

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
)
 Complainant,)
)
 v.)
)
 SHELBY L. and SHANNON D. WALSH)
)
)
 Respondents.)
)

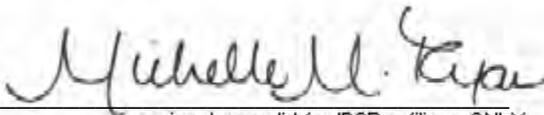
AC 2019-
 (IEPA No. 182-18-AC)

NOTICE OF FILING

To: Shelby L. and Shannon D. Walsh
 864 270th Street
 Viola, IL 61486

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: January 7, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 182-18-AC)
)	
SHELBY L. and SHANNON D. WALSH)	
)	
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 Shelby L. and Shannon D. Walsh (Respondents) are the present owners of a property located at 864 270th Street, Viola, Mercer County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Viola/Walsh Shelby L. and Shannon D.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1318035008.
3. That Respondents have operated said facility at all times pertinent hereto.
4. That on November 19, 2018, Jeff Port 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 January 7, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7017 2680 0001 0214 7002 to Shelby L. and Shannon D. Walsh.

VIOLATIONS

Based upon direct observations made by Jeff Port during the course of his November 19, 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 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) (2016).
- (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) (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 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 February 22, 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, 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 (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 Respondents.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 12/31/18

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. 182-18-AC)
SHELBY L. and SHANNON D. WALSH)
)
)
Respondents.

FACILITY: Viola/Walsh Shelby L. & Shannon SITE CODE NO.: 1318035008

COUNTY: Mercer CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: November 19, 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:	1318035008	Region:	Peoria
USEPA ID:	Not Applicable	County:	Mercer
Site Name:	Walsh Shelby L. & Shannon D.	Phone:	Not Available
Address:	864 270th St	Latitude:	41.19085
City/State/Zip:	Viola, IL 61486	Longitude:	-90.56916
Permit No(s):	None		
Regulated As:	Open Dump		
Operational Status:	Operating		

Owner	Operator
Walsh Shelby L. & Shannon D. 864 270th St. Viola, IL 61486	Walsh Shelby L. & Shannon D. 864 270th St. Viola, IL 61486

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	11/19/2018
Inspector(s)	Port, Jeff
Person(s) Interviewed	None
Previous Inspection Date	10/13/2016, 04/24/2017
Reference Complaint ID	926

Observations

Time	10:10-10:40
Weather Conditions (Description)	Partly cloudy and cold
Temperature (°F)	30
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	NA
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	20
Number of Tires (Count)	15

Executive Summary

I performed a new complaint investigation (Complaint Number 926) and follow-up inspection at the site. Apparent violations observed during previous inspections on October 13, 2016 and April 24, 2017 were found to be continuing.

Evaluation Narrative

I contacted the complainant prior to and after conducting the inspection. The complainant stated that the respondent had been bringing trailers of waste to the property where it was then burned. I walked to the area where I had previously observed the open dumping and open burning of waste. Here I found open dumped domestic waste, demolition debris, used tires, scrap metal, several junk vehicles and a burn pile. Some of the waste I had observed during previous inspections remained. Additional waste had been brought to the dump location from offsite. I noticed soil in the burn area appeared to have been disturbed. The complainant stated that the respondent buried some of the waste that had been previously burned. Open dumped waste had been placed along the edge of a ravine located at the northern property boundary. Some of this waste appeared to have been pushed into the ravine. Additional waste had been brought to the site since the previous inspections. Photographs 1 through 12 depict the site. Apparent violations found previously appeared to be continuing. The Mercer County Health Dept. has viewed the open dump and has expressed their concern to me regarding the condition of this property.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	4/24/2017	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Continuing	4/24/2017	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	4/24/2017	9(c)	Cause or allow open burning
Continuing	10/13/2016	12(a)	Cause, threaten or allow water pollution in Illinois
Continuing	10/13/2016	12(d)	Create a water pollution hazard
Continuing	10/13/2016	21(a)	Cause or allow open dumping
Continuing	10/13/2016	21(d)(1)	Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit
Continuing	10/13/2016	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	10/13/2016	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	10/13/2016	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	10/13/2016	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris
Continuing	10/13/2016	55(a)(1)	Cause or allow open dumping of any used or waste tire
Continuing	10/13/2016	812.101(a)	No application submitted for permit to develop and operate landfill

Attachment Listing

ID	Type	Description
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No Attachments

Digital Photographs



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 1
Photo Date: 11/19/2018
Photo Time: 11:04:42
Direction: NE
Taken By: Jeff Port

Open dumped waste, tires, and
scrap metal.



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 2
Photo Date: 11/19/2018
Photo Time: 11:04:48
Direction: NW
Taken By: Jeff Port

Area where waste had been
previously burned and buried.



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 3
Photo Date: 11/19/2018
Photo Time: 11:04:53
Direction: W
Taken By: Jeff Port

Burn area.



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 4
Photo Date: 11/19/2018
Photo Time: 11:05:22
Direction: N
Taken By: Jeff Port

Burn Pile.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 5
Photo Date: 11/19/2018
Photo Time: 11:05:36
Direction: NW
Taken By: Jeff Port

Trailer with couches recently brought to the site.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 6
Photo Date: 11/19/2018
Photo Time: 11:05:54
Direction: NE
Taken By: Jeff Port

Burn pile.



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 7
Photo Date: 11/19/2018
Photo Time: 11:06:00
Direction: NE
Taken By: Jeff Port

Burn pile.



Site: Walsh Shelby L. &
Shannon D. (1318035008)
Mercer County

Photo ID: 8
Photo Date: 11/19/2018
Photo Time: 11:06:23
Direction: N
Taken By: Jeff Port

Open dumped waste at the
edge of a ravine.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 9
Photo Date: 11/19/2018
Photo Time: 11:06:29
Direction: NW
Taken By: Jeff Port

Open dumped waste at the edge of a ravine.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 10
Photo Date: 11/19/2018
Photo Time: 11:06:34
Direction: NW
Taken By: Jeff Port

Open dumped waste at the edge of a ravine.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 11
Photo Date: 11/19/2018
Photo Time: 11:06:40
Direction: W
Taken By: Jeff Port

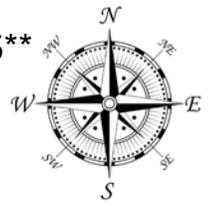
Open dumped waste at the edge of a ravine.



Site: Walsh Shelby L. & Shannon D. (1318035008)
Mercer County

Photo ID: 12
Photo Date: 11/19/2018
Photo Time: 11:06:46
Direction: E
Taken By: Jeff Port

Open dumped waste at the edge of a ravine.



Site Diagram(s)

Site Diagram 1: November 19, 2018 • Walsh Shelby L. & Shannon D. (1318035008) • Mercer County



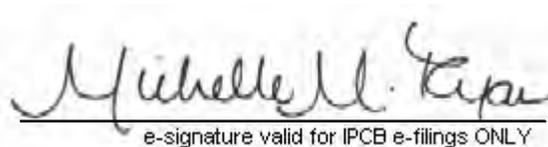
PROOF OF SERVICE

I hereby certify that I did on the 7th day of January 2019, 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: Shelby L. and Shannon D. Walsh
864 270th Street
Viola, IL 61486

and the original via electronic filing on January 7, 2019

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
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