

AC07-28
RECEIVED
CLERK'S OFFICE
DEC 18 2006
STATE OF ILLINOIS
Pollution Control Board

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

RECEIVED
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DEC 18 2006
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHARLES NORMAN BARTLETT,)
)
Respondent.)

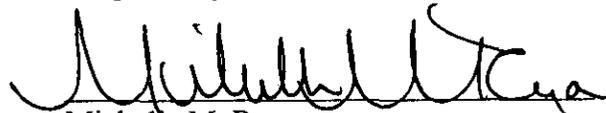
AC 07-28
(IEPA No. 310-06-AC)

NOTICE OF FILING

To: Charles Norman Bartlett
R R 1
Hamburg, IL 62045-9801

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,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: December 12, 2006

RECEIVED
CLERK'S OFFICE
DEC 18 2006
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
CHARLES NORMAN BARTLETT,)
Respondent.)

AC 07-28
(IEPA No. 310-06-AC)

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 (2004).

FACTS

1. That Charles Norman Bartlett ("Respondent") is the present owner of a facility located about 2.5 miles northeast of Hamburg, north of Irish Hollow Rd., in Calhoun County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hamburg Pct./Bartlett.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0138555004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on October 17, 2006, Steve Townsend of the Illinois Environmental Protection Agency's Springfield 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.

VIOLATIONS

Based upon direct observations made by Steve Townsend during the course of his October 17, 2006 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) (2004).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 January 15, 2007, 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 (2004), 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) (2004), 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 (2004). 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.

Douglas P. Scott
Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 12/12/06

Prepared by: Susan E. Konzelmann, 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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

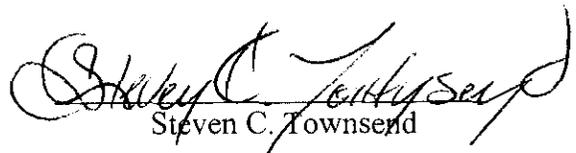
AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Charles Norman Bartlett,)
)
Respondent.)

IEPA DOCKET NO.
- -AC

Affiant, Steven C. Townsend, being first duly sworn, voluntarily deposes and states as follows:

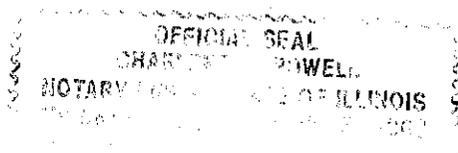
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 17, 2006, between 12:56 PM and 1:11 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Calhoun County, Illinois, and known as Hamburg Pct./Bartlett by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0138555004 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Hamburg Pct./Bartlett 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 Hamburg Pct./Bartlett open dump.


Steven C. Townsend

Subscribed and Sworn To before me
This 21 day of November, 2006



Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Calhoun LPC#: 0138555004 Region: 5 - Springfield
 Location/Site Name: Hamburg Pct./Bartlett
 Date: Oct. 17, 2006 Time: From 12:56 To 13:11 Previous Inspection Date: 7-10-06
 Inspector(s): S. Townsend Weather: 63° F, Overcast – Moist soil cond.
 No. of Photos Taken: # 10 Est. Amt. of Waste: 120yd est. Samples Taken: Yes # _____ No
 Interviewed: Unidentified Auto hauler Complaint #: C-05-069-C

Responsible Party Mailing Address(es) and Phone Number(s):	Norman Bartlett RR 1 Hamburg, IL 62045-9801 Phone: 618-232-9208	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>

LPC # 0138555004
 Inspection Date: 10-17-2006

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- Items marked with an "NE" were not evaluated at the time of this inspection.

IEPA - BOL/FOS MEMORANDUM

DATE: November 16, 2006
TO: DLPC/Division File
FROM: S. Townsend, DLPC/FOS
SUBJECT: LPC # 0138555004 - Calhoun County
Hamburg Pct./Bartlett
C-05-069-C
FOS File

GENERAL REMARKS

On April 7, 2005, and December 5, 2005, this author investigated a complaint at the above referenced facility (hereafter Bartlett). Re-inspections were conducted on July 10, 2006, and October 17, 2006.

I began my October 17, 2006, site re-inspection at 12:56. As I arrived a vehicle was being secured onto a flat-bed truck. As the two men were securing the car to the truck bed, I asked if either of the men was Norman Bartlett. The man closest to me said no. As I walked past the mobile home on-site I noted many of the cars and most of the previously observed waste had been removed from the property.

However, wastes piles were still seen on-site, including piles of shingles, some buried and partially buried shingles, and some waste wood, metal and plastic (see photos 0138555004~10172006-001 through 005). Waste foam, metal, wood, and plastic were located north of the semi trailers (see photo 0138555004~10172006-006). The dump areas just north and east of the Quonset style shop/barn were cleaned up (see photos 0138555004~10172006-007 through 009). The dump area located along the west side of the access drive was also cleaned up (see photo 0138555004~10172006-010). No new open burning areas were seen. The dumpsite appeared to have had some of the previous wastes removed, and some new waste added. I left the site at 13:18.

When I dropped by the site on July 10, 2006, I noted that some waste had been removed and some additional waste had been added (photos taken on that day were accidentally deleted).

See attached checklist for a list of apparent violations.

cc: DLPC/FOS-Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

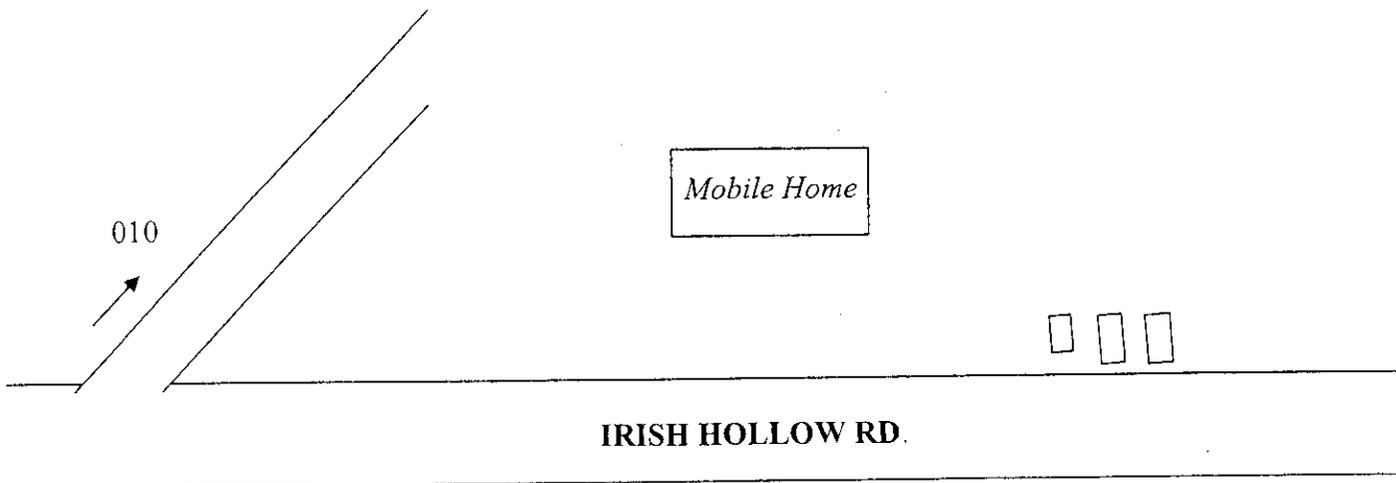
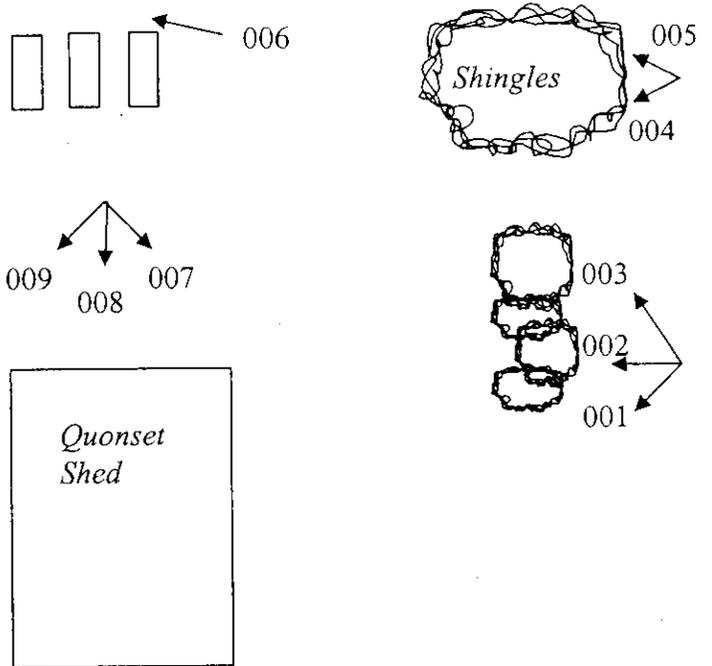
Date of Inspection: _____
Site Code: 0138555004
Site Name: Bartlett
Photo File # 0138555004~10172006

Inspector: S. Townsend
County: Calhoun
Time: 12:56 to 13:11
Measurements Approximate

NORTH



Direction of Photo
NOT TO SCALE





DIGITAL PHOTOGRAPHS File Names: 0138555004~10172006-[Exp. #].jpg



Date: October 17, 2006
Time: 13:00
Direction: SW
Photo by: S. Townsend
Exposure #: 001
Comments:
Shingles



Date: October 17, 2006
Time: 13:00
Direction: W-NW
Photo by: S. Townsend
Exposure #: 002
Comments:
Shingles, metal, and
wood



DIGITAL PHOTOGRAPHS File Names: 0138555004~10172006-[Exp. #].jpg



Date: October 17, 2006
Time: 13:00
Direction: N-NW
Photo by: S. Townsend
Exposure #: 003
Comments:
Shingles, metal, and wood



Date: October 17, 2006
Time: 13:02
Direction: W
Photo by: S. Townsend
Exposure #: 004
Comments:
Shingles partially covered with soil



DIGITAL PHOTOGRAPHS File Names: 0138555004~10172006-[Exp. #].jpg



Date: October 17, 2006
Time: 13:02
Direction: NW
Photo by: S. Townsend
Exposure #: 005
Comments:
Shingles partially covered with soil



Date: October 17, 2006
Time: 13:03
Direction: W
Photo by: S. Townsend
Exposure #: 006
Comments:
Foam and other debris



DIGITAL PHOTOGRAPHS File Names: 0138555004~10172006-[Exp. #].jpg



Date: October 17, 2006
Time: 13:05
Direction: SE
Photo by: S. Townsend
Exposure #: 007
Comments:
Former dump area
facing southeast.



Date: October 17, 2006
Time: 13:05
Direction: S
Photo by: S. Townsend
Exposure #: 008
Comments:
Former dump area
facing south



DIGITAL PHOTOGRAPHS File Names: 0138555004~10172006-[Exp. #].jpg



Date: October 17, 2006
Time: 13:05
Direction: SW
Photo by: S. Townsend
Exposure #: 009
Comments:
Former dump area
facing southwest



Date: October 17, 2006
Time: 13:09
Direction: NE
Photo by: S. Townsend
Exposure #: 010
Comments:
Former dump area near
entrance facing
northeast

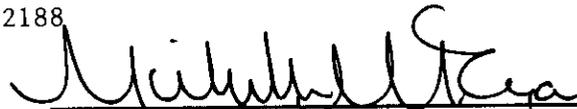
PROOF OF SERVICE

I hereby certify that I did on the 12th day of December 2006, send by Certified Mail, Return Receipt Requested, with postage thereon fully 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: Charles Norman Bartlett
R R 1
Hamburg, IL 62045-9801
Cert #7004 2510 0001 8588 2171

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Cert # 7004 2510 0001 8588 2188



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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