RECEIVED CLERK'S OFFICE

FEB 14 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE!!!

Ac 05-56

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE:

This Administrative Citation refers to <u>TWO</u> 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 <u>PETITION FOR REVIEW</u> 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.

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

FEB 14 2005

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	STATE OF ILLINOIS Pollution Control Board
Complainant,) AC 05-5	6
v.) (IEPA No. 35-05-A	AC)
CHRISTOPHER A. and JENNY L. GOOD,)	
Respondents.)	

NOTICE OF FILING

To: Christopher A. and Jenny L. Good

623 North Locust Street Arcola, Illinois 61910

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,

James M. Kropid

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: February 9, 2005

RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 14 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

PROTECTION AGENCY,	
Complainant,	AC 05 56
V.) (IEPA No. 35-05-AC)
CHRISTOPHER A. and JENNY L. GOOD,)
•)
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 (2002).

FACTS

- 1. That Christopher A. and Jenny L. Good are the present owners and operators of a facility located at 623 North Locust Street, Arcola, Douglas County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Arcola/Good's Construction.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0410055048.
 - 3. That Respondents have owned and operated said facility at all times pertinent hereto.
- 4. That on December 29, 2004, Mike Mullins of the Illinois Environmental Protection Agency's Champaign 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 Mike Mullins during the course of his December 29, 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).
- (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) (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 Three Thousand Dollars (\$3,000.00). 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 March 15, 2005, 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, 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, 1021North 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 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, Director
Illinois Environmental Protection Agency

Date: <u>2/9/05</u>

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

RECEIVED CLERK'S OFFICE

FEB 1 4 2005

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) STATE OF ILLINOIS) Pollution Control Board
Complainant,	AC 05.56
V.) (IEPA No. 35-05-AC)
CHRISTOPHER A. and JENNY L. GOOD,))
)))
Respondents.))
FACILITY: Arcola/Good's Construction	SITE CODE NO.: 0410055048
COUNTY: Douglas	CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: December 29, 2004	4
DATE REMITTED:	•
SS/FEIN NUMBER:	

NOTE

SIGNATURE:

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:)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Complainant,)	·
· · · · · · · · · · · · · · · · · · ·)	IEPA DOCKET NO.
)	
GOOD'S CONSTRUCTION)	
CHRISTOPHER A. GOOD, OWNE	ER,)	
Respondent,)	• •
	•	

Affiant, Michael S. Mullins, 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 29, 2004, between 10:40 A.M. and 10:47 P.M., Affiant conducted an inspection of the site in Douglas County, Illinois, known as the Good's Construction site, Illinois Environmental Protection Agency Site No. 0410055048.
- 3. Affiant inspected said Good's Construction site by an on-site inspection, which included walking 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 the Good's Construction site.

Subscribed and Sworn to before me

subscribed and ...
this 15+ day of February,

OFFICIAL SEAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

			•
County:	Douglas	LPC#: 0410055048 Region: 4 - Champaign	
Location/	Site Name:	Arcola/Good's Construction	
Date:	Date: 12/29/2004 Time: From 10:40 am To 10:47 am Previous Inspection Date: 09/01/2004		
Inspector	Inspector(s): Mike Mullins Weather: Overcast, 40 degrees F.		
No. of Ph	otos Taken: #	# 2 Est. Amt. of Waste: 25 yds ³ Samples Taken: Yes # No	\boxtimes
Interviewe	nterviewed: No One Complaint #:		
		Chris Coord	
Responsible Party Mailing Address(es) and Phone Number(s):		Chris Good 623 N. Locust Street	JX.
		623 N. Locust Street Arcola, IL 61910	
		217/268-4924 FEQ U 2 2005	. *
14diliber(3	<i>)</i> ·	211/200 4524	
		IEPA-RO	,
	SECTION	DESCRIPTION	VIOL
			VIOL
	ILL	LINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5	21(a)	CAUSE OR ALLOW OPEN DUMPING	
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	\boxtimes
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
7	24/2)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	
7.	21(e)		
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RE	SULTS
	(1)	Litter	
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	

(6)

Standing or Flowing Liquid Discharge from the Dump Site

LPC# 0410055048

Inspection Date:

12/29/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	\boxtimes
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUÍREMENTS SUBTITLE G	
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	
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:		
		Mila Mullins	
		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 → Field Operations Section → Champaign

0410055048--Douglas County Arcola/Good's Construction

Inspection Date: December 29, 2004

Inspector: Mike Mullins (****)

FOS File

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FFR U2 2005

General Comments:

GIS Data: Latitude-N 39.69181 ⁹, Longitude-W 088.30691⁹ (Magellan Meridian Platinum)

Ownership: Mr. Good owns a construction business and operates it from this location. This was determined by acquiring a copy of the Warranty Deed from the Douglas County Recorder's Office for the property. The Permanent Index Number (PIN) for this property is 1-14-4-201-11 and address is recorded as 623 N. Locust Street, Arcola, Illinois.

On August 25, 2004, the IEPA Champaign Office received a citizen's complaint of open dumping of waste lumber, doors, windows and shingles behind a shed at 623 North Locust Street, Arcola, Illinois. The site is located in Section 4, Arcola Township, Douglas County in the city of Arcola.

An Administrative Citation Warning Letter (ACWN) was sent to Mr. Good on September 24, 2004. The ACWN notified Mr. Good that what was observed happening at this location was in violation of the Environmental Protection Act and Land Pollution Regulations.

Mr. Good responded by telephone shortly after receiving the warning notice. He stated that he does not utilize a dumpster or roll-off container at all his job sites and some of the debris is hauled to his business. Several times per year, a roll off box is utilized to remove the debris to a landfill.

The purpose of this re-inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations).

September 1, 2004 Observations:

I arrived at the property about 10:40 am, the weather was overcast, 40 degrees dry conditions. The site is behind a house to the west of 623 North Locust Street.

When I arrived, no one was on-site to interview. The pile of waste lumber was approximately 40 feet north and west of the northwest corner of the shed. Observed was approximately 20-25 cubic yards of mixed waste to include dimensional lumber, plywood, shingles, pallets, plastic pipe and landscape waste. The waste appears to be the same waste from an inspection

on September 1, 2004. It does not appear that any of the waste has been removed from the previous inspection. There also does not appear to be any new waste in the pile from the previous inspection. No observed progress in cleaning up this site was observed.

I left the area at 10:47 a.m.

Apparent continuing violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. Seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 6001 et. Seq.) {hereinafter call the "Act"}

- #1 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.
 - A violation of Section 21(a) is alleged for the following reason: evidence of open dumping of waste, including dimensional lumber, plywood, shingles, pallets, plastic pipe and landscape waste were observed during the inspection.
- #2 Pursuant to Section 21(d)(1) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency.
 - A violation of Section 21(d)(1) is alleged for the following reason: waste disposal and/or storage operation was conducted without a permit granted by the Agency.
- #3 Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.
 - A violation of Section 21(d)(2) is alleged for the following reason: a waste disposal and/or storage operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.
- Pursuant to Section 21(e) of the Act. No person shall dispose, treat, store, or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment except at a site or facility which meets the requirements of the Act and of Regulations and Standards thereunder.
 - A violation of Section 21(e) is alleged for the following reason: Wastes were being stored and/or disposed of at this facility which does not meet the requirements of the Act and regulations & standards thereunder.
- Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in litter.
 - A violation of Section 21(p)(1) is alleged for the following reason: evidence of open dumping resulting in litter was observed during the inspection.

#6 Pursuant to Section 21(p)(7) of the Act. No person shall cause or allow the open dumping of any waste in a manner which results in the deposition of general construction or demolition debris; or clean construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: Evidence of open dumping and/or storage of wastes resulting in the deposition of general demolition/construction debris was observed during the inspection of this site.

- 35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]
- Pursuant to Section 812.101(a) of the Regulations, all persons, except those specifically exempted by Section 21(d) of the Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of Section 812.101(a) is alleged for the following reason: this waste storage site has not submitted an application to the Agency for a permit to develop and operate a landfill.

Illinois Environmental Protection Agency

LPC # 0410055048--Douglas County Arcola/Good's Construction Insp. Date 12/29/2004

Site Map

623 N. Locust House

North Locust Street

Arrows indicated direction and location of Photos Map not to Scale

Business Shed

Û.

Debris Pile

GAOAJIAA

Site Photos

Photo 1 @ 10:45 am Photo 2 @ 10:45 am



DIGITAL PHOTOGRAPHS

LPC #0410055048 — Douglas County Arcola/Good's Construction FOS File

DATE: - December 29, 2004

TIME: 10:45 AM DIRECTION: West

PHOTO by: Mike Mullins

PHOTO FILE NAME:

0410055048~12292004-001.jpg

COMMENTS:



DATE: December 29, 2004

TIME: 10:45 AM

DIRECTION: Northwest PHOTO by: Mike Mullins

PHOTO FILE NAME:

0410055048~12292004-002.jpg

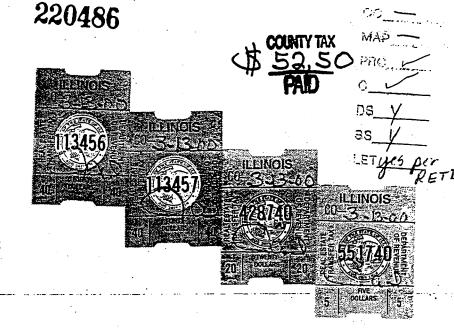
COMMENTS:



WARRANTY DEED

TENANCY BY THE ENTIRETY

MAIL TO: Jerry L. Stout P.O. Box 112 Arcola, IL 61910



THE GRANTORS, REX A. WILLISON and DEBRA L. WILLISON, husband and wife, of Bowdre Township, Douglas County, Illinois, each in his and her own right and as spouse of the other, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to GRANTEES, CHRISTOPHER A. GOOD and JENNY L. GOOD, husband and wife, of the City of Arcola, Douglas County, Illinois, not as TENANTS IN COMMON, nor as JOINT TENANTS but as TENANTS BY THE ENTIRETY, all interest in the following described real estate in the COUNTY of DOUGLAS, STATE of ILLINOIS, to wit:

THE SOUTH HALF (S 1/2) OF THE SOUTH HALF (S 1/2) OF THE FOLLOWING DESCRIBED PREMISES: THE NORTH 375 FEET 4 INCHES OF LOT 7 OF ASSESSOR'S SUBDIVISION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 14 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN.

SUBJECT to covenants, conditions, restrictions and easements apparent or of record; all applicable zoning laws and ordinances; and General Real Estate Taxes;

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number: 1-14-4-201-11

Property Address: 623 N. Locust St., Arcola, Illinois

•	
Dated this 10 day of March, 2000.	() $()$ $()$ $()$ $()$ $()$ $()$ $()$ $()$ $()$
REX A. WILLISON	DEBRA L. WILLISON
STATE OF ILLINOIS)) SS.	± 1
COUNTY OF DOUGLAS)	
I, the undersigned Notary Public State, DO HEREBY CERTIFY that REX WILLISON, husband and wife, personally persons whose names are subscribed to appeared before me in person and acknowled sealed and delivered the said instruction voluntary act, for the uses and puincluding the release and waiver of the	A. WILLISON and DEBRA L. known to me to be the same the foregoing instrument, lowledged that they signed, rument as their free and urposes therein set forth
Given under my hand and Notarial S	Seal, this 10th day of March,
OFFICIAL SEAL MONICA LYNN WILLISON NOTARY PUBLIC, STATE OF ILLINOIS NY COMMISSION EXPIRES 4-28-2001	Monica Lime Wellingotary Public
y commission expires 4-28-2001	• ·
	••••••••••••••••••••••••••••••••••••••
	· .

AME AND ADDRESS OF PREPARER: erry Stout; Atty. No. 6199950 30 No. Locust/P.O. Box 112 cola, IL 61910 L7/268-3609

BOOK 557 PAGE 157

FILED For Record MAR 1 3 2000

At 1: 10P M American Recorder

Book 557 Page 151

PROOF OF SERVICE

I hereby certify that I did on the 9th day of February 2005, 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: Christopher A. and Jenny L. Good 623 North Locust Street Arcola, Illinois 61910

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

James M. Kropid

Special Assistant Attorney General

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