

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-
	)	
v.	)	(IEPA No. 189-18-AC)
	)	
HAROLD POIGNANT JR,	)	
RIVER VALLEY PIPE LLC, and	)	
IRONHUSTLER EXCAVATING, INC.	)	
	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

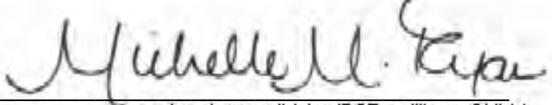
To: Harold Poignant Jr.  
1322 County Road 900 N.  
Lacon, IL 61540

River Valley Pipe LLC  
Attn: Harold Poignant  
859 State Rt. 26  
Lacon, IL 61602

IronHustler Excavating, Inc.  
Attn: William Campbell  
401 Main Street, Suite 1600  
Peoria, IL 61602

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 14, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-
	)	
v.	)	(IEPA No. 189-18-AC)
	)	
HAROLD POIGNANT JR, RIVER VALLEY PIPE LLC, and IRONHUSTLER EXCAVATING, INC.	)	
	)	
	)	
	)	
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 Harold Poignant, Jr. (Respondent) is the present owner of, and River Valley Pipe LLC and IronHustler Excavating Inc. (Respondents) presently operate a property located at 859 Route 26, Lacon, Marshall County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as the Lacon/Poignant Harold property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1230105027.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on December 13, 2018, Robert J. Wagner 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 14, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7017 2680 0001 0214 7019 to Harold Poignant Jr., Certified Mail No. 7017 2680 0001 0214 7026 to River Valley Pipe LLC, and Certified Mail No. 7017 2680 0001 0214 7033 to Ironhustler Excavating, Inc.

#### VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his December 13, 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 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 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 March 18, 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.

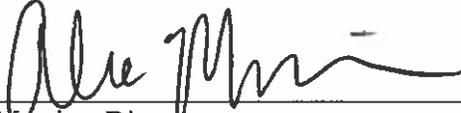
When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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: 1/10/19

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

ILLINOIS ENVIRONMENTAL PROTECTION )  
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EXCAVATING, INC. )  
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Respondents. )

REMITTANCE FORM

FACILITY: Lacon/Poignant Harold SITE CODE NO.: 1230105027

COUNTY: Marshall CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: December 13, 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>	1230105027	<b>Region:</b>	Peoria
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Marshall
<b>Site Name:</b>	Poignant Harold	<b>Phone:</b>	309-246-2466
<b>Address:</b>	859 Rte 26	<b>Latitude:</b>	41.0494
<b>City/State/Zip:</b>	Lacon, IL 61540	<b>Longitude:</b>	-89.4024
<b>Permit No(s):</b>	Solid Waste: Open Dump		
<b>Regulated As:</b>	Open Dump		
<b>Operational Status:</b>	Active		

<b>Owner</b>	<b>Operator</b>
Harold Poignant Jr. 1322 County Road 900 N. Lacon, IL 61540	IronHustler Excavating, Inc. David Schielein 1604 W Detweiller Dr. Peoria, IL 61615

**Evaluation Details**

<b>Evaluation Type</b>	Open Dump Inspection
<b>Evaluation Date</b>	12/13/2018
<b>Inspector(s)</b>	Wagner, Robert
<b>Person(s) Interviewed</b>	None
<b>Previous Inspection Date</b>	7/17/2018

**Observations**

<b>Time</b>	1400 to 1425
<b>Weather Conditions (Description)</b>	Wet, Overcast, Drizzle
<b>Temperature (°F)</b>	42
<b>Samples Collected (Yes/No)</b>	No
<b>Number of Samples Collected (Count)</b>	0
<b>Photos Taken (Yes/No)</b>	Yes
<b>Amount of Waste (Cubic Yards)</b>	200
<b>Number of Tires (Count)</b>	0

**Executive Summary**

On December 13, 2018, I (Robert J. Wagner) re-inspected property owned by Harold Poignant from 1400 to 1425. The property is located at 859 Rte 26, Lacon, Illinois, GPS coordinates 41.0494, -89.4024. For this report the property will be referred to as the Poignant Property. The purpose of the re-inspection was to check the compliance status of the Poignant Property. Harold Poignant Jr., River Valley Pipe LLC., and IronHustler Excavating were sent Open Dump Administrative Citation Warning Notices (ACWN) and Continuing Violations Letters (CVL) for open dumping at the Poignant Property. Violations were still observed during the inspection.

**Evaluation Narrative**

Open Dump Administrative Citation Warning Notices (ACWN) dated May 23, 2018 were sent to Harold Poignant Jr., River Valley Pipe LLC., and IronHustler Excavating for open dumping and open burning at the Poignant Property. On July 17, 2018, a reinspection took place at the property. The open burning violations were resolved during this inspection; however, the open dumping violation remained unresolved and continuing violation letters were sent to Harold Poignant Jr., River Valley Pipe LLC., and IronHustler Excavating.

I arrived at the Poignant Property at 1400. I walked and photographed the property. During the inspection I observed red bricks, galvanized pipe, sewer pipe, tree branches, pieces of processed wood, and chunks of concrete protruding from the ground in a man-made fill area. The man-made fill area appears to be above the elevation of the adjacent property. Photographs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 show the man-made fill area of the property where open dumping occurred. After reviewing google earth's aerial photographs it appears that the area's topography has changed since April 1994 and approximately 122,435 square feet of general construction or demolition debris has been used as fill on the property.

Photographs 1, 4, and 5 shows red brick, processed wood, gravel, dirt, chunks of concrete, green artificial grass, nylon rope, galvanized pipe, binding fiber, dead vegetation, tree branches, and painted brick comingled in a pile along the top of a man-made hole. The man-made hole was created because general construction or demolition debris has been placed around a pond. The pond is currently dry.

Photographs 2 and 3 show rusted iron sewer pipe, processed wood, red brick, chunks of concrete, tree branches, dead vegetation, and metal debris protruding from the west slope of the man-made hole.

Photograph 6 shows a rusted galvanized elbow pipe, processed wood, red brick, chunks of concrete, and tree branches protruding from the top of the west slope of the man-made hole. The rusted galvanized elbow pipe was photographed in the same place during the July 17, 2018 re inspection of the property.

Photograph 7 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the west slope of the man-made hole.

Photograph 8 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the top edge of the north slope and the south slope of the man-made hole.

Photographs 9 and 10 show processed wood, red brick, chunks of concrete, and tree branches protruding from the east slope and the south slope of the man-made hole.

Photograph 11 shows processed wood, red brick, chunks of concrete, and tree branches protruding from an area located to the east of the man-made hole.

Photograph 12 shows processed wood protruding from the east slope of the man-made hole.

Electronic Filing: Received, Clerk's Office 1/14/2019 \*\*AC 2019-017\*\*

No one was present at the site during the inspection and Mr. Poignant did not return my phone call. I departed the site at 1425.

**Summary of Apparent Violation(s)**

Status	Date Cited	Violation	Narrative
Continuing	3/14/2018	21(a)	Cause or allow open dumping
Continuing	3/14/2018	21(d)(1)	Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit
Continuing	3/14/2018	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
Continuing	3/14/2018	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	3/14/2018	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	3/14/2018	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris
Continuing	3/14/2018	812.101	No Narrative Provided

**Attachment Listing**

ID	Type	Description
No Attachments		

Digital Photographs



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 1  
Photo Date: 12/13/2018  
Photo Time: 14:08:45  
Direction: north  
Taken By: Robert Wagner

Photograph 1 shows red brick, processed wood, gravel, dirt, chunks of concrete, green artificial grass, nylon rope, galvanized pipe, binding fiber, dead vegetation, tree branches, and painted brick comingled in a pile along a man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 2  
Photo Date: 12/13/2018  
Photo Time: 14:08:51  
Direction: north  
Taken By: Robert Wagner

Photograph 2 shows a rusted iron sewer pipe, processed wood, red brick, chunks of concrete, tree branches, dead vegetation, and metal debris protruding from the west slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 3  
Photo Date: 12/13/2018  
Photo Time: 14:09:25  
Direction: northeast  
Taken By: Robert Wagner

Photograph 3 shows a rusted iron sewer pipe, processed wood, red brick, chunks of concrete, tree branches, dead vegetation, and metal debris protruding from the west slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 4  
Photo Date: 12/13/2018  
Photo Time: 14:09:40  
Direction: northwest  
Taken By: Robert Wagner

Photograph 4 shows red brick, processed wood, gravel, dirt, chunks of concrete, green artificial grass, nylon rope, galvanized pipe, binding fiber, dead vegetation, tree branches, and painted brick comingled in a pile along a man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 5  
Photo Date: 12/13/2018  
Photo Time: 14:09:56  
Direction: southwest  
Taken By: Robert Wagner

Photograph 5 shows red brick, processed wood, gravel, dirt, chunks of concrete, green artificial grass, nylon rope, galvanized pipe, binding fiber, dead vegetation, tree branches, and painted brick comingled in a pile along a man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 6  
Photo Date: 12/13/2018  
Photo Time: 14:12:27  
Direction: east  
Taken By: Robert Wagner

Photograph 6 shows a rusted galvanized elbow pipe, processed wood, red brick, chunks of concrete, and tree branches protruding from the top of the west slope of the man-made hole. The rusted galvanized elbow pipe was photographed in the same place during the July 17, 2018 re inspection of the property.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 7  
Photo Date: 12/13/2018  
Photo Time: 14:12:52  
Direction: south  
Taken By: Robert Wagner

Photograph 7 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the west slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 8  
Photo Date: 12/13/2018  
Photo Time: 14:15:43  
Direction: south  
Taken By: Robert Wagner

Photograph 8 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the top edge of the north slope and the south slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 9  
Photo Date: 12/13/2018  
Photo Time: 14:16:17  
Direction: south  
Taken By: Robert Wagner

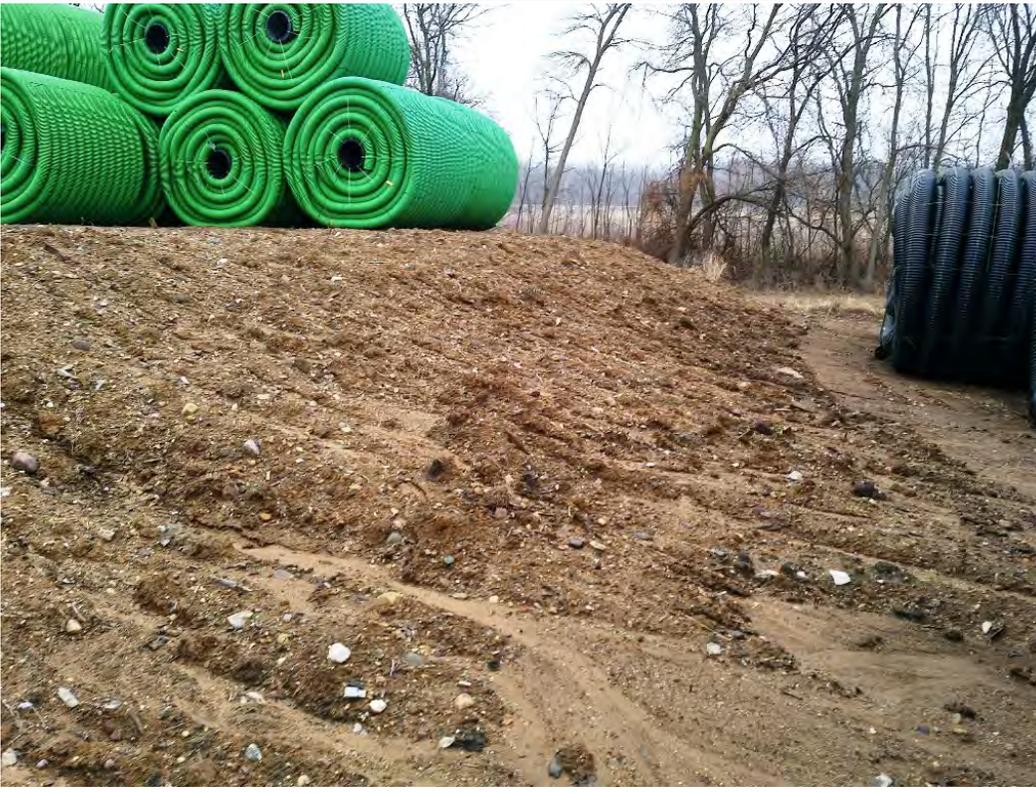
Photograph 9 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the east slope and the south slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 10  
Photo Date: 12/13/2018  
Photo Time: 14:16:25  
Direction: south  
Taken By: Robert Wagner

Photograph 10 shows processed wood, red brick, chunks of concrete, and tree branches protruding from the east slope and the south slope of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 11  
Photo Date: 12/13/2018  
Photo Time: 14:17:12  
Direction: east  
Taken By: Robert Wagner

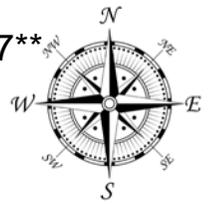
Photograph 11 shows processed wood, red brick, chunks of concrete, and tree branches protruding from an area located to the east of the man-made hole.



Site: Poignant Harold  
(1230105027)  
Marshall County

Photo ID: 12  
Photo Date: 12/13/2018  
Photo Time: 14:18:31  
Direction: north  
Taken By: Robert Wagner

Photograph 12 shows processed wood protruding from the east slope of the man-made hole.



Site Diagram(s)

Site Diagram 1: December 13, 2018 • Poignant Harold (1230105027) • Marshall County



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF )

)  
)  
)  
)  
)  
)  
)  
)

IEPA DOCKET NO.

RESPONDENT )

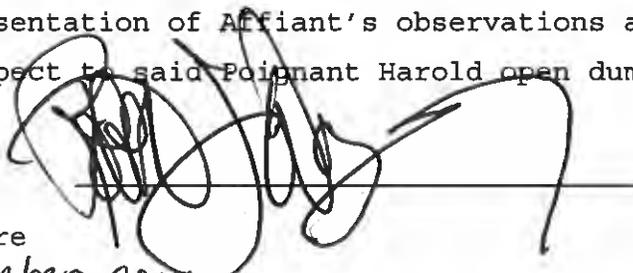
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On December 13, 2018, between 1400 and 1425, Affiant conducted an inspection of the open dump in Marshall County, Illinois, known as Poignant Harold, Illinois Environmental Protection Agency Site No. 1230105027.

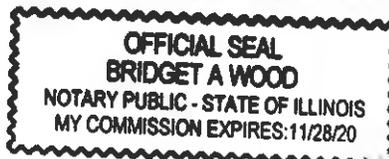
3. Affiant inspected said Poignant Harold open dump site by an on-site inspection, which included walking, photographing and video recording the site.

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 Poignant Harold open dump.



Subscribed and Sworn to before me this 30 day of December 2018

*Bridget A Wood*  
Notary Public



**PROOF OF SERVICE**

I hereby certify that I did on the 14<sup>th</sup> 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

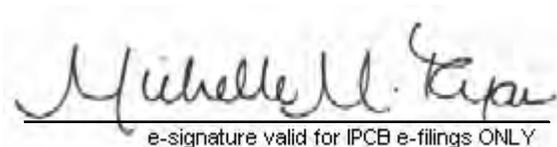
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Attn: Harold Poignant  
859 State Rt. 26  
Lacon, IL 61602

IronHustler Excavating, Inc.  
Attn: William Campbell  
401 Main Street, Suite 1600  
Peoria, IL 61602

and the original via electronic filing on January 14, 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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Springfield, Illinois 62794-9276  
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