

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|---------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | AC 2017- |
| |) | |
| v. |) | (IEPA No. 56-17-AC) |
| |) | |
| ARCHIE ADKINSON AND |) | |
| JULES KRAMER, |) | |
| |) | |
| Respondents. |) | |

NOTICE OF FILING

To: Jules Kramer
23544 E Cypress Rd.
Canton, IL 61520

Archie Adkinson
10617 Meadow Lane Dr.
Kansas City, MO 64152

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST, a copy of which is herewith served upon you.

Respectfully submitted,

/s/ Scott B. Sievers

Scott B. Sievers
Assistant Counsel

May 2, 2017

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

| | | |
|--|---|---------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | AC 2017- |
| |) | |
| v. |) | (IEPA No. 56-17-AC) |
| |) | |
| ARCHIE ADKINSON and JULES KRAMER, |) | |
| |) | |
| |) | |
| |) | |
| Respondents. |) | |

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 Archie Adkinson (Respondent) is the present owner of, and Jules Kramer (Respondent) currently occupies, a property located at 23544 E. Cypress Road, Canton, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Canton Township/Archie Adkinson.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0578045005.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on March 7, 2017, Robert J. Wagner of the Illinois Environmental Protection Agency's Peoria 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 May 2, 2017, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 3185 to Archie Adkinson and via Certified Mail No. 7012 0470 0001 3000 3260 to Jules Kramer.

VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his March 7, 2017 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents 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) (2014).
- (3) That Respondents 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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondents are jointly and severally subject to civil penalties 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than July 24, 2017, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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) (2014), if Respondents fail to petition or elect 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 Respondents 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

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents shall file a 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 Respondents.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 5/2/17

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 17- |
| |) | |
| v. |) | (IEPA No. 65-17-AC) |
| |) | |
| ARCHIE ADKINSON and |) | |
| JULES KRAMER, |) | |
| |) | |
| |) | |
| Respondents. |) | |

| | | | |
|---------------------|--|----------------|------------|
| FACILITY: | Canton Twp/Adkinson, Archie & Jules Kramer | SITE CODE NO.: | 0578045005 |
| COUNTY: | Fulton | CIVIL PENALTY: | \$4,500.00 |
| DATE OF INSPECTION: | March 7, 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: Fulton LPC#: 0578045005 Region: 3 - Peoria
 Location/Site Name: Canton Twp / Adkinson, Archie
 Date: 03/07/2017 Time: From 9:00 AM To 9:30 AM Previous Inspection Date: 11/15/2016
 Inspector(s): Robert J. Wagner Weather: 50 F, Sunny, Wet, Windy
 No. of Photos Taken: # 11 Est. Amt. of Waste: 1 yds³ Samples Taken: Yes # No
 Interviewed: Archie Adkinson Complaint #: C-2016-048-P, C-2017-022-P, C-2017-026-P
 Latitude: 40.591535 Longitude: -89.998812 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

| | |
|--|---|
| Responsible Party Mailing Address(es) and Phone Number(s): Jules Kramer 23544 E Cypress Rd. Canton, Illinois 61520 (309)338-7342 | Archie Adkinson 10617 Meadow Lane Dr. Kansas City, Missouri 64152 (816)665-7550 (816)602-2567 |
|--|---|

| | 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 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 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"/> |

| | | | |
|--|-----|---|-------------------------------------|
| | (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"/> |
|--|-----|---|-------------------------------------|

LPC # 0578045005

Inspection Date: 03/07/2017

| | | | |
|--|------------|--|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| 10. | 55(k) | NO PERSON SHALL: | |
| | (1) | Cause or Allow Water to Accumulate in Used or Waste Tires | <input 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 checked="" 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: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) 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.

Adkinson, Archie

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Inspection Date: March 7, 2017

Prepared By: Robert J. Wagner

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Narrative

On March 7, 2017, this author (Robert J. Wagner, BOL/FOS-Peoria) conducted a re-inspection at property owned by Archie Adkinson. The property is located at 23544 E. Cypress Road, Canton, Illinois (see attached site map). Jules Kramer currently occupies the property. Ms. Kramer is the daughter of Mr. Adkinson. The re-inspection was a result of citizen complaints C-2017-022-P and C-2017-026.

This site was initially inspected on May 6, 2016 as an open dump because of a citizen complaint. On May 24, 2016, Jules Kramer and Archie Adkinson were sent Open Dump Administrative Citation Warning Notices (ACWN) for the following violations: Section 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), and 55(a)(2) of the Act and Section 812.101(a) of the Regulations. Neither Ms. Kramer nor Mr. Adkinson responded to the ACWN.

This site was re-inspected on November 15, 2016. On January 19, 2017, Jules Kramer and Archie Adkinson were sent a Continuing Violation Letter for the following violations: Section 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), and 55(a)(2) of the Act and Section 812.101(a) of the Regulations. Ms. Kramer did not respond to the letter.

On February 6, 2017, Mr. Adkinson submitted an ACWN Compliance Commitment Agreement (CCA) to the Agency agreeing to be "compliant with all E.P.A. Regulations". Mr. Adkinson agreed to have the property cleaned up by May 1, 2017. In subsequent phone conversations this author had with Mr. Adkinson, he agreed not to burn anymore waste on the property and to take the unburned waste to an IEPA permitted landfill. On February 7, 2017, the Agency sent an ACWN CCA acceptance letter to Mr. Adkinson.

On March 6, 2017, this author received citizen complaints C-2017-022-P and C-2017-026. According to the complainant, furniture and household items were being burned on the property. On March 5, 2017 and March 6, 2017 the complainant called the Fulton County Sheriff's Department and the Copperas Creek Fire Department. According to the March 6, 2017, Fulton County Detail Call for Service Report, Deputy Twidwell observed the following:

Items in the burn pile included: mattress, paint cans, rubber cement, and other metal items.

On March 7, 2017, this author investigated complaint C-2017-022-P and C-2017-026. The inspection began by this author attempting to contact Ms. Kramer. A four-foot metal fence surrounded the property. The fence gate was closed. The fence had a beware of dog sign posted on it. This author tried to contact Ms. Kramer by calling via cell phone. After several attempts to get Ms. Kramer's attention, this author inspected the property by walking along the fence line while staying on the adjoining property. See attached site sketch.

Adkinson, Archie

FOS

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This author could see in plain view from the perimeter of the property that solid waste was open burned in two burn piles. For the purpose of this report the two burn piles will be referred to as Burn Pile 1 and Burn Pile 2.

Photographs 1, 3, 4, and 7 show two areas of the property that had the charred remains of debris on them. Evidence indicates that these two areas are burn piles. This evidence is the charred remains of debris and the soot stained dirt at the bottom of both burn piles. A damp soot smell came from the area where these two burn piles were located on the property. Tires were scattered about the area. See attached site sketch.

Photograph 5 shows a metal tub next to Burn Pile 2. The tub was full of waste. Burn Pile 2 contained charred mattress springs, charred metal debris, and charred processed wood. The mattress springs were sticking out of the burn pile.

Photographs 2 and 6 show Burn Pile 1. Burn Pile 1 contained charred paper, charred processed wood, charred metal debris, charred metal cans, and a charred vehicle rim. The vehicle rim had tire beads melted on it.

Photographs 8 and 10 show the fence that surrounds the property.

Photographs 9 and 11 show a Bubba Dump roll off box located on the property.

This author finished the walk around inspection and departed the site at 9:30 AM. This author made several more attempts to speak to Ms. Kramer via telephone.

This author spoke to Archie Adkinson. Mr. Adkinson told this author that his daughter, Jules Kramer, did not burn any hazardous materials in the two burn piles. This author told Mr. Adkinson to stop open burning and open dumping on his property and to clean up the waste that has already been burned on the property. This author told Mr. Adkinson that the waste should be taken to an IEPA permitted landfill. Disposal receipts should be submitted to the Agency for review.

The following alleged violations were observed and indicated on the open dump inspection checklist:

1. Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste in a manner which resulted in open burning.**

Adkinson, Archie

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2. Pursuant to Section 9(c) of the Act, in relevant part, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste in a manner which resulted in open burning.**

3. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste.**

4. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed a waste disposal operation without a permit granted by the Agency.**

5. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Archie Adkinson and Jules Kramer conducted a waste-treatment, waste-storage, and waste-disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

6. 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 this Act and of regulations and standards there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Archie Adkinson and Jules Kramer**

Adkinson, Archie

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Inspection Date: March 7, 2017

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caused or allowed the disposal of waste at this site which does not meet the requirements of the Act and regulations thereunder.

7. Pursuant to Section 21(p)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste in a manner which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(3) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste in a manner which resulted in open burning.**

9. Pursuant to Section 21(p)(7) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(7) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

Adkinson, Archie

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10. 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: **Archie Adkinson and Jules Kramer caused or allowed open dumping of used or waste tires.**

11. Pursuant to Section 55(a)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) is alleged for the following reason: **Archie Adkinson and Jules Kramer caused or allowed open burning of used or waste tires.**

12. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Archie Adkinson and Jules Kramer operated a waste disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

0578045005 – Fulton County
Adkinson, Archie
FOS
Inspection Date: March 7, 2017
Prepared By: Robert J. Wagner
Site Sketch



Burn Pile 2

Burn Pile 1



Cypress Rd



DATE: March 7, 2017

TIME: 9:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0578045005-03072017-001.jpg

COMMENTS: The photograph shows two areas of the property that had the charred remains of debris on them. Evidence indicates that these two areas were burn piles. This evidence is the charred remains of debris and the soot stained dirt at the bottom of both burn piles. A damp soot smell came from the area where these two burn piles were located on the property. Tires were scattered about the area.

DATE: March 7, 2017

TIME: 9:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0578045005-03072017-002.jpg

COMMENTS: The photograph shows Burn Pile 1. Burn Pile 1 contained charred paper, charred processed wood, charred metal debris, charred metal cans, and a charred vehicle rim. The vehicle rim had tire beads melted on it.



DOCUMENT FILE NAME:
0578045005-03072017.doc



0578045005 -- Fulton County
Adkinson, Archie
FOS

Site Photographs
Page 2 of 6

DATE: March 7, 2017

TIME: 9:18 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0578045005~03072017-003.jpg

COMMENTS: The photograph shows two areas of the property that had the charred remains of debris on them. Evidence indicates that these two areas were burn piles. This evidence is the charred remains of debris and the soot stained dirt at the bottom of both burn piles. A damp soot smell came from the area where these two burn piles were located on the property. Tires were scattered about the area.



DOCUMENT FILE NAME:
0578045005~03072017.doc



DATE: March 7, 2017

TIME: 9:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0578045005~03072017-004.jpg

COMMENTS: The photograph shows two areas of the property that had the charred remains of debris on them. Evidence indicates that these two areas were burn piles. This evidence is the charred remains of debris and the soot stained dirt at the bottom of both burn piles. A damp soot smell came from the area where these two burn piles were located on the property. Tires were scattered about the area.

DATE: March 7, 2017

TIME: 9:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0578045005~03072017-005.jpg

COMMENTS: The photograph shows a metal tub next to Burn Pile 2. The tub was full of waste. Burn Pile 2 contained the charred mattress springs, charred metal debris and charred processed wood. The mattress spring was sticking out of the burn pile.



DOCUMENT FILE NAME:
0578045005~03072017.doc



0578045005 -- Fulton County
Adkinson, Archie
FOS

Site Photographs
Page 4 of 6

DATE: March 7, 2017

TIME: 9:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0578045005-03072017-006.jpg

COMMENTS: The photograph shows Burn Pile 1. Burn Pile 1 contained charred paper, charred processed wood, charred metal debris, charred metal cans, and a charred vehicle rim. The vehicle rim had tire beads melted on it.



DATE: March 7, 2017

TIME: 9:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0578045005-03072017-007.jpg

COMMENTS: The photograph shows two areas of the property that had the charred remains of debris on them. Evidence indicates that these two areas were burn piles. This evidence is the charred remains of debris and the soot stained dirt at the bottom of both burn piles. A damp soot smell came from the area where these two burn piles were located on the property. Tires were scattered about the area.



DOCUMENT FILE NAME:
0578045005-03072017.doc



DATE: March 7, 2017

TIME: 9:21 AM

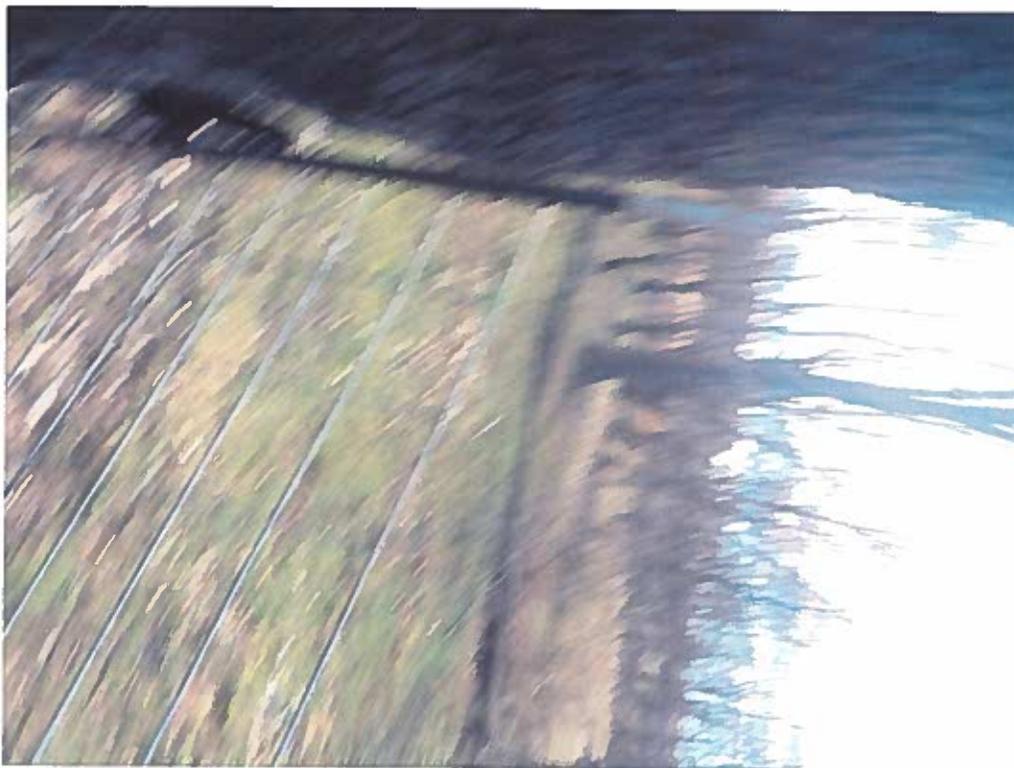
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0578045005-03072017-008.jpg

COMMENTS: The photograph
shows the fence that surrounds the
property.



DATE: March 7, 2017

TIME: 9:30 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0578045005~03072017-009.jpg

COMMENTS: The photograph
shows a Bubba Dump roll off box
located on the property.



DOCUMENT FILE NAME:
0578045005~03072017.doc



DATE: March 7, 2017

TIME: 9:30 AM

PHOTOGRAPHED BY:

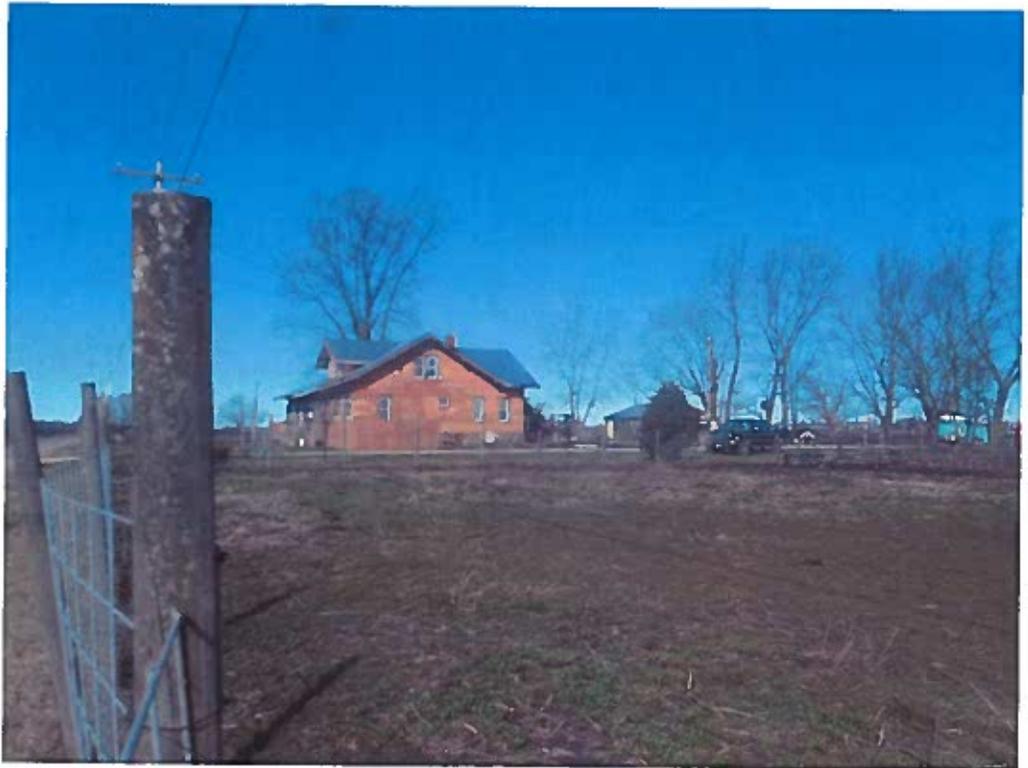
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0578045005-03072017-010.jpg

COMMENTS: The photograph
shows the fence that surrounds the
property.



DATE: March 7, 2017

TIME: 9:31 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0578045005-03072017-011.jpg

COMMENTS: The photograph
shows a Bubba Dump roll off box
located on the property.



DOCUMENT FILE NAME:
0578045005-03072017.doc

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF)

)
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)

IEPA DOCKET NO.

RESPONDENT)

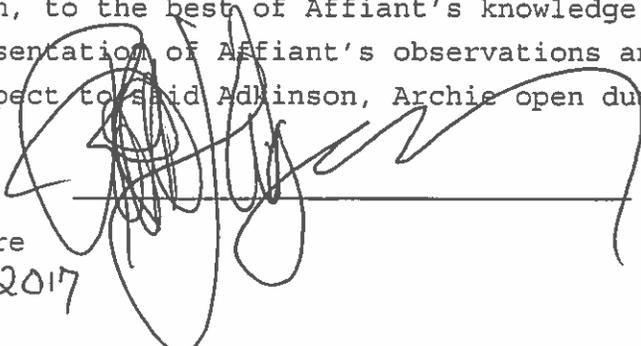
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

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.

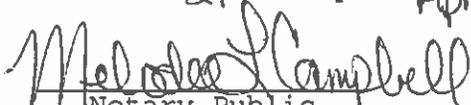
2. On March 7, 2017, between 9:00 AM and 9:30 AM, Affiant conducted an inspection of the open dump in Fulton County, Illinois, known as Adkinson, Archie, Illinois Environmental Protection Agency Site No. 0578045005.

3. Affiant inspected said Adkinson, Archie open dump site by an on-site inspection, which included walking and photographing the site.

4. As a result of the activities 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 Adkinson, Archie open dump.



Subscribed and Sworn to before me this 21st day of April 2017


Notary Public



CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of May 2, 2017 the attached ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST upon the following persons by depositing the document in a U.S. Postal Service mailbox, by the time of 2:45 P.M., with proper postage or delivery charges prepaid:

Jules Kramer
23544 E Cypress Rd.
Canton, IL 61520

Archie Adkinson
10617 Meadow Lane Dr.
Kansas City, MO 64152

/s/ Scott B. Sievers

Scott B. Sievers
Assistant Counsel

May 2, 2017

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