



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-
	)	
v.	)	(IEPA No. 173-18-AC)
	)	
DARRYL and SHANNA NOE,	)	
	)	
	)	
	)	
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 (2016).

FACTS

1. That Darryl and Shanna Noe are the present owners of a property located at 902 W Hayes Street, Keyesport, Clinton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Keyesport/Noe Darryl.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0274585007.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on October 25, 2018, Kathy Vieregge of the Illinois Environmental Protection Agency's Collinsville 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 November 28, 2018, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 2159.

### VIOLATIONS

Based upon direct observations made by Kathy Vieregge during the course of her October 25, 2018 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) (2016).
- (2) That Respondents 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) (2016).

### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2016), 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 Three Thousand Dollars (\$3,000.00). 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 January 28, 2019 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 (2016), 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) (2016), 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, Respondents 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 Respondents 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 (2016). 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 Respondent.

  
\_\_\_\_\_  
Alec Messina, Director  
Illinois Environmental Protection Agency

Date : 11/20/18

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. 173-18-AC)
	)	
DARRYL and SHANNA NOE,	)	
	)	
	)	
	)	
Respondent.	)	

FACILITY:	Keyesport/Noe Darryl	SITE CODE NO.:	0274585007
COUNTY:	Clinton	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	October 25, 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>	0274585007	<b>Region:</b>	Collinsville
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Clinton
<b>Site Name:</b>	Noe Darryl	<b>Phone:</b>	618-558-4578
<b>Address:</b>	804 W Hayes St	<b>Latitude:</b>	38.74082
<b>City/State/Zip:</b>	Keyesport, IL 62253	<b>Longitude:</b>	-89.28001
<b>Permit No(s):</b>	None		

<b>Owner</b>	<b>Operator</b>
Darryl & Shanna 902 W Hayes St Keyesport, IL 62253	Darryl & Shanna Noe 902 W Hayes St Keyesport, IL 62253

**Evaluation Details**

<b>Evaluation Type</b>	Used Tire Follow-Up Inspection, Open Dump Inspection
<b>Evaluation Date</b>	10/25/2018
<b>Inspector(s)</b>	Vierегge, Kathy
<b>Person(s) Interviewed</b>	None
<b>Previous Inspection Date</b>	5/24/2018

**Observations**

<b>Time</b>	12:05 - 12:11
<b>Weather Conditions (Description)</b>	partly cloudy, dry ground
<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>	approx. 20
<b>Number of Tires (Count)</b>	approx. 50

**Executive Summary**

I conducted a Used Tire Follow-up investigation (FUI) at the business location operated by Darryl and Shanna Noe at 804 W. Hayes in Keyesport. I conducted this inspection as a follow-up to an initial Citizen's Complaint inspection on September 25, 2017, a follow-up inspection on January 26, 2018, and another follow-up inspection on May 24, 2018. I did not interview anyone during this FUI. I observed the same violations involving open dumping of household wastes and used tires as at the previous inspections.

**Evaluation Narrative**

I initially conducted a Citizen's Complain Inspection (CCI) at this site on September 25, 2017. At that time, I met and interviewed Mrs. Shanna Noe, wife of Darryl Noe. She indicated that she and her husband were the property owners. They intended to utilize the property, which consists of a garage building, as his business Knuckleheads Garage. It was to be an auto body and bike mechanic garage. At the time of the CCI, she said they were not operating full-time, but they had moved used tires to the location. Approximately 150 used tires were being stored around the outside of the garage building. Most of the tires were exposed to water accumulation.

Additionally, there were other assorted household wastes surrounding the outside of the building including a pile of household waste on the north side which included a mattress and old chair. Mrs. Noe indicated the waste was generated from re-doing a home and would be disposed.

A Used Tire ACWN was issued to Mr. and Mrs. Noe on October 17, 2017. The letter required that violations involving used tires and open dumped waste be addressed by January 1, 2018. No response was received to the ACWN and phone calls to the number for Shanna Noe were not answered. I conducted a Follow-up Inspection on January 26, 2018. The same violations were observed. Mr. and Mrs. Noe were not at the property or their residential property at that time and therefore were not interviewed.

A second Follow-up Inspection was conducted on May 24, 2018. At that time the same violations associated with open dumped household waste and used tires were observed. Approximately 100 - 150 used tires were observed on the property on that inspection date. Mr. and Mrs. Noe were not present on the property or at their residence and were not interviewed. At the time of the May 24, 2018 FUI, Clinton County Assessor's Office information indicated that Darryl and Shanna Noe were on the property Tax Bill as a Contract Purchaser. However, the assessor records listed the owner as the Pauline Ramsey Trust with Trustees Sam & Christal Fogler. Because of the May 24, 2018 inspection, an Illinois EPA Continuing Violations Letter dated July 30, 2018 was issued to Mr. and Mrs. Noe and a ACWN dated July 30, 2018 was issued to the Pauline Ramsey Trust. Mrs. Christal Fogler responded to the ACWN with a copy of a Quit Claim Deed indicating Darryl and Shanna Noe were deeded the property on August 6, 2017. The Illinois EPA initial CCI was on September 25, 2017. No response was received from Darryl and Shanna Noe.

This Follow-up Inspection on October 25, 2018 is the third Follow-up Inspection conducted at the property. At this inspection, the number of used tires appeared reduced to approximately 50 tires mostly located outside on the north side of the garage building along Hayes Street. At previous inspections 100 - 150 tires were observed along the north and east sides of the building. On this inspection, the tires along the east side of the building had been removed.

**Electronic Filing: Received, Clerk's Office 12/4/2018 \*\*AC 2019-012\*\***

However, Darryl and Shanna Noe have not responded to any IEPA letters which include the following: October 17, 2017 ACWN, February 20, 2018 Continuing Violations Letter, and July 30, 2018 Continuing Violations Letter. If tires have been removed from the property, they have not provided receipts documenting proper removal and disposal of tires. The tires that remain are still stored outside exposed to water accumulation, water was observed accumulated in the tires, and the same pile of open dumped household wastes remains at the property.

A large dog was chained on the northwest corner of the garage building at previous inspections. At this inspection, I observed the violations on the property from the public roads including Hayes Street, an alley, and Third Street.

**Summary of Apparent Violation(s)**

Status	Date Cited	Violation	Narrative
Continuing	9/25/2017	21(a)	Cause or allow open dumping
Continuing	9/25/2017	21(d)(1)	Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit
Continuing	9/25/2017	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
Continuing	9/25/2017	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	9/25/2017	21(k)	Fail or refuse to pay any fee imposed under the Act.
Continuing	9/25/2017	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	9/25/2017	55(a)(4)	Cause or allow the operation of a tire storage site except in compliance with Board regulations.
Continuing	9/25/2017	55(d)(1)	Cause or allow the operation of a tire storage site which contains more than 50 used tires without meeting the requirements by January 1 of each year.
Continuing	9/25/2017	55(e)	Cause or allow used/waste tire storage, disposal, treatment or processing in violation of Board regulations or standards.
Continuing	9/25/2017	55(k)(1)	Cause or allow water to accumulate in used or waste tires
Continuing	9/25/2017	55.6(b)	Failure to pay the Agency annual fee of \$100 by January each year.
Continuing	9/25/2017	848.202(a)(1)	No used tires placed/accumulated outside of a building or fully enclosed container unless in a storage pile separated from (A) all other piles by a firebreak >40' wide; (B) all buildings (on or off site) by a firebreak >50' wide; (C) all site boundaries by a firebreak >50' wide; (D) all site outdoor activities presenting a fire risk by a firebreak >250' wide; (E) all trees by a fire break >40' wide; and (G) any combustible material not listed here by a firebreak >40' wide.
Continuing	9/25/2017	848.202(a)(2)	No used tires placed/accumulated outside of a building or fully enclosed container, unless they are placed on or accumulated in a storage pile that (A) is <10'H x 50' W x 100' L; and (B) has no side slope angle >60 degrees from horizontal.
Continuing	9/25/2017	848.202(a)(3)	No used tires placed/accumulated on site unless drained of water and prevented from accumulating water thereafter.

**Attachment Listing**

ID	Type	Description
No Attachments		

Digital Photographs



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 1  
Photo Date: 10/25/2018  
Photo Time: 12:05:36  
Direction: NW  
Taken By: Kathy Vieregge

Front of garage building along  
Hayes St. Pile of open dumped  
waste near tree.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 2  
Photo Date: 10/25/2018  
Photo Time: 12:05:44  
Direction: NW  
Taken By: Kathy Vieregge

Front of garage building along  
Hayes. Pile of open dumped  
waste near tree and stacks of  
tires exposed to precipitation.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 3  
Photo Date: 10/25/2018  
Photo Time: 12:05:52  
Direction: NW  
Taken By: Kathy Vieregge

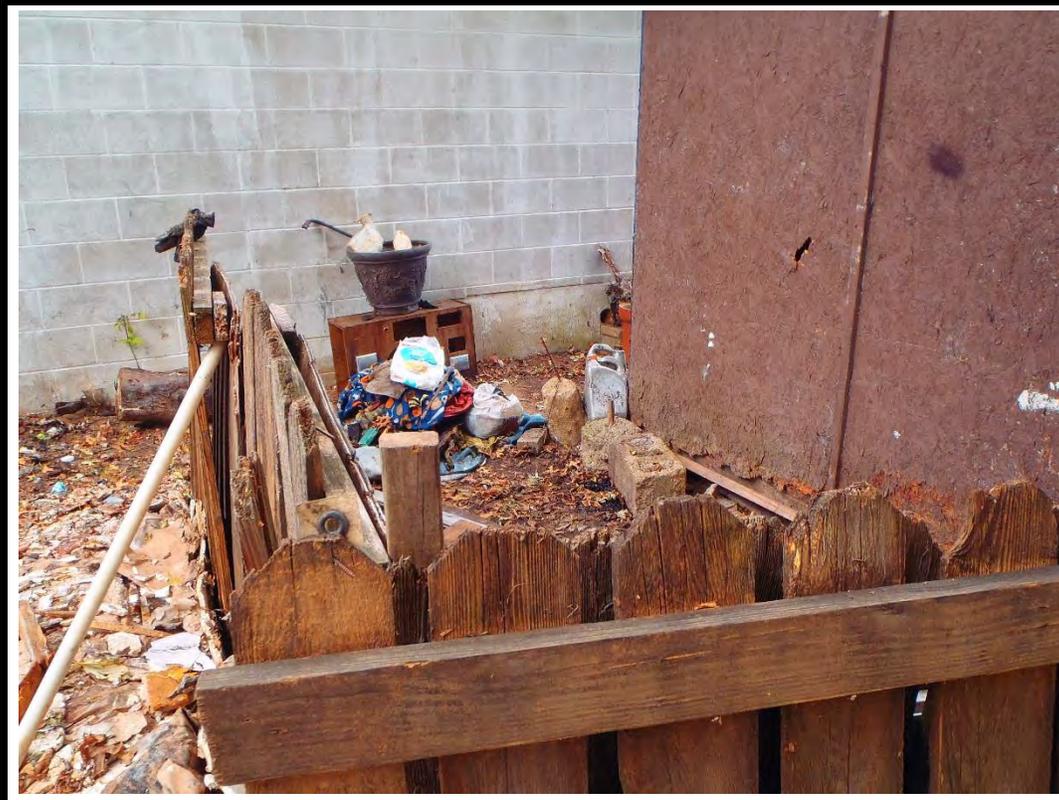
Front of garage building (NE building corner). Pile of tires and stacks of tires (approximately 50 used tires) with open dumped waste pile near tree.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 4  
Photo Date: 10/25/2018  
Photo Time: 12:06:21  
Direction: NW  
Taken By: Kathy Vieregge

Water accumulated in tire outside the front of garage building.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 5  
Photo Date: 10/25/2018  
Photo Time: 12:08:02  
Direction: W  
Taken By: Kathy Vieregge

East side of building. Tires were observed in this location at previous inspection on May 24, 2018. The tires are now removed, but property owner has not responded to IEPA letters and has not provided an explanation or receipts for tire removal.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 6  
Photo Date: 10/25/2018  
Photo Time: 12:08:13  
Direction: N  
Taken By: Kathy Vieregge

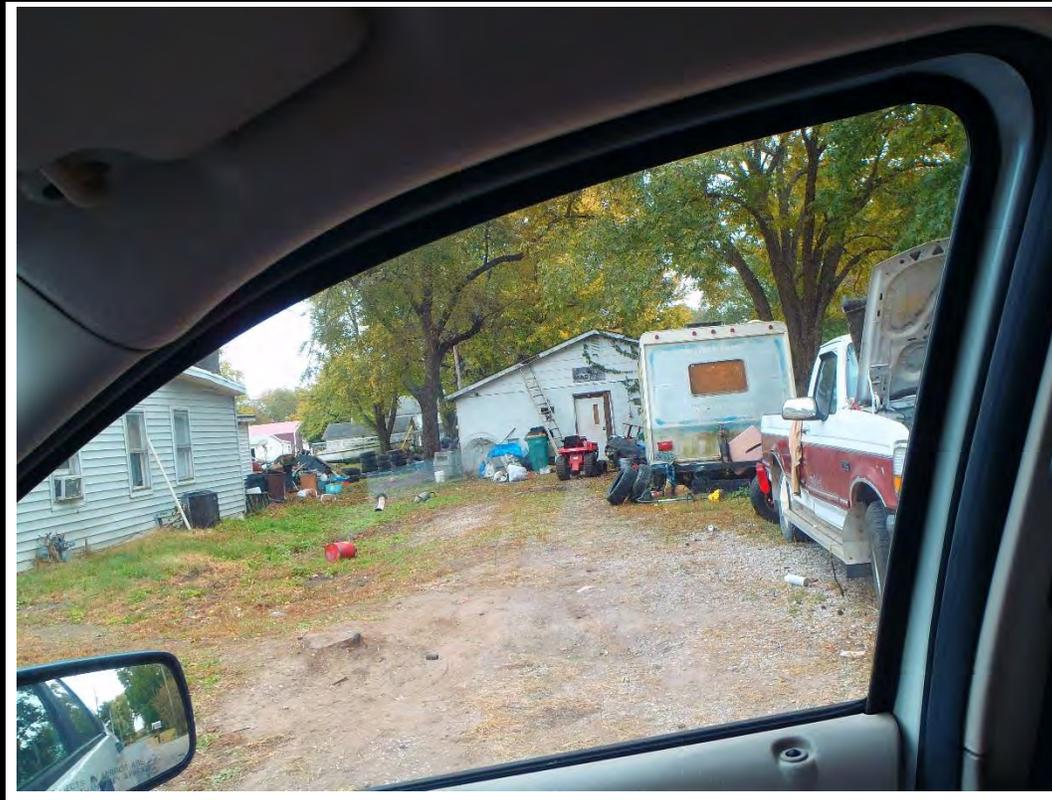
East side of building. Tires observed on this side of building at previous inspection have been removed.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 7  
Photo Date: 10/25/2018  
Photo Time: 12:08:19  
Direction: SW  
Taken By: Kathy Vieregge

South side of building. No tires were observed along this side of building in previous inspection.



Site: Noe Darryl (0274585007)  
Clinton County

Photo ID: 8  
Photo Date: 10/25/2018  
Photo Time: 12:11:00  
Direction: E  
Taken By: Kathy Vieregge

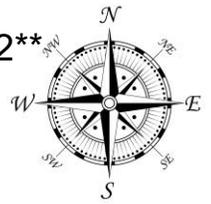
West side of building.



Site: Noe Darryl (0274585007)  
Clinton County

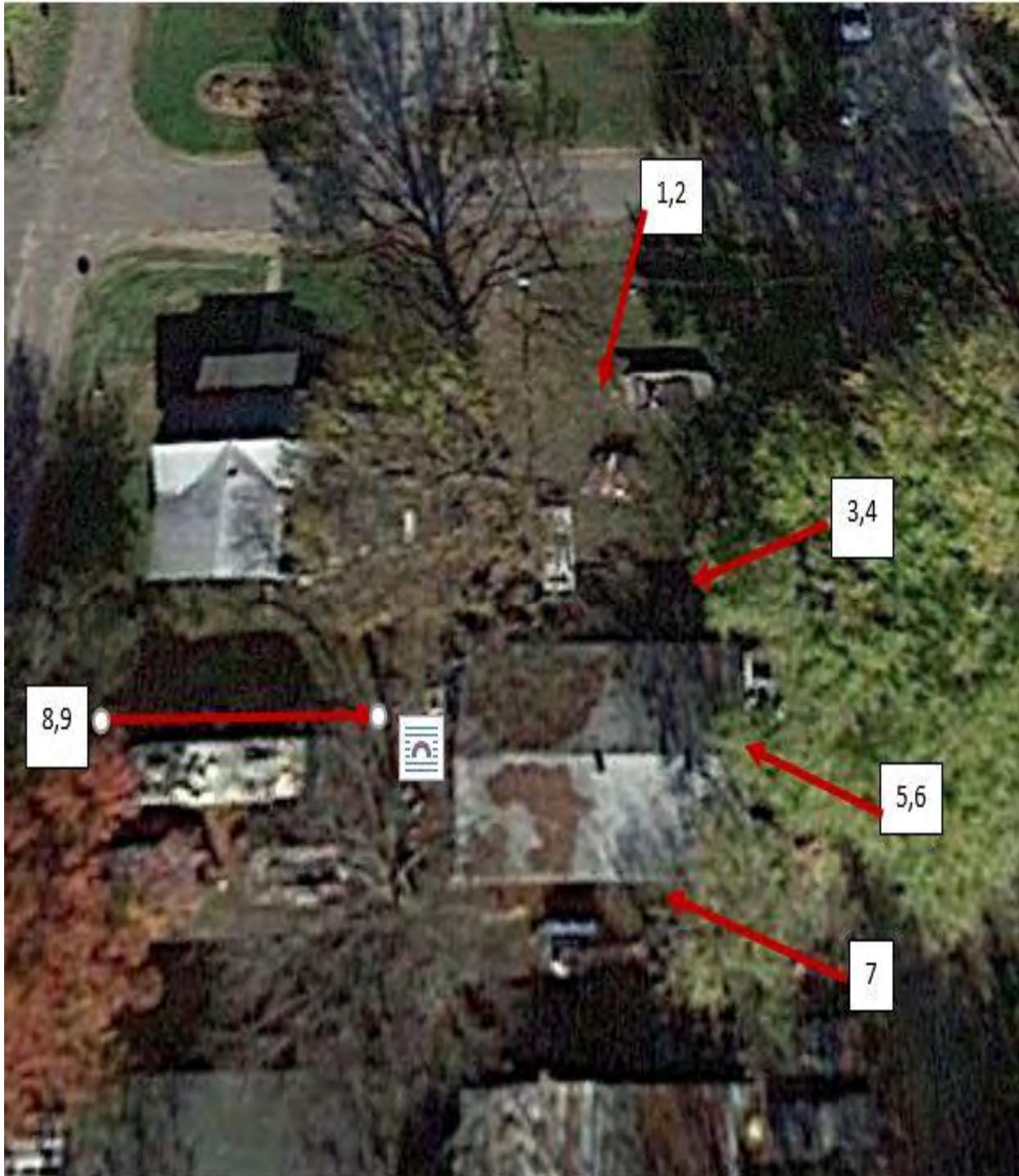
Photo ID: 9  
Photo Date: 10/25/2018  
Photo Time: 12:11:14  
Direction: E  
Taken By: Kathy Vieregge

West side of building.



Site Diagram(s)

Site Diagram 1: October 25, 2018 • Noe Darryl (0274585007) • Clinton County





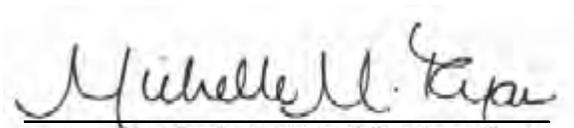
**PROOF OF SERVICE**

I hereby certify that I did on the 28<sup>th</sup> day of November, 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: Darryl and Shanna Noe  
902 W. Hayes Street  
Keyesport, IL 62253

and the original via electronic filing on November 28, 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

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