

RECEIVED
CLERK'S OFFICE

AUG 30 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-21

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

AUG 30 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
WILLIS E. FARLEY, JR.,)
))
Respondent.)

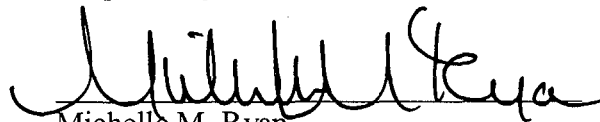
AC 05-21
(IEPA No. 363-04-AC)

NOTICE OF FILING

To: Willis E. Farley, Jr.
21322 White Oak Drive
Havana, Illinois 62644

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: August 25, 2004

AUG 30 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIS E. FARLEY, JR.,

Respondent.

AC 05-21

(IEPA No. 363-04-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 Willis E. Farley, Jr. ("Respondent") is the present operator of a facility located in a residential area in unincorporated Buzzville in Mason County, with a mailing address of 21322 White Oak Drive, Havana, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Havana/Farley.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1258045003.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on July 16, 2004, William Zierath of the Illinois Environmental Protection Agency's Springfield 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 William Zierath during the course of his July 16, 2004 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 September 30, 2004, 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 wcc*
Illinois Environmental Protection Agency

Date: 8/25/04

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.)

WILLIS E. FARLEY, JR.)

Respondent.)

AC

(IEPA No. 363-04-AC)

FACILITY: Havana/Farley

SITE CODE NO.: 1258045003

COUNTY: Mason

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: July 16, 2004

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:

)
)
)
)
)
)
)
)
 Respondent.)

IEPA DOCKET NO.

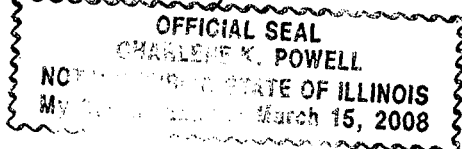
Affiant, William E. Zierath, being first duly sworn, voluntarily deposes and states as follow:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On July 16, 2004, between 1:00 PM and 1:15 PM, Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Mason County, Illinois and known as the Farley site by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1258045003 by the Agency.
3. Affiant inspected said Farley site by an on-site inspection which included walking and photographing 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 Farley site.



Subscribed and Sworn To before me
This 28th day of July, 2004





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County: Mason LPC#: 1258045003 Region: 5 - Springfield
 Location/Site Name: Havana/Farley
 Date: 07/16/04 Time: From 13:00 To 13:15 Previous Inspection Date: 05/06/04
 Inspector(s): William Zierath, Jan Mier Weather: Sunny, 75F
 No. of Photos Taken: # 7 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: C-04-067-C

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

Willis E. Farley, Jr.
21322 White Oak Dr
Havana, Illinois 62644


AUG 02 2004
EPA-DLPC

	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 type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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 AND REGULATIONS	<input checked="" 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 # 1258045003

Inspection Date: 07/16/04

	(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 checked="" 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"/>


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

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

MEMORANDUM

Date: July 16, 2004

RECEIVED

To: BOL File

AUG 02 2004

From: William E. Zierath, ^{WZZ} BOL/FOS - Springfield Region

IEPA-DLPC

Subject: LPC# 1258045003 – Mason County
Havana/Farley
Complaint C-04-067-C
FOS File

A follow-up complaint investigation was conducted at this vacant lot in the unincorporated area in Mason County known as Buzzville on July 16, 2004. Jan Mier, BOL/FOS – Springfield Regional Office, accompanied me on this investigation. The weather was sunny and 75°F.

An initial complaint investigation was conducted at this site on May 6-2004. At that time there was a large amount of waste piled at the east edge of this site. An Administrative Citation Warning Notice was sent to the owner. The cleanup date specified in the ACWN was July 15, 2004. Mr. Farley didn't respond to the ACWN.

It was difficult to determine if any of the waste had been removed from the site prior to this investigation. The fence along the east side of the site had been partially removed. Some of the waste in the east part of the site had either been removed from the site or moved to a different location on the property. A travel trailer had been moved into a location on the east part of the property where wastes had previously been located. The travel trailer is shown in photographs 1258045003~07162004-001, 1258045003~07162004-002, 1258045003~07162004-005, and 1258045003~07162004-007.

There was still a large amount of waste in the east part of this site. The waste includes demolition waste (including wood scraps, metal siding scraps, concrete blocks and shingles), yard equipment (including lawn mowers and a wheelbarrow) and household refuse. This waste is shown in photographs 1258045003~07162004-001, 1258045003~07162004-002, 1258045003~07162004-003, 1258045003~07162004-004, 1258045003~07162004-005, 1258045003~07162004-006 and 1258045003~07162004-007.

An old mobile home was still present at the site. Due to the thick vegetation it was difficult to photograph. An old mobile home is in the background in photograph

1258045003~07162004-001. Because of wastes piled along the east side of the site (the only side with access to a road) and the thick woody vegetation it would have been impossible to move vehicles into or out of the area west of the main waste disposal area.

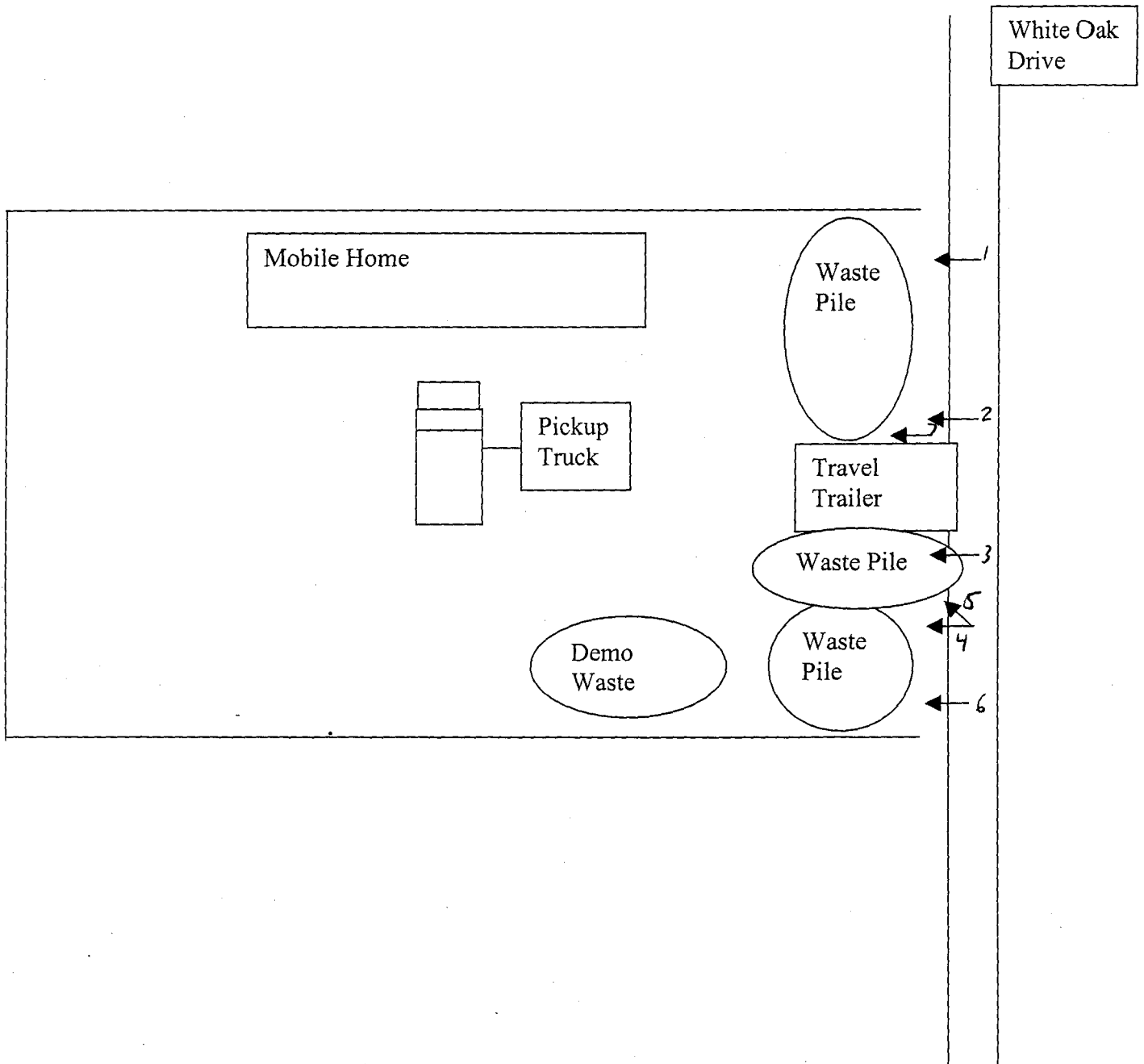
Apparent violations are listed on the attached checklist.

cc: BOL/FOS – Springfield Regional File

LPC 1258045003 – Mason County
Havana/Farley
July 16, 2004



Not to Scale
↖ = Direction of Photograph





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1258045003 — Mason County
Havana/Farley
FOS File

Date: July 16, 2004

Time: 1:05 PM

Direction: West

Photo by: William Zierath

Photo File Name:

1258045003~07162004-001

Comments:



Date: July 16, 2004

Time: 1:05 PM

Direction: West

Photo by: William Zierath

Photo File Name:

1258045003~07162004-002

Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1258045003 — Mason County
Havana/Farley
FOS File

Date: July 16, 2004
Time: 1:05 PM
Direction: West
Photo by: William Zierath
Photo File Name:
1258045003~07162004-003
Comments:



Date: July 16, 2004
Time: 1:05 PM
Direction: West
Photo by: William Zierath
Photo File Name:
1258045003~07162004-004
Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1258045003 — Mason County
Havana/Farley
FOS File

Date: July 16, 2004

Time: 1:06 PM

Direction: Northwest

Photo by: William Zierath

Photo File Name:

1258045003~07162004-005

Comments:



Date: July 16, 2004

Time: 1:06 PM

Direction: West

Photo by: William Zierath

Photo File Name:

1258045003~07162004-006

Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1258045003 — Mason County
Havana/Farley
FOS File

Date: July 16, 2004

Time: 1:06 PM

Direction: West

Photo by: William Zierath

Photo File Name:

1258045003~07162004-007

Comments:



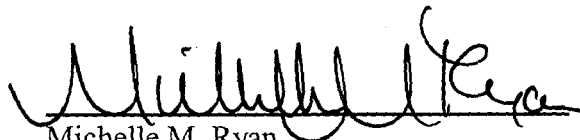
PROOF OF SERVICE

I hereby certify that I did on the 25th day of August 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully 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: Willis E. Farley, Jr.
21322 White Oak Drive
Havana, Illinois 62644

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, 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
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544