

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2021-
)	
v.)	(IEPA No. 193-20-AC)
)	
DAUNIELLE NASSAR,)	
)	
Respondent.)	

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 Daunielle Nassar (“Respondent”) is the present owner of a facility located at 1903 Front Street, in Monticello, Piatt County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Monticello/Nassar.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1478045003.

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

4. That on July 28, 2020, Dustin Burger of the Illinois Environmental Protection Agency’s Champaign 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 August 28, 2020, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7869.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his July 28, 2020 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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 Respondent 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), Respondent is 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 Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 2, 2020, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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, Respondent 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 Respondent fails to petition or elects 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, 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 Respondent 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

Respondent has 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 Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.



John J. Kim, Director
Illinois Environmental Protection Agency

Date: _____

8/27/2020

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 2021-
)	
v.)	(IEPA No. 193-20-AC)
)	
DAUNIELLE NASSAR)	
)	
Respondent.)	

FACILITY: Monticello/Nassar	SITE CODE NO.: 1478045003
COUNTY: Piatt	CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: July 28, 2020	

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:	1478045003	Region:	Champaign
USEPA ID:	Not Applicable	County:	Piatt
Site Name:	Nassar	Phone:	217-202-4887
Address:	1903 Front St.	Latitude:	40.0383
City/State/Zip:	Monticello, IL 61856	Longitude:	-88.5763
Permit No(s):	None		
Regulated As:			
Operational Status:			

Owner	Operator
Daunielle Nassar 608 County Farm Rd. Monticello, IL 61856	Daunielle Nassar 608 County Farm Rd. Monticello, IL 61856

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	7/28/2020
Inspector(s)	Burger, Dustin
Person(s) Interviewed	Daunielle Nassar
Previous Inspection Date	3/23/2018
Reference Complaint ID	2249

Observations

Time	13:55-14:06
Weather Conditions (Description)	Mostly Sunny, dry
Temperature (°F)	80
Photos Taken (Yes/No)	Five (5)
Amount of Waste (Cubic Yards)	80

Executive Summary

I conducted an open dump reinspection in response to a complaint at the above referenced property on July 28, 2020. This site was issued an Administrative Citation Warning Notice on December 12, 2017 for demolishing and open dumping a mobile home at the property. A March 24, 2018 inspection found the mobile home had been removed, but at least two truckloads of waste shingles were dumped at the site. This reinspection found the shingles remained at the site more than two years later. I observed continuing open dumping violations.

Evaluation Narrative

Site history:

This site was last inspected on March 23, 2018. This property consists of an old vacant house, two storage sheds, and several acres of land. The site was formerly owned by the Valentine family but was sold to Daunielle Nassar in 2004. Mrs. Nassar's husband, Ron Hinman, ran Monticello Garden Center from the property and now uses it as part of his ICD Ironhorse Inc. business. ICD Ironhorse has another location near the interstate that recycles concrete. The site had minor open dumping issues in 2005 that were remediated quickly by the owners. A November 16, 2017 inspection found the remains of a demolished mobile home open dumped at the facility. A March 23, 2018 inspection found the mobile home debris had been removed, but two new piles of shingles had been open dumped on the property. I observed continuing open dumping violations at the site.

A November 16, 2017 inspection found evidence of open dumping of the remains of a mobile home at the property, as well as fencing and other waste open dumped. An Administrative Citation Warning Notice (ACWN) was sent to the property owner with a clean-up deadline of February 15, 2018. Mr. Hinman responded in a letter dated December 19, 2017 that said he would remove the materials. In the letter he stated that the large amount of landscape waste would be ground for mulch or used for firewood. The letter stated the rolled carpet would be used for landscape beds, and shingles would be recycled into road materials.

A reinspection on March 23, 2018 found the remains of the mobile home and fencing had been removed. A small amount of demo debris in the form of two wooden pieces from a fence or structure, a screen window, and plastic remained. In addition, two new piles of shingles were noted north of the landscape waste piles near the Sangamon River. I also found bricks were being used along the shore of the small pond on the property.

I spoke with Mr. Hinman by phone on March 27, 2018. Mr. Hinman said he considered himself an environmentalist and wanted to recycle as much material as possible. I talked to him about three concerns. First was the large pile of landscape waste, some of which was observed brought in from off-site by a truck during my inspection. Mr. Hinman said he planned to grind the smaller pieces for mulch and use the larger pieces for lumber milling or firewood. I told Mr. Hinman that one can use wood for these uses provided that the material 1) does not include small pieces and leaves, 2) is processed within a reasonable time, and 3) the material leaves the site on a regular basis as a product. Mr. Hinman said he gives away logs to furniture makers and has used stumps for bottom-structures for a man-made pond. I mentioned that most places that recycle wood have a grinder on-site and do it on an ongoing basis. At a minimum, most wood recyclers process their materials at least once per year. Hinman said he did not have enough material to warrant the purchase of a grinder, but he would rent one when the amount of material was large enough.

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The second area of concern was the two piles of asphalt shingles that were observed dumped at the property. Mr. Hinman said he had a pile of singles at his other location where concrete and asphalt is ground that he planned to mill into useable road-bed material. He said he planned to use these two piles as the foundation of a road on the property. I replied that shingles are considered a waste and could not be used without processing. In addition, the use of shingles for recycling is subject to either permitting as a solid waste processing facility or the process needs a Beneficial Use Determination (BUD) by the Agency's Permit Section. After discussing the issue, Mr. Hinman said the amounts he wanted to process, or use were likely not worth the trouble of obtaining a permit or BUD.

Lastly, I noticed that bricks were being used as either fill or riprap along the edge of the pond on the property. My initial concerns were whether the operation would be regulated as a clean fill operation needing permitting under the Part 1100 regulations. Mr. Hinman, however, said the pond was a man-made structure formed by damming surface water. It was therefore not a mine, quarry, or borrow-pit subject to regulation.

In summary, the facility's landscape waste recycling operation needs further scrutiny to make sure the material at the site gets processed. Mr. Hinman agreed to remove the shingles to a shingle recycler or obtain a permit or BUD before processing any shingle waste. Lastly, the pond would not be regulated as a Part 1100 clean fill operation that would need permitting.

Current Inspection:

This site was re-inspected on July 28, 2020 in response to a complaint alleging the burying of shingles on the property. The inspection found no evidence of burying waste on the property, but I did find the piles of shingles and landscape waste I observed in 2018 still on the property. The shingles amounted to approximately two dump-truck loads totaling approximately 50 cubic yards of material. The landscape waste amounted to approximately 800 cubic yards of material that has been on-site for almost three years. Although Iron Horse has a crusher for concrete at their Iron Horse Drive location, there is no grinder or crusher at this site to grind the landscape waste. I determined that, since the waste has not been removed or recycled in years, this site is regulated as an open dump.

I contacted Daunielle Nassar by phone and left a message. She returned my call, and we spoke briefly about the material on her property. She said they planned to recycle the shingles for asphalt. I replied that I had been over the requirements for recycling shingles with Mr. Hinman previously. Since the singles were not recycled in a reasonable amount of time, are present on a site without a grinder, and the owners do not have a Beneficial Use Determination (BUD) letter to recycle shingles, the shingles are considered open dumped. At the conclusion of our conversation, Ms. Nassar seemed dismissive of the material on her property.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	3/23/2018	21(a)	Cause or allow open dumping
Continuing	3/23/2018	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	3/23/2018	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	3/23/2018	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

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: Nassar (1478045003)
Piatt County

Photo ID: 1
Photo Date: 7/28/2020
Photo Time: 14:01
Direction: Northwest
Taken By: Dustin Burger

Shingle Pile



Site: Nassar (1478045003)
Piatt County

Photo ID: 2
Photo Date: 7/28/2020
Photo Time: 14:01
Direction: Northwest
Taken By: Dustin Burger

Shingle Pile



Site: Nassar (1478045003)
Piatt County

Photo ID: 3
Photo Date: 7/28/2020
Photo Time: 14:01
Direction: Northwest
Taken By: Dustin Burger

Shingle Pile



Site: Nassar (1478045003)
Piatt County

Photo ID: 4
Photo Date: 7/28/2020
Photo Time: 14:01
Direction: Northwest
Taken By: Dustin Burger

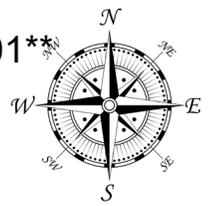
Shingle Pile



Site: Nassar (1478045003)
Piatt County

Photo ID: 5
Photo Date: 7/28/2020
Photo Time: 14:01
Direction: Northwest
Taken By: Dustin Burger

Shingle Pile



Site Diagram(s)

Site Diagram 1: July 28, 2020 • Nassar (1478045003) • Piatt County



Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID:	1478045003	Region:	Champaign
USEPA ID:	Not Applicable	County:	Piatt
Site Name:	Nassar	Phone:	217-202-4887
Address:	1903 Front St	Latitude:	40.0383
City/State/Zip:	Monticello, IL 61856	Longitude:	-88.5763
Permit No(s):	None		
Regulated As:			
Operational Status:			

Owner	Operator
Daunielle Nassar 608 County Farm Rd Monticello, IL 61856	Ron Hinman 608 County Farm Rd Monticello, IL 61856

Inspection Details

Inspection Type	Open Dump Inspection
Inspection Date	3/23/2018
Inspector(s)	Burger, Dustin
Person(s) Interviewed	None
Previous Inspection Date	11/16/2017

Observations

Time	1:30-1:45
Weather Conditions (Description)	Overcast, dry, mild winds.
Temperature (°F)	40s
Photos Taken (Yes/No)	Fourteen (14)
Amount of Waste (Cubic Yards)	50

Executive Summary

This site was reinspected on March 23, 2018. This property consists of an old vacant house, and two storage sheds, and several acres of land. The site was formerly owned by the Valentine family, but was sold to Daunielle Nassar in 2004. Mrs. Nassar's husband, Ron Hinman, ran Monticello Garden Center from the property, and now uses it as part of his ICD Ironhorse Inc. business. ICD Ironhorse has another location near the interstate that recycles concrete. The site had minor open dumping issues in 2005 that were remediated quickly by the owners. A November 16, 2017 inspection found the remains of a demolished mobile home open dumped at the facility. This March 23, 2018 inspection found the house trailer debris removed, but two new piles of shingles open dumped. Open Dumping violations remain at the property.

Inspection Narrative

A November 16, 2017 inspection found evidence of open dumping the remains of a mobile home at the property, as well as fence and other waste open dumped. An Administrative Citation Warning Notice (ACWN) was sent to the property owner with a clean-up deadline of February 15, 2018. Mr. Hinman responded in a letter dated December 19, 2017 that said he would remove the materials. In the letter he stated that the large amount of landscape waste would be ground for mulch and used for firewood. The letter stated roll carpet would be used for landscape beds, and shingles would be recycled into road materials.

A reinspection on March 23, 2018 found the remains of the trailer and fencing had been removed. A small amount of demo debris in the form of two wooden pieces from a fence or structure, a screen window, and plastic remained (photo 3). In addition, two new piles of shingles were noted north of the landscape waste piles near the Sangamon River (photos 5-11). I also found bricks were being used along the shore of the small pond on the property (photos 12-13).

I spoke with Mr. Hinman by phone on March 27, 2018. Hinman said he considered himself an environmentalist and wanted to recycle as much material as possible. I talked to him about three concerns. First was the large pile of landscape waste, some of which was observed brought in from off-site by a truck during my inspection. Mr. Hinman said he planned to grind the smaller pieces for mulch, and use the larger pieces for lumber milling or firewood. I told Mr. Hinman that one can use wood for these uses, provided that the material 1) does not include small pieces and leaves, 2) is processed within a reasonable time, and 3) material leaves the site on a regular basis as a product. Mr. Hinman said he gives away logs to furniture makers and has used stumps for a bottom structures for a man-made pond. I mentioned that most places that recycle wood have a grinder on-site and do it on an ongoing basis. At a minimum, most wood recyclers process their materials at least once per year. Hinman said he did not have enough material to warrant the purchase of a grinder, but he would rent one when the amount of material was large enough.

The second area of concern was the two piles of asphalt shingles that were observed dumped at the property. Mr. Hinman said he had a pile of singles at his other location where concrete and asphalt is ground that he planned to mill into useable road bed material. He said he planned to use these two piles as the foundation of a road on the property. I replied that shingles are considered a waste and could not be used without processing. In addition, the use of shingles for recycling is subject to either permitting as a solid waste handling facility, or the process needs a Beneficial Use Determination (BUD) by the Agency's Permit Section. After discussing the issue, Mr. Hinman said the amounts he wanted to process or use were likely not worth the trouble of obtaining a permit for BUD.

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Lastly, I noticed that bricks were being used as either fill or rip-rap along the edge of the pond on the property. My initial concerns of whether the operation would be regulated as a clean fill operation needing permitting under Part 1100 regulations. Mr. Hinman, however, said the pond was a man-made structure formed by damming surface water. It was therefore not a mine, quarry, or borrow-pit subject to regulation.

In summary, the facility's landscape waste recycling operation needs further scrutiny to make sure the material at the site gets processed. Mr. Hinman agreed to remove the shingles to a shingle recycler and will obtain a permit or BUD before processing any shingle waste. Lastly, the pond would not be regulated as a Part 1100 clean fill operation that would need permitting.

Summary of Apparent Violation(s)

Status	Date	Violation	Narrative
Resolved	11/16/2017	21(a)	Cause or allow open dumping
Resolved	11/16/2017	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Resolved	11/16/2017	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Resolved	11/16/2017	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris
New	3/23/2018	21(a)	Cause or allow open dumping of waste shingles.
New	3/23/2018	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	3/23/2018	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	3/23/2018	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: Nassar (1478045003)
Piatt County

Photo ID: 1
Photo Date: 3/23/2018
Photo Time: 13:43:14
Direction: North
Taken By: Dustin Burger

Former trailer area



Site: Nassar (1478045003)
Piatt County

Photo ID: 2
Photo Date: 3/23/2018
Photo Time: 13:43:21
Direction: SW
Taken By: Dustin Burger

Former Demo debris area



Site: Nassar (1478045003)
Piatt County

Photo ID: 3
Photo Date: 3/23/2018
Photo Time: 13:43:40
Direction: West
Taken By: Dustin Burger

Lumber, screen, and plastic remain in pile.



Site: Nassar (1478045003)
Piatt County

Photo ID: 4
Photo Date: 3/23/2018
Photo Time: 13:44:03
Direction: North
Taken By: Dustin Burger

Former area with carpet



Site: Nassar (1478045003)
Piatt County

Photo ID: 5
Photo Date: 3/23/2018
Photo Time: 13:45:08
Direction: NW
Taken By: Dustin Burger

Shingles



Site: Nassar (1478045003)
Piatt County

Photo ID: 6
Photo Date: 3/23/2018
Photo Time: 13:45:17
Direction: North
Taken By: Dustin Burger

Shingles



Site: Nassar (1478045003)
Piatt County

Photo ID: 7
Photo Date: 3/23/2018
Photo Time: 13:45:26
Direction: North
Taken By: Dustin Burger

Shingles



Site: Nassar (1478045003)
Piatt County

Photo ID: 8
Photo Date: 3/23/2018
Photo Time: 13:45:30
Direction: Northwest
Taken By: Dustin Burger

Shingles



Site: Nassar (1478045003)
Piatt County

Photo ID: 9
Photo Date: 3/23/2018
Photo Time: 13:45:55
Direction: Northwest
Taken By: Dustin Burger

Shingles



Site: Nassar (1478045003)
Piatt County

Photo ID: 10
Photo Date: 3/23/2018
Photo Time: 13:46:04
Direction: Northwest
Taken By: Dustin Burger

Small pile of shingles/wood



Site: Nassar (1478045003)
Piatt County

Photo ID: 11
Photo Date: 3/23/2018
Photo Time: 13:46:06
Direction: Northwest
Taken By: Dustin Burger

Shingles with Sangamon River
in background



Site: Nassar (1478045003)
Piatt County

Photo ID: 12
Photo Date: 3/23/2018
Photo Time: 13:46:40
Direction: Southeast
Taken By: Dustin Burger

Bricks used along pond



Site: Nassar (1478045003)
Piatt County

Photo ID: 13
Photo Date: 3/23/2018
Photo Time: 13:47:00
Direction: East
Taken By: Dustin Burger

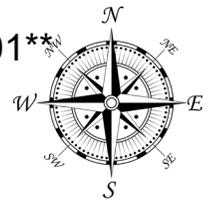
Bricks



Site: Nassar (1478045003)
Piatt County

Photo ID: 14
Photo Date: 3/23/2018
Photo Time: 13:49:09
Direction: West
Taken By: Dustin Burger

Tress brought from off-site.



Site Diagram(s)

Inspection Date: March 23, 2018

1478045003 - Nassar

Piatt County



STATE OF ILLINOIS)
) SS
COUNTY OF Piatt)

AFFIDAVIT

I, Dustin Burger, being first duly sworn upon oath, depose and state 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 July 28, 2020, between 13:55 and 14:06, Affiant conducted an inspection of the open dump in Piatt County, Illinois, known as Monticello/Nassar, Illinois Environmental Protection Agency Site No. 1478045003.

3. Affiant inspected said Monticello/Nassar open dump site by an on-site inspection, which included walking and photographing the site.

4. As a result of the activities referred to in Paragraph 3 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 said Monticello/Nassar open dump.

FURTHER AFFIANT SAYETH NOT.

Dustin Burger

Subscribed and Sworn to before me this 7th day of August, 2020

Lawanda Carter
Notary Public

