

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

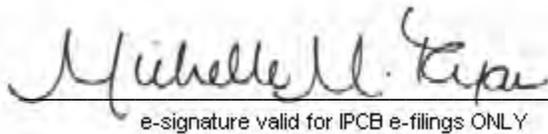
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
	)	
Complainant,	)	AC 2021-
	)	
v.	)	(IEPA No. 93-21-AC)
	)	
BARRY D. WARD	)	
	)	
	)	
Respondent.	)	
	)	

**NOTICE OF FILING**

To: Barry D. Ward  
P.O. Box 311  
Goreville, IL 62939

PLEASE TAKE NOTICE that on this date I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, OPEN DUMP INSPECTION CHECKLIST, AND AFFIDAVIT OF SERVICE.

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: April 12, 2021

## INFORMATIONAL NOTICE !!!

### IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2021-
	)	
v.	)	(IEPA No. 93-21-AC)
	)	
BARRY D. WARD,	)	
	)	
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 Barry D. Ward (“Respondent”) is the present owner and operator of a facility located at 65 Payne Drive, in Goreville, Johnson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Goreville/Ward, Barry D.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0878555021.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on February 5, 2021, Gage Shepard of the Illinois Environmental Protection Agency’s Marion 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 April 1, 2021, Illinois EPA hand-delivered this AC to Respondent at 65 Payne Drive, Goreville, Illinois.

VIOLATIONS

Based upon direct observations made by Gage Shepard during the course of his February 5, 2021 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).

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 One Thousand Five Hundred Dollars (\$1,500.00). 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 May 11, 2021, 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: 3/31/21

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. 93-21-AC)  
 )  
BARRY D. WARD )  
 )  
Respondent. )

FACILITY: Goreville/Ward, Barry D. SITE CODE NO.: 0878555021

COUNTY: Johnson CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: February 5, 2021

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**

<b>BOL ID:</b>	0878555021	<b>Region:</b>	Marion
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Johnson
<b>Site Name:</b>	Ward, Barry D.	<b>Phone:</b>	Not Available
<b>Address:</b>	65 Payne Dr.	<b>Latitude:</b>	37.57987
<b>City/State/Zip:</b>	Goreville, IL 62939	<b>Longitude:</b>	-88.93697

<b>Owner</b>	<b>Operator</b>
Barry D. Ward P.O. Box 311 Goreville, IL 62939	Barry D. Ward P.O. Box 311 Goreville, IL 62939

**Evaluation Details**

<b>Evaluation Type</b>	Open Dump Inspection
<b>Evaluation Date</b>	2/5/2021
<b>Inspector(s)</b>	Shepard, Gage
<b>Person(s) Interviewed</b>	None
<b>Previous Inspection Date</b>	9/23/2020

**Observations**

<b>Time</b>	10:39-10:42
<b>Weather Conditions (Description)</b>	Sunny
<b>Temperature (°F)</b>	37
<b>Samples Collected (Yes/No)</b>	No
<b>Photos Taken (Yes/No)</b>	Yes
<b>Amount of Waste (Cubic Yards)</b>	20
<b>Number of Tires (Count)</b>	24

**Executive Summary**

I (Gage Shepard) conducted a follow-up solid waste open dump inspection at the Ward, Barry D. site on February 5, 2021. The address for this site is 65 Payne Drive, Goreville, Illinois 62939. It is in the Eagle Point Bay area in rural Goreville, Johnson County. The Illinois Environmental Protection Agency (Illinois EPA) issued an open dump Administrative Citation Warning Notice (ACWN) on July 17, 2019 based on a June 13, 2019 inspection. The site was reinspected on February 27, 2020, June 5, 2020, and September 23, 2020. This inspection was to assess the progress of the cleanup. It appeared that no progress had been made, and alleged violations continue.

### Evaluation Narrative

The site is a residential lot with a parcel identification number of 01-12-213-004. Johnson County Tax Assessor has the owner listed as Barry D. Ward with a site address of 65 Payne Drive in Eagle Point Bay in rural Goreville.

I arrived on-site at 10:39 a.m. and knocked on the door. No one answered the door, so I proceeded to photograph the site. Seven (7) photographs were taken during the February 5, 2021 inspection. Two piles of primarily plastic waste remained north of the residence (photos 2, 5). Household trash remained piled up off the back porch of the house (photo 7). A total of 24 used/waste tires were observed (photos 3, 4, 6). Used/waste tires and other miscellaneous waste remained in the backyard, where the shed used to be (photo 6). Some used/waste tires and a burn barrel were stacked up against the shed north of the house (photo 3). Many of the used/waste tires were holding water (photo 4).

#### Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	6/13/2019	21(a)	Cause or allow open dumping
Continuing	6/13/2019	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
Continuing	6/13/2019	21(d)(2)	Conduct a waste storage, treatment, or disposal operation in violation of any regulations or standards adopted by the Pollution Control Board
Continuing	6/13/2019	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	6/13/2019	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Not Evaluated	6/13/2019	21(p)(5)	Cause or allow open dumping of any waste in a manner which results in proliferation of disease vectors
Continuing	6/13/2019	55(a)(1)	Cause or allow open dumping of any used or waste tire
Continuing	6/13/2019	55(k)(1)	Cause or allow water to accumulate in used or waste tires
Continuing	6/13/2019	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
No Attachments		

Digital Photographs



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 1  
Photo Date: 2/5/2021  
Photo Time: 10:38:45  
Direction: East  
Taken By: Gage Shepard

The view from the driveway.  
Burn barrel and tires next to  
shed, as well as tires in the  
background.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 2  
Photo Date: 2/5/2021  
Photo Time: 10:38:56  
Direction: Northeast  
Taken By: Gage Shepard

Plastics and other household  
waste in overgrown vegetation.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 3  
Photo Date: 2/5/2021  
Photo Time: 10:39:02  
Direction: South  
Taken By: Gage Shepard

Used/waste tires and a burn barrel full of plastics.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 4  
Photo Date: 2/5/2021  
Photo Time: 10:39:12  
Direction: Down  
Taken By: Gage Shepard

Water in a used/waste tire.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 5  
Photo Date: 2/5/2021  
Photo Time: 10:39:31  
Direction: South  
Taken By: Gage Shepard

Plastics and other household waste in overgrown vegetation.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 6  
Photo Date: 2/5/2021  
Photo Time: 10:39:39  
Direction: Southeast  
Taken By: Gage Shepard

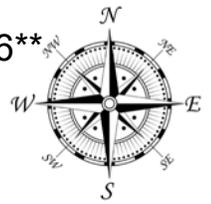
Used/waste tires, and other miscellaneous waste where the shed used to be.



Site: Ward, Barry D.  
(0878555021)  
Johnson County

Photo ID: 7  
Photo Date: 2/5/2021  
Photo Time: 10:40:04  
Direction: South  
Taken By: Gage Shepard

Household trash piled up off of  
the back porch.



Site Diagram(s)

Site Diagram 1: February 5, 2021 • Ward, Barry D. (087855021) • Johnson County





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(618) 993-7200  
Fax: 618/ 997-1281

March 29, 2021

Barry Ward  
P.O. Box 311  
Goreville, Illinois 62939

Re: 0878555021 - Johnson County  
Ward, Barry D.  
Compliance File

Dear Mr. Ward,

To contest the Administrative Citation you have received, you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions and are found to be in violation of Section 21(o), 21(p), 22.51, 22.51a and/or 55(k) of the [Illinois] Environmental Protection Act. An Administrative Citation carries a fine of \$1,500.00 for a first offense and \$3,000 for a second or subsequent offense. Additional inspection(s) will be conducted to verify cleanup and compliance.

### **YOU MUST COMPLETE THE FOLLOWING CORRECTIVE ACTIONS**

Immediately cease all open dumping.

Do not dispose of any of the waste by open burning.

Within 90 days from the date of this Administrative Citation, remove all waste to a permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.

Within 90 days from the date of this Administrative Citation, remove all used or waste tires to a registered tire storage or tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Do not open burn any of the tires. Loads of more than 20 tires must hauled by a registered tire transporter.

Within 90 days from the date of this Administrative Citation, submit to the Illinois EPA copies of receipts that document the proper disposal or recycling of the wastes.

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this Notice.

You are also advised that your noncompliance could result in the filing of an enforcement action pursuant to Title VIII and/or Title XII of the Act.

Electronic Filing: Received, Clerk's Office 4/12/2021 \*\*AC 2021-006\*\*

Should you have any questions concerning the Administrative Citation Warning Notice or need further assistance, contact Gage Shepard at 618/993-7256.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: \_\_\_\_\_

Chris N. Cahnovsky, CHMM  
Manager, Collinsville/Marion Region  
Field Operations Section  
Bureau of Land

Date: \_\_\_\_\_

Enclosure

cc: Bureau of Land File  
ec: BOL/FOS, Gage Shepard

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

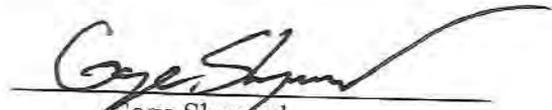
IN THE MATTER OF: )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
BARRY D. WARD )  
Respondent, )

IEPA DOCKET NO.

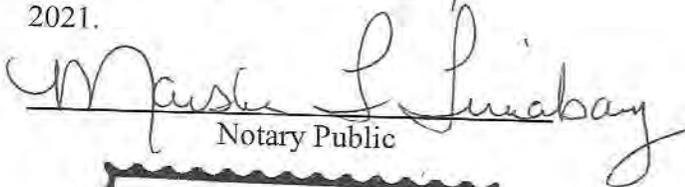
AFFIDAVIT

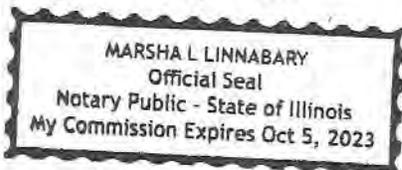
Affiant, Gage Shepard, being first duly sworn, voluntarily deposes and states as follows:

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 February 5, 2021 between 10:39 and 10:42, Affiant conducted an inspection of the site in Johnson County, Illinois, known as the Barry Ward site, located at 65 Payne Drive in the Eagle Point Bay area of rural Goreville, Illinois 62939, designated Illinois Environmental Protection Agency Site No.0878555021.
3. Affiant inspected said. site by an on-site inspection, which included walking 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 the site.

  
Gage Shepard

Subscribed and Sworn to before me  
this 17<sup>th</sup> day of February,  
2021.

  
Notary Public





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 782-5544  
TDD: (217) 782-9143

April 12, 2021

The Honorable Don Brown, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Re: Illinois Environmental Protection Agency v. Barry D. Ward  
IEPA File No. 93-21-AC  
0878555021 – Johnson County

Dear Clerk Brown:

Please be advised that service was had on Respondent, Barry D. Ward, by personal service on April 1, 2021. In order to avoid default, a Petition for Review must be filed with the Illinois Pollution Control Board on or before May 6, 2021.

A copy of the service affidavit by Gage Shepard is attached hereto.

Sincerely,

A handwritten signature in black ink that reads "Michelle M. Ryan". Below the signature, the text "e-signature valid for IPCB e-filings ONLY" is printed in a smaller font.

e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Assistant Counsel

Attachment

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF: )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
BARRY D. WARD )  
Respondent, )

PCB AC  
IEPA DOCKET NO. 93-21-AC  
(Administrative Citation)

AFFIDAVIT OF SERVICE

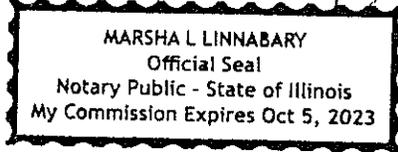
Affiant, Gage Shepard, being first duly sworn, voluntarily deposes and states as follows:

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. I hereby affirm, certify, and state that I personally hand-delivered the above-numbered Administrative Citation to Barry D. Ward on April 1, 2021 at 65 Payne Drive, Goreville, Illinois.

Subscribed and Sworn to before me  
this 7<sup>th</sup> day of April,  
2021.

  
\_\_\_\_\_  
Gage Shepard

  
\_\_\_\_\_  
Notary Public



**PROOF OF SERVICE**

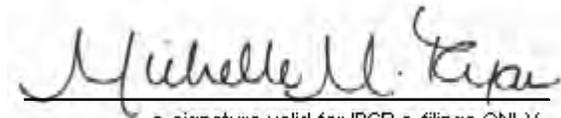
I hereby certify that I did on the 12<sup>th</sup> day of April, 2021, serve with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled

AFFIDAVIT OF SERVICE:

To: Barry D. Ward  
P.O. Box 311  
Goreville, IL 62939

and the ADMINISTRATIVE CITATION, AFFIDAVIT, OPEN DUMP INSPECTION CHECKLIST, and AFFIDAVIT OF SERVICE, via electronic filing on April 12, 2021

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

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