

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
)
v.)
)
FLOSSIE E. HAYES and)
KEVIN E. STINE,)
)
Respondents.)

RECEIVED
CLERK'S OFFICE

OCT 08 2013

STATE OF ILLINOIS
Pollution Control Board

AC-14-14
(IEPA No. 225-13-AC)



ORIGINAL

NOTICE OF FILING

To: Attention: Division of Legal Counsel
Illinois Environmental Protective Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

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 instruments entitled Petition for Review, Notice of Appearance and Certificate of Service

Dated: October 2nd, 2013.

Respectfully submitted,

By: 

Ronald D. Young

Ronald D. Young
The Law Office of Ron Young
111 W. North Avenue
Flora, IL 62839
Telephone: (618) 662-4539
Facsimile: (866) 788-4140

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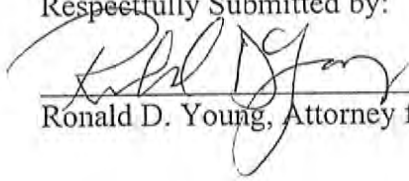
ILLINOIS ENVIRONMENTAL)
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FLOSSIE E. HAYES and)
KEVIN E. STINE,)
)
Respondents.)

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NOTICE OF APPEARANCE

Notice is hereby given of the entry of the undersigned as counsel for the Respondents, FLOSSIE E. HAYES and KEVIN E. STINE, in the above-entitled action.

Respectfully Submitted by:



Ronald D. Young, Attorney for Respondents

Ronald D. Young
The Law Office of Ron Young
111 W. North Avenue
Flora, IL 62839
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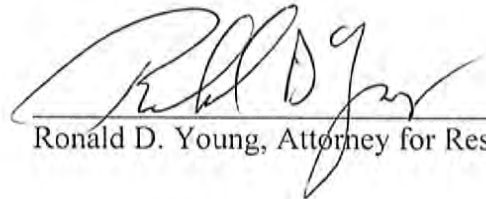
CERTIFICATE OF SERVICE

I, the undersigned, certify that I mailed on October 2nd, 2013, by certified mail return receipt requested, by depositing with the United States Postal Service, a true and correct copy of the Petition For Review, Notice of Filing, Certificate of Service and Notice of Appearance to the following

Atten: Division of Legal Counsel
Illinois Environmental Protective Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

And an original and 9 copies of the Petition for Review on the same date by Certified Mail, return receipt requested, with postage paid in full to:

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


Ronald D. Young, Attorney for Respondents

The Law Office of Ron Young
111 West North Ave.
Flora, IL 62839
618-662-4539
Fax 1-866-788-4140

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AC 14-14
(IEPA No. 225-13-AC)

v.)

FLOSSIE E. HAYES and)
KEVIN E. STINE,)

Respondents.)

PETITION FOR REVIEW OF ADMINISTRATIVE CITATION OF THE

IEPA DATED AUGUST 26, 2013

Now comes FLOSSIE E. HAYES and KEVIN E. STINE, by their attorney, Ronald D. Young, and Petitions for Review the Administrative Citation of the IEPA dated August 26, 2013 and states as follows:

1. This proceeding concerns a property located at 109 Broadway Street, Iola, Illinois
2. The said property is designated with Site Code No. 0250150004.
3. A field inspector for the Illinois Environmental Protection Agency (Garrison Gross) inspected the property on July 17, 2013 and alleges Respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act 415 ILCS.
4. Named Respondent, Kevin E. Stine, does not own the property and did not cause or allow the alleged violations. Kevin E. Stine merely maintained weed control on the property.
5. Named Respondent, Flossie E. Hayes, is the owner of the property.
6. Mrs. Hayes did contact a licensed asbestos disposal agent to have that company properly dispose of the construction debris in October of 2012.

7. The contractor, Triple A Asbestos of Pana, Illinois was delayed in providing the removal due to weather conditions and scheduling due number of asbestos removal jobs

8. The delay in removal was beyond the control of the Respondent, Flossie E. Hayes.

9. Triple A Asbestos was able to do the property clean-up and disposal on September 18, 2013 and did report the compliance to Garrison Gross. Exhibits A and B, C and D attached.

Wherefore, Respondent Kevin E. Stine asks that the Administration Citation against him be dismissed. Mr. Stine was not an owner and did not cause the violation.

Respondent Flossie E. Hayes asks the Board to consider the statements of this petition and dismiss the Administrative Citation against her and vacate the penalty

Kevin E. Stine and Flossie E Hayes, Respondents

By

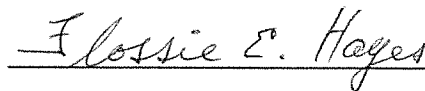


Ronald D. Young Attorney

111 West North Ave.

Flora, IL 62839

618-662-4539



Flossie E. Hayes, Respondent

Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Flossie E. Hayes

Flossie E. Hayes

WASTE SHIPMENT RECORD Profile

1. Work site name and mailing address Old Building 109 Broadway, Street Iola, IL. 62847	Owner's name Flossie E. Hayes 505 Peacock Drive Farina, IL. 62838	Owner's telephone # 618-245-6229
--	--	-------------------------------------

2. Contractor/ Operator's name and address Bubby Simmons 2727 North 1500 Street Dieterich, IL. 62424	Contractor/ Operator's telephone # 618-553-6080
---	--

3. Waste disposal site (WDS) name, mailing address, and physical site location, PERMIT # Landfill 33 LTD 1713 South Willow Street Effingham, IL. 62401	WDS phone # 217-342-3747
---	-----------------------------

4. Name, and address of responsible agency: Illinois Environmental Protection Agency, PO Box 19276, Springfield, IL 62794 P#217-785-2011

5. Description of materials	6. Containers		7. Total quantity cubic yards	
	No.	Type	m3	(yd 3)
Dirt & Transite	1	Roll off Lined with poly		20 YARDS

8. Special handling instructions and additional information. Special waste shall be kept adequately wet, containerized and/or poly containerized and/or tarped in open top hauling equipment, label shipment, if required by regulation, wear protective equipment, consisting of disposable head, body and foot protection and at a minimum, half-face, air purifying, dual cartridge respirators equipped with high efficiency HEPA filters, encapsulate and clean up all spills.

9. OPERATOR'S CERTIFICATION : I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.			
9a Printed/typed name	& title	Signature	Month / Day / Year
LEE Austif	SUPERVISOR / COMPETENT PERSON	Lee Austif	09-18-13

10. Transporter 1 (Acknowledgement of receipts of materials)			
10a. Printed/typed name & Driver's title	Signature	Month / Day / Year	
Mike Mulvaney DRIVER Mike Mulvaney	Mike Mulvaney	5/18/13	
10b. Printed/typed Company Name, Address and telephone #		217-342-3713	
Sanitation Services INC 1713 West Willow Street Effingham, IL 62401			

11. Transporter 2 (Acknowledgement of receipts of materials)			
11a. Printed/typed name & Driver's title	Signature	Month / Day / Year	
11b. Print/typed Company Name, Address and telephone #			

12. Discrepancy indication space

13. Waste disposal site owner or operator			
Certification of receipt of asbestos materials covered by this manifest except as noted in Item 12.			
13a. Printed/typed name & title	Signature	Month / Day / Year	
Richard Deibel	Richard Deibel	9/18/13	

Exh. 6.7A

Triple A Asbestos Services, Inc.

Mailing Address:

P.O. Box 167 • Pana, IL 62557-0167

Phone 217.562.7002

Fax 217.562.2457

Shipping Address:

400 East Main Street • Pana, IL 62557

triplea@consolidated.net

September 30, 2013

Illinois Environmental Protection Agency
2390 West Main Street, Suite 116
Marion, IL 62959

Site Name: Iola/Hayes-Stine
Site #: 025015004

TO: Whom it May Concern,

Lee Austif arrived at the site on September 18, 2013 at 8:00 a.m. Weather conditions at the time was light to medium rain fall, temperature was 68° and the wind was out of the Southwest. Surface condition at this time was wet with rain still falling during the entire clean-up operations. Went over scope of work with Mr. Simmons who was the track-hoe operator. Lined two (2) 20 yard dumpsters with 6 mil poly. Area for cleaning started, went down to a hard surface and stopped. Clean area of suspect material and placed in the dumpster. Gave two (2) waste shipment records to Kevin Stine to give to the waste transporter, was unable to attach to dumpster because the rain was still coming down. Loaded equipment and one final inspection of the site and everyone left the site.

Regards,



Lee Austif
Operations Manager

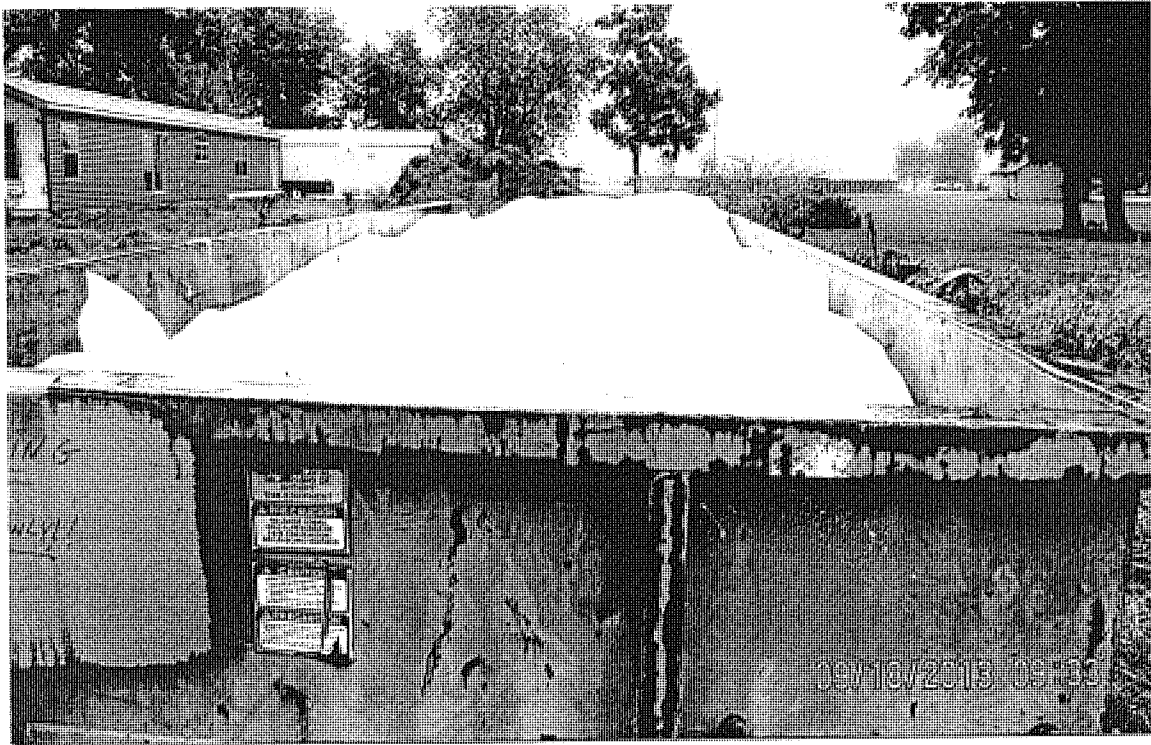
Attachments: Pictures and Paperwork

cc: Ron Young Law Office
111 West North Avenue
Flora, IL 62839

Exh. b. + B



Exhibit C



Exh. b.7 D