

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 72-19-AC)
)	
BRUCE AND NANNETTE BONTZ, and)	
D. BROOKS EXCAVATING, INC.)	
)	
Respondents.)	

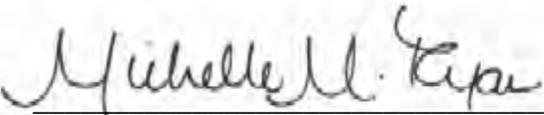
NOTICE OF FILING

To: Bruce and Nannette Bontz
10401 W. Mapleridge
Glasford, IL 61533

D. Brooks Excavating, Inc.
Attn: Daniel P. Cusack, Registered Agent
415 Hamilton Boulevard
Peoria, IL 61602

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,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

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

Dated: June 10, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 72-19-AC)
)	
BRUCE AND NANNETTE BONTZ and D. BROOKS EXCAVATING, INC.)	
)	
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 (2018).

FACTS

1. That Bruce and Nannette Bontz are the present owners of and D. Brooks Excavating, Inc., is the current operator (Respondents) of a property located at 4217 S Harkers Corner Road, Mapleton, Peoria County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mapleton/Bontz Bruce/Nannette.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1438095005.
3. That Respondents have operated said facility at all times pertinent hereto.
4. That on April 25, 2019, Jason Thorp of the Illinois Environmental Protection Agency's 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 June 10, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7791 to Bruce and Nannette Bontz and Certified Mail No. 7015 0640 0005 6905 7807 to D. Brooks Excavating, Inc.

VIOLATIONS

Based upon direct observations made by Jason Thorp during the course of his April 25, 2019 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) (2018).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2018).
- (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) (2018).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2018), Respondents are jointly and severally subject to civil penalties 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 penalties specified above shall be

due and payable no later than July 29, 2019, 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 (2018), 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.

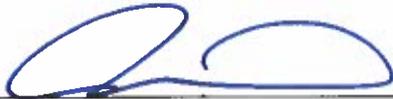
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2018), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents' 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, Respondent 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 Respondent 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 (2018). If Respondents elect to contest this Administrative Citation, then Respondents shall file a 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.



John J. Kim, Acting Director
Illinois Environmental Protection Agency

Date: _____

6/15/19

Prepared by:

Dawn A. Hollis, 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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,) AC 2019-
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v.)
) (IEPA No. 72-19-AC)
BRUCE AND NANETTE BONTZ and D.)
BROOKS EXCAVATING, INC.)
)
)
Respondents.)

FACILITY: Mapleton/Bontz Bruce/Nannette SITE CODE NO.: 1438095005

COUNTY: Peoria CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: November 19, 2018

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

Bureau of Land – Field Operations Section

Evaluation Report**General Facility Information**

BOL ID:	1438095005	Region:	Peoria
USEPA ID:	Not Applicable	County:	Peoria
Site Name:	Bontz Bruce/Nannette	Phone:	309-208-7145
Address:	4217 S Harkers Corner Rd	Latitude:	40.63956 ⁰
City/State/Zip:	Mapleton, IL 61547	Longitude:	-89.76600 ⁰
Permit No(s):	None		
Regulated As:	Open Dump		
Operational Status:			

Owner	Operator
Bruce E. & Nannette L. Bontz 10401 W Mapleridge Road Glasford, IL 61533	D. Brooks Excavating, Inc. Daniel P. Cusack, Registered Agent 415 Hamilton Boulevard Peoria, IL 61602

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	4/25/2019
Inspector(s)	Thorp, Jason
Person(s) Interviewed	Bruce E. Bontz; Nannette L. Bontz; Dennis Brooks
Previous Inspection Date	4/24/2019

Observations

Time	16:21 - 16:58
Weather Conditions (Description)	Cloudy, Wind Calm
Temperature (°F)	53
Samples Collected (Yes/No)	No
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	65
Number of Tires (Count)	1

Executive Summary

On April 24, 2019, I (Jason Thorp, BOL/FOS - Peoria) conducted a citizen complaint investigation in response to allegations listed in Complaint No. 1246 for the open burning of two barns that blew down on a property approximately one and a half years ago. The property owner reportedly removed the shingles prior to burning the barns. The source of the complaint is located at 4217 S. Harkers Corner Road, Peoria County, Mapleton, Illinois. The complaint details were substantiated as I observed two open dumped and open burned barns and apparent contents of said barns, including a used or waste tire and metal items. The property owner, Bruce E. Bontz was instructed to cease open dumping and open burning on the subject property

On April 25, 2019, I (Jason Thorp, BOL/FOS - Peoria) conducted a citizen complaint follow-up investigation in response to a phone call received from the complainant that a third barn was on fire. The complaint details were substantiated as I observed a third open dumped and open burned barn.

Evaluation Narrative

I arrived at the source of the complaint April 25 at 16:21 hours. The Logan - Trivoli Fire Protection District was on-site responding to the fire call. The property owner, Bruce E. Bontz and his contractor, D. Brooks Excavating, Inc. were not present on-site.

I again observed the John Deere dozer and tracked excavator on-site. Digital photograph 2 depicts the John Deere dozer and tracked excavator. Digital photograph 3 depicts the D. Brooks Excavating markings on the John Deere dozer.

I observed a third open burned barn (corn crib) on-site that was standing during the initial complaint investigation on the previous day, April 24, 2019. The third open burned barn measured approximately 28 ft by 34 ft. Digital photographs 1, 4, 5, 7, and 8 depict the Logan - Trivoli Fire Protection District personnel on-site extinguishing the open burned solid waste from the third open burned barn. Digital photograph 6 depicts the Logan - Trivoli Fire Protection District markings on the side of the tender truck. Bruce E. Bontz was instructed during the initial complaint investigation to cease open dumping and open burning on the subject property and that all remaining solid waste would need to be properly disposed of at a permitted transfer station or landfill. I also informed Mr. Bontz that the scrap metal not disposed of at a permitted transfer station or landfill could be transported to a scrap metal facility or recycling center. Mr. Bontz was directed to retain copies of all disposal receipts for later submittal to document the proper disposal of all solid waste.

I plotted the digital photographs and GPS coordinates for the site entrance on the attached Illinois EPA Site Map. The total volume of remaining open burned solid waste observed on-site is estimated at 65 yd³, including 20 yd³ of metal.

According to the Peoria County Recorder's Office, the property is owned by Bruce E. & Nannette L. Bontz. A copy of the Quit Claim Deed has been included with this complaint investigation report as an attachment.

As I was departing from the site, I spoke with an individual at a residence across the street. The individual identified herself as Bruce E. Bontz's wife, Nannette L. Bontz. Mrs. Bontz explained that her husband did not disregard the instructions to cease open dumping and open burning and it was not their intent to burn the third barn. Mr. Bontz attempted to contact the owner of D. Brooks Excavating, Inc., Dennis Brooks to

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tell him not to burn the third barn. However, Mr. Bontz could not get ahold of Mr. Brooks by telephone and could not leave a voice message as the voice message inbox was full.

The complaint investigation concluded at 16:58 hours.

On April 26, 2019, I spoke with Mr. Bontz by telephone. Mr. Bontz explained that he didn't blatantly disregard the instructions to cease open dumping and open burning. He reiterated the same information provided by Mrs. Bontz, that he attempted to contact Mr. Brooks to tell him not to burn the third barn. According to Mr. Bontz, Mr. Brooks just did not know not to burn the third barn.

I also spoke with Mr. Brooks by telephone on the same day. Mr. Brooks explained that Mr. Bontz was present on-site when the first two barns were open burned, but not present on-site when the third barn was open burned. Mr. Brooks did not speak with Mr. Bontz prior to burning the third barn. The barn was pushed into a pile and open burned similar to that of the previous two open burned barns. The third barn was ignited by collecting a hot bucket of open burned solid waste with the tracked excavator from the larger of two barns that were open burned on the previous day.

The apparent violations cited as a result of the complaint investigation findings have been listed below in the Summary of Apparent Violations table:

Summary of Apparent Violation(s)			
Status	Date Cited	Violation	Narrative
New	4/24/2019	21(a)	Cause or allow open dumping
New	4/24/2019	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	4/24/2019	21(d)(2)	Conduct a waste storage, treatment, or disposal operation in violation of any regulations or standards adopted by the Pollution Control Board
New	4/24/2019	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
New	4/24/2019	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	4/24/2019	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	4/24/2019	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris
New	4/24/2019	55(a)(1)	Cause or allow open dumping of any used or waste tire
New	4/24/2019	55(a)(2)	Cause or allow open burning of any used or waste tire
New	4/24/2019	9(a)	Cause, threaten or allow air pollution in Illinois
New	4/24/2019	9(c)	Cause or allow open burning
New	4/24/2019	812.101(a)	Application submitted for permit to develop and operate landfill; application contains information required by § 812.Subpart A and Act § 39(a), except as per Part 817

Attachment Listing		
ID	Type	Description
1	Property Deed	Quit Claim Deed

Digital Photographs



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 1
Photo Date: 4/25/2019
Photo Time: 16:26:49
Direction: NE
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District on-site to extinguish the third barn burned on-site.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 2
Photo Date: 4/25/2019
Photo Time: 16:27:26
Direction: N
Taken By: Jason Thorp

The digital photograph depicts the John Deere dozer and tracked excavator observed on-site.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 3
Photo Date: 4/25/2019
Photo Time: 16:27:48
Direction: NE
Taken By: Jason Thorp

The digital photograph depicts the D. Brooks Excavating markings on the John Deere dozer in previous digital photograph 2.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 4
Photo Date: 4/25/2019
Photo Time: 16:28:31
Direction: N
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District personnel extinguishing the open burned solid waste from the third barn burned on-site.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 5
Photo Date: 4/25/2019
Photo Time: 16:29:35
Direction: E
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District personnel extinguishing the open burned solid waste from the third barn burned on-site.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 6
Photo Date: 4/25/2019
Photo Time: 16:31:08
Direction: W
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District markings on the side of the tender truck.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 7
Photo Date: 4/25/2019
Photo Time: 16:31:25
Direction: N
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District personnel extinguishing the open burned solid waste from the third barn burned on-site.



Site: Bontz Bruce/Nannette
(1438095005)
Peoria County

Photo ID: 8
Photo Date: 4/25/2019
Photo Time: 16:32:52
Direction: SE
Taken By: Jason Thorp

The digital photograph depicts the Logan - Trivoli Fire Protection District personnel extinguishing the open burned solid waste from the third barn burned on-site.

PROOF OF SERVICE

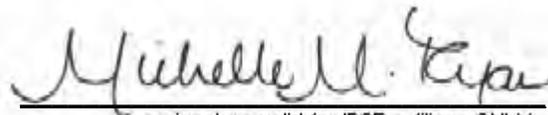
I hereby certify that I did on the 10th day of June, 2019, serve by Certified Mail, Return Receipt Requested, with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Bruce and Nannette Bontz
10401 W. Mapleridge
Glasford, IL 61533

D. Brooks Excavating, Inc.
Attn: Daniel P. Cusack, Registered Agent
415 Hamilton Boulevard
Peoria, IL 61602

and the original via electronic filing on June 10, 2019

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

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