

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

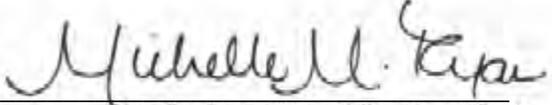
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 145-18-AC)
)	
MARY AUER,)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: Mary Auer
1327 Beecher Road
Bristol, IL 60512

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: October 11, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 145-18-AC)
)	
MARY AUER,)	
)	
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 (2018).

FACTS

1. That Mary Auer ("Respondent") is the present owner of a facility located at 1327 West Beecher Road, in Bristol, Kendall County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Bristol/United Septic Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0938010007.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on September 14, 2018, Donna Shehane of the Illinois Environmental Protection Agency's Des Plaines Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on October 11, 2018, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 2142.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her September 14, 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) (2018).
- (2) 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) (2018).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2018), 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 October 17, 2016, 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 (2018), 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) (2018), 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.

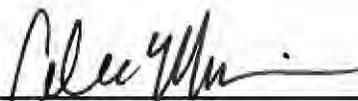
When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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 (2018). 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, Director
Illinois Environmental Protection Agency

Date: 10/5/18

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.)	(IEPA No. 145-18-AC)
)	
MARY AUER,)	
)	
Respondent.)	

FACILITY:	Bristol/United Septic Inc.	SITE CODE NO.:	0938010007
COUNTY:	Kendall	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	September 14, 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

Evaluation Report**General Facility Information**

BOL ID:	0938010007	Region:	Des Plaines
USEPA ID:	Not Applicable	County:	Kendall
Site Name:	United Septic Inc.	Phone:	630-553-7807
Address:	1327 W Beecher Rd	Latitude:	41.70041
City/State/Zip:	Bristol, IL 60512	Longitude:	-88.4784
Permit No(s):	None		
Regulated As:	Open Dump		
Operational Status:	Operating		

Owner	Operator
United Septic, Inc. Attention: Mary Auer 1327 W Beecher Rd Bristol, IL 60512	United Septic, Inc. Attention: Mary Auer 1327 W Beecher Rd Bristol, IL 60512

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	9/14/2018
Inspector(s)	Shehane, Donna
Person(s) Interviewed	Dee Wilcox
Previous Inspection Date	11/3/2016
Reference Complaint ID	801

Observations

Time	9:45 - 10:20
Weather Conditions (Description)	Calm winds; fair
Temperature (°F)	78
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	NA
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	50
Number of Tires (Count)	0

Executive Summary

On September 14, 2018, I (Donna Shehane) conducted a solid waste inspection at United Septic, Inc., accompanied by Gino Bruni. This facility is located at 1327 W Beecher Road, Bristol, IL 60512. This inspection was conducted in response to a complaint received by DuPage County Solid Waste after they found that two shipments of leachate from the DuKane Transfer Station had been received by United Septic and land-applied to an agricultural field, rather than sent to a permitted TSD facility.

United Septic, Inc. was found to be in apparent violation of their Special Waste Hauling Permit conditions, as well as related special waste hauling and open dumping violations.

Evaluation Narrative

On September 14, 2018, I (Donna Shehane) visited United Septic & Grease with Gino Bruni. We spoke with Dee Wilcox at the facility. Two receipts were provided documenting that 2 holding tanks were pumped out on 6/18/2018 from Groot Industries (3500 gallons each) at 1995 Powis Road, West Chicago, IL and again on 8/01/2018.

United Septic is a currently permitted special waste hauler (S.W.H. Permit # 3892-19) which expires on October 31, 2020. The Special Waste Profile for the Leachate Water/Runoff from Transfer Station was not classified as "industrial process waste" on the form, but rather, "Other - Water Runoff," and United Septic was told by the Transfer Station that the waste was "Water." The physical data showed that the color was "brownish," the odor was "mild," the waste was "95% liquid and 5% sludge," the Flashpoint 140-200 F," and the pH "4-10." The generator certified the waste as non-hazardous special on October 3, 2017.

Dee Wilcox pointed out the first area of land application near the business office of United Septic (See photos # 1 and # 2). The second area of land application was just up the road to the north, on the east side. Photo # 3 was taken of the overview of the second land application site. Photos # 4 through # 11 were taken of long pile of construction and demolition debris located on the south portion of the parcel. Concrete (with and without rebar), asphalt, tile, glass, metal, wood, and brick were observed open dumped. Photos # 12 and # 13 were again taken of the land application field, and noticeable rocks, bricks, and stones were noted in the field. Photo # 14 shows the rocks, bricks, stones, scattered in the field.

United Septic was found to be in apparent violation four (4) conditions of their Special Waste Hauling Permit, as well as applicable open-dumping and special waste manifest regulations.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
New	9/14/2018	12(a)	Cause, threaten or allow water pollution in Illinois
New	9/14/2018	12(d)	Create a water pollution hazard
New	9/14/2018	21(a)	Cause or allow open dumping
New	9/14/2018	21(d)(1)	Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit
New	9/14/2018	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

Electronic Filing: Received, Clerk's Office 10/11/2018 **AC 2019-008**

New	9/14/2018	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	9/14/2018	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	9/14/2018	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris
New	9/14/2018	PC	1
New	9/14/2018	PC	7
New	9/14/2018	PC	10
New	9/14/2018	PC	12
New	9/14/2018	809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest
New	9/14/2018	809.302(b)	No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.
New	9/14/2018	809.501(c)	The manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in accordance with those requirements. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.
New	9/14/2018	809.501(e)	In all cases, the special waste transporter shall deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site.

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 1
Photo Date: 9/14/2018
Photo Time: 10:01:03
Direction: SW
Taken By: Donna Shehane

Land application area 1



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 2
Photo Date: 9/14/2018
Photo Time: 10:01:12
Direction: NW
Taken By: Donna Shehane

Land application area 1



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 3
Photo Date: 9/14/2018
Photo Time: 10:10:16
Direction: N
Taken By: Donna Shehane

Land application area 2



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 4
Photo Date: 9/14/2018
Photo Time: 10:10:58
Direction: S
Taken By: Donna Shehane

Pile of open dumped
construction and demo debris



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 5
Photo Date: 9/14/2018
Photo Time: 10:11:10
Direction: S
Taken By: Donna Shehane

Pile of open dumped debris;
including tile



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 6
Photo Date: 9/14/2018
Photo Time: 10:11:41
Direction: S
Taken By: Donna Shehane

Pile of open dumped concrete,
asphalt



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 7
Photo Date: 9/14/2018
Photo Time: 10:12:02
Direction: SE
Taken By: Donna Shehane

Pile of open dumped concrete,
stone



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 8
Photo Date: 9/14/2018
Photo Time: 10:12:27
Direction: S
Taken By: Donna Shehane

Pile of open dumped debris,
including brick



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 9
Photo Date: 9/14/2018
Photo Time: 10:12:51
Direction: S
Taken By: Donna Shehane

pile of dumped debris,
including glass shards



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 10
Photo Date: 9/14/2018
Photo Time: 10:13:18
Direction: SE
Taken By: Donna Shehane

concrete with rebar



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 11
Photo Date: 9/14/2018
Photo Time: 10:13:29
Direction: S
Taken By: Donna Shehane

dumped concrete debris



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 12
Photo Date: 9/14/2018
Photo Time: 10:13:59
Direction: NE
Taken By: Donna Shehane

field contains rocks, stones,
brick



Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 13
Photo Date: 9/14/2018
Photo Time: 10:15:01
Direction: N
Taken By: Donna Shehane

Land application area;
stones/rocks noticeable



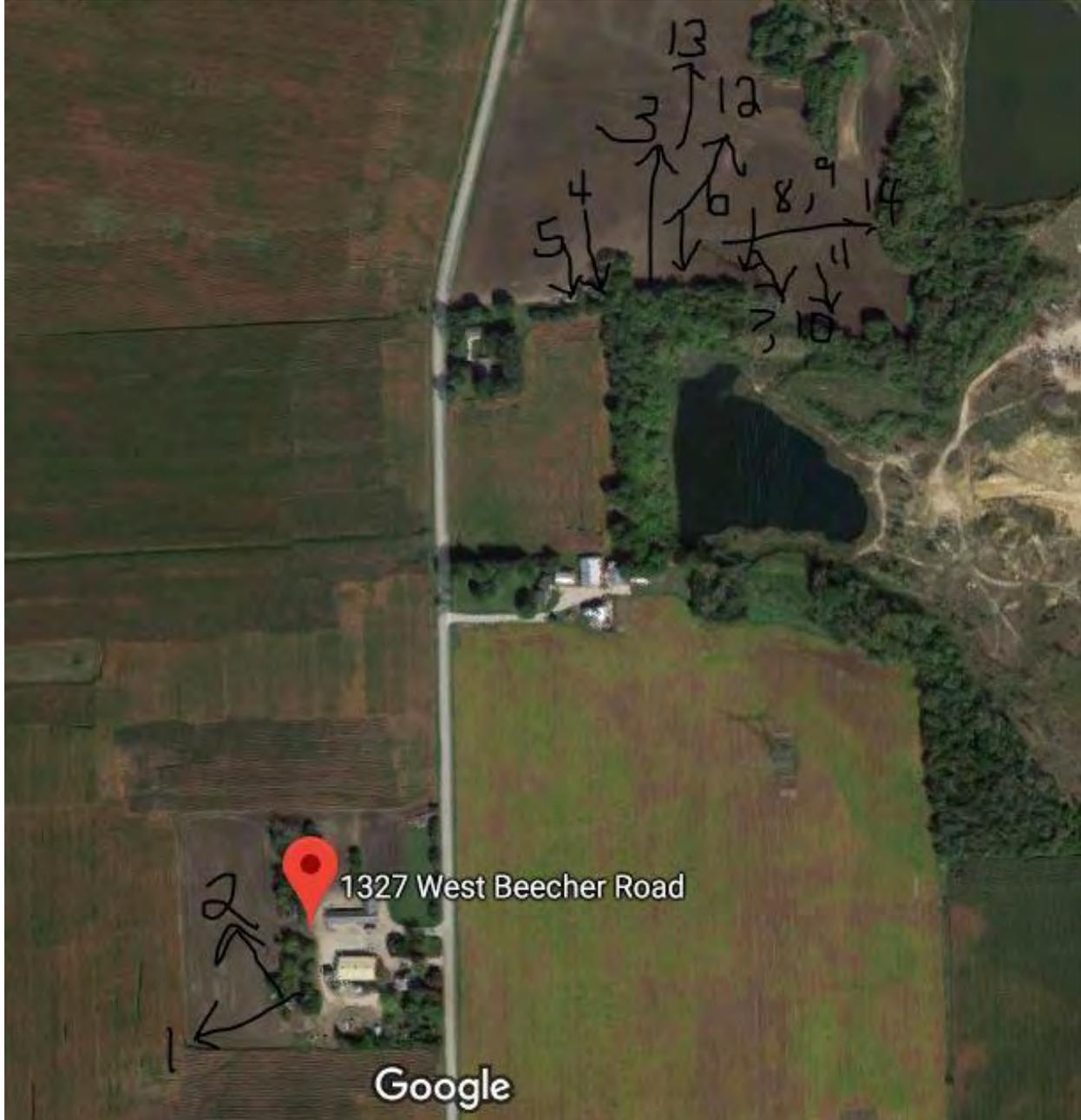
Site: United Septic & Grease
Busters (0938010007)
Kendall County

Photo ID: 14
Photo Date: 9/14/2018
Photo Time: 10:16:38
Direction: NE
Taken By: Donna Shehane

Looking NE at 2nd Land
application area

Site Diagram(s)

Site Diagram 1: September 14, 2018 • United Septic & Grease Busters (0938010007) • Kendall County



Indicates photo # and direction

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 United Septic, Inc.,)
)
 Respondent)

IEPA DOCKET NO.

Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Environmental Protection Agency Bureau of Land and has been so employed at all times pertinent hereto.
2. On September 14, 2018 between 9:45 am and 10:20 am, Affiant conducted an inspection of the facility located at 1327 W Beecher Road, Bristol, Illinois, 60512 located in Kendall County, Illinois. Said site has been assigned site code number BOL # 0938010007 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site, as well as a nearby agricultural parcel owned by the same party.
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 facility.

Donna Shehane
Donna Shehane EPS III

RECEIVED

SEP 27 2018

IEPA/BOL

Subscribed and Sworn to Before Me
this 20th day of September, 2018

Darlene Faye Barnes
Notary Public



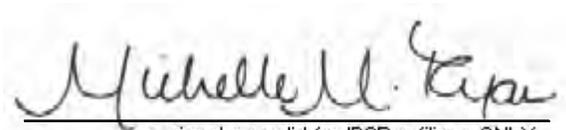
PROOF OF SERVICE

I hereby certify that I did on the 11th day of October, 2018, 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: Mary Auer
1327 Beecher Road
Bristol, IL 60512

and the original via electronic filing on October 11, 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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