

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

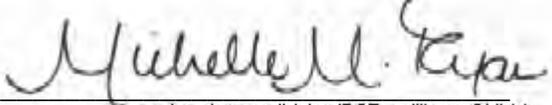
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 124-18-AC)
)	
BRENT A. LUDWIG ESTATE)	
)	
Respondent.)	

NOTICE OF FILING

To: Brad Ludwig
Ludwig Brothers Inc. Lawn Care
2914 Hundman Drive
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,



e-signature valid for IPCB e-filings ONLY

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: August 29, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 124-18-AC)
)	
BRENT A. LUDWIG ESTATE)	
)	
)	
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 Brent A. Ludwig Estate is the present owner of a property located at 1324 CR 500 E, Champaign, Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Champaign/Ludwig, Brent A Estate.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0198205009.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on July 3, 2018, Michael Mullins of the Illinois Environmental Protection Agency's Champaign 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.

VIOLATIONS

Based upon direct observations made by Michael Mullins during the course of his July 3, 2018 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) (2014).
- (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) (2014).
- (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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is 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 Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than October 8, 2018, 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 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 Respondent fails 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.

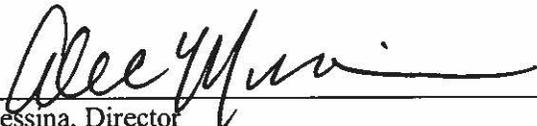
When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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 (2014). If Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 8/28/18

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 2019-
v.)
BRENT A. LUDWIG ESTATE) (IEPA No. 124-18-AC)
Respondents.)

FACILITY: Champaign/Ludwig, Brent A Estate SITE CODE NO.: 0198205009
COUNTY: Champaign CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: July 3, 2018

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.

**Bureau of Land – Field Operations Section
Inspection Report**

General Facility Information			
BOL ID:	0198205009	Region:	Champaign
USEPA ID:	Not Applicable	County:	Champaign
Site Name:	Ludwig, Brent A Estate	Phone:	217-202-2085
Address:	1324 CR 500E	Latitude:	40.07381
City/State/Zip:	Champaign, IL 61822	Longitude:	-88.36802
Permit No(s):	None		
Regulated As:			
Operational Status:			

Owner	Operator
None Entered	Ludwig, Brent A Estate Brad Ludwig 2914 Hundman Dr Champaign, IL 61822

Inspection Details	
Inspection Type	Open Dump Inspection
Inspection Date	7/3/2018
Inspector(s)	Mullins, Michael
Person(s) Interviewed	Brad Ludwig
Previous Inspection Date	4/25/2016
Reference Complaint ID	652

Observations	
Time	0900-0920
Weather Conditions (Description)	Clear sky
Temperature (°F)	73
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	0
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	20
Number of Tires (Count)	0

Executive Summary

A citizen complaint investigation was conducted on Tuesday, July 3, 2018 at 1324 County Road 500 E, rural Champaign County. The site consists of approximately two acre residential property with a house and pole barn. The investigation was performed to determine if open dumping and open burning was occurring. Four (4) photographs were taken. Violations were observed.

Inspection Narrative

I investigated a complaint of open dumping at 1324 County Road 500E, south of Bondville Illinois. I estimate the property to be about two acres. I observed a vacant blue manufactured home and white polebarn on the property. Behind the buildings (east side and out of site) I observed a burn area made from large concrete blocks. I observed in the burn area what appeared to be restaurant or café booths made of wood with vinyl covered cushions, rolls of paper/vinyl and painted lumber. The large pile of ash indicated that burning apparently occurs often at this location.

This same property appears to have been investigated on January 6, 2016 for burning off-site generated landscape waste.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
New	7/3/2018	21(a)	Cause or allow open dumping
New	7/3/2018	21(d)(1)	Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit
New	7/3/2018	21(d)(2)	Conduct Waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Pollution Control Board
New	7/3/2018	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
New	7/3/2018	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	7/3/2018	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	7/3/2018	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris

Attachment Listing

ID	Type	Description
2	Miscellaneous	Obituary and deed information

Digital Photographs



Site: Ludwig, Brent A Estate
(0198205009)
Champaign County

Photo ID: 1
Photo Date: 7/3/2018
Photo Time: 09:07:32
Direction: North
Taken By: Michael Mullins

General Construction Debris



Site: Ludwig, Brent A Estate
(0198205009)
Champaign County

Photo ID: 2
Photo Date: 7/3/2018
Photo Time: 09:07:41
Direction: East
Taken By: Michael Mullins

General Construction Debris



Site: Ludwig, Brent A Estate
(0198205009)
Champaign County

Photo ID: 3
Photo Date: 7/3/2018
Photo Time: 09:08:02
Direction: Down
Taken By: Michael Mullins

General Construction Debris



Site: Ludwig, Brent A Estate
(0198205009)
Champaign County

Photo ID: 4
Photo Date: 7/3/2018
Photo Time: 09:08:44
Direction: Down
Taken By: Michael Mullins

Ash and demolition debris

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Site Diagram(s)

Site Diagram 1: July 3, 2018 • Ludwig, Brent A Estate (0198205009) • Champaign County



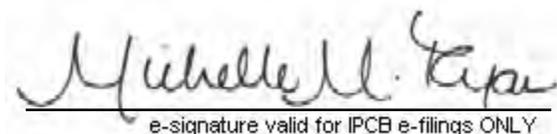
PROOF OF SERVICE

I hereby certify that I did on the 29th day of August, 2018 serve by hand delivery a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Brad Ludwig
Ludwig Brothers Inc. Lawn Care
2914 Hundman Drive
Champaign, IL 61822

and the original via electronic filing on August 29, 2018

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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P.O. Box 19276
Springfield, Illinois 62794-9276
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