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STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

A10551

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

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LEONARD HARRIS,)
)
Respondent.)

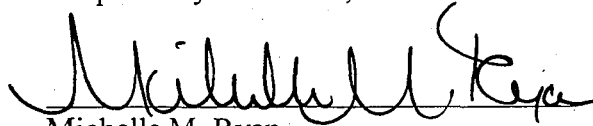
AC 05-51
(IEPA No.54-05-AC)

NOTICE OF FILING

To: Leonard Harris
13011 Office Drive
Poplar Grove, IL 61065

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: March 1, 2005

VIOLATIONS

Based upon direct observations made by Kaare Jacobsen during the course of his January 4, 2005 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (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 One Thousand Five Hundred Dollars (\$1,500.00). 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 March 31, 2005, 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: 2/28/05

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
LEONARD HARRIS,)
Respondent.)

AC 0557
(IEPA No. 54-05-AC)

FACILITY: Poplar Grove/Harris Property SITE CODE NO.: 0070155011
COUNTY: Boone CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: January 4, 2005

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

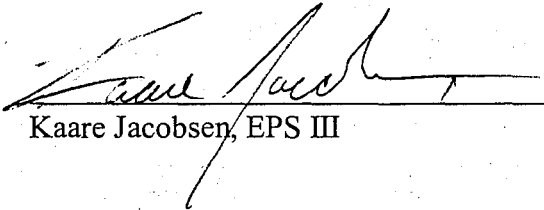
AFFIDAVIT

IN THE MATTER OF:)
)
 Leonard Harris)
)
 Respondent)


IEPA DOCKET NO.

Affiant, Kaare Jacobsen, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 4, 2005, between 11:45 a.m. and 12:10 p.m., Affiant conducted an inspection of an open dump, located in Boone County, Illinois and known as the Harris Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0070155011 by the Agency.
3. Affiant inspected said 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 open dump.


Kaare Jacobsen, EPS III

Subscribed and Sworn to Before Me
this 17 day of February, 2005


Notary Public

"OFFICIAL SEAL"
TERESA LABUNSKI
Notary Public, State of Illinois
My Commission Expires 1/10/2007

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Boone LPC#: 0070155011 Region: 1 - Rockford
 Location/Site Name: Poplar Grove/Harris Property
 Date: 01/04/2005 Time: From 11:45 am To 12:10 pm Previous Inspection Date: 02/04/2003
 Inspector(s): Jacobsen Weather: 29 degrees, cloudy
 No. of Photos Taken: # 4 Est. Amt. of Waste: 1 yds³ Samples Taken: Yes # No
 Interviewed: Leonard Harris Complaint #: C-05-057R

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

Leonard Harris
 13011 Office Drive
 Poplar Grove, IL 61065
 815/895-7045

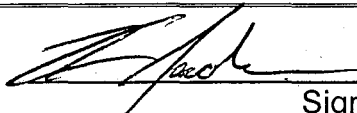
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	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 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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" 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 # 0070155011

Inspection Date: 01/04/2005

	(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.

0070155011-Boone County
Poplar Grove/Harris Property

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NARRATIVE INSPECTION REPORT

On January 4, 2005, I (Kaare Jacobsen) conducted a complaint inspection at the Harris Property in Poplar Grove, Illinois. The inspection was based on a complaint that was brought to the attention to the Rockford Regional Office during that day. The complaint indicates that the owner of the property is allowing individuals to burn construction debris on his premises. The above referenced facility is located one mile south from the intersection of Highway 76 and Highway 173 in Poplar Grove, Illinois. Agency correspondence should be addressed to the owner/operator of the property, Leonard Harris.

A separate inspection report will sent to the building contractor in regards to the burning of building debris.

Prior to this inspection, owner/operator have been sent two letters for open burning on two separate occasions. First, an Administrative Citation Warning Notice was sent to the owner for burning recyclable and landscape waste was sent on September 25, 2001. Eventually, all violations that were cited during that inspection, were resolved during a January 2, 2001, follow-up inspection. The second burning incident occurred on February 4, 2003, were as the owner utilized transfer waste to ignite a pile of landscape waste. A Non-compliance Advisory Letter was sent and as followed up with a Return to Compliance letter when in owner indicated (in writing) that all burning of transfer waste would be ceased.

Upon arrival at 11:45 a.m., I witnessed burning activity, occurring on the premises owned by Leonard Harris. The burning was caused by a contracted business, in which were in the process of constructing storage-garages on the east side of the property. Photographs 0070155011~010405-001 through 003 indicate a pile of construction debris set on fire. Photograph 0070155011~010405 faces east indicating smoke, from the burn pile, viewed from an access road. Before the departure the contractors were advised that the fire should be put out and cleaned up.

During the time of the inspection, I went to Leonard Harris' office, located adjacent to the property of where the burning activity had occurred. Mr. Harris was briefed on what had occurred on his premises, during the time of the discussion.

In conclusion, solid waste management standards were discussed at length with Mr. Harris. Mr. Harris indicated that he will cease all burning of construction debris on his premises. The inspection concluded at 12:10. The following solid waste violations were cited during the complaint inspection: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3) and 21(p)(7) of the Environmental Protection Act and 812.101(a) of 35 Illinois Administrative Code.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

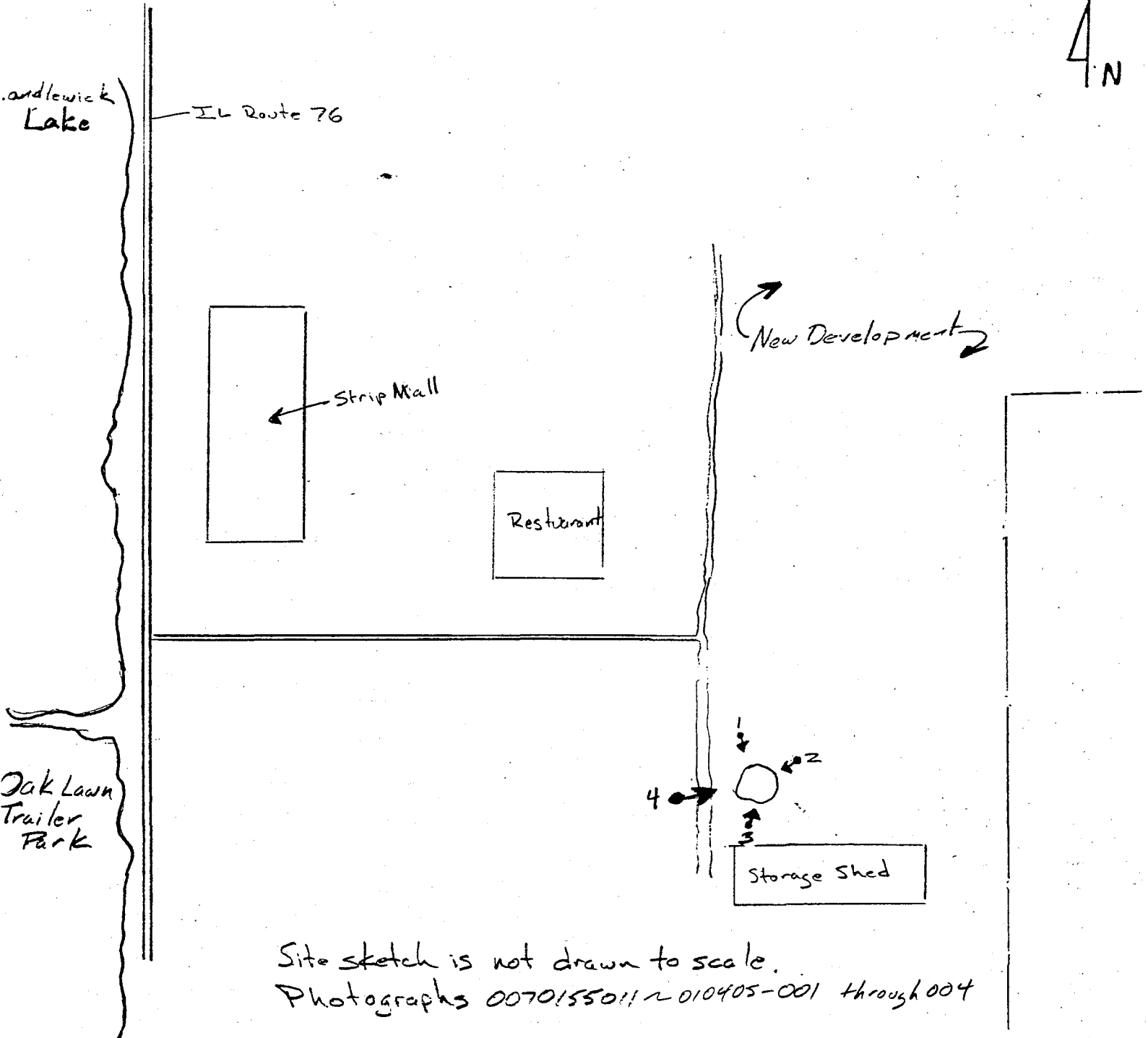
SITE SKETCH

Date of Inspection: January 4, 2005 Inspector: Jacobsen

Site Code: 0070155011 County: Boone

Site Name: Harris Property Time: 11:45am - 12:10pm

4.N



Site sketch is not drawn to scale.
Photographs 0070155011-010405-001 through 004

LPC # 0070155011 – Boone County
Poplar Grove/Harris Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01-04-05
TIME: 11:46 a.m.
DIRECTION: south
PHOTO by: Jacobsen
PHOTO FILE NAME:
0070155011~010405-001
COMMENTS: burning of
construction debris



DATE: 01-04-05
TIME: 11:46 a.m.
DIRECTION: southwest
PHOTO by: Jacobsen
PHOTO FILE NAME:
0070155011~010405-002
COMMENTS: burning of
construction debris



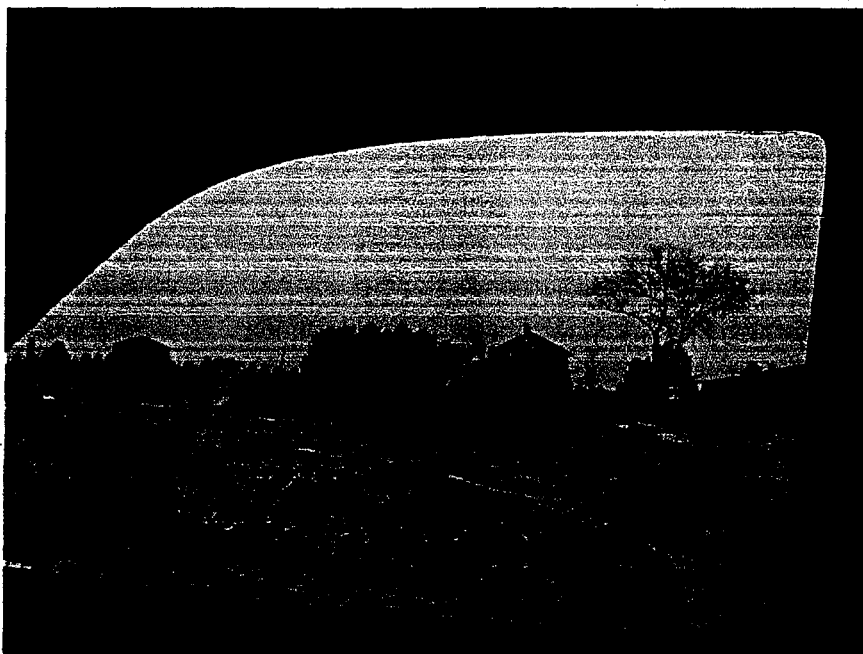
LPC # 0070155011 – Boone County
Poplar Grove/Harris Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01-04-05
TIME: 11:47 a.m.
DIRECTION: north
PHOTO by: Jacobsen
PHOTO FILE NAME:
0070155011~010405-003
COMMENTS: burnt remains of
insulation.



DATE: 01-04-05
TIME: 11:52 a.m.
DIRECTION: east
PHOTO by: Jacobsen
PHOTO FILE NAME:
0070155011~010405-004
COMMENTS: smoke viewed
from an access road



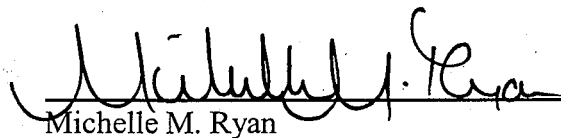
PROOF OF SERVICE

I hereby certify that I did on the 1st day of March 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: Leonard Harris
13011 Office Drive
Poplar Grove, IL 61065

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