

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

IN THE MATTER OF:)
)
JOSEPH THOMAS, d/b/a THOMAS) AC 86-3
12TH STREET DISPOSAL) (IEPA Docket No. 8146-AC)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a(n) December 8, 1986 filing of an administrative citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Joseph Thomas on November 25, 1986. The Agency alleges that Joseph Thomas has violated Sections 21(p)(2) and 21(p)(3) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

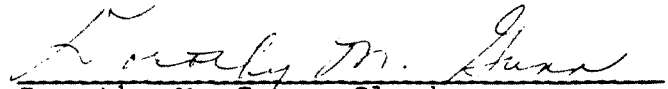
Joseph Thomas has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Joseph Thomas has violated each and every provision alleged in the Administrative 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 Joseph Thomas shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL 62706

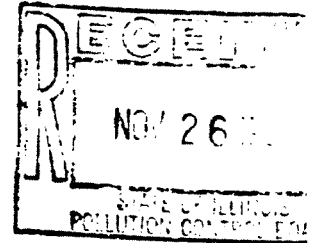
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of January, 1987 by a vote of 6-6.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
ADMINISTRATIVE CITATION

IN THE MATTER OF:)

JOSEPH THOMAS, d/b/a)
Thomas 12th Street Disposal)
Respondent.)

AC 86-3
IEPA DOCKET NO. 8146-AC

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. 111 1/2, par. 1031.1).

FACTS

1. That Respondent is the present operator of a facility located in the County of Vermilion, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1974-44-OP, and designated with Site Code No. 1838040009. Said facility is commonly known to the Agency as Thomas 12th Street Sanitary Landfill.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That, on October 2, 1986, William E. Zierath of the Illinois Environmental Protection Agency 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 William E. Zierath, the Illinois Environmental Protection Agency 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. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

A. On October 2, 1986, operated said sanitary landfill facility in a manner which resulted in leachate flow entering waters of the State, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 1021(p)(2).

B. On October 2, 1986, operated said sanitary landfill facility in a manner which resulted in leachate flows exiting the permitted landfill confines, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 1021(p)(3).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A and B, for a total of One Thousand Dollars (\$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 Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

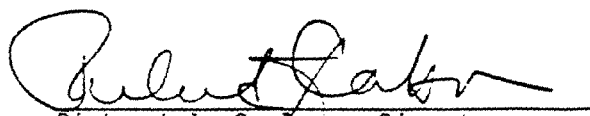
If you acknowledge the violations cited hereinabove, or if you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereto, the civil penalty specified hereinabove shall be due and payable no later than January 7, 1987. Your check should be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P. O. Box 19276, Springfield, Illinois 62794-9276. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment. If you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and costs assessed against you.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due; then the Offices of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, if any; the Attorney General's Office will seek to recover their costs of litigation.

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. 111 1/2, par. 1031.1). If you elect to contest this Administrative Citation, you must

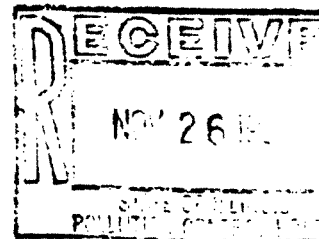
file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Illinois Environmental Protection Agency. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, 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 Street, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the Illinois Environmental Protection Agency at 2200 Churchill Road, P. O. Box 19276, Springfield, Illinois 62794-9276, Attention: Enforcement Services.



Richard J. Carlson, Director
Illinois Environmental Protection Agency

Date: 11-24-86

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:

AC 86-3

IEPA DOCKET NO. 8146-AC

JOSEPH THOMAS, d/b/a
Thomas 12th Street Disposal
Respondent.

Affiant, William Zierath, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On October 2, 1986, between 11:50 a.m. and 2:50 p.m., Affiant conducted an inspection of the sanitary landfill in Vermilion County, Illinois, known as Thomas 12th Street Landfill, Illinois Environmental Protection Agency Site No. 1838040009, operating under IEPA Permit No. 1974-44-OP.

3. Affiant inspected said Thomas 12th Street 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 Thomas 12th Street Landfill site.

William E. Jreson

Subscribed and Sworn To before me
this ~~14th~~ day of November, 1986.

Gita C. Nicholas
Notary Public