

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

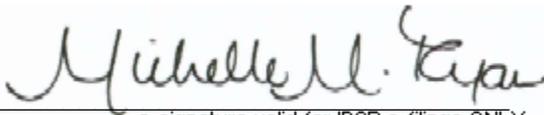
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 133-22-AC)
)	
MISTY D. WHIPPLE,)	
)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: Misty D. Whipple
1003 George Street
Mt. Vernon, IL 62864

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, 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: August 15, 2022

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 133-22-AC)
)	
MISTY D. WHIPPLE,)	
)	
)	
)	
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 (2022).

FACTS

1. That Misty D. Whipple (Respondent) is the present owner and operator of a facility located at 1003 George Street, Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Vernon/Whipple, Misty 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. 0810305235.
3. That Respondent has operated said facility at all times pertinent hereto.

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4. That on July 14, 2022, Garrison Gross 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 August 15, 2022, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6906 4386.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his July 14, 2022 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) (2022).
- (2) That Respondent 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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), 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

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due and payable no later than October 17, 2022, 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 (2022), 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) (2022), 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 (2022). If Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.


John J. Kim, Director 
Illinois Environmental Protection Agency

Date: 8/12/22

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 2023-
)	
v.)	(IEPA No. 133-22-AC)
)	
MISTY D. WHIPPLE,)	
)	
)	
)	
Respondent.)	

FACILITY:	Mt. Vernon/Misty D. Whipple	SITE CODE NO.:	0810305235
COUNTY:	Jefferson	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	July 14, 2022		

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.

Illinois Environmental Protection Agency

Bureau of Land – Field Operations Section

Inspection Report***General Facility Information***

BOL ID	0810305235	Evaluation Date	7/14/2022
USEPA Id	N/A	Region	Marion
Site Name	Whipple, Misty D.	County	Jefferson
Address	1003 George Street	Phone	618-204-4985
City/State/Zip	Mt. Vernon, IL 62864	EJ Status	Monetary
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	12:23-12:26
Weather Conditions	partly cloudy skies, light breeze, dry surface
Temperature	91° Fahrenheit
Photos Taken	yes (2)
Amount of Waste	25 cubic yards
Number of Tires	1 tire

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Misty D. Whipple
1003 George Street
Mt. Vernon, IL 62864

Operator

Misty D. Whipple
1003 George Street
Mt. Vernon, IL 62864

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Garrison Gross	IEPA FOS Primary Inspector	(618) 993-7254
Gage Shepard	IEPA FOS Secondary Inspector	(618) 993-7256

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
N/A		

Executive Summary

A follow-up open dump site inspection was conducted on Thursday, July 14, 2022, at the Misty Whipple site located at 1003 George Street, Mt. Vernon, IL 62864. The last inspection was conducted on September 16, 2021. Gage Shepard accompanied me during the inspection. No one was present at the time of the inspection. Two (2) photographs were taken. Apparent violations were found and are discussed below.

Evaluation Narrative

General Remarks: We arrived at the site and attempted to make contact with someone at the residence. No one answered the door. We continued the inspection by walking and photographing the site.

Open Dumping & Open Burning: Evidence of continued open dumping and open burning was observed behind the house. Open burned wastes included but were not limited to bagged trash, plastic bottles, metal cans, furniture springs, and lumber (photo 1). One used tire was present near the edge of the burn pile, but it had not been burned. One waste / derelict vehicle (burgundy van) with expired license plates (April 2020) was observed behind the house in overgrown vegetation.

Additional Comments: Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment's Office in Jefferson County. The tax bill for parcel 07-20-360-021 (1003 George Street) is still being mailed to Misty Whipple, 1003 George Street, Mt. Vernon, IL 62864.

<i>Summary of Apparent Violation(s)</i>			
Status	Date	Violation	Narrative
Continuing	12/21/2020	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	12/21/2020	9(c)	Cause or allow open burning
Continuing	12/21/2020	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Not Evaluated	12/21/2020	55(k)(1)	Cause or allow water to accumulate in used or waste tires
Continuing	12/21/2020	55(a)(1)	Cause or allow open dumping on any used or waste tire
Continuing	12/21/2020	21(a)	Cause or allow open dumping
Continuing	12/21/2020	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	12/21/2020	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
Continuing	12/21/2020	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit

Site Diagram



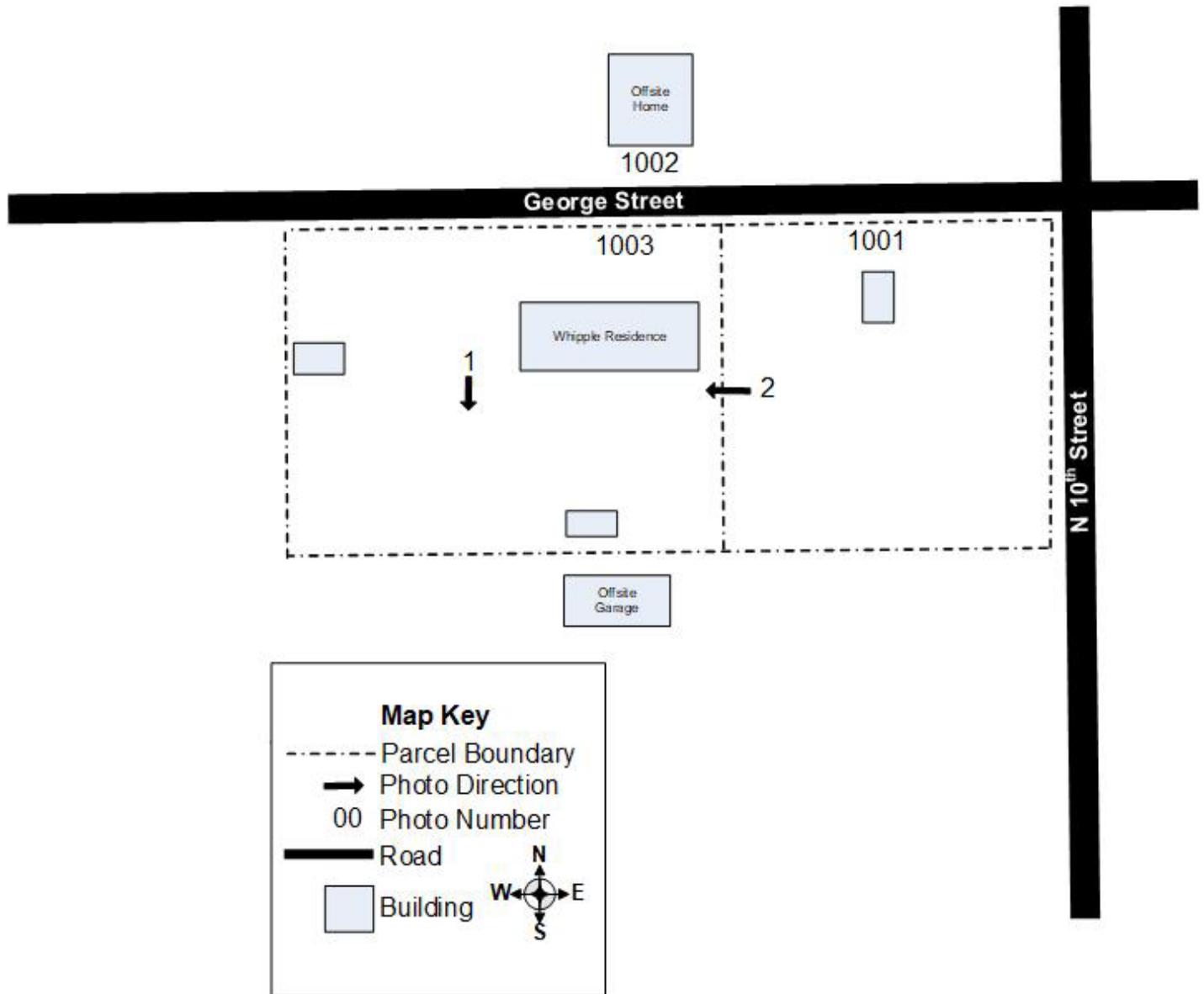
0810305235



Site Diagram



0810305235



Digital Photographs



Bureau Id: 0810305235
Photo No.: 1
Photo Date: 7/14/2022
Photo Time: 12:24:32 PM
Direction: south
Taken By: Garrison Gross

Evidence of continued open burning.



Bureau Id: 0810305235
Photo No.: 2
Photo Date: 7/14/2022
Photo Time: 12:25:59 PM
Direction: west
Taken By: Garrison Gross

Waste / derelict vehicle (plate expired April 2020).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Complainant

MISTY D. WHIPPLE

Respondent,

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)
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)
)

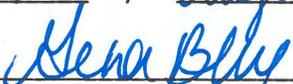
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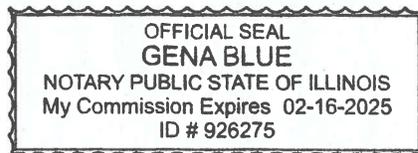
AFFIDAVIT

Affiant, Garrison Gross, 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 July 14, 2022, between 12:23 PM and 12:26 PM, Affiant conducted an inspection of an open dump site in Jefferson County, Illinois, and known as the Misty D. Whipple site by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0810305235 by the Agency.
3. Affiant inspected said Misty D. Whipple site by an on-site inspection which included walking and photographing the site.
4. As a result of the material actions 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.


Garrison Gross

Subscribed and Sworn to before me
this 4th day of August

Notary Public



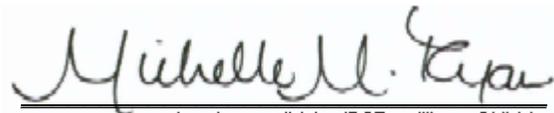
PROOF OF SERVICE

I hereby certify that I did on the 15th day of August, 2022, 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: Misty D. Whipple
1003 George Street
Mt. Vernon, IL 62864

and the original via electronic filing on August 15, 2022

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
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Springfield, Illinois 62794-9276
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