

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) 814-6026 IVED

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR CLERK'S OFFICE

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JUL 1 6 2007

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

STATE OF ILLINOIS Pollution Control Board

July 12, 2007

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

Re:

Illinois Environmental Protection Agency v. Charles Stuller IEPA File No. 174-07-AC; 1171205006—Macoupin 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

INFORMATIONAL NOTICE!!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE:

This Administrative Citation refers to <u>TWO</u> 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 <u>PETITION FOR REVIEW</u> 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 attorneyat-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 III. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLERK'S OFFICE

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) CINIA I
Complainant,	URBGINAL AC 0803
v.) (IEPA No. 174-07-AC)
CHARLES STULLER,	
Respondent.	3
	NOTICE OF FILING

To: Charles Stuller P.O. Box 46

Wilsonville, IL 62093

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: July 12, 2007

ORIGINAL



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 1 6 2007

ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

PROTECTION AGENCY,	
Complainant,	AC 08-02
v.) (IEPA No. 174-07-AC)
CHARLES STULLER,))))
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 (2004).

FACTS

- That Charles Stuller ("Respondent") is the present owner of a facility located at 306
 Rice Street, Wilsonville, Macoupin County, Illinois. The property is commonly known to the Illinois
 Environmental Protection Agency as Wilsonville/Stuller.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1171205006.
 - That Respondent has owned said facility at all times pertinent hereto.
- 4. That on June 4, 2007, Mark Weber 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 Mark Weber during the course of his June 4, 2007 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2004).
- (3) That Respondent 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) (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 <u>Four Thousand Five Hundred Dollars (\$4,500.00)</u>. 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 <u>August 30, 2007</u>, 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 4

Illinois Environmental Protection Agency

Date: 7/12/07

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

ORIGINAL

REMITTANCE FORM



JUL 1 6 2007

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) STATE OF ILLINOIS Pollution Control Board
Complainant,	AC 08-07
V.) (IEPA No. 174-07-AC)
CHARLES STULLER,	

FACILITY:

Respondent.

Wilsonville/Stuller

SITE CODE NO.:

1171205006

COUNTY:

Macoupin

CIVIL PENALTY:

\$4,500.00

DATE OF INSPECTION:

June 4, 2007

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 RECEIVED

	AFFIDAVIT	Ŀ
IN THE MATTER OF:	STATE OF ILLINOI Pollution Control Box	S
Illinois Environmental	Siddle Control Bos	ard
Protection Agency	A c08-0>	
vs.	IEPA DOCKET NO.	
Charles Stuller		
Respondent		

Affiant, Mark J. Weber, 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 March 8, 2007 between 10:35 AM and 11:15 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Macoupin County, Illinois, and known as Wilsonville/Stuller by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1171205006 by the Illinois Environmental Protection Agency.
- 3. Affiant inspected said Wilsonville/Stuller 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 Wilsonville/Stuller open dump.

Ment J. Weber

Subscribed and Sworn To before me

This 19 day of gune, 2007

Notary Public

OFFICIAL SEAL
CHARLENE K. POWELL
NOTARY PUBLIC STATE OF ILLINOIS
My Comm. Expires March 15, 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Macoupin			LPC#:	11712	05006		Region:	5 - Springfield
Location/S	Site Name:	Wilson	ville/Stu	ıller				_	
Date:	06/04/2007	Time:	From	0950	То	1020	Previous Ir	spection Dat	e: 03/08/2007
Inspector(s): Mark W	eber				Weather:	Approx. 65	degrees F w	/20 mph west wind
No. of Pho	otos Taken: #	[‡] 10	Est. A	mt. of W	aste: 1	00 yds ³	Samples Ta	ken: Yes#	No 🛛
Interviewe	ed: No One		46		×-	Comp	aint #: C-07	'-088-C	

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

Charles Stuller	
P.O. Box 46	ORIGINAL
Wilsonville, IL	62093
217/835-6632	



	_		
	SECTION	DESCRIPTION	VIOL
	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	\boxtimes
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	\boxtimes
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	\boxtimes
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH R IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	ESULTS
	(1)	Litter	\boxtimes
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

LPC# 1171205006

Inspection Date:

06/04/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	\triangleright
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	\triangleright
		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	Þ
11.	722.111	HAZARDOUS WASTE DETERMINATION	\triangleright
12.	808.121	SPECIAL WASTE DETERMINATION	\triangleright
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	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		
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		A .	Γ
			Ē
	ii .		

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. 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.
- 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

MEMORANDUM

DATE:

June 18, 2007

TO:

Land Division File

FROM:

Mark Weber, DLPC/FOS - Springfield Region

SUBJECT:

LPC# 1171205006 - Macoupin County

Wilsonville/Stuller

FOS File

On June 4, 2007 Mark Weber Division of Land Pollution Control/Field Operations Section (DLPC/FOS) - Springfield Regional Office (SRO) conducted a re-inspection of the Stuller site in Macoupin County. More specifically the site is located at 306 Rice Street in Wilsonville, Illinois. The initial site inspection was conducted by the SRO on March 8, 2007. The initial inspection was conducted as a result of a complaint of on-site demolition debris and waste generated as a result of an October 2006 fire.

June 4, 2007 Re-Inspection

The Illinois EPA re-inspection of the Stuller site took place between proximately 0950 and 1020 on June 4, 2007. The temperature was approximately 65° F. It was mostly sunny with a 20 mile per hour west wind. Soil conditions were wet due to recent rains. Mr. Charles Stuller, the current property owner according to a 2004 deed obtained from the Macoupin County Recorder's Office, was not present during the re-inspection.

Wastes observed during the June 4, 2007 Illinois EPA re-inspection were the same as those observed during the March 8, 2007 site inspection. These wastes include mixed metals, dimensional lumber, brick, vinyl siding, wire, cement block, white goods, insulation, asphalt shingles, and paper. Most of these wastes were generated as a result of the fire. At least 15 used tires are located in two on-site storage sheds as well. Illinois EPA inspectors also identified at least twelve 55-gallon drums and 5-gallon buckets at various locations throughout the site. None of the containers were marked or placarded. An empty above ground storage tank (AST) was observed as well.

The site appeared virtually untouched since the initial site inspection. As noted above, all of the illegally dumped waste remains on-site. On April 11, 2007 the Illinois EPA SRO sent an Administrative Citation Warning Notification (ACWN) to Mr. Stuller. To date Mr. Stuller has not provided the SRO with a response as per the conditions of the ACWN.

Photograph #1 provides a view of the burned out residence from Rice Street.

Photograph #2 shows the southern portion of the Stuller property as seen from Rice Street.

Photograph #3 is of the burned out remains of the home at 306 Rice Street looking in to the basement. Brick, dimensional lumber, mixed metals, and insulation are visible.

Photograph #4 depicts a drum containing assorted solid waste, two partially burned doors, dimensional lumber, and the remains of a burned tire.

Photograph #5 provides another view of the remains of the burned out residence at 306 Rice Street.

Photograph #6 shows 55-gallon drums (contents unknown), mixed metals, dimensional lumber, plastics, and 5 gallon buckets (contents unknown) open dumped at the Stuller property.

Photograph #7 provides a view of the burned out remains of 306 Rice Street from the back yard.

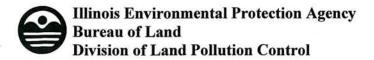
Photograph #8 is of 55-gallon drums located behind the burned out residence. The contents of the drums are unknown. Some appear to contain rock and/or soil.

Photograph #9 is of an inactive open burn area located in the back yard of the former residence. This does not appear to be a result of the residential fire.

Photograph #10 depicts one of the two sheds located on-site that were not affected by the fire. The shed, located near the east property line, contains at least 10 used tires.

The June 4, 2007 re-inspection was conducted in order to determine if progress had been made on-site in voluntarily returning to compliance. All violations of the Illinois Environmental Protection Act cited in the April 11, 2007 ACWN were found to still exist at the Stuller site. These violations include Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), and 55(a)(2). Apparent violations of the Regulations, 35 IAC include Sections 722.111, 808.121 and 812.101. Refer to the attached Open Dump Checklist for additional information.

cc: DLPC, Division File DLPC/FOS, Springfield Region





Date: 06/04/2007 Time: 0957 Direction: E

Photo by: Mark Weber

Exposure #: 1

Comments: A view of the burned out residence from Rice Street.



Date: 06/04/2007 Time: 0957 Direction: E

Photo by: Mark Weber

Exposure #: 2

Comments: Southern portion of the Stuller property as seen from

Rice Street.

File Names: 1171205006~06042007-[Exp. #].jpg





Date: 06/04/2007 Time: 0958 Direction: E

Photo by: Mark Weber

Exposure #: 3

Comments: Burned out remains of the home at 306 Rice Street looking in to the basement. Brick, dimensional lumber, mixed metals, and insulation are visible.



Date: 06/04/2007

Time: N

Direction: 0958

Photo by: Mark Weber

Exposure #: 4

Comments: A drum containing assorted solid waste, two partially

burned doors,

dimensional lumber, and the remains of a burned

tire.

File Names: 1171205006~06042007-[Exp. #].jpg





Date: 06/04/2007 Time: 0959 Direction: SE

Photo by: Mark Weber

Exposure #: 5

Comments: A view of some of the remains of the burned out residence 306

Rice Street.



Date: 06/04/2007 Time: 0959 Direction: N

Photo by: Mark Weber

Exposure #: 6 Comments: 55-gallon drums (contents unknown), mixed metals, dimensional lumber, plastics, and 5 gallon

buckets (contents unknown) open dumped at the Stuller property.

File Names: 1171205006~06042007-[Exp. #].jpg





Date: 06/04/2007 Time: 0959 Direction: W

Photo by: Mark Weber

Exposure #: 7

Comments: A view of the burned out remains of 306 Rice Street from the

back yard.



Date: 06/04/2007 Time: 1000 Direction: NW

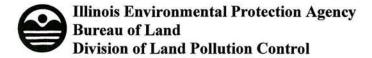
Photo by: Mark Weber

Exposure #: 8

Comments: 55-gallon drums located behind the burned out residence. The contents of the drums are unknown. Some appear to contain rock

and/or soil.

File Names: 1171205006~06042007-[Exp. #].jpg





Date: 06/04/2007 Time: 1000 Direction: E

Photo by: Mark Weber

Exposure #: 9

Comments: An inactive open burn area located in the back yard of the former residence. This does not appear to be a result of the residential

fire.



Date: 06/04/2007 Time: 1000 Direction: E

Photo by: Mark Weber

Exposure #: 10

Comments: One of the two sheds located on-site not affected by the fire. The shed, located near the east property line, contains at least 10 used

tires.

File Names: 1171205006~06042007-[Exp. #].jpg

ORIGINAL

RECEIVED CLERK'S OFFICE

STATE OF ILLINOIS

JUL 1 6 2007

PROOF OF SERVICE

I hereby certify that I did on the 12th day of July 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:

Charles Stuller

P.O. Box 46

Wilsonville, IL 62093

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 Springfield, Illinois 62794-9276 (217) 782-5544