

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

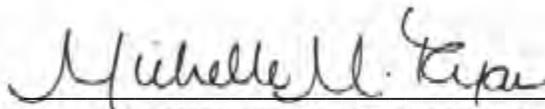
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 56-23-AC)
)	
ROBERT C. CROWDER TRUST, MARY)	
E. MCCLELLAND TRUST,)	
and MAX MCCLELLAND)	
)	
Respondents.)	
)	

NOTICE OF FILING

To:	Robert C. Crowder Trust	Mary E. McClelland Trust	Max McClelland
	433 Westwood Blvd.	433 Westwood Blvd.	17159 Vermont Road
	Canton, IL 61520	Canton, IL 61520	Rushville, IL 62681

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: May 1, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 56-23-AC)
)	
ROBERT C. CROWDER TRUST, MARY)	
E. MCCLELLAND TRUST, and MAX)	
MCCLELLAND)	
)	
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 (2022).

FACTS

1. That the Robert C. Crowder Trust and the Mary E. McClelland Trust are the present owners and Max McClelland is the present operator of a property located at 15700 Vermont Road, Rushville, Schuyler County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rushville/Crowder, Robert.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1690205060.

3. That Respondents have operated said facility at all times pertinent hereto.

4. That on March 27, 2023, Beth Unser of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on April 21, 2023, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2969 9962 to Robert C. Crowder Trust, Certified Mail No. 7012 0470 0001 2969 9955 to Mary E. McClelland Trust, and Certified Mail No. 7012 0470 0001 2969 9948 to Max McClelland.

VIOLATIONS

Based upon direct observations made by Beth Unser during the course of her March 27, 2023 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) (2022).
- (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) (2022).
- (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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), 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 **June 30, 2023**, 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 (2022), 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) (2022), 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 (2022). 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, Director
Illinois Environmental Protection Agency

Date: 4/20/23

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. 56-23-AC)
ROBERT C. CROWDER TRUST, MARY)	
E. MCCLELLAND TRUST, and MAX)	
MCCLELLAND)	
)	
Respondents.)	

FACILITY: Rushville/Crowder, Robert	SITE CODE NO.:	1690205060
COUNTY: Schuyler	CIVIL PENALTY:	\$4,500.00
DATE OF INSPECTION: March 27, 2023		

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	1690205060	Evaluation Date	3/27/2023
USEPA Id		Region	Springfield
Site Name	Crowder, Robert	County	Schuyler
Address	15700 Vermont Rd.	Phone	
City/State/Zip	Rushville, IL 62681	EJ Status	No
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	1340-1403
Weather Conditions	Partly sunny
Temperature	51° F
Photos Taken	Yes
Samples Collected	No
Amount of Waste	30-40 yd ³
Complaint Id	6163

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Robert C. Crowder Trust & Mary E. McClelland Trust
 433 Westwood Blvd.
 Canton, IL 61520

Operator

Max McClelland
 17159 Vermont Rd.
 Rushville, IL 62681

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Beth Unser	IEPA FOS Primary Inspector	(217) 558-1959

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
McClelland, Jeff	217-248-7161	

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
NONE					

Active Enforcement Orders

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NONE					

Executive Summary

I, Beth Unser (Bureau of Land/Field Operations Section), investigated complaint #6163 regarding the property located at 15700 Vermont Rd., Rushville, IL from 1340-1403 hours on March 27, 2023. The complainant alleged a house with asbestos shingles and siding had recently been demolished on the property and was actively burning.

During the inspection, I observed and documented apparent violations of the Illinois Environmental Protection Act (Act) as it pertains to open dumping, open burning and litter. Please refer to the "Summary of Apparent Violations" table located at the end of this narrative.

Evaluation Narrative

The complainant originally identified the address of the property as 15680 Vermont Rd., Rushville, IL. I arrived at the residence at approximately 1340 hours on March 27, 2023. There was a pickup truck in the driveway so I approached the house and knocked on the side door. When no one answered, I knocked on the front door. Again, no answer.

From Vermont Rd., I could see several piles of dirt surrounding a pit on the adjacent property to the north. A small amount of smoke was emanating from the pit. A sign near the driveway identifies the property as 15700 Vermont Rd. There is no house on the property, but there are several farm sheds, farm machinery, a couple pickup trucks, two campers and some cattle. The north door on the largest shed was open. I parked in front of the open door but didn't see anyone. I walked to the adjacent machine shed and knocked on the door. No one answered. Unable to locate anyone to interview, I continued with my inspection of the pit area.

As I approached the pit from the south, I observed demolition debris, mostly bricks and broken dimensional lumber, mixed in with the dirt. The pit contained more debris including landscape waste, dimensional lumber, bricks, metal, an old water heater, refrigerator, metal pipes and corrugated metal sheets. I did not observe any shingles or suspect asbestos containing material. The pit was approximately 16'L x 10'W, depth unknown. The volume of soil stockpiled near the eastern edge of the pit appeared to be approximately 30-40 yd³. A bulldozer was parked nearby, so it's possible some waste had been covered.

As I documented my observations, I noticed a vehicle pull into the driveway of 15680 Vermont Rd. I returned to that address, introduced myself to the gentleman and reason for my visit. He identified himself as Jeff McClelland (217-248-7161). He stated that he owns 15680 Vermont Rd. but not the neighboring property to the north. He stated that property is owned by Bob Crowder and farmed by Max McClelland, Mr. Crowder's brother-in-law. He stated that Mr. Crowder lives in Canton, IL. Mr. McClelland didn't have a telephone number for Mr. Crowder, but he offered one for Max McClelland.

According to Jeff, the house was torn down the prior day (March 26). He stated that the siding on the house was wooden, not asbestos. He was unsure about the shingles. He identified the pickup truck near the bulldozer as Max McClelland's vehicle. I returned to 15700 Vermont Rd. and left my business card on the truck's driverside door prior to leaving the site at approximately 1403 hours.

Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
New	3/30/2023	21(a)	Cause or allow open dumping
New	3/30/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	3/30/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	3/30/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	3/30/2023	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	3/30/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	3/30/2023	9(c)	Cause or allow open burning

Attachment Listing

Type	Description
Miscellaneous	Schuyler County Parcel Report with Demolished Building Circled
Miscellaneous	Schuyler County Parcel Identification

Site Diagram



Digital Photographs



Bureau Id: 1690205060
Photo No.: 1
Photo Date: 3/29/2023
Photo Time: 8:42:46 AM
Direction: NW
Taken By: Beth Unser

Google Earth "Streetview" image of the building prior to demolition.



Bureau Id: 1690205060
Photo No.: 2
Photo Date: 3/27/2023
Photo Time: 2:07:36 PM
Direction: NW
Taken By: Beth Unser

A sign at the entrance to the property off Vermont Road identifies the address as "15700".



Bureau Id: 1690205060
Photo No.: 3
Photo Date: 3/27/2023
Photo Time: 2:04:33 PM
Direction: NE
Taken By: Beth Unser

A view of the pit area. Debris was smoldering at the time of the inspection.



Bureau Id: 1690205060
Photo No.: 4
Photo Date: 3/27/2023
Photo Time: 1:48:49 PM
Direction: NE
Taken By: Beth Unser

Demolition debris including bricks, dimensional lumber and corrugated metal sheets surround the pit.



Bureau Id: 1690205060
Photo No.: 5
Photo Date: 3/27/2023
Photo Time: 1:49:01 PM
Direction: NE
Taken By: Beth Unser

Waste in the pit includes landscape waste, metal and demolition debris.



Bureau Id: 1690205060
Photo No.: 6
Photo Date: 3/27/2023
Photo Time: 1:49:14 PM
Direction: SE
Taken By: Beth Unser

An old metal water heater, metal pipes and other debris observed in the pit.



Bureau Id: 1690205060
Photo No.: 7
Photo Date: 3/27/2023
Photo Time: 1:49:34 PM
Direction: SE
Taken By: Beth Unser

An old appliance and metal siding observed among the other debris in the pit.



Bureau Id: 1690205060
Photo No.: 8
Photo Date: 3/27/2023
Photo Time: 1:49:51 PM
Direction: S
Taken By: Beth Unser

Another view of the pit and surrounding area.



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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

vs.

Robert C. Crowder Trust and
Mary E. McClelland Trust,
Respondent

AFFIDAVIT

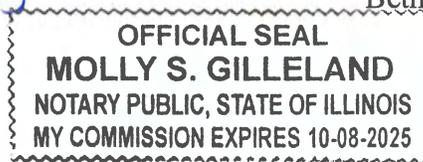
Affiant, Beth A. Unser, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 27, 2023, between 1340 and 1403 hours, Affiant conducted an inspection of the site in Schuyler County, Illinois, known as Crowder Robert, located at 15700 Vermont Rd., Rushville, IL 62681 and designated Bureau of Land Site # 1690205060.
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 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.

Subscribed and Sworn to before me
this 3 day of April, 2023


Beth A. Unser


Notary Public



2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



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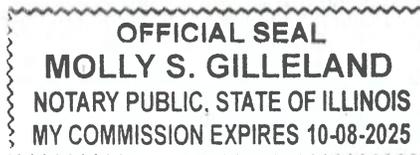
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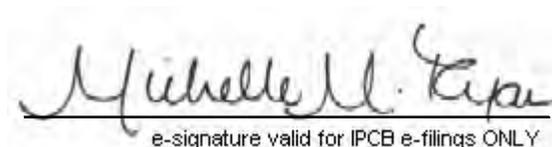
PROOF OF SERVICE

I hereby certify that I did on the 21st day of April, 2023, 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 ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To:	Robert C. Crowder Trust	Mary E. McClelland Trust	Max McClelland
	433 Westwood Blvd.	433 Westwood Blvd.	17159 Vermont Road
	Canton, IL 61520	Canton, IL 61520	Rushville, IL 62681

and the original via electronic filing on May 1, 2023

To: Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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P.O. Box 19276
Springfield, Illinois 62794-9276
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