

## OFFICE OF STATE'S ATTORNEY

DAVID N. STANTON State's Attorney Perry County, Illinois
1 Public Square – Perry County Courthouse
Pinckneyville, Illinois 62274
Telephone: (618) 357-6221 / Facsimile: (618) 357-3923

MARTIN M. BELTZ DAVID H. SEARBY, JR. Assistant State's Attorneys

CLERK'S OFFICE

APR 1 4 2015

STATE OF ILLINOIS Pollution Control Board

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- - Carumdarine receipt and filing

April 10 2015

Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street James R. Thompson Center, Suite 11-500 Chicago, IL 60601-3218

RE: Administrative Citation – Perry County/Tamaroa (Road District 52), Freund Michael and Mary

ACIS-34

Site Code: 1458520005

Inspection Date: March 18, 2015

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Michael and Mary Freund.

I will file proof of service once that is obtained on Respondents. Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely

Assistant State's Attorney

Perry County, Illinois

Enclosures

cc: Rebecca Tracy, Perry County Solid Waste w/enclosures
IEPA Springfield (Ellen Robinson w/enclosures)
IEPA Marion (Sheila Williams w/enclosures)

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### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY	)	RECEIVED
Complainant,	AC 15 - 34	CLERK'S OFFICE APR 1 4 2015
VS.	j j	
Michael and Mary Freund,	)	STATE OF ILLINOIS Pollution Control Board
Respondents.	í	

## NOTICE OF FILING

To: Michael and Mary Freund, 4184 Valier Carpet Road, Tamaroa, IL 62888

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.

David Searby, Assistant State's Attorney

Perry County, Illinois

Perry County State's Attorney's Office Perry County Courthouse 1 Public Square Pinckneyville, IL 62274 (618) 357-6221

DATED: April \_\_\_\_\_ 2015.

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLERK'S OFFICE

COUNTY OF PERRY	)	ALK 1 4 5012
Complainant,	) AC 15 - 34	STATE OF ILLINOIS Pollution Control Board
vs.		
Michael and Mary Freund,		
Respondents.	)	

## **APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of the County of Perry.

David Searby, Assistant State's Attorney

Perry County, Illinois

Perry County State's Attorney's Office Perry County Courthouse 1 Public Square Pinckneyville, IL 62274 (618) 357-6221

DATED: April 10, 2015.

### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY	ì	CLERK'S OFFICE
Complainant,	AC 15 - 34	APR 1 4 2015
vs.	)	STATE OF ILLINOIS Pollution Control Board
Michael and Mary Freund,	į	
Respondents.	j	

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 et. Seq., specifically 415 ILCS 5/31.1.

### **FACTS**

- The Respondents, Michael and Mary Freund, are the present owners; and are in control
  and possession of a facility located in the County of Perry, State of Illinois.
- The facility is an open dump and designated with the Site Code #1458520005. The facility is known to the Agency as the Tamaroa (Road District 52)/Freund, Michael and Mary site.
- The Respondents have owned, occupied, controlled and/or operated the facility at all relevant times hereto.
- 4. On March 18, 2015, Rebecca Tracy, Field Inspector, Perry County Solid Waste
  Department, inspected the facility. A true and correct copy of the inspection report, along with Ms.
  Tracy's affidavit, are attached and incorporated herein by reference as Exhibit A.

### **VIOLATIONS**

On the basis of Field Inspector, Rebecca Tracy's, direct observation, she has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on March 18, 2015, an on-site inspection of the facility disclosed the following:

- The Respondent has caused or allowed litter at the facility in violation of 415 ILCS
   5/21(p)(1); and,
- The Respondent has caused or allowed the deposition of general construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

#### **CIVIL PENALTY**

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), 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 July 1, 2015, 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 violations(s) 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 Fifteen Hundred Dollars (\$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), 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 a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, checks shall be made payable in equal amounts (50% of total penalty each) to:

- (1) Perry County Solid Waste, c/o Perry County Treasurer, Perry County Government Building, 3764 State Route 13/127, Pinckneyville, Illinois 62274; and,
- (2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, PO Box 19276, Springfield, Illinois 62794-9276.

Respondent shall complete and return the enclosed Remittance Forms with payments 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 Complainant may initiate proceedings against Respondent in Circuit Court or other debt collection actions 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 415 ILCS 5/31.1. If Respondent elects to contest this Administrative Citation, then Respondent shall file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall also be filed with David Searby, Assistant State's Attorney, Perry County Courthouse, Pinckneyville, Illinois 62274. Your Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation. Your petition must state the reason(s) you believe the present matter should not be issued. If you fail to file your petition and state the reasons the present matter should not be issued, a default order against you will be entered by the Illinois Pollution Control Board.

Your original Petition must be filed with the Clerk of the Board at:

Clerk, Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, IL 60601-3218

A copy must also be sent to:

Office of the State's Attorney, David Searby Assistant State's Attorney Perry County Courthouse Pinckneyville, IL 62274

David Searby, Assistant State's Attorney

Perry County, Illinois

Perry County State's Attorney's Office Perry County Courthouse 1 Public Square Pinckneyville, IL 62274 (618)357-6221

## REMITTANCE FORM TO THE COUNTY OF PERRY

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF	PERRY	)	CLERK'S OFFICE
3233053	Complainant,	) AC 15 - 34	APR 1 4 2015
vs.		)	STATE OF ILLINOIS Pollution Control Board
Michael and	Mary Freund,	1	
	Respondents.	)	
FACILITY:	Tamaroa (Road District	52)/Freund, Michael and Mary	
COUNTY:	Perry		
DATE OF INS	SPECTION: March 18, 2015		
SITE CODE:	1458520005		
DATE REMIT	TED:		la l
SS/FEIN NUM	MBER:		-
SIGNATURE:	1 1		
		NOTE	

Please include the information on the blank lines. Mail this form with your check to:

Perry County Solid Waste c/o Perry County Treasurer Perry County Government Building 3764 State Route 13/127 Pinckneyville, IL 62274

## REMITTANCE FORM TO THE ILLINOIS EPA

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED CLERK'S OFFICE
APR 1 4 2015
CTATE

STATE OF ILLINOIS Pollution Control Board

COUNTY OF P	PERRY	)		
	Complainant,	)	AC 15 - 34	
vs.		)		
Michael and I	Mary Freund,	į		
	Respondents.	)		
FACILITY:	Tamaroa (Road District	52)/Freund, I	Michael and Mary	
COUNTY:	Perry			
DATE OF INSF	PECTION: March 18, 2015			
SITE CODE:	1458520005			
DATE REMITT	ED:	7/-		
SS/FEIN NUM	BER:			_
SIGNATURE.				

## NOTE

Please include the information on the blank lines. Mail this form with your check to:

Illinois Environmental Protection Agency Attention: Fiscal Services PO Box 19276 Springfield, IL 62794-9276

## **COUNTY OF PERRY AFFIDAVIT**

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BEFORE TH	E ILLINOIS POLLUTION CONTROL BOARD	RECEIVED CLERK'S OFFICE
COUNTY OF PERRY	1	APR 1 4 2015
Complainant,	AC 15 - 34	STATE OF ILLINOIS Pollution Control Board
<b>/</b> S.	į	Shift of Board
Michael and Mary Freund,	5	
Respondents.	)	

Affiant, Rebecca Tracy, being first duly sworn, voluntarily deposes and states as follows:

- 1. Affiant is a field inspector employed by the Perry County Solid Waste Management Department and has been so employed at all times pertinent hereto.
- 2. On March 18, 2015 at 10:55 a.m., Affiant conducted an inspection of the open dump site known as Tamaroa (Road District 52)/Freund, Michael and Mary, Perry County, Illinois. Said site has been assigned Site Code No. 1458520005.
- 3. Affiant inspected said open dump site by an on-site inspection.
- As a result of the activities referred to in Paragraphs 2 and 3 above, Affiant completed the Open Dump Inspection Checklist and Narrative Inspection Report 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 the open dump site known as Tamaroa (Road District 52)/Freund, Michael and Mary.

REBECCA TRACY, Environmental Compliance Inspector

Subscribed and Sworn to before me this

day of /

"OFFICIAL SEAL" LATOYA WOODS

NOTARY PUBLIC, STATE OF ILLINOIS



### PROOF OF SERVICE

STATE OF ILLINOIS Pollution Control Board

I hereby certify that I did on the 10 day of April 2015 transmit to the Perry County Sheriff's

Department a true and correct copy of the following instruments(s) entitled ADMINISTRATIVE CITATION,
AFFIDAVITS, OPEN DUMP INSPECTION CHECKLIST, OPEN DUMP NARRATIVE, SITE SKETCH AND PHOTO
SHEETS, which will be served upon the following:

To:

Michael and Mary Freund 4184 Valier Carpet Road Tamaroa, IL 62888

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:

Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street James R. Thompson Center, Suite 11-500

Chicago, IL 60601-3218

David Searby, Assistant State's Attorney

Perry County, Illinois

Perry County State's Attorney's Office Perry County Courthouse 1 Public Square Pinckneyville, IL 62274 (618)357-6221

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Perry	LPC#: 1458520005 Region: 7 - Marion		
Location/S	ite Name:	Tamaroa (Road District 52)/Freund, Michael and Mary		
Date:	03/18/2015	<u>하고 있는 데이션에 된 하면 하면 모든 스러워에서 어려워 하는 그리를 하게 되었다면 하면 하는데 하는데 하는데 하면 하는데 하는데 하면 하면 하는데 하는데 보다 모든 스로스 프로스트</u>	15	
Inspector(				
	tos Taken: #		) [	
Interviewe	d:	Complaint #:		
Latitude:	Lat.: 41.26493	Longitude: Collection Point Description: -  Long.: -89.38294) Collection Method: -		
(Example:	Lat.: 41.20493	Long.: -89.38294) Collection Method: -  Michael and Mary Freund RECEIVED		
Responsib	le Party	4184 Valier Carpet Road  CLERK'S OFFICE		
Mailing Ad	dress(es)	Tamaroa, IL 62888 APR 1 4 2015		
and Phone	Number(s):			
		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		
2.	9(c)	CAUSE OR ALLOW OPEN BURNING		
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	ON:	
	(1)	Without a Permit		
	(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 RESULTS II OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:		
	(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		
	(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)	$\boxtimes$	

LPC # 1458520005

Inspection Date:

03/18/2015

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
10.	55(k)	NO PERSON SHALL:	
**************************************	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	
	ELEC	CTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS	
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	
16.	722.111	HAZARDOUS WASTE DETERMINATION	
17.	808.121	SPECIAL WASTE DETERMINATION	
18.	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	
19.	815.201	FAILURE TO FILE AN INITIAL FACLITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	
		OTHER REQUIREMENTS	
20.		APPARENT VIOLATION OF: (□) PCB; (□) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
21.	OTHER:		
	1		

## Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
- 6. Items marked with an "NE" were not evaluated at the time of this inspection.

## Perry County Solid Waste Management Department Narrative Inspection Report

Site Code: 1458520005 Site Name: Tamaroa (Road District 52)/Freund,

Michael and Mary

County: Perry Inspector: Rebecca Tracy

Est. Waste Volume: 200 cubic yards Previous Inspection: 01/21/2015

Subject: Michael and Mary Freund

4184 Valier Carpet Road Tamaroa, IL 62888

Site Address: 4184 Valier Carpet Road Tamaroa, IL 62888

On March 18, 2015, an inspection was performed at 4184 Valier Carpet Road, Tamaroa, IL 62888.

The information obtained from the Perry County Assessor's Office indicates that the property is owned by Michael and Mary Freund through a Contract for Sale of Real Estate with Steve and Patricia Lewis. The site address is 4184 Valier Carpet Road, Tamaroa, IL 62888. The property record card identifies this property as parcel number 1-52-0140-0270 and contains 1 acre in Section 12 of Township 5-2.

To arrive at the site take State Route 154 to Valier Carpet Road. The property is located on Valier Carpet Road.

I arrived at the site at 10:55 a.m. Photo 001 depicts open dumped construction/demolition debris. Photo 002 depicts open dumped refuse and debris, including open dumped e-waste. Photos 003 and 004 depict open dumped construction/demolition debris.

I left the site at 10:55 a.m.

## **DISCUSSION:**

This property was first inspected on September 9, 2014 after a complaint was received regarding the condition of the property and open burning complaints were received. The property record card indicates that the previous mobile home burnt in June of 2014. Follow up inspections were performed on October 21, 2014, November 6, 2014 and January 21, 2015, wherein it was observed that no progress was being made on the cleanup of this property other than to clear the area where the new mobile home was going to be located. The Respondents have been given ample time to bring this property into compliance. The property is in a residential neighborhood

and is a nuisance and unsightly. The Respondents should be aware that none of the waste may be disposed of by open burning; and, if open burning of the waste occurs an additional fine in the amount of \$1,500 will be sought for the violation of open burning pursuant to 21(p)(3).

## **ENVIRONMENTAL PROTECTION ACT VIOLATIONS:**

- 21(a) Cause or Allow Open Dumping
- 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
  - (7) Deposition of 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)

During the inspection, the open dumping of waste that resulted in litter and the deposition of general construction or demolition debris was observed.



## DIGITAL PHOTOGRAPHS



Date: 03/18/2015
Time: 10:55 a.m.
Direction: Southeast
Photo by: R. Tracy
Exposure #: 001
Comments: open
dumped
construction/
demolition debris



Date: 03/18/2015 Time: 10:55 a.m. Direction: Northeast Photo by: R. Tracy Exposure #: 002 Comments: open dumped refuse and debris, including ewaste

## DIGITAL PHOTOGRAPHS



Date: 03/18/2015
Time: 10:55 a.m.
Direction: Northeast
Photo by: R. Tracy
Exposure #: 003
Comments: open
dumped
construction/
demolition debris



Date: 10/21/2014
Time: 10:55 a.m.
Direction: Northeast
Photo by: R. Tracy
Exposure #: 004
Comments: open
dumped construction/
demolition debris

SITE SKETCH

Date of Inspection: 03/21/2015

Time: 10:55 a.m.

Site Code: 1458520005

Site Name: Tamaroa (Road District 52)/Freund, Michael and Mary

County:

Perry

Inspector: Rebecca Tracy

Est. Waste Volume: 200 cubic yards

Previous Inspection: 01/21/2015

Owner/Generator:

Site Address: 4184 Valier Carpet Road Tamaroa, IL 62888

Michael and Mary Freund

4184 Valier Carpet Road

Tamaroa, IL 62888

Photos 001, 002 4184 Valier Carpet Road Photos 003, 004 Valier Carpet Road

State Route 154