

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|---------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | AC 2017- |
| |) | |
| v. |) | (IEPA No. 24-17-AC) |
| |) | |
| RENEE LO, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

To: Renee Lo
906 Curtis Road
Champaign, IL 61822

PLEASE TAKE NOTICE that on this date I electronically filed 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: February 16, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

| | | |
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| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
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| RENEE LO, |) | |
| |) | |
| |) | |
| |) | |
| Respondent. |) | |

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 (2014).

FACTS

1. That Renee Lo is the current owner of a facility located at 1100N CR 1300E, Tolono, Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Tolono/Renee Lo.
2. That said facility is designated with Site Code No. 0198165004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 4, 2017, Dustin Burger of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on February 16, 2017, Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 0001 0863 2543.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of the January 4, 2017 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent 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)(2014).
- (2) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1)(2014).

CIVIL PENALTY

On May 17, 2007, the Board found Renee Lo in violation of Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act in AC 07-53.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation for a total of Three Thousand Dollars (\$3,000.00). Additionally, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 55(k)(1). The total civil penalty due is 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 April 24, 2017, 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 (2014), 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 Four Thousand Five Hundred Dollars (\$4,500.00) statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), 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, Respondents' 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 (2014). 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.

Alec Messina
Alec Messina, Acting Director
Illinois Environmental Protection Agency

Date: 2-15-17

Prepared by: Dawn A. Hollis, 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

REMITTANCE FORM

| | | |
|------------------------|---|---------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | AC 2017- |
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| v. |) | (IEPA No. 24-17-AC) |
| |) | |
| RENEE LO, |) | |
| |) | |
| |) | |
| Respondent. |) | |

FACILITY: Renee Lo

SITE CODE NO.: 0198165004

COUNTY: Champaign

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: January 4, 2017

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.

Open Dump Inspection Checklist

County: Champaign LPC#: 0198165004 Region: 4 - Champaign
 Location/Site Name: Tolono/Lo, Renee
 Date: 01/04/2017 Time: From 12:05PM To 12:10PM Previous Inspection Date: 09/28/2016
 Inspector(s): Dustin Burger Weather: Mostly clear, dry, high 20s, west winds at 20
 No. of Photos Taken: # 4 Est. Amt. of Waste: 10 yds³ Samples Taken: Yes # No
 Interviewed: N/A Complaint #: C16-106-CH
 Latitude: 40.039605 Longitude: -88.219011 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - GarminGPSmap 76S

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

Renee Lo
 906 Curtis Rd
 Champaign, IL 61822-9602

RECEIVED
 JAN 10 2017
IEPA/BOL

| | 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 type="checkbox"/> |
| | (2) | In Violation of Any Regulations or Standards Adopted by the Board | <input 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"/> |
| | (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"/> |

LPC # 0198165004

Inspection Date: 01/04/2017

| | | | |
|--|------------|--|-------------------------------------|
| 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"/> |
| 10. | 55(k) | NO PERSON SHALL: | |
| | (1) | Cause or Allow Water to Accumulate in Used or Waste Tires | <input checked="" type="checkbox"/> |
| | (4) | Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements | <input type="checkbox"/> |
| ELECTRONIC 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 | <input type="checkbox"/> |
| 12. | 95(b) | NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL | <input type="checkbox"/> |
| 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 | <input type="checkbox"/> |
| 14. | 95(d) | NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE | <input type="checkbox"/> |
| 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 | <input type="checkbox"/> |
| 16. | 722.111 | HAZARDOUS WASTE DETERMINATION | <input type="checkbox"/> |
| 17. | 808.121 | SPECIAL WASTE DETERMINATION | <input type="checkbox"/> |
| 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 | <input type="checkbox"/> |
| 19. | 815.201 | FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY | <input type="checkbox"/> |
| OTHER REQUIREMENTS | | | |
| 20. | | APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON: | <input type="checkbox"/> |
| 21. | OTHER: | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

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.
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, 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.

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC #0198165004—Champaign County

Tolono / Lo, Renee

FOS

Inspector: Dustin Burger

Insp. Dates: January 4, 2017

Complaint # C16-106-CH

INSPECTION REPORT NARRATIVE

Dustin Burger of DLPC/FOS Champaign Regional Office inspected this site on January 4, 2017. The weather was clear and dry, with temperatures at 25° F and strong winds from the northwest at 20mph. No interviews were conducted during the inspection.

OWNERSHIP

This site is located at 1100N CR 1300E, Tolono, IL 61880, property ID No. 19-27-07-200-002. The owner of the property is Renee Lo. The mailing address for Mrs. Lo is 906 Curtis Rd, Champaign, IL 61822-9602. The ownership was determined by using the Champaign County GIS website.

This inspection was conducted in accordance with Sections 4(c) and (d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine if the site is in compliance with the Act and Regulations.

Initial June 13, 2016 Inspection

The property consists of a garage and small yard surrounded by farm fields. There is no house or residence on the property. There were two areas where wastes had been dumped. Five mattresses were dumped on one spot, while another mattress was placed on a pile of thirty tires west of the garage. The tires were off-rims and most held water.

I called the listed number for Lo Farms and spoke with an administrative assistant at Dr. Lo's Office. Dr. Lo is a cardiac physician, while his wife, Renee, is involved in the farm business. I received calls back from the Lo children, Tiffany and Albert, representing their mom. They said they did not allow the dumping at the farm location, but the material had been fly dumped by unknown people. They agreed they would remove the waste, and we had a lengthy discussion about ways to deter dumping. Albert said he had photos of a dumper, but they were not good enough for the State's Attorney to prosecute.

September 28, 2016 Inspection

An Administrative Citation Warning Notice was sent on July 7, 2016 with a September 10, 2016 deadline for remediation.

A reinspection on September 28, 2016 found the property essentially the same as during my previous inspection. The tires and the mattresses were still present.

When I returned to the office, I spoke with my coworkers regarding other cases against Lo Farms. Mike Mullins had three different Administrative Citation cases against Lo Farms for burning buildings. Curt White had another case also involving the fly dumping of tires. He said Albert Lo had photographs of the tire dumper at this other site and provided the information to the Sheriff's Office. The person was charged with trespassing, rather than open dumping. Mr. Lo said this person is the primary suspect in the dumping at this site, and one other owned by Lo.

The deadline has passed for the clean-up of this property. The Agency gave an extension for the remediation of the site until November 30, 2016.

January 4, 2017 Inspection

A reinspection conducted at this site found the site exactly as I had observed in my September inspection. The property still has four mattresses, furniture, and approximately 60 tires off rims that held frozen water. Behind the rear of the building I also saw a large projection television dumped with tires. No efforts to remediate the site have been taken by the property owner, despite the extension given by the Agency to remediate the property.

Summary of Violations

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 ½, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 21(a) of the Act. No one shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed at the site during the inspection.**

2. Pursuant to Section 21(e) of the Act. No person shall dispose, treat, store, or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment except at a site or facility which meets the requirements of the Act and of Regulations and Standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Evidence of wastes disposal was observed during the inspection of the site, which does not meet the requirements of the Act and regulations thereunder.**

3. Pursuant to Section 21(p)(1) of the Act. No one shall cause or allow the open dumping of any waste in a manner, which results in litter at the dumpsite.

A violation of Section 21(p)(1) is alleged for the following reason: **Evidence of open dumping of waste was observed at this site, which resulted in litter.**

4. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) is alleged for the following reason: **Evidence of open dumping of used or waste tires was observed during the inspection.**

5. Pursuant to Section 55(k)(1) of the Act, no person shall cause or allow storage of any used tire unless the used tire is altered, covered, or otherwise prevented from accumulating water.

A violation of Section 55(k)(1) is alleged for the following reason: **Used tires at this site were not altered, covered, or otherwise prevented from accumulating water.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #0198165004--Champaign County
Tolono/Lo
FOS File**

**DATE: January 4, 2017
TIME: 12:05-12:10 P.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0198165004~01042017-001.jpg
COMMENTS:**



**DATE: January 4, 2017
TIME: 12:05-12:10 P.M.
DIRECTION: Northwest
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0198165004~01042017-002.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #0198165004--Champaign County
Tolono/Lo
FOS File**

**DATE: January 4, 2017
TIME: 12:05-12:10 P.M.
DIRECTION: Down
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0198165004~01042017-003.jpg
COMMENTS:**



**DATE: January 4, 2017
TIME: 12:05-12:10 P.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0198165004~01042017-004.jpg
COMMENTS: Tires, Large TV**



PROOF OF SERVICE

I hereby certify that I did on the 16th day of February, 2017, serve by Certified Mail, Return Receipt Requested, with postage thereon 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: Renee Lo
906 Curtis Road
Champaign, Illinois, 61822

and the original via electronic filing on the same date

To: Don Brown, 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
Springfield, Illinois 62794-9276
(217) 782-5544