

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

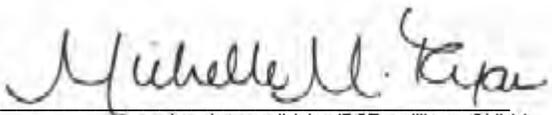
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-
	)	
v.	)	(IEPA No. 151-18-AC)
	)	
DANA MARSHALL	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Dana Marshall  
1623 County Road 3400 N  
Ludlow, IL 60949

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 29, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-
	)	
v.	)	(IEPA No 151-18-AC)
	)	
DANA MARSHALL	)	
	)	
	)	
	)	
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 Dana Marshall is the operator (“Respondent”) of a facility located at 1623 CR 3400N, Ludlow, Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Ludlow/Marshall, Dana.
2. That said facility is designated with Site Code No. 0190400001.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on October 11, 2018, Michael Mullins of the Illinois Environmental Protection Agency’s (“Illinois EPA”) Peoria 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.

VIOLATIONS

Based upon direct observations made by Michael Mullins during the course of the October 11, 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).

CIVIL PENALTY

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 each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). 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 November 15, 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 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 (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, Director  
Illinois Environmental Protection Agency

Date: 10/24/18

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. 151-18-AC)  
 )  
DANA MARSHALL )  
 )  
 )  
Respondent. )

FACILITY: Ludlow/Marshall, Dana  
SITE CODE NO.: 0190400001  
COUNTY: Champaign  
CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: October 11, 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			
<b>BOL ID:</b>	0190400001	<b>Region:</b>	Champaign
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Champaign
<b>Site Name:</b>	Marshall, Dana	<b>Phone:</b>	217-550-4823
<b>Address:</b>	1623 CR 3400N	<b>Latitude:</b>	Not Available
<b>City/State/Zip:</b>	Ludlow, IL 60949	<b>Longitude:</b>	Not Available
<b>Permit No(s):</b>	None		
<b>Regulated As:</b>	Open Dump		
<b>Operational Status:</b>	Non-compliant		

Owner	Operator
Marshall, Dana 1613 Carolina Dr Rantoul, IL 61866	Marshall, Dana 1623 CR 3400N Ludlow, IL 60949

Evaluation Details	
<b>Evaluation Type</b>	Open Dump Inspection
<b>Evaluation Date</b>	10/11/2018
<b>Inspector(s)</b>	Mullins, Michael
<b>Person(s) Interviewed</b>	None
<b>Previous Inspection Date</b>	7/12/2018

Observations	
<b>Time</b>	0930
<b>Weather Conditions (Description)</b>	Clear sky, wet soils
<b>Temperature (°F)</b>	60
<b>Samples Collected (Yes/No)</b>	No
<b>Photos Taken (Yes/No)</b>	Yes
<b>Amount of Waste (Cubic Yards)</b>	40
<b>Number of Tires (Count)</b>	8

**Executive Summary**

I conducted a follow up inspection of open dumping at 1623 County Road 3400 North, Champaign County on October 11, 2018. The property is located southwest of Ludlow Illinois and is a private residence surrounded by farm fields. Previously observed violations continued. The initial complaint investigation was on December 11, 2017. Additional inspections conducted on April 23, 2018 and July 12, 2018 found continuing violations. This same property had similar open dumping violations in 2015 that were resolved by removal of the wastes.

Apparent violations are continuing from previous inspections.

**Evaluation Narrative**

I arrived on-site at approximately 9:30 a.m. to re-inspect an open dumping site. No one was on the property during this inspection. I found evidence of open dumping on the west side of a pole barn that was located just west of the residence. No waste was removed since the December 2017, April 23, 2018 and July 12, 2018 inspections. Approximately 40 cubic yards of household wastes that included clothing, electronics, paper, plastic, metals, white goods and tires were observed. Eight tires with wheels were observed in the other debris. A swimming pool with dirty water was again observed at the dump location. There was no evidence that this residence has routine trash service. Summer vegetation made it difficult to determine if additional wastes had been dumped at any other location on the five-acre property.

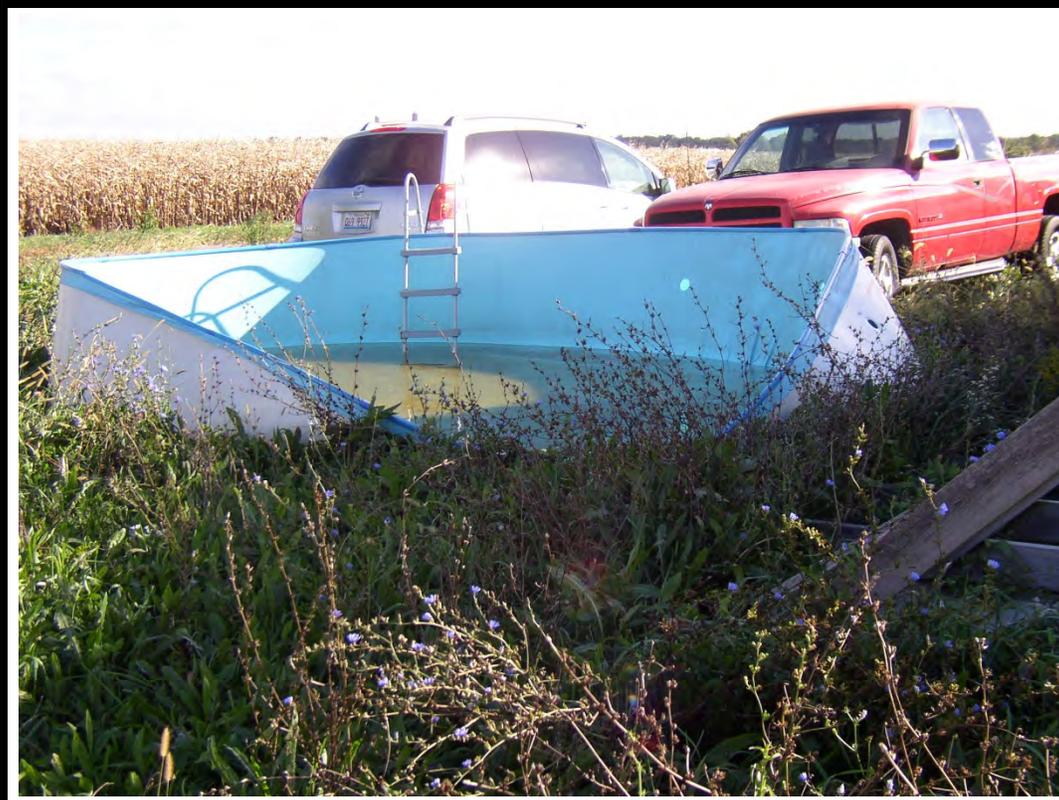
**Summary of Apparent Violation(s)**

Status	Date Cited	Violation	Narrative
Continuing	12/11/2017	21(a)	Cause or allow open dumping
Continuing	12/11/2017	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	12/11/2017	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	12/11/2017	55(a)(1)	Cause or allow open dumping of any used or waste tire

**Attachment Listing**

ID	Type	Description
No Attachments		

Digital Photographs



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 2  
Photo Date: 10/11/2018  
Photo Time: 09:32:52  
Direction: Northeast  
Taken By: Michael Mullins

Pool with standing water



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 3  
Photo Date: 10/11/2018  
Photo Time: 09:33:00  
Direction: Down  
Taken By: Michael Mullins

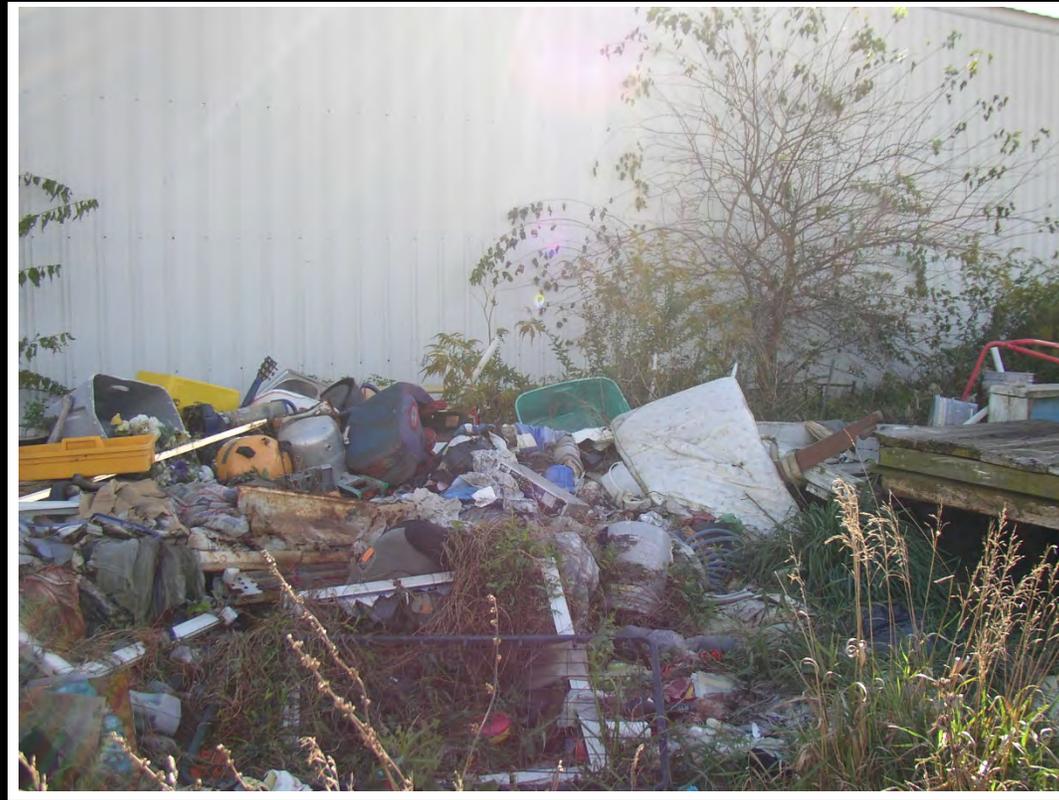
Waste/Used tires



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 4  
Photo Date: 10/11/2018  
Photo Time: 09:33:06  
Direction: East  
Taken By: Michael Mullins

Household wastes



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 5  
Photo Date: 10/11/2018  
Photo Time: 09:33:11  
Direction: East  
Taken By: Michael Mullins

Household wastes



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 6  
Photo Date: 10/11/2018  
Photo Time: 09:33:15  
Direction: Southeast  
Taken By: Michael Mullins



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 7  
Photo Date: 10/11/2018  
Photo Time: 09:33:29  
Direction: Southeast  
Taken By: Michael Mullins

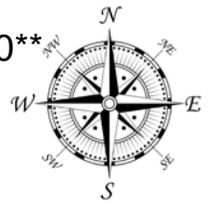
Household wastes



Site: Marshall, Dana  
(0190400001)  
Champaign County

Photo ID: 8  
Photo Date: 10/11/2018  
Photo Time: 09:33:37  
Direction: East  
Taken By: Michael Mullins

White good



Site Diagram(s)

Site Diagram 1: October 11, 2018 • Marshall, Dana (0190400001) • Champaign County





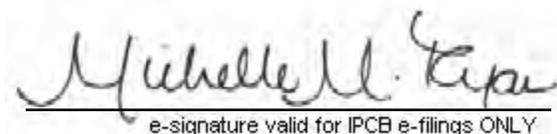
**PROOF OF SERVICE**

I hereby certify that I did on the 29<sup>th</sup> day of October 2018, send for hand delivery a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Dana Marshall  
1623 County Road 3400 N  
Ludlow, IL 60949

and the original via electronic filing on October 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  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
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