



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 847-6976

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CLERK'S OFFICE

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

February 2, 2007

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

AC07-36

Re: Illinois Environmental Protection Agency v. Lawrence Abraham Bartolomucci
IEPA File No. 29-07-AC; 0818085004—Jefferson County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
LAWRENCE ABRAHAM)
BARTOLOMUCCI,)
))
Respondent.)

AC **07-36**

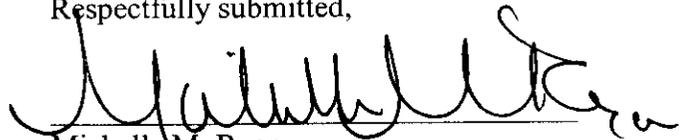
(IEPA No. 29-07-AC)

NOTICE OF FILING

To: Lawrence A. Bartolomucci
P.O. Box 2325
Mt. Vernon, Illinois 62864

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: February 2, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LAWRENCE ABRAHAM BARTOLOMUCCI,)
)
)
)
)
Respondent.)

AC **07-36**
(IEPA No. 29-07-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 Lawrence Abraham Bartolomucci ("Respondent") is the former owner and operator of a facility located at, N 1/2 of N 1/2 of SE 1/4 of NE 1/4 & S 1/2 of NE 1/4 of NE 1/4, Sec. 12, 3 South, 2 East containing 30 acres more or less, site parcel number 10-12-200-009, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Beard, Benny (formerly Bartolomucci, Abe).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818085004.
3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on December 14, 2006, Gerald Steele 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.

VIOLATIONS

Based upon direct observations made by Gerald Steele during the course of his December 14, 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 March 1, 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 *by me*
Illinois Environmental Protection Agency

Date: 2/2/07

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

RECEIVED
CLERK'S OFFICE

FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
LAWRENCE ABRAHAM BARTOLOMUCCI,)
Respondent.)

AC **07-36**
(IEPA No. 29-07-AC)

FACILITY: Mt. Vernon/Beard, Benny (formerly Bartolomucci, Abe)

SITE CODE NO.: 0818085004

COUNTY: Jefferson

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: December 14, 2006

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
) IEPA DOCKET NO.
)
v.)
)
Lawrence Abraham Bartolomucci)
)
)
Respondent.)

AFFIDAVIT

Affiant, Gerald Steele, 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 Dec.14, 2006, between 2:20 pm and 3:10 pm, Affiant conducted an inspection of a disposal site operated by L. Abe Bartolomucci, located in Jefferson County, Illinois, and known as the Beard, Benny site by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818085004 by the Agency.
3. Affiant inspected said Beard, Benny site from the adjacent County road which included observing and photographing the site.

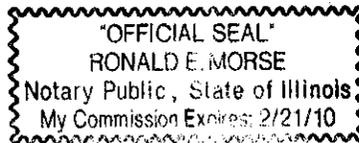
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant=s knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Beard, Benny site.

Gerard E. Steele

Subscribed and Sworn to before me

this 24th day of January, 2007

Ronald E. Morse
Notary Public



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

County: Jefferson LPC#: 0818085004 Region: 7 - Marion
 Location/Site Name: Mt. Vernon / Beard, Benny
 Date: 12/14/2006 Time: From 2:20 pm To 3:10 pm Previous Inspection Date: 02/07/2006
 Inspector(s): G. Steele Weather: Sunny, 40, wet
 No. of Photos Taken: # 12 Est. Amt. of Waste: 5100 yds³ Samples Taken: Yes # No
 Interviewed: Worker Complaint #: C-05-158-M
 Latitude: 38.28385 Longitude: -88.92953 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Benny H. Beard 11533 N. Ill. Hwy. 142 Mt Vernon, Illinois 62864	
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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	<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"/>

LPC # 0818085004

Inspection Date: 12/14/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" 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: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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.
4. 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.
5. 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0818085004

Date: Dec. 14, 2006

County: Jefferson

Inspector: G.E. Steele

Subject: Mt. Vernon / Beard, Benny – Adams (formerly Bartolomucci, Abe)

This site was inspected as a follow-up to a visit done February 7, 2006. The property was inspected concurrently with the adjacent Dycus-Adams site and Ortgiesen site. This site inspection was done from Triton Lane, due to limited travel within the site caused by the waste, and the presence of a dog. "No Trespassing" signs were posted. I spoke to a man working at the Ortgiesen site. He said there had been an auction in mid-November. The property owned by Mr. Bartolomucci had been divided and sold to three different owners. According to Jefferson Co. Records, this site encompasses parcel 10-12-200-009. A deed was filed on December 15, 2006, transferring ownership of this site to:

Benny H. Beard
11533 N. Illinois Hwy. 142
Mt. Vernon, Illinois

An Administrative Citation Warning Notice was sent to Mr. Bartolomucci on March 14, 2006. He did not respond. Waste remained scattered and piled over most of this property. Waste observed during the previous inspection was again observed. Some items, such as vehicles and commercial display cases, and metals had been removed. Pallets, wood, tires, furniture, white goods, card board boxes, a tank, building materials and carpeting remained. Boxes containing paper, clothing and general refuse were observed. The waste was scattered and piled over an approximate 100 x 50 yard area. Items were setting on the ground and exposed to the elements. Wastes had also been pushed into piles along with landscape waste, similar to a burn pile. A single row of pallets, boxes, and a car were sitting in a filed south of the house site.

The man working at the adjacent site said he had approached the new owner about salvaging the metals that remained on the property. He reported his offer had been declined, as the new owner was planning to bury all of the materials in a hole on site.

The following conditions, which constitute violations, were observed:

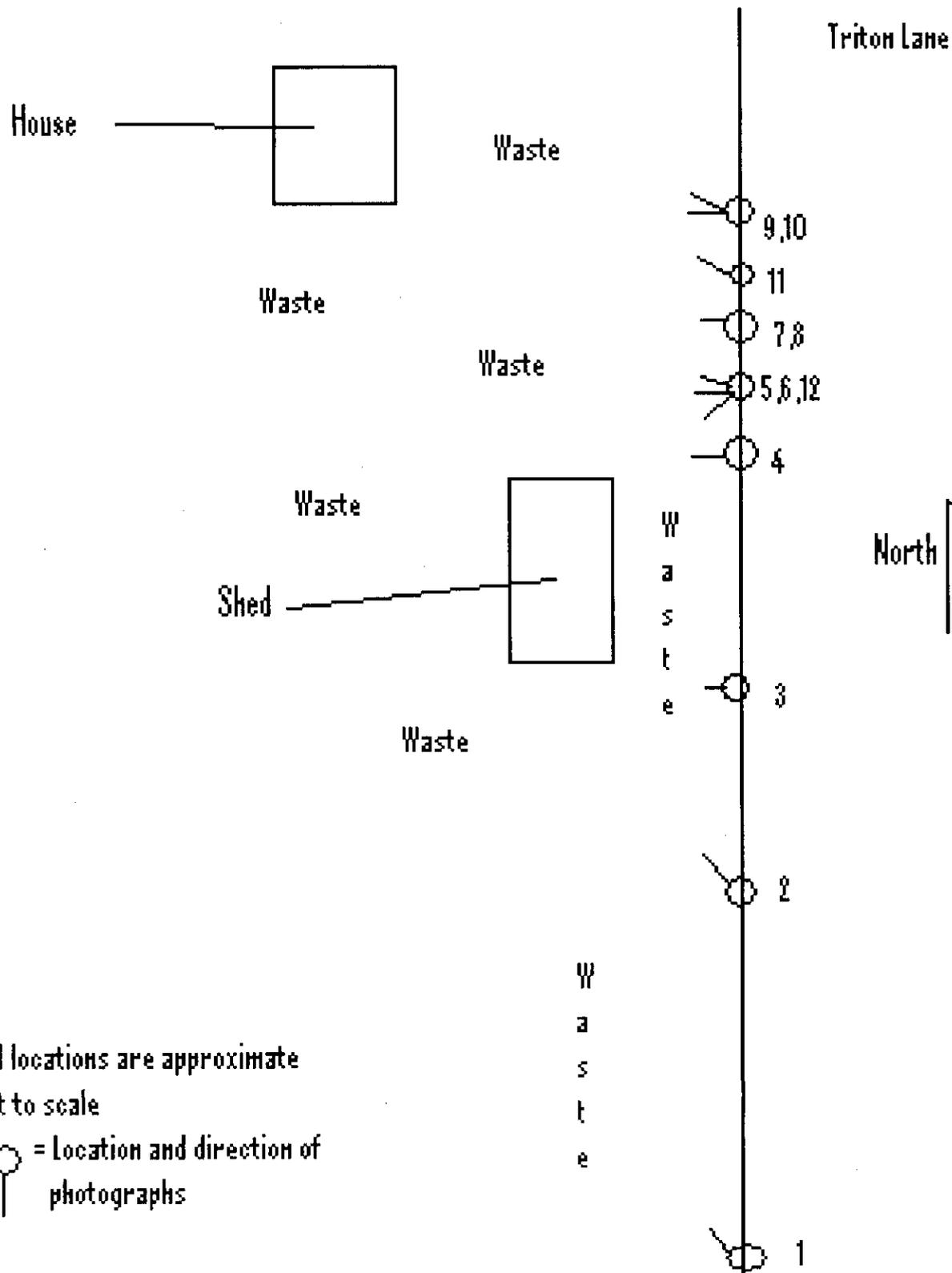
Line 1, and 8: Open dumping, and open duping allowing litter and deposition of general construction demolition debris; Various items were open dumped at this property. They were on the ground and exposed to the elements. They were not in use, not usable in their current condition, and not being protected for future use.

Line 6, 7, and 12: Operating a waste disposal operation without a permit, and failure to submit an application: There is no record of L. Abe Bartolomucci, or Benny Beard having applied for or receiving a permit for this site.

0818085004 - Jefferson Co.

Beard, Benney

Dec. 14, 2006



All locations are approximate

Not to scale

 = Location and direction of photographs



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:24 pm
Direction: Northwest
Photo by: G.E. Steele
Exposure #: 001
Comments: Waste in
farm field.



Date: Dec. 14, 2006
Time: 2:27 pm
Direction: Northwest
Photo by: G.E. Steele
Exposure #: 002
Comments: Waste in
southeast corner of the
house site.



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:29 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 003
Comments: Waste materials and tires.



Date: Dec. 14, 2006
Time: 2:30 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 004
Comments: Waste

File Names: 0818085004 ~12142006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:31 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 005
Comments: Waste



Date: Dec. 14, 2006
Time: 2:32 pm
Direction: Northwest
Photo by: G.E. Steele
Exposure #: 006
Comments: Lumber,
pallets, metal limbs, and
other wastes consolidated
into a pile.

File Names: 0818085004 ~12142006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:33 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 007
Comments: Wastes in the central portion of the site.



Date: Dec. 14, 2006
Time: 2:34 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 008
Comments: Wastes consolidated into a pile.

File Names: 0818085004 ~12142006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:34 pm
Direction: West
Photo by: G.E. Steele
Exposure #: 009
Comments: Wastes.



Date: Dec. 14, 2006
Time: 2:34 pm
Direction: Northwest
Photo by: G.E. Steele
Exposure #: 010
Comments: Wastes in the
front yard of the house.

File Names: 0818085004 ~12142006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: Dec. 14, 2006
Time: 2:35 pm
Direction: Northwest
Photo by: G.E. Steele
Exposure #: 011
Comments: Wastes
around the house.



Date: Dec. 14, 2006
Time: 2:40 pm
Direction: Southwest
Photo by: G.E. Steele
Exposure #: 012
Comments: Waste inside
and next to the shed.

File Names: 0818085004 ~12142006-[Exp. #].jpg

PROOF OF SERVICE

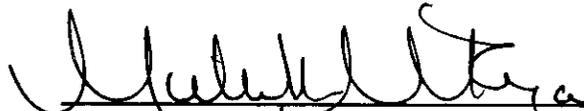
I hereby certify that I did on the 2nd day of February 2007, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Lawrence A. Bartolomucci
P.O. 2325
Mt. Vernon, Illinois 62864

Case # 7000 1670 0008 6137 8613

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


Michelle M. Ryan
Special Assistant Attorney General

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