

ILLINOIS POLLUTION CONTROL BOARD
March 24, 1988

IN THE MATTER OF:)
)
STEVE ZIMMERMAN,) AC 88-9
) (87-EH 9)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a February 9, 1988 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Tazewell County Health Department. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Steve Zimmerman on February 8, 1988. The Tazewell County Health Department alleges that Steve Zimmerman has violated Sections 21(p)(5) and 21(p)(11) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Steve Zimmerman has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Steve Zimmerman has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

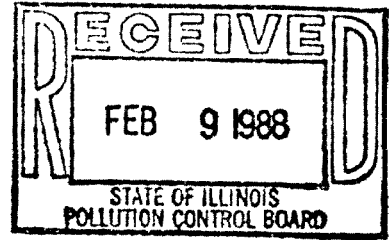
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Steve Zimmerman shall, by certified check or money order payable to the Tazewell County Health Department, pay a penalty in the amount of \$1,000.00, which is to be sent to:

Gordon Poquette
Tazewell County Health Department
R.R. #1
Tremont, Illinois 61568

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of March, 1988, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



STATE OF ILLINOIS

COUNTY OF

ADMINISTRATIVE CITATION

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State's Attorney's File No. 87-EH 9

Docket No. *PC 88-9*

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, par. 1031.), and delegated to Tazewell County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1004(r).

FACTS

1. That Respondent, Steve Zimmerman, the present operator of a facility located in the County of Tazewell, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 70-45, and designated with site Code No. 1798050001. Said facility is commonly known to the Agency as Pekin Metro Landfill.
3. That Respondents have operated said facility at all times pertinent hereto.
4. That on 12/29/87, Ralph Jones, of the County of Tazewell, inspected the above-described landfill facility. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Pekin Metro Landfill, the County of Tazewell has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, para. 1021(d), in a manner which resulted in the following conditions:

- 5) Uncovered refuse remaining from previous operating day.
- 11) Failure to submit financial assurance documents.

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph One (1), for a total of \$1,000.00. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than March 5, 1988. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to Tazewell County Health Department and mailed to Gordon Poquette at the Tazewell County Health Department, RR #1, Tremont, Illinois 61568.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the Tazewell County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney will seek to recover their costs of litigation.



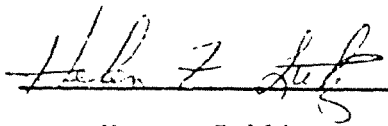
Stewart Umholtz, Assistant State's Attorney



Ralph Jones, Environmental Health Specialist

Subscribed and Sworn to before me this

4th day of February, 1988.



Notary Public

PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Tazewell County State's Attorney, attention Stewart Umholtz at the Tazewell County Court House, Pekin, Illinois 61554. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the State's Attorney at the Tazewell County Court House, Pekin, Illinois.

Pekin Metro Landfill

Date:

STATE OF ILLINOIS
COUNTY OF TAZEWELL

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) State's Attorney's File No. 87-EH 9
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Respondent.)

Affiant, Ralph Jones, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of Tazewell and has been so employed at all times pertinent hereto.

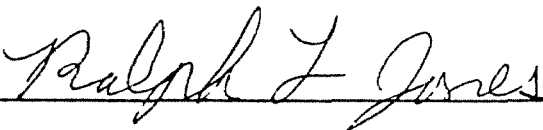
2. On December 29, 1987, between 6:00 a.m. and 8:00 a.m., Affiant conducted an inspection of the sanitary landfill in Tazewell County, Illinois, known as Pekin Metro Landfill, Illinois Environmental Protection Agency Site No. 1798050001, operating under IEPA Permit No. 70-45.

3. Affiant inspected said Pekin Metro Landfill site by an on-site inspection which included walking the site and interviewing personnel.

4. Before and after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 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 Pekin Metro Landfill.



Ralph Jones, Environmental Health Specialist