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OCT - 8 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-30

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.**

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

OCT - 8 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 DOUG and THERESA CHRISTISON,)
)
 Respondents.)

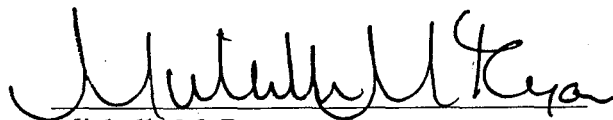
AC 05-30
 (IEPA No. 465-04-AC)

NOTICE OF FILING

To: Doug and Theresa Christison
 600 Green Street
 Barry, Illinois 62312

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: October 6, 2004

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

OCT - 8 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

DOUG and THERESA CHRISTISON,)

Respondents.)

AC 05-30

(IEPA No. 465-04-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 Doug and Theresa Christison ("Respondents") are the present owners and operators of a facility located in and being a part of the Southwest Quarter of Section 24, said tract also being a part of Lots 12 and 13 of the Assessors Subdivision of the Southwest Quarter of said Section 24, in Township 4 South, Range 6 West of the Fourth Principal Meridan, in the City of Barry, Pike County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Barry/Christison.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1490055022.

3. That Respondents have owned and operated said facility at all times pertinent hereto.

4. That on September 1, 2004, Michelle E. Cozadd of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Michelle Cozadd during the course of her September 1, 2004 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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondents are 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 15, 2004, 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 (2002), 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) (2002), 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, 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, 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 (2002). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

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

Date: 10/6/04

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Complainant)
)
 vs.)
)
 DOUG & THRESA CHRISTISON,)
 Respondents)

IEPA DOCKET NO.

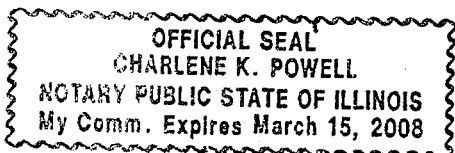
Affiant, Michelle E. Cozadd, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On September 1, 2004 between 12:40 PM and 1:05 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Pike County, Illinois, and known as Barry/Christison by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1490055022 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Barry/Christison open dump site by an on-site inspection that 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 Barry/Christison open dump.

Michelle E. Cozadd
 Michelle E. Cozadd

Subscribed and Sworn To before me
 This 8th day of *September, 2004*

Charlene K. Powell



LPC #1490055022

Inspection Date: September 1, 2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		

Michelle Coyadd

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
MEMORANDUM

DATE: September 3, 2004
TO: DLPC/Division File
FROM: Michelle Cozadd, DLPC/FOS Springfield Region
SUBJECT: LPC # 1490055022 - Pike County
Barry/Christison
FOS File

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The purpose of this memorandum is to serve as the narrative for a re-inspection of the above referenced site conducted on September 1, 2004. An initial compliant investigation was conducted at this site on July 11, 2002. A July 22, 2002 Open Dump Administrative Citation Warning Notice ("ACWN") was issued for apparent violations of open dumping and open burning. No response to the ACWN has been received by the Illinois EPA. Re-inspections were conducted on November 6, 2002 and November 15, 2002. A November 19, 2002 letter from the Illinois EPA granted a second opportunity for the Christisons to bring the site into compliance by January 1, 2003.

The September 1, 2004 re-inspection was conducted from approximately 12:40 pm to 1:05 pm with twelve digital photographs taken. Weather was partly sunny with an air temperature of about 80°F. I was accompanied by Mr. Paul Eisenbrandt, DLPC/FOS. No one was interviewed during the re-inspection.

There appeared to have been no significant change in the condition of the site since the previous November 15, 2002 re-inspection. No additional open dumping or open burning circumstances were apparent during the September 1, 2004 re-inspection. The attached photos #001 and #002 show the open dumped waste located southeast of the ravine. The waste materials in this area include plastic buckets, a metal fuel tank, ten used tires, black drainage tile, scrap metal, a fender, a metal drag screen, railroad ties, steel cable, PVC pipe, a telephone pole and miscellaneous debris. A Ford pickup truck and a riding lawnmower are shown in the attached photo #003. Used tires were observed in the bed of the pickup truck.

The south end of the ravine is shown in the attached photos #004 and #006. The debris in this area included landscape waste, ashes, and a rusted lawnmower. Waste materials were also observed in the ravine including bicycles, carpeting, plastic buckets, an empty metal burn barrel, a mower deck for a riding lawnmower, two push mowers, landscape waste, damaged dimensional lumber, sections of gutter, metal wire, a steel mattress frame, steel fence posts, scrap metal and miscellaneous debris. The overgrowth of vegetation prevented a thorough inspection of the ravine.

A pile of damaged dimensional lumber and a pile of drywall were observed northeast of the south end of the ravine (see attached photo #005).

The area northeast of the damaged lumber and drywall was inspected next. Waste materials were observed scattered in this area as shown in the attached photos #007 through #011. The waste materials included a blue plastic pool liner, bicycles, cinder block, an old wooden door, damaged dimensional lumber, gutter downspouts, plastic buckets, used tires, a small white wicker shelf, a baby stroller, a rocking horse frame, a green turtle sandbox, metal sheeting, a dishwasher, air conditioners, a furnace, broken glass, a sit-n-spin child's toy, domicile waste, a boat, a boat trailer, scrap metal and miscellaneous debris.

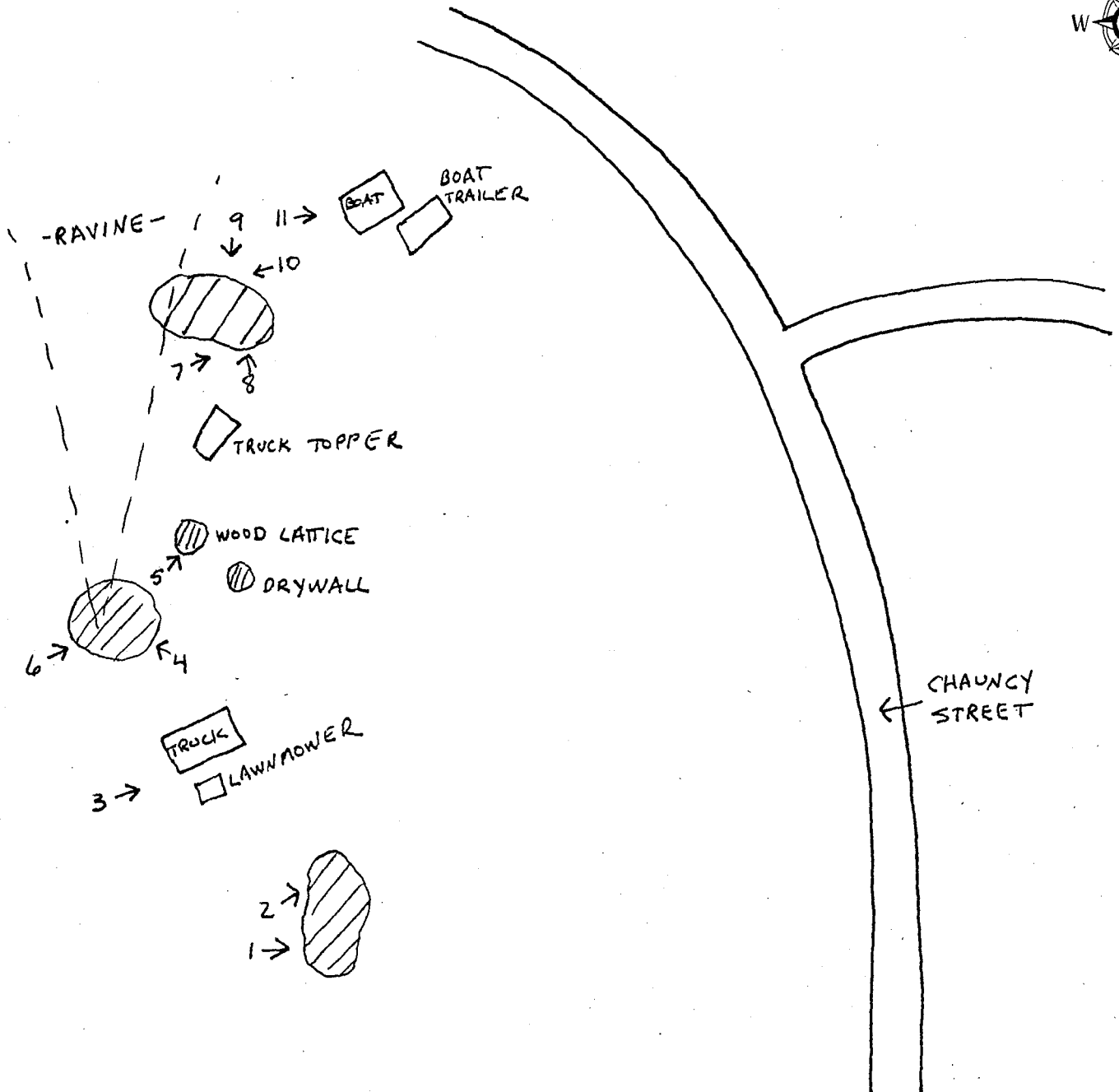
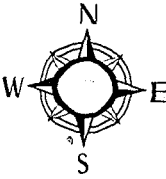
An additional used tire was observed walking back to the state vehicle as shown in the attached photo #012.

Site sketches and digital photograph photocopies accompany this narrative.

cc: DLPC/FOS - Springfield Region



SITE SKETCH



12 → ○
TIRE

1 September 2004 Inspection
Measurements Approximate
Direction of Photo →
Not to Scale
○ DEBRIS PILE



Illinois Environmental Protection Agency
Bureau of Land

LPC #1490055022-Pike County
Barry/Christison
FOS File

DIGITAL PHOTOGRAPHS

Date: 1 September 2004
Time: 12:44 pm
Direction: E
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-001
Comments:
Plastic buckers, fuel tank and
scrap metal



Date: 1 September 2004
Time: 12:44 pm
Direction: NE
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-002
Comments:
Drainage tile, metal fencing,
railroad ties and scrap metal





DIGITAL PHOTOGRAPHS

Date: 1 September 2004

Time: 12:45 pm

Direction: NE

Photo by: Michelle Cozadd

Photo File Name:

1490055022~09012004-003

Comments:

Truck with used tires in truck bed and riding lawnmower



Date: 1 September 2004

Time: 12:47 pm

Direction: NW

Photo by: Michelle Cozadd

Photo File Name:

1490055022~09012004-004

Comments:

Charred landscape waste and lawnmower





Illinois Environmental Protection Agency
Bureau of Land

LPC #1490055022-Pike County
Barry/Christison
FOS File

DIGITAL PHOTOGRAPHS

Date: 1 September 2004
Time: 12:47 pm
Direction: NE
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-005
Comments:
Damaged dimensional
lumber



Date: 1 September 2004
Time: 12:50 pm
Direction: NE
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-006
Comments:
Close-up of lawnmower





DIGITAL PHOTOGRAPHS

Date: 1 September 2004
Time: 12:52 pm
Direction: NE
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-007
Comments:
Pool liner, bicycle, cinder
blocks, old wooden door,
furnace and other
miscellaneous debris



Date: 1 September 2004
Time: 12:53 pm
Direction: N
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-008
Comments:
Burned used tire with
exposed tire beads





Illinois Environmental Protection Agency
Bureau of Land

LPC #1490055022-Pike County
Barry/Christison
FOS File

DIGITAL PHOTOGRAPHS

Date: 1 September 2004

Time: 12:54 pm

Direction: S

Photo by: Michelle Cozadd

Photo File Name:

1490055022~09012004-009

Comments:

Scrap metal and various
waste materials



Date: 1 September 2004

Time: 12:57 pm

Direction: SW

Photo by: Michelle Cozadd

Photo File Name:

1490055022~09012004-010

Comments:

Bicycle, buckets, air
conditioner, damaged
dimensional lumber and
other waste materials





DIGITAL PHOTOGRAPHS

Date: 1 September 2004
Time: 12:57 pm
Direction: NE
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-011
Comments:
Boat and boat trailer



Date: 1 September 2004
Time: 12:59 pm
Direction: E
Photo by: Michelle Cozadd
Photo File Name:
1490055022~09012004-012
Comments:
Used tire



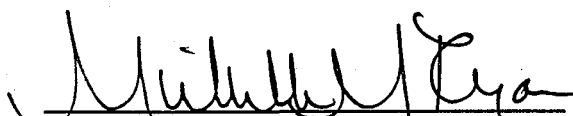
PROOF OF SERVICE

I hereby certify that I did on the 6th day of October 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: Doug and Theresa Christison
600 Green Street
Barry, Illinois 62312

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