



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

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CLERK'S OFFICE

AUG 18 2009

STATE OF ILLINOIS  
Pollution Control Board

August 13, 2009

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

AC10-3

ORIGINAL

Re: Illinois Environmental Protection Agency v. Les Curtis  
IEPA File No. 164-09-AC; 0038590012—Alexander 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, inspector's Affidavit, and inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent.

On this date, a copy of the Administrative Citation Package was sent to the Respondent 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 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

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ADMINISTRATIVE CITATION

AUG 18 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 LES CURTIS, )  
 )  
 )  
 )  
 )  
 )  
 Respondent. )

AC 10-3  
(IEPA No. 164-09-AC)

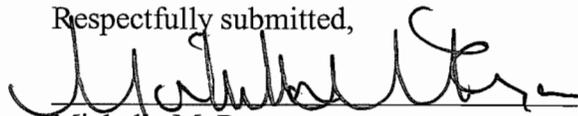
ORIGINAL

**NOTICE OF FILING**

To: Les Curtis  
115 Rio Vista  
Thebes, IL 62990

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: August 13, 2009



5. That on August 13, 2009, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 3879.

#### VIOLATIONS

Based upon direct observations made by Robert Mileur during the course of his July 24, 2009 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) (2006).
  
- (2) 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) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 October 15, 2009, 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 (2006), 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) (2006), 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 (2006). 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, Director  
Illinois Environmental Protection Agency

Date: 8/13/04

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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**AUG 18 2009**

**STATE OF ILLINOIS  
Pollution Control Board**

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
LES CURTIS, )  
Respondent. )

AC 10-3  
(IEPA No. 164-09-AC)

ORIGINAL

FACILITY: Gale/Curtis, Les  
SITE CODE NO.: 0038590012  
COUNTY: Alexander  
CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: July 24, 2009

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) is 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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AUG 18 2009

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 )  
 v. )  
 )  
 Les Curtis, )  
 )  
 )  
 Respondent. )

A 10-3

IEPA DOCKET NO.

ORIGINAL

AFFIDAVIT

Affiant, Robert Mileur, 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 July 24, 2009, between 10:45 a.m. and 11:15 a.m., Affiant conducted an inspection of a disposal site operated by Les Curtis, located in Alexander County, Illinois, and known as Gale/Curtis, Les by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0038590012 by the Agency.
  
3. Affiant inspected said Gale/Curtis, Les site by an on-site inspection which included walking and photographing the site.

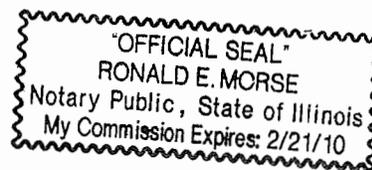
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect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

*Robert Milica*

Subscribed and Sworn to before me

this 5<sup>th</sup> day of August, 2009

*Ronald E. Morse*  
\_\_\_\_\_  
Notary Public



RM:jkb/40861/08-05-09

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Alexander      LPC#: 0038590012      Region: 7 - Marion  
 Location/Site Name: Gale/Curtis, Les  
 Date: 07/24/2009    Time: From 10:45am To 11:15am    Previous Inspection Date: 03/24/2009  
 Inspector(s): Robert Mileur      Weather: Sunny 72 degrees wet soil conditions  
 No. of Photos Taken: # 7    Est. Amt. of Waste: 200 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: C-08-184  
 Latitude: 37.25368    Longitude: 89.4446    Collection Point Description: Center of Site -  
 (Example: Lat.: 41.26493      Long.: -89.38294)      Collection Method: GPS -

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

Les Curtis  
 115 Rio Vista  
 Thebes, IL 62990

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**CLERK'S OFFICE**  
  
 AUG 18 2009  
 STATE OF ILLINOIS  
 Pollution Control Board  
 ORIGINAL

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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"/>

LPC # 0038590012

Inspection Date: 07/24/2009

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



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**  
INSPECTION NARRATIVE

LPC# 0038590012 – Alexander County  
Gale/Curtis, Les  
Inspector(s): Robert Mileur  
July 24, 2009  
FOS File

**Open Dumping Inspection Report Narrative**

Robert Mileur representing the Agency inspected this site on July 24, 2009. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

The inspection was a follow-up inspection following an inspection conducted by Dianne Shasteen on March 24, 2009. The inspection consisted of walking the site and taking photographs.

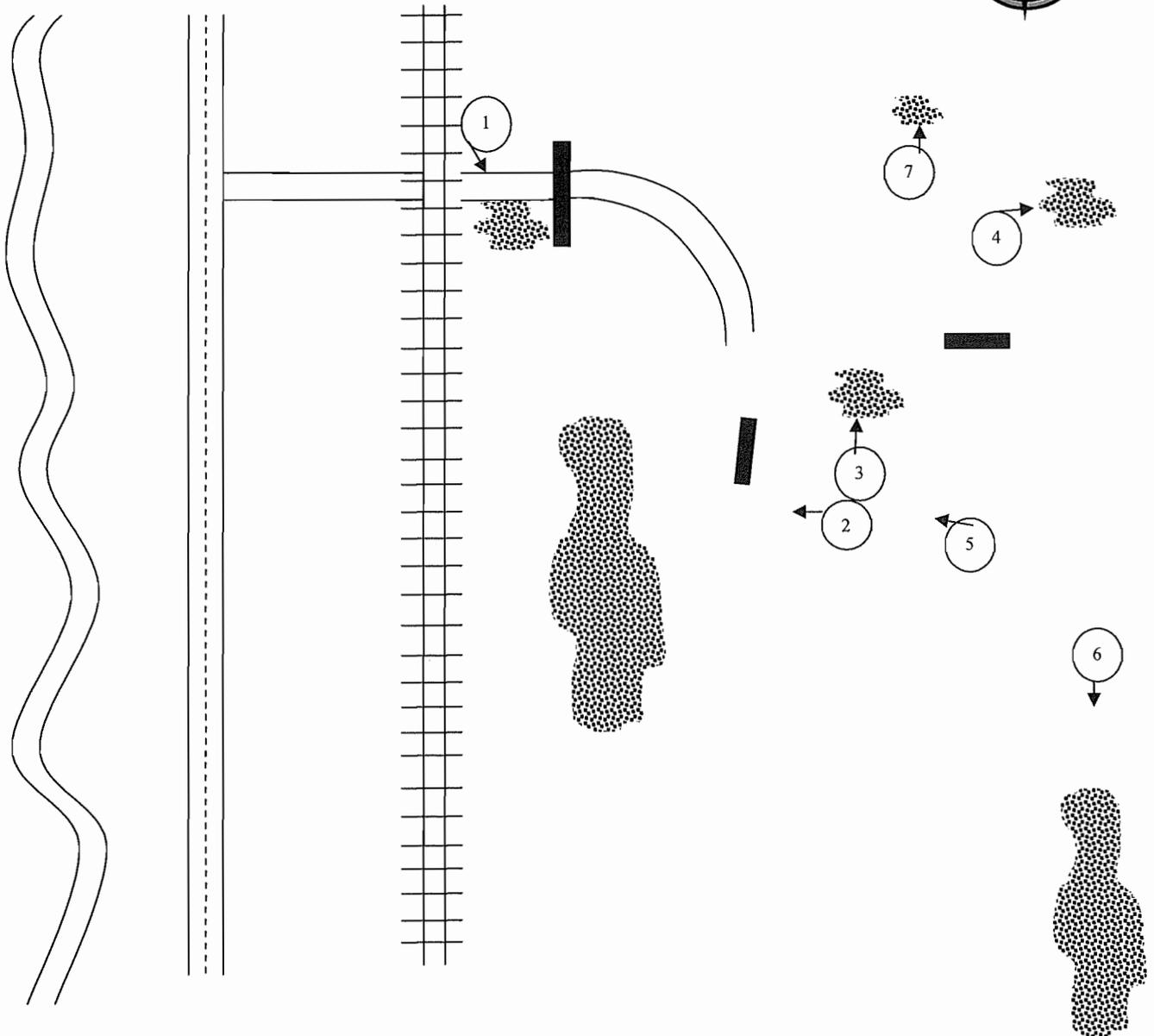
**Inspection Findings**

I arrived at the dump site located north of Gale in Alexander County at around 10:45am. I found the site unoccupied at the time and it appeared that little activity has been going on judging by the weed growth and lack of vehicle tracks. Access to the site is across a dangerous railroad crossing with frequent traffic from the Union Pacific Railroad. The gate that accesses the dump area was closed but was not attached to the post at one end. Once I entered the site I could see that much of the dumping that was indicated in Dianne Shasteen's report remains at the site. The estimated 200 cubic yards of demolition debris in the form of roofing and construction material is sitting in several piles at the site. Weeds have overgrown much of the material over the summer but most of it was easily visible. There has been no contact from the property owner, Les Curtis, since October 15, 2008 when he submitted a CCA indicating he would start cleaning up the property. On April 7, 2009 a continuing violations letter was sent to Mr. Curtis following a site inspection on March 24, 2009. There have also been no receipts for disposal submitted to the agency indicating some clean up of the site.

I concluded my inspection at around 11:15am.



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**  
SITE SKETCH



\*Not to Scale

 Debris piles



**DIGITAL PHOTOGRAPHS**



**Date:** 7/24/09  
**Time:** 10:45am  
**Direction:** SE  
**Photo by:** Robert Mileur  
**Exposure #:** 001  
**Comments:** View of white goods sitting just outside gate.



**Date:** 7/24/09  
**Time:** 10:48am  
**Direction:** W  
**Photo by:** Robert Mileur  
**Exposure #:** 002  
**Comments:** View of backhoe with demolition debris still remaining in background.

**File Names:** 0038590012~07242009-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 7/24/09  
Time: 10:49am  
Direction: E  
Photo by: Robert Mileur  
Exposure #: 003  
Comments: More  
demolition debris  
remaining at site.



Date: 7/24/09  
Time: 10:50am  
Direction: Down  
Photo by: Robert Mileur  
Exposure #: 004  
Comments: Demolition  
debris found in weeds on  
site.

File Names: 0038590012~07242009-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7/24/09  
**Time:** 11:00am  
**Direction:** W  
**Photo by:** Robert Mileur  
**Exposure #:** 005  
**Comments:** More white goods sitting at Curtis site.



**Date:** 7/24/09  
**Time:** 11:01am  
**Direction:** S  
**Photo by:** Robert Mileur  
**Exposure #:** 006  
**Comments:** Demolition debris dumped on east side of property. Has not change since March 24, 2009 inspection.

**File Names:** 0038590012~07242009-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7/24/09  
**Time:** 11:05am  
**Direction:** Down  
**Photo by:** Robert Mileur  
**Exposure #:** 007  
**Comments:** Small  
burning area found at  
site.



### DIGITAL PHOTOGRAPHS



Date: 03/24/2009  
Time: 12:48 PM  
Direction: SW  
Photo by: D Shasteen  
Exposure #: 001  
Comments: Demolition  
debris, metal, and misc.  
household wastes near  
railroad tracks



Date: 03/24/2009  
Time: 12:49 PM  
Direction: E  
Photo by: D Shasteen  
Exposure #: 002  
Comments: Pile of 5  
gallon plastic buckets

File Names: 0038590012~03242009-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/24/2009  
Time: 12:49 PM  
Direction: SW  
Photo by: D Shasteen  
Exposure #: 003  
Comments: White goods,  
metal, demolition debris  
pile near railroad tracks

Date: 03/24/2009  
Time:  
Direction:  
Photo by: D Shasteen  
Exposure #: No Photo  
Comments:

No Photo

File Names: 0038590012~03242009-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 09/11/2008  
Time: 12:28 PM  
Direction: SW  
Photo by: D Shasteen  
Exposure #: 001  
Comments: Shingles,  
demolition debris, and  
misc. household wastes at  
the end of lane



Date: 09/11/2008  
Time: 12:28 PM  
Direction: SW  
Photo by: D Shasteen  
Exposure #: 002  
Comments: Close up of  
demolition debris

File Names:0038590012~09112008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 09/11/2008  
Time: 12:29 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 003  
Comments: Shingles,  
tires, and demolition  
debris



Date: 09/11/2008  
Time: 12:29 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 004  
Comments: Tires,  
shingles, barrel,  
demolition debris, and  
unknown tarped  
materials

File Names: 0038590012~09112008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 09/11/2008  
Time: 12:29 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 005  
Comments: Tires,  
shingles, barrel,  
demolition debris, and  
unknown tarped  
materials



Date: 09/11/2008  
Time: 12:30 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 006  
Comments: Tires, metal,  
demolition debris

File Names: 0038590012~09112008-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 09/11/2008  
Time: 12:30 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 007  
Comments: Metal,  
demolition debris



Date: 09/11/2008  
Time: 12:30 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 008  
Comments: Demolition  
debris

File Names: 0038590012~09112008-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 09/11/2008  
Time: 12:30 PM  
Direction:  
Photo by: D Shasteen  
Exposure #: 009  
Comments: Shingles

Date: 09/11/2008  
Time:  
Direction:  
Photo by: D Shasteen  
Exposure #: No Photo  
Comments:

No Photo

File Names: 0038590012~09112008-[Exp. #].jpg

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STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

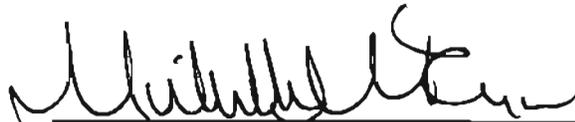
I hereby certify that I did on the 13th day of August 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Les Curtis  
115 Rio Vista  
Thebes, IL 62990

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  
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  
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