

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

SEP 25 2003

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ANTHONY FUNARO, JR.,)
)
Respondent.)

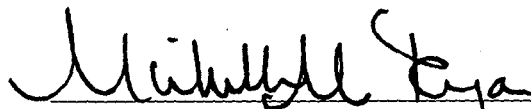
AC 04-15
STATE OF ILLINOIS
Pollution Control Board
(IEPA No. 506-03-AC)

NOTICE OF FILING

To: Anthony Funaro, Jr.
313 W. McHanev Street
Harrisburg, Illinois 62946

PLEASE TAKE NOTICE that on this date I mailed for filing 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,


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: September 23, 2003

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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD SEP 25 2003

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Complainant,)
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v.)
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ANTHONY FUNARO, JR.,)
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Respondent.)

AC 04-15
(IEPA No. 506-03-AC)

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 (2002).

FACTS

1. That Anthony Funaro, Jr. ("Respondent") is the present owner and operator of a facility located at 401 South Oak Street, Carrier Mills, Saline County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carrier Mills/Funaro, Anthony.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1650055012.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on August 22, 2003, Kent Johnson of the Illinois Environmental Protection Agency's Marion 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.

VIOLATIONS

Based upon direct observations made by Kent Johnson during the course of his August 22, 2003 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) (2002).
- (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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 31, 2003, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano
Renee Cipriano, Director *by wsc*
Illinois Environmental Protection Agency

Date: 9/23/03

Prepared by: Susan E. Konzelmann, 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,

v.

ANTHONY FUNARO, JR.,

Respondent.

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AC

(IEPA No. 506-03-AC)

FACILITY: Carrier Mills/Funaro, Anthony

SITE CODE NO.: 1650055012

COUNTY: Saline

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: August 22, 2003

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

ANTHONY FUNARO, Jr.)

Respondent.)

IEPA DOCKET NO.)

AFFIDAVIT

Affiant, Kent Johnson, 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 August 22, 2003, between 3:00 P.M. and 3:09 P.M., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Saline County, Illinois, and known as the Anthony Funaro site by the Illinois Environmental Protection Agency. Said site has assigned site code number 1650055012.

3. Affiant inspected said Anthony Funaro site by an on-site inspection which included walking and photographing the site.

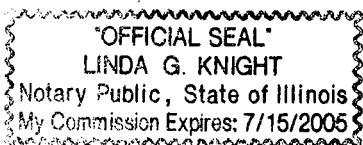
4. As a result of the material actions referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Anthony Funaro site.

Kent A. Johnson

Subscribed and Sworn to before me

this 27th day of August, 2003.

Linda G. Knight
Notary Public

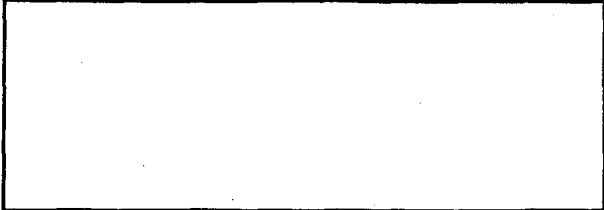


**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Saline LPC#: 1650055012 Region: 7 - Marion
 Location/Site Name: Carrier Mills/Funaro, Anthony
 Date: 08/22/2003 Time: From 3:00 PM To 3:09 PM Previous Inspection Date: 04/10/2003
 Inspector(s): K. Johnson Weather: Hot, mostly sunny, slight-moderate, dry soil
 No. of Photos Taken: # 5 Est. Amt. of Waste: 119 yds³ Samples Taken: Yes # _____ No
 Interviewed: None; no one on-site Complaint #: C-03-062-M, C-04-012-M

Responsible Party
Mailing Address(es)
and Phone
Number(s):

Anthony Funaro, Jr.
313 W. McHaney St.
Harrisburg, IL 62946



	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1650055012

Inspection Date: 08/22/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Kent A. Johnson

Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Bureau of Land

LPC # 1650055012 — Saline County

Carrier Mills/Funaro, Anthony

Inspector K. Johnson

August 22, 2003

FOS File

Open Dump Inspection Report Narrative

This unpermitted site was inspected on August 22, 2003 by this author representing the Agency. The inspection was conducted as a follow-up to an April 10, 2003 inspection that revealed apparent violations including open dumping and open burning. In addition, a new complaint alleged that waste had been buried in the hole previously observed on-site. The inspection took place from approximately 3:00 to 3:09 P.M., and five photos were taken during the inspection {Photos 001-005}. Weather at the time of the inspection was mostly sunny and hot with a slight to moderate breeze and dry soil conditions. No interviews were conducted, and no samples were taken during this inspection.

General Remarks/Inspection Findings

This site is located at 401 South Oak Street in Carrier Mills, IL. Waste on-site consists primarily of demolition debris remaining from the demolition of on-site structures. According to the Saline County Supervisor of Assessments' Office, Anthony Funaro, Jr., owns the site. His mailing address is 313 W. McHaney Street, Harrisburg, IL 62946. The PIN for the property is 02-2-062-08.

On August 22, 2003, I arrived at the site and, finding no one present at the site began to make physical observations of the property. During the previous inspection, a hole with water was noted in the area of the former house. On this date, the hole had largely been filled in, but waste protruded from the fill {Photo 003}. Two distinct piles of demolition debris were noted on the northern part of the property. The smaller pile, which was estimated at 18' by 14' and 6' high at its highest point, is shown in Photo 001 and in the background of Photo 004. The larger pile, which was estimated to be 39' by 18' and 7' tall at its highest point, is shown in Photos 002-005.

Summary of Inspection Findings

With regard to water pollution violations and air pollution violations previously cited, no evidence of recent open burning was noted, and no standing water was noted on-site. As such, the apparent violations relating to air and water pollution will be considered technically resolved by this inspection. However, open dumping violations are still outstanding at this site, and will be cited again for the property owner of record, Mr. Anthony Funaro, Jr.

Mr. Funaro has not replied to the Administrative Citation Warning Notice issued on July 9, 2003. However, according to telephone statements made to this author by others, including Mr. Funaro's mother, Mr. Funaro has said that he does not own this property. However, following

LPC # 1650055012 — Saline County
Carrier Mills/Funaro, Anthony
August 22, 2003 inspection

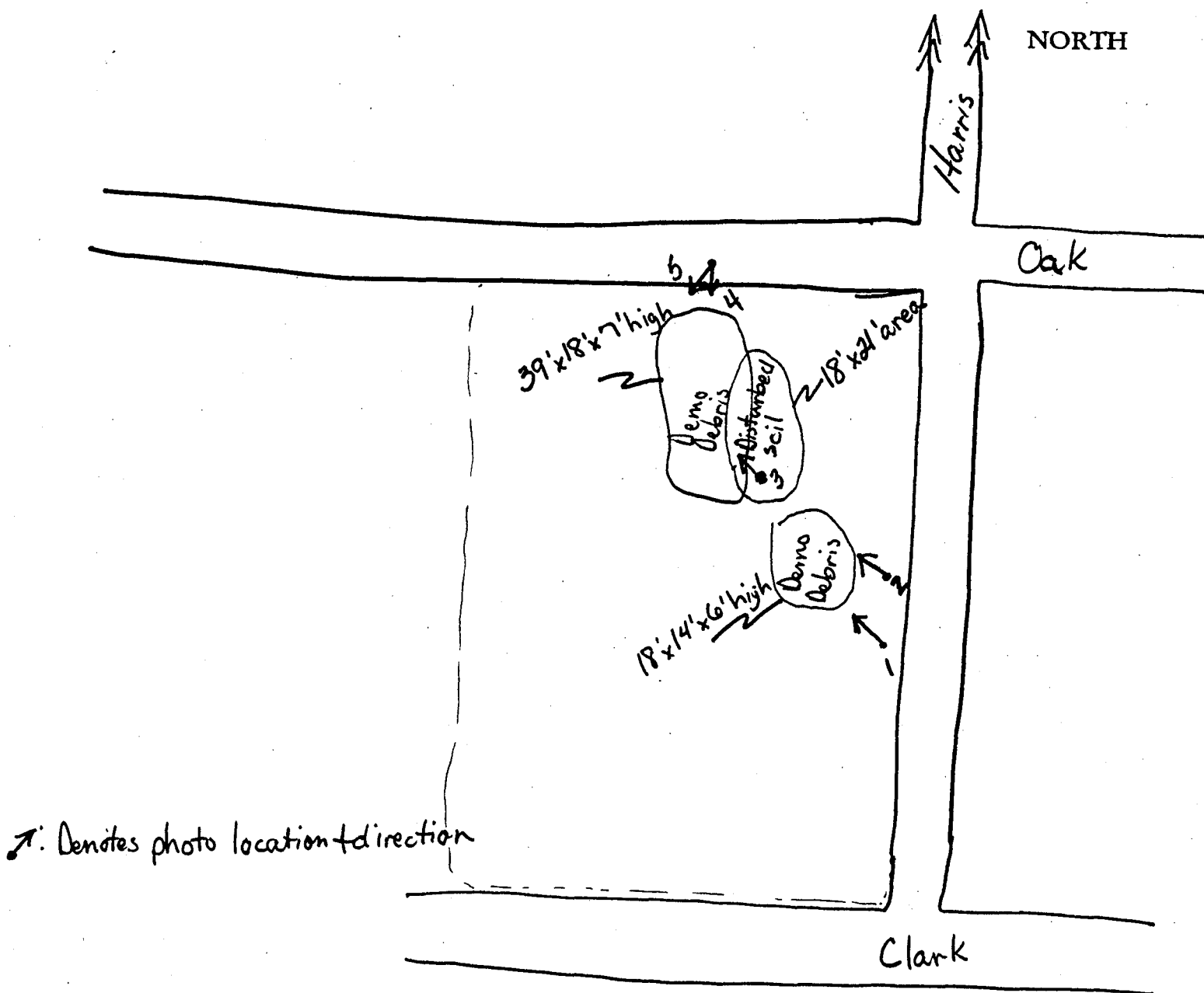
this inspection, this author confirmed with the Saline County Supervisor of Assessments' Office that Mr. Funaro is still listed as the owner for this property. In addition, the allegation that waste was buried on this site on August 3, 2003 contained license plate information for a Dodge van. The plate number AKT 490 (IL passenger), returns to Anthony/Josephine Funaro, 309 W. McHaney, Harrisburg, IL. As such, Mr. Funaro will be considered the owner and operator of this site.

Violations of Sections 21(a), 21(p)(1), and 21(p)(7) are being cited because waste, primarily consisting of demolition debris, has been open dumped at this site.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Inspection Date: August 22, 2003
Inspector: K. Johnson
LPC #: 1650055012
County: Saline
Site Name: Carrier Mills/Funaro, Anthony



Site sketch is not to scale.

LPC 1650055012 — Saline County
Carrier Mills/Funaro, Anthony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 8/22/03
TIME: 3:06 PM
DIRECTION: Northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1650055012~08222003-001
COMMENTS:



DATE: 8/22/03
TIME: 3:06 PM
DIRECTION: Northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1650055012~08222003-002
COMMENTS:



LPC 1650055012 — Saline County
Carrier Mills/Funaro, Anthony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 8/22/03
TIME: 3:08 PM
DIRECTION: Southwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1650055012~08222003-005
COMMENTS:



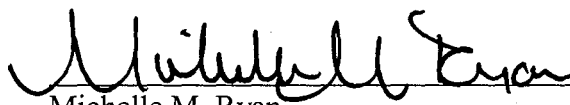
PROOF OF SERVICE

I hereby certify that I did on the 23rd day of September 2003, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled AFFIDAVIT OF SERVICE

To: Anthony Funaro, Jr.
313 W. McHaney Street
Harrisburg, Illinois 62946

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid.

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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