code Enforcement identified potential violations of the {Illinois} Environmental Protection Act.

I conducted this inspection with Deborah Houdek, Code Enforcement Officer, to review the site for fluorescent tubes, waste tires and other miscellaneous waste. After arriving, we walked the northern property. There were vehicles, bags of aluminum cans, textiles, orange fencing, a hose and other debris stored on the driveway (Photos 1 & 2). North of the driveway there was more abandoned household debris including but not limited to chests, a cooler, a metal dolly, a dilapidated wagon, pieces of metal and a license plate (Photos 3&4).

I then reviewed the area north of the house. There was a pile of more than 20 fluorescent tubes stacked on other debris dumped on the site (Photo 5). Also in this area was more household debris including but not limited to a solvent container, a bucket of wires, commercial type light fixtures, lawn equipment and a laundry basket (Photo 6). There were several containers filled with stained water and pieces of electrical equipment including older lighting ballasts open dumped (Photo 7). There were also metal chairs, a fan, a vending type machine, refuse containers and other items abandoned on the site (Photo 8). I also observed a compressed oxygen tank lying on top of debris at the site (Photo 9). Three dilapidated boxes of cell phone charging units had been open dumped on the ground north of the house (Photo 10).

I continued westward where there was a bench with several containers of cleaning materials and a pile of bicycle tires and three waste tires (Photos 10&11). The tires were off the rim and there was standing water inside of them. There were several lawn mowers and other items abandoned

in this area (Photo 12). There were two bird baths, a gasoline container and an upended 30-gallon metal drum (Photo 3). One of the bird baths contained liquid which was emitting a urine type malodor.

Ms. Houdek and I then walked eastward where there was a plastic bucket that contained a cloudy liquid . There was a plastic crate that contained several containers of types of cleaners and solvents. There was another gasoline container tipped over in the area. In addition to the aforementioned, I observed an electrical panel, electronic lighting ballasts, a microwave, a fluorescent light fixture and two lead acid batteries open dumped (Photos 14-18). There were also two more waste tires that were on the rim.

At the time I exited the site, there were apparent violations identified in the above Administrative Citation. {End}

State of Illinois
Environmental Protection Agency
Site Sketch

County: DuPage County
Inspector: Joy Hinz
Location: 424 36th St., Downers Grove

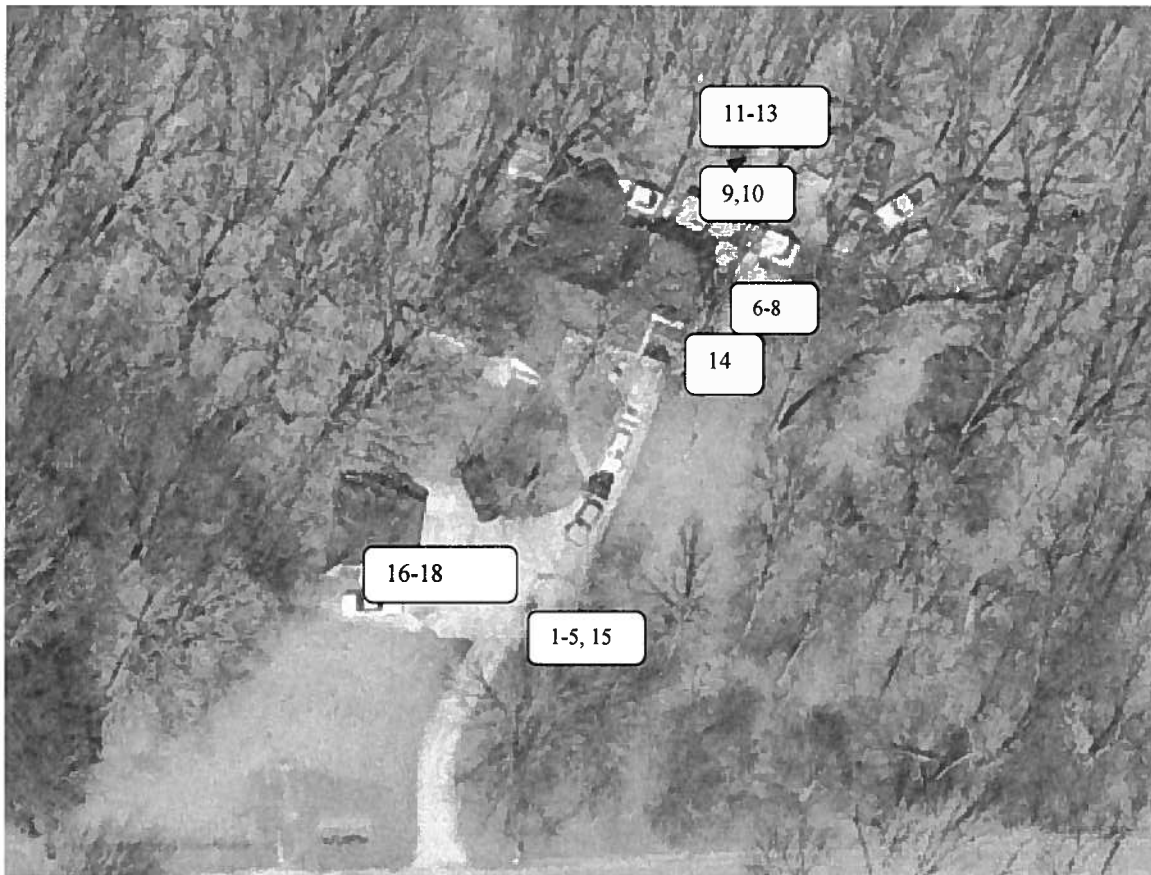
Date: August 31, 2011
Site No: 0438025028
Time: 1:40 - 2:10 p.m.

Not drawn to scale

North ↑



Indicates number and approximate location of photograph



Photograph 1

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:44 p.m.

Comments: Taken facing northward showing the driveway of the site with piles of debris on the eastern side of the drive.



Photograph 2

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:44 p.m.

Comments: Taken facing northward showing the debris open dumped on the site.



Photograph 3

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:45 p.m.

Comments: Taken facing northward showing a bag of aluminum cans and other debris on the site.



Photograph 4

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:45 p.m.

Comments: Taken facing northwestward showing the northeastern are of the site with household debris open dumped on the property.



Photograph 5

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:47 p.m.

Comments: Taken facing northward showing the fluorescent bulbs and lighting fixtures abandoned on the site.



Photograph 6

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:47 p.m.

Comments: Taken facing northeastward showing the wiring lawn equipment and other waste debris abandoned on the site.



Photograph 7

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:48 p.m.

Comments: Taken facing northward showing pieces of electrical equipment on the site.



Photograph 8

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St., Downers Grove

Site No: 0438025028

Time: 1:49 p.m.

Comments: Taken facing southward showing a vending appliance and other waste debris on the site.



Photograph 9

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 1:50 p.m.

Comments: Taken facing
northward showing a
compressed oxygen tank,
a cooler and mugs
abandoned on the site.



Photograph 10

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 1:51 p.m.

Comments: Taken facing
northward showing the
boxes of phone chargers
open dumped on the site.



Photograph 11

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 1:52 p.m.

Comments: Taken facing
southward showing an off-
rim waste tire on the site.



Photograph 12

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 1:52 p.m.

Comments: Taken facing
southward showing lawn
mowers and an off-rim
waste tire on the site.



Photograph 13

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 1:52 p.m.

Comments: Taken facing
southward showing the bird
baths, a gasoline container
and other debris abandoned
on the site.



Photograph 14

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 2:00 p.m.

Comments: Taken facing
southward showing another
electrical panel open dumped
on the site.



Photograph 15

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 2:03 p.m.

Comments: Taken facing
southward showing the
electronic ballasts on the site.



Photograph 16

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 2:05 p.m.

Comments: Taken facing
westward showing another
fluorescent light fixture left on
the site.



Photograph 17

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 2:06 p.m.

Comments: Taken facing
northward showing two lead
acid batteries disposed of on
the site.



Photograph 18

Photographed by: J. Hinz

Date: August 31, 2011

Location: 424 36th St.,
Downers Grove

Site No: 0438025028

Time: 2:07 p.m.

Comments: Taken facing
northward showing the debris
including an electrical
appliance/panel on the
driveway of the site.

