



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) 871-3025

PAT QUINN, GOVERNOR

John J. Kim, Interim Director

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JUL 09 2012

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL
RETURN TO CLERK'S OFFICE

AC 13-1

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

July 5, 2012

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. Anthony Koch
IEPA File No. 146-12-AC; 0270305055—Clinton 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
Michelle M. Ryan
Assistant Counsel
by J. S. [Signature]

Enclosures

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 ANTHONY KOCH,)
)
 Respondents.)

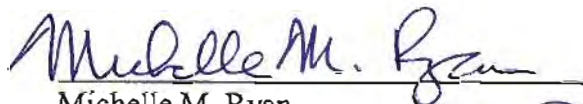

AC 13-1
 (IEPA No. 146-12-AC)

NOTICE OF FILING

To: Anthony Koch
 12909 Pipeline Road
 Carlyle, IL 62231

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
 by 

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

Dated: July 5, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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JUL 09 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ANTHONY KOCH,)
)
)
)
Respondent.)

AC 13-1
(IEPA No. 146-12-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 (2010).

FACTS

1. That Anthony Koch is the current owner ("Respondent") of a facility located at 12909 Pipeline Road, Carlyle, Clinton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carlyle/Koch Property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0270305055.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on May 17, 2012, Joe Zappa of the Illinois Environmental Protection Agency's ("Illinois EPA") Collinsville 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 7-5-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1404.

VIOLATIONS

Based upon direct observations made by Joe Zappa during the course of his May 17, 2012 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) (2010).
- (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) (2010).
- (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) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 August 1, 2012, 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 (2010), 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) (2010), 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 (2010). 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.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 7/5/2012

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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
ANTHONY KOCH,)
Respondent.)

AC 13-1
(IEPA No. 146-12-AC)

FACILITY: Carlyle/Koch Property
SITE CODE NO.: 0270305055
COUNTY: Clinton
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: May 17, 2012

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

Open Dump Inspection Checklist

County: Clinton LPC#: 0270305055 Region: 6 - Collinsville
 Location/Site Name: Carlyle/Koch Property
 Date: 05/17/2012 Time: From 2:30 pm To 2:45 pm Previous Inspection Date: 02/23/2012
 Inspector(s): Joe Zappa Weather: 64 degrees and the skies were clear
 No. of Photos Taken: # 4 Est. Amt. of Waste: 120 yds³ Samples Taken: Yes # _____ No
 Interviewed: No one was present Complaint #: _____
 Latitude: 38.608336 Longitude: -89.413197 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS Garmin gps 76

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
Anthony Koch
12909 Pipeline Rd.
Carlyle, IL 62231



	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 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 # 0270305055

Inspection Date: 05/17/2012

	(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 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 type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input checked="" type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input checked="" 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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<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.

LPC# 0270305055 – Clinton County
Carlyle/Koch Property
Prepared by: Joe Zappa
Date of Inspection: May 17, 2012

NARRATIVE

On May 17, 2012 I conducted a follow-up inspection at 12909 Pipeline Rd. Carlyle, Illinois 62231. According to Clinton County records, this property is owned by Anthony Koch. On May 17, 2012 the skies were clear, it was about 64 degrees and the soil conditions were dry. An initial inspection was conducted at this site on February 2, 2012. The Illinois EPA observed open dumping and open burning during this inspection. An ACWN was sent to Mr. Koch dated March 20, 2012. Mr. Koch did not respond to the ACWN.

Site Inspection

The inspection took place between 2:30 p.m. and 2:45 p.m. This inspection consisted of walking the site and photographing the site conditions. I observed demolition debris, bottles, household garbage, and cans being open burned between two trees. The ash was still smoldering and hot by touch. It appears that Mr. Koch is attempting to dispose the waste on-site by open burning the debris.

The two fifty- five gallon drums of unknown liquid content had disappeared since my last inspection on February 23, 2012. I have attempted to call Mr. Koch on the telephone on three occasions. A man answers the phone but will not identify himself or speak with me.

This property runs parallel with a creek, and along the creek there is demolition debris open dumped for about a 300 feet. On site there were two areas where open burning had taken place from my previous inspection. Four photographs (05172012~01-04) were taken to depict the site.

The following violations remain outstanding from the February 2, 2012 inspection: Illinois Environmental Protection Act, Sections 9(a), 9(c), 21(a), 21(d)(1)(2), 21(e), 21(p)(1), (3) and (7), 722.111 and 808.121 (a).

Mr. Anthony Koch must remove all of the solid waste from 12909 Pipeline Rd. Carlyle, Illinois 62231 to a permitted landfill or transfer station. All receipts must be submitted to the Illinois EPA to verify the waste was properly disposed.

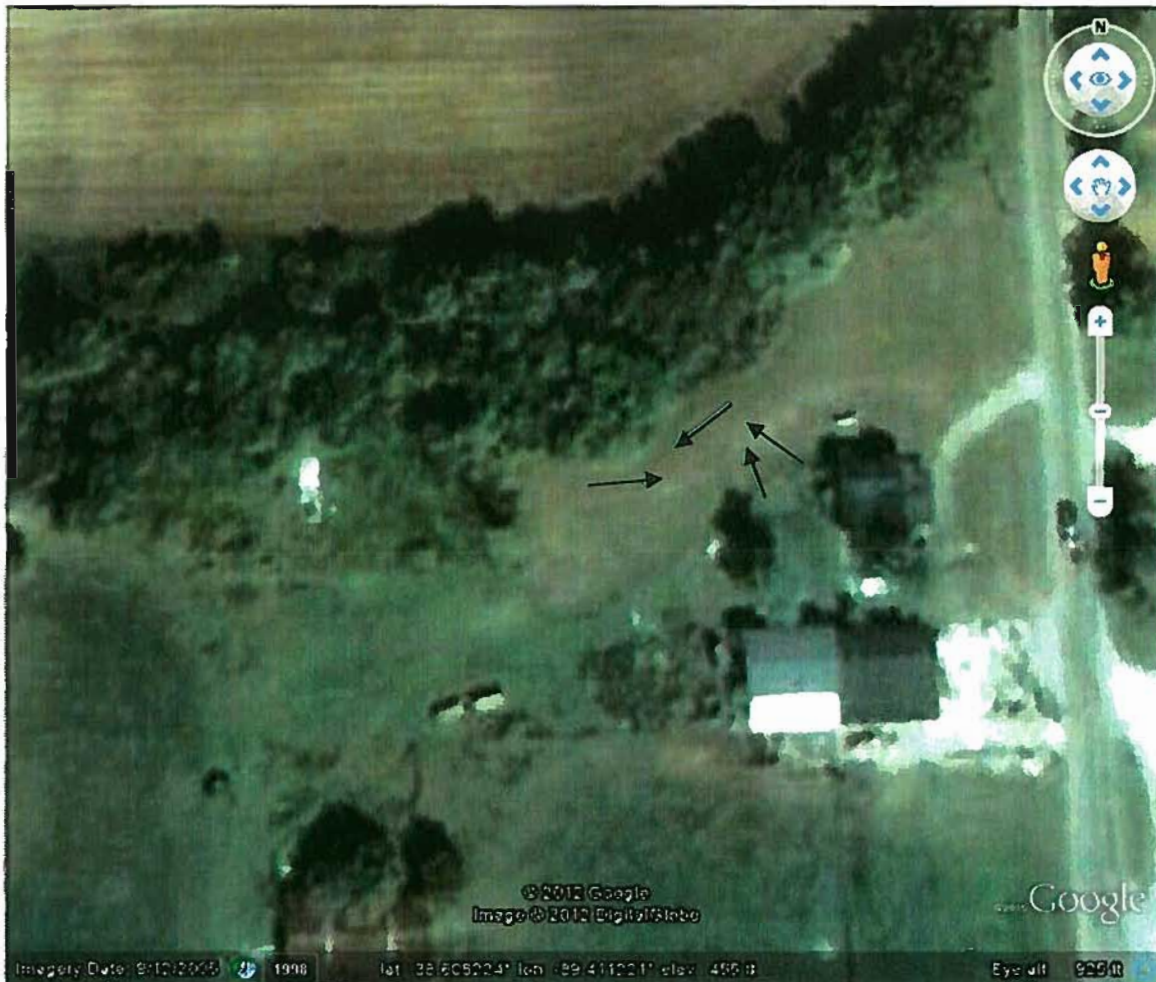
State of Illinois
Environmental Protection Agency
Facility Diagram

Date of Inspection: May 17, 2012 Inspector: Joe Zappa

Site Code: 0270305055 County: Clinton County

Site Name: Carlyle/Koch Property Time: 2:30- 2:45 pm

North
Pictures#





DIGITAL PHOTOGRAPHS File Names: 0270305005~05172012-001-002. jpg



Date:05/17/12
Time: 2:30 PM
Direction: NW
Photo by: Zappa
Exposure #: 001
Comments: One view
of area where open
burning of demolition
took place.



Date: 05/17/12
Time: 2:32 PM
Direction: Down
Photo by: Zappa
Exposure #: 002
Comments: Hot
ashes. Cans bottles
and demolition debris
remained in the ash.



DIGITAL PHOTOGRAPHS File Names: 0270305005~02232012-003-004. jpg



Date: 05/17/12
Time: 2:34 PM
Direction: NW
Photo by: Zappa
Exposure #: 003
Comments: Another area where burning of demolition debris took place.



Date: 05/17/12
Time: 2:36 PM
Direction: NE
Photo by: Zappa
Exposure #: 004
Comments: One of two burn piles on-site.

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STATE OF ILLINOIS
Pollution Control Board

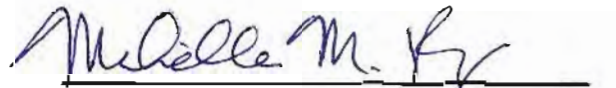
PROOF OF SERVICE

I hereby certify that I did on the 5th day of July 2012, 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: Anthony Koch
12909 Pipeline Road
Carlyle, IL 62231

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


Michelle M. Ryan
Assistant Counsel *by [Signature]*

Illinois Environmental Protection Agency
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