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NOV 12 2009

STATE OF ILLINOIS
Pollution Control Board

AC 10-06

ORIGINAL

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 12 2009

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY M. ISON,)
)
Respondent.)

AC 10-06
(IEPA No. 282-09-AC)

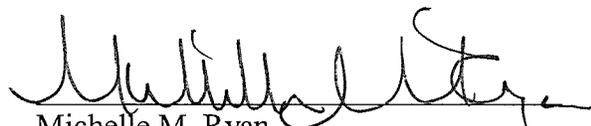
3-31-11

NOTICE OF FILING

To: Larry M. Ison
P.O. Box 207
Belle Rive, IL 62810

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: November 9, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY M. ISON,)
)
Respondent.)

AC 10-06
(IEPA No. 282-09-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 (2008).

FACTS

1. That Larry M. Ison ("Respondent") is the present owner and operator of a facility located at 1234 North 10th Street, Mount Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency ("Illinois EPA") as Mt. Vernon/Ison, Larry M.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0810305241.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on September 14, 2009, Garrison Gross of the Illinois EPA'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.

5. That on 11/9/09, Illinois EPA sent this Administrative Citation via Certified Mail No. 70073020 0002 32144579

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his September 14, 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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 December 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 (2008), 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) (2008), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative

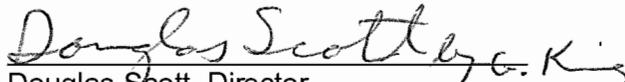
Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

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 (2008). 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.


Date: 11/9/09
Douglas Scott, Director
Illinois Environmental Protection Agency

Prepared by: Michelle M. Ryan, Assistant Counsel
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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NOV 12 2009

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY M. ISON,)
)
Respondent.)

AC 10-06
(IEPA No. 282-09-AC)

FACILITY: Mt. Vernon/Ison, Larry M. SITE CODE NO.: 0810305241
COUNTY: Jefferson CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: September 14, 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) 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,)
)
 vs.)
)
 Larry M. Ison ,)
)
)
)
 Respondent:)

AC10-06

IEPA DOCKET NO.
282-09-AC

AFFIDAVIT

Affiant, Garrison Gross, 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 September 14, 2009, between 11:45 AM and 11:55 AM, Affiant conducted an inspection of a disposal site owned by Larry M. Ison and operated by Christopher T. Gehrig located in Jefferson County, Illinois, and known as Mt. Vernon / Ison, Larry M. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0810305241 by the Agency.

3. Affiant inspected said Mt. Vernon / Ison, Larry M. 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 Mt. Vernon / Ison, Larry M.

Hanson Glass

Subscribed and Sworn to before me

this 21st day of September, 2009

Ronald E. Morse
Notary Public



GRG

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0810305241 Region: 7 - Marion
 Location/Site Name: Mt. Vernon / Ison, Larry M.
 Date: 09/14/2009 Time: From 11:45 AM To 11:55 AM Previous Inspection Date: 02/25/2009
 Inspector(s): Garrison Gross Weather: Partly cloudy skies, 80°F, light breeze
 No. of Photos Taken: # 5 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # _____ No
 Interviewed: Kayla Stanley Complaint #: C-09-008-M, C-08-239-M

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

Larry M. Ison P.O. Box 207 Belle Rive, Illinois 62810	Christopher T. Gehrig 1234 ½ North 10 th Street Mt. Vernon, Illinois 62864
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 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	<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 # 0810305241

Inspection Date: 09/14/2009

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

Informational Notes

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
Narrative Inspection Report

Site #: 0810305241

Site Name: Mt. Vernon / Ison, Larry M.

County: Jefferson

Township: City Limits

Date of Inspection:

Inspector: Garrison Gross

Subject: Open Dump Site Inspection at Larry M. Ison Property

General Remarks: An Open Dump Site Inspection was conducted on Monday, September 14, 2009, at the property of Larry M. Ison (Christopher T. Gehrig purchasing via Contract for Deed). Garrison Gross of the Illinois EPA Bureau of Land conducted the inspection. The property is located at 1234 North 10th Street, in Mt. Vernon, Illinois 62864. The inspection was performed as a follow-up to a previous inspection conducted on February 25, 2009. Weather conditions at the time of the inspection were partly cloudy skies, 80° F, with a light breeze.

The inspection began at approximately 11:45 AM. The Inspector arrived at the site and observed the property from the 10th Street (photo 001). The Inspector entered the site and spoke to Kayla Stanley (Christopher Gehrig's girlfriend) and explained the reason for the inspection. Ms. Stanley stated that Mr. Gehrig had been trying to get the property cleaned up. She said he didn't have the finances to do it all at once. She stated that he had been taking some of the waste to his mother's house to be picked up by her garbage contractor. The Inspector observed landscape waste comingled with the domicile wastes (photo 002). Although two residential garbage dumpsters were located at the site, excessive amounts of domicile waste (some in bags) was dumped on the ground (photo 003 and 004). Based on photographs from the previous inspection, it appeared that some waste items had been removed but additional wastes had accumulated at the site. The utility trailer that had been observed in the past had been moved from the driveway to the east edge of the property. Domicile and household wastes were piled on the trailer (photo 005). The trailer was covered with a tarp. Tall vegetation was growing up around the trailer suggesting it had been there for some time. Ms. Stanley stated that the wastes on the trailer were generated when the house and garage were cleaned out. Approximately 40 cubic yards of waste remain at the site. The inspection ended at approximately 11:55 AM.

Additional Remarks: This site is located on a public street in a residential neighborhood. The excessive waste items and the manner in which they are being stored are creating a scenic blight and a public nuisance.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: September 14, 2009

Site #: 0810305241

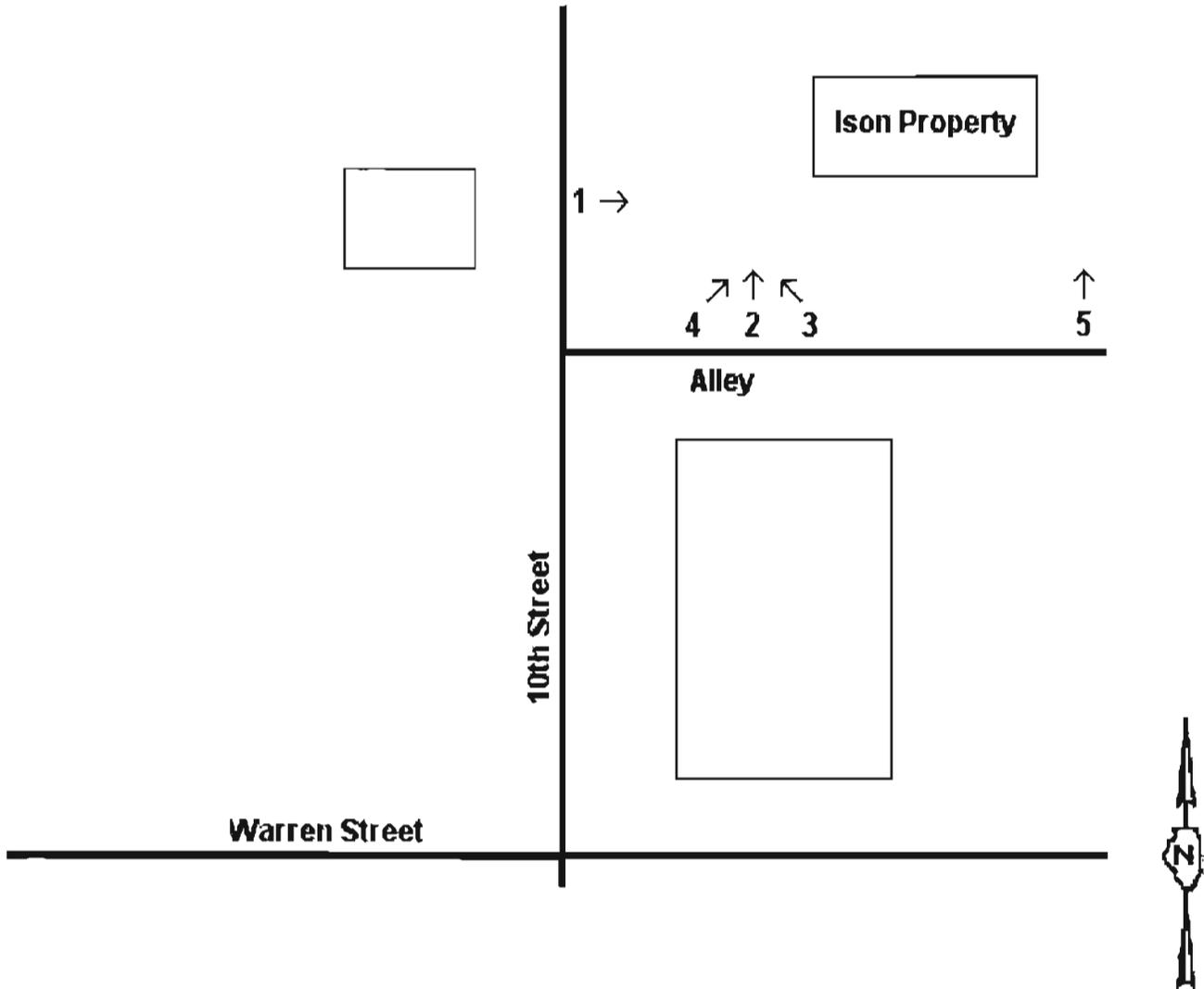
Site Name: Mt. Vernon / Ison, Larry M.

County: Jefferson

Township: City Limits

Inspector: Garrison Gross

Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 11:46 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 001
Comments: Offsite
photograph of property.



Date: 09/14/2009
Time: 11:47 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 002
Comments: Offsite
photograph of property.

File Names: 0810305241-09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 11:47 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 003
Comments: Photograph
of household and domicile
wastes.



Date: 09/14/2009
Time: 11:50 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 004
Comments: Photograph
of household and domicile
wastes.

File Names: 0810305241~09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 11:50 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 005
Comments: Photograph
of utility trailer loaded
with waste items.

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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

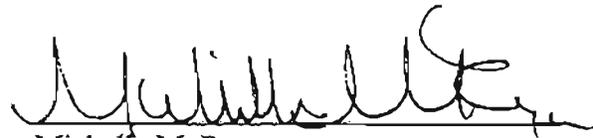
I hereby certify that I did on the 9th day of November 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Larry M. Ison
P.O. Box 207
Belle Rive, IL 62810

ORIGINAL

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by 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
Special Assistant Attorney General

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