

RECEIVED
CLERK'S OFFICE

DEC - 8 2014

AC 15-17

PETITION FOR REVIEW

STATE OF ILLINOIS
Pollution Control Board

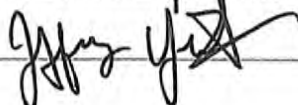
11-26-14

TO Whom it May Concern,

This letter is in regards to a notice received by the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY in REFERENCE to 415 ILCS 5/21 (p)(1), 415 ILCS 5/21 (p)(3), Section 21 (p)(7) 415 ILCS 5/21 (p)(7) to Appeal finding in this matter. As of Mr. Wagner's findings were not correct on October 1, 2014 because of misunderstanding of dates. Everything has been cleaned up and completed per request by Mr. Wagner by October 8th, 2014 and he returned on October 1, 2014. We were understanding our due date for clean up to be October 8, 2014. Therefore we are appealing his findings on October 1, 2014. Since we completed the clean up on October 5, 2014. We have since contacted Mr. Wagner in regards to this confusion of dates. We have fully complied and completed the request of the EPA and therefore we would ask for this to be dismissed since these issues have been completed.

IEPA No: 367-14-AC

JEFFREY YERK
3994 N. FISK Rd
ASTORIA, IL 61501

Respectfully Submitted,
Jeffrey Yerk


Copy 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

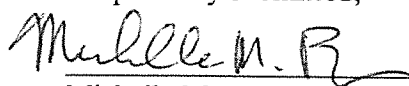
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,) AC
)
v.) (IEPA No. 367-14-AC)
)
BERNARD AND CAROLYN CARR)
AND JEFFERY YERKY,)
)
Respondents.)

NOTICE OF FILING

To: Bernard and Carolyn Carr Jeffery Yerky
3994 N. Fisk Road 3995 North Fisk Road
Astoria, IL 61501 Astoria, IL 61501

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
Assistant Counsel
by JCR

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

Dated: October 24, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,) AC
)
v.) (IEPA No. 367-14-AC)
)
BERNARD AND CAROLYN CARR AND)
JEFFERY YERKY,)
)
)
Respondents.)

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 (2014).

FACTS

1. That Bernard and Carolyn Carr are the current owners and Jeffery Yerky is the current operator ("Respondents") of a facility located at 3995 North Fisk Road, Astoria, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carr, Bernard & Carolyn.
2. That said facility is designated with Site Code No. 0570055015.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on October 1, 2014, Robert J. Wagner of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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.

5. That on 10-24-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 5189
7012 0470 0001 3000 5202
VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his October 1, 2014 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2014).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).
- (3) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondents are 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 Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than December 12, 2014, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2014), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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) (2014), if Respondents fail to petition or elect 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2014). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

Lisa Bonnett ^{#1111}

Date:

10-24-14

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

DEC - 2 2014

PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

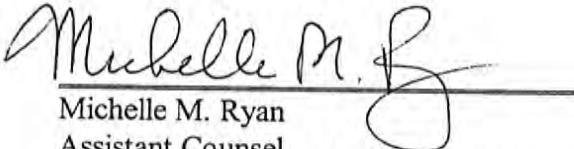
I hereby certify that I did on the 24th day of October 2014, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Bernard and Carolyn Carr
3994 N. Fisk Road
Astoria, IL 61501

Jeffery Yerky
3995 North Fisk Road
Astoria, IL 61501

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


Michelle M. Ryan
Assistant Counsel
by JRR

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