



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9817
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DEC 22 2008

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

STATE OF ILLINOIS
Pollution Control Board

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

December 18, 2008

AC09-30

John Therriault, 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. William Collander and Lynn Harris
IEPA File No. 323-08-AC: 1250105009—Mason County

Dear Mr. Therriault:

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

WILLIAM COLLANDER and LYNN)
HARRIS,)

Respondents.)

AC 09-30

(IEPA No. 323-08-AC)

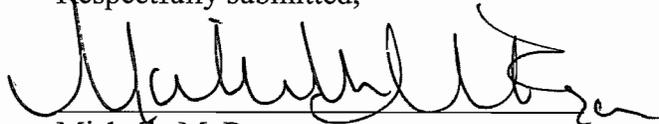
NOTICE OF FILING

To: William Collander
1410 State Street
Pekin, IL 61554

Lynn Harris
401 E. Main Street
Easton, IL 62633

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
Assistant Counsel

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

Dated: December 18, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
WILLIAM COLLANDER and LYNN HARRIS,)
Respondents.)

AC 09-30
(IEPA No. 323-08-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 (2006).

FACTS

1. That William Collander is the current owner and Lynn Harris is the operator ("Respondents") of a facility located at 401 E. Main Street, Easton, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Easton/Harris, Lynn.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1250105009.
3. That Respondents have owned/ operated said facility at all times pertinent hereto.
4. That on November 5, 2008, Jan Mier of the Illinois Environmental Protection Agency's ("Illinois EPA") 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 12-18-08, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 2919 \$ 7007 3020 0002 3214 2933.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her October 5, 2008 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondents 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, 2009, 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 (2006), 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.

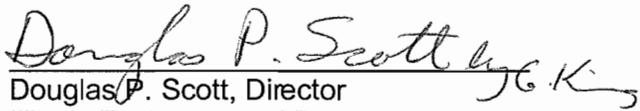
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, 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, Respondents 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 Respondents 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 (2006). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 12/18/08

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

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DEC 22 2008

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 WILLIAM COLLANDER and LYNN HARRIS,)
)
)
)
 Respondents.)

AC 09-30
 (IEPA No. 323-08-AC)

FACILITY: Easton/Harris, Lynn

SITE CODE NO.: 1250105009

COUNTY: Mason

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: November 5, 2008

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.

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DEC 22 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Lynn Harris and William Collander,)
Respondents)
)
)

ACO 9.30

IEPA DOCKET NO.

Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

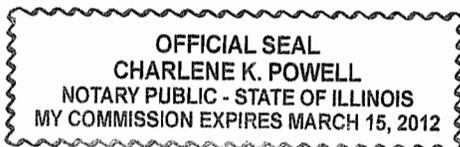
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 14, 2008, between 12:50 p.m. and 1:05 p.m., Affiant conducted an inspection of an open dump, located in Macoupin County, Illinois and known as *Virden/Mid America Machinery Co.* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1174100001 by the Agency.
3. Affiant inspected said 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 open dump.

Jan Mier

Jan Mier

Subscribed and Sworn to Before Me
this 25 day of Nov, 2008

Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: MASON LPC#: 1250105009 Region: 5 - Springfield
 Location/Site Name: EASTON/HARRIS
 Date: 1105/08 Time: From 2:00 PM To 2:15 PM Previous Inspection Date: 8/26/08
 Inspector(s): Jan Mier Weather: 60°, SUNNY
 No. of Photos Taken: # 12 Est. Amt. of Waste: 75 yds³ Samples Taken: Yes # No X
 Interviewed: NO ONE ON SITE Complaint #: C-09-032-C

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

LYNN HARRIS
 401 E. MASON
 EASTON, IL 62633
 309/840-1624

ORIGINAL

WILLIAM COLLANDER
 1410 STATE STREET
 PEKIN, IL 61554

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 STATE OF ILLINOIS
 Pollution Control Board

	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 checked="" 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 # 1250105009

Inspection Date: 1105/08

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input 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"/>
	(3)	Cause or Allow Water to Accumulate in Used Tires	<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.	739.124(a) (3)	FAILURE TO TRANSPORT USED OIL TO A REGISTERED COLLECTION CENTER	<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.

**STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
INSPECTION NARRATIVE**

**LPC#1250105009
Easton/Harris
FOS File**

**DATE: 11/5/08
INSPECTOR: Jan Mier
C-09-032-C**

On November 5, 2008, I conducted a follow-up inspection at the above-referenced site occupied by Lynn and Candy Harris, located at 401 East Mason, Easton, IL. after a complaint from the Easton Police Department. The property owner, William Collander, and the occupant, Lynn Harris were sent Administrative Citation Warning Notices (ACWNs) dated 9/11/08. No written response was received, although Mr. Harris did telephone me after receiving the ACWN saying he would take the used tires to Tire Shredders Unlimited in Lincoln, IL., and recycle some scrap iron. I told him to send me a response with copies of receipts. These were never received.

I arrived at 2:00 p.m. I knocked on the door, but no one answered, so I proceeded to walk the site.

A boat with a blue tarp and black plastic was observed in the front yard on the north side of the house (see photo #001). A bicycle, shelving, a cooler and other miscellaneous items were also in the front yard. In the northeast side of the property, in the driveway, was a trailer with two full garbage cans, lawnmowers, motorcycles and parts and siding (see photo #002). A trailer containing eight used on the rim tires was observed (see photo #003). In the previous inspection, twelve off rim used tires were observed. In the back yard, next to the south side of the house, I observed toys, coolers, a filled black trash bag and building materials (see #004). The burn pile area was gone, along with the charred bedsprings, but the back yard still held an aluminum sink, mowers, lumber, plastic and bicycles (see photo #005). On the southeast corner of the property were two blue plastic bins, a four wheeler, lumber and a metal frame (see photo #006). On the east side of the garage were a green tarp, a dismembered yellow concrete mixer, and pipes sitting in vegetation (see photo (#007). Another plastic bin filled with pots and pans and a filled black garbage bag were observed south of a tent filled with boxes (see photo (#008). On the north side of the garage were fencing, a sled, a blue tarp, and a chainsaw (see photo #009). On the east side of the garage, south of the concrete mixer, was a blue plastic garbage can filled with a green tarp, metal and household garbage (see photo #010). Next to the house on the north side I observed a lawnmower, bicycles, doors, plastic containers, and snow shovels (see photo #011). A trailer in the driveway held plastic table for children, furniture, a garbage bag filled with an artificial Christmas tree, and green garbage cans (see photo #012). I departed at 2:15 p.m.

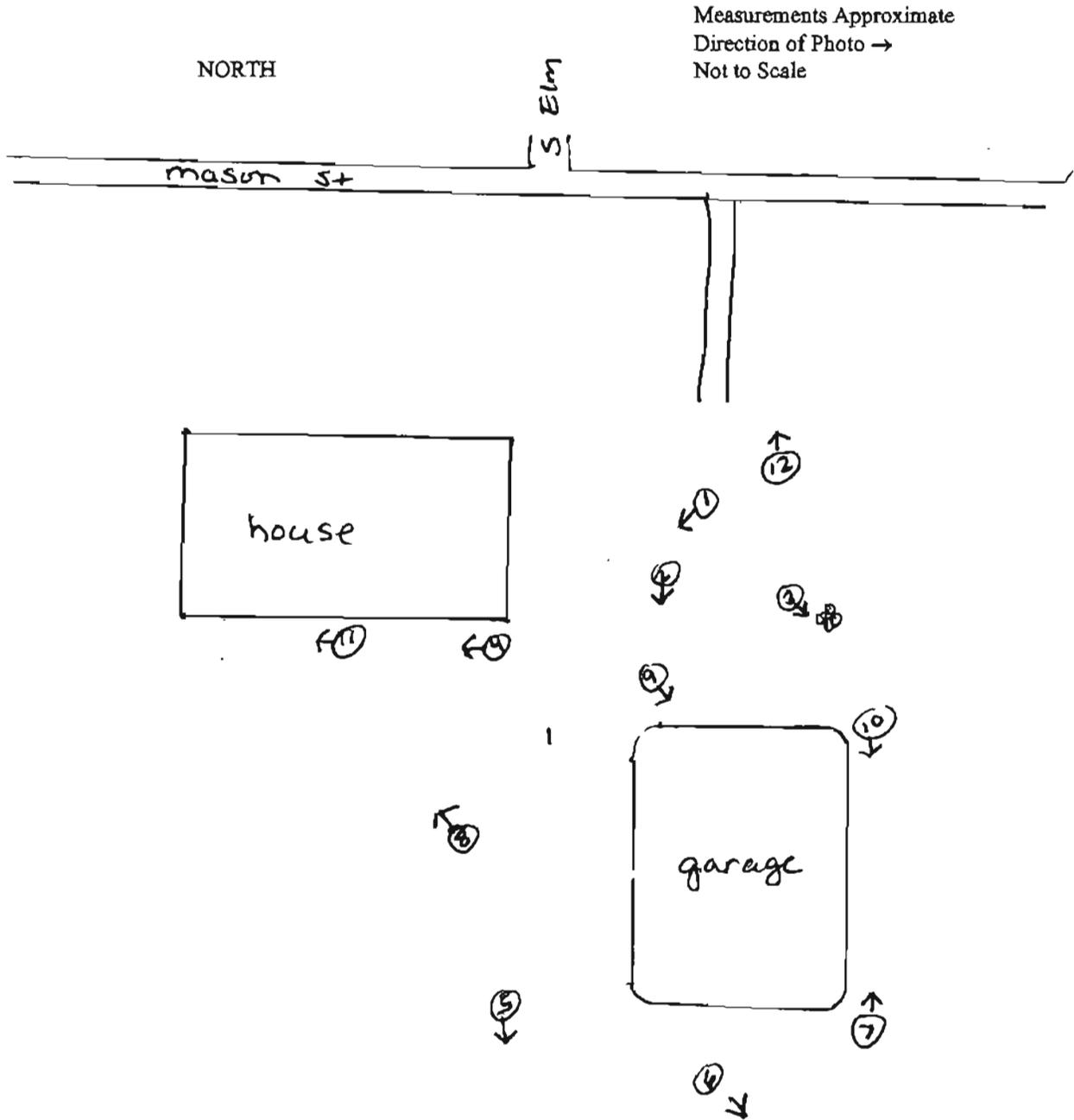
Continuing violations are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region
Easton Police Dept. – Dale Marlo
DLPC Division File

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection:	11/05/08	Inspector:	Jan Mier
Site Code:	LPC#1250105009	County:	Mason
Site:	Easton/Harris, Lynn	Time:	2:00 p.m. - 2:15 p.m.





DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:07 p.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 001
Comments:

Front yard with boat, bicycles, shelving, cooler, and other miscellaneous items



Date: 11/5/08
Time: 2:07 p.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 002
Comments:

East side of house and driveway with garbage cans lawnmowers, motorcycles and parts, ladder, and siding

Photograph File Names: 1250105009-11052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:08 p.m.
Direction: SE
Photo by: Jan Mier
Exposure #: 003
Comments:

Eight used tires with one off the rim



Date: 11/5/08
Time: 2:09 p.m.
Direction: W
Photo by: Jan Mier
Exposure #: 004
Comments:

South side of house with toys, coolers, black trash bag, and building materials

Photograph File Names: 1250105009~11052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:09 p.m.
Direction: S
Photo by: Jan Mier
Exposure #: 005
Comments:

South edge of property
with aluminum sinks,
mowers, lumber, plastic,
and bicycles



Date: 11/5/08
Time: 2:10 p.m.
Direction: SE
Photo by: Jan Mier
Exposure #: 006
Comments:

Lumber, doors, 4
wheeler, plastic bins
filled with plastic and
metal, and metal frame

Photograph File Names: 1250105009~11052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:10 p.m.
Direction: N
Photo by: Jan Mier
Exposure #: 007
Comments:

East side of garage with yellow concrete mixer, plastic tarp, and pipes



Date: 11/5/08
Time: 2:11 p.m.
Direction: NW
Photo by: Jan Mier
Exposure #: 008
Comments:

Plastic bin filled with pots and pans, black garbage bag filled with unknown items

Photograph File Names: 1250105009~11052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:11 p.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 009
Comments:

Fencing, tarp, chainsaw,
sled pipes and block



Date: 11/5/08
Time: 2:12 p.m.
Direction: S
Photo by: Jan Mier
Exposure #: 010
Comments:

East side of garage with
a blue bin on wheels
filled with a tarp paper
and metal, and plywood
leaning against the wall.
Note yellow concrete
mixer in background

Photograph File Names: 1250105009~11052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/5/08
Time: 2:12 p.m.
Direction: NW
Photo by: Jan Mier
Exposure #: 011
Comments:

South side of house with lawnmower, bicycles, carpeting, doors, plastic containers and snow shovels



Date: 11/5/08
Time: 2:12 p.m.
Direction: N
Photo by: Jan Mier
Exposure #: 012
Comments:

Trailer filled with child's plastic tables, furniture, garbage bag with artificial Christmas tree and green garbage cans

Photograph File Names: 1250105009~11052008-[Exp. #].jpg

PROOF OF SERVICE

RECEIVED
CLERK'S OFFICE
DEC 22 2008
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 18th day of December 2008, 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

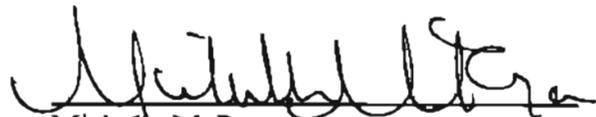
To: William Collander
1410 State Street
Pekin, IL 61554

Lynn Harris
401 E. Main Street
Easton, IL 62633

ORIGINAL

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: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

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