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CLERK'S OFFICE

MAR 14 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACOS 59

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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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DALE and CAROL HARTLEY,

Respondents.

AC

05-59

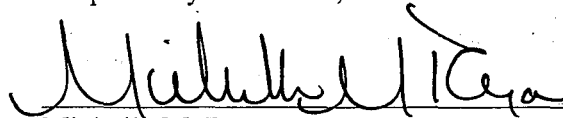
(IEPA No. 56-05-AC)

NOTICE OF FILING

To: Dale and Carol Hartley
9535 IL HWY 133
Paris, Illinois 61944

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 10, 2005

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAR 14 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

DALE and CAROL HARTLEY,)

Respondents.)

AC

05-59

(IEPA No. 56-05-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 Dale and Carol Hartley are the present owners and operators of a facility located at 9535 IL HWY 133, Paris, Edgar County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Paris/Hartley, Dale & Carol.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0458010001.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on February 16, 2005, Curt White of the Illinois Environmental Protection Agency's Champaign 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 Curt White during the course of his February 16, 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 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 opening 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), 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 April 30, 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, 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 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: 3/10/05

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.)
DALE and CAROL HARTLEY,)
Respondents.)

AC **05-59**
(IEPA No. 56-05-AC)

FACILITY: Paris/Hartley, Dale & Carol

SITE CODE NO.: 0458010001

COUNTY: Edgar

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: February 16, 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.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

STATE OF ILLINOIS
Pollution Control Board

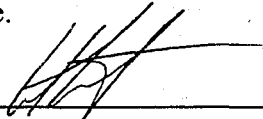
AFFIDAVIT

IN THE MATTER OF:)
)
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Respondent)

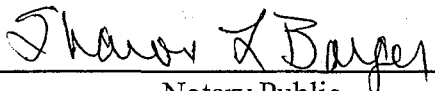
IEPA DOCKET NO.

Affiant, Curt White, 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 February 16, 2005, between 10:25 A.M. and 10:35 A.M., Affiant conducted an inspection of the site in Edgar County, Illinois, known as the Paris/Hartley, Dale & Carol site, Illinois Environmental Protection Agency Site No. 0458010001.
3. Affiant inspected said Dale & Carol Hartley 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 Dale & Carol Hartley site.



Subscribed and Sworn to before me
this 22nd day of February,
2005.



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Edgar LPC#: 0458010001 Region: 4 - Champaign
 Location/Site Name: Paris / Hartley, Dale & Carol
 Date: 2/16/05 Time: From 10:25 am To 10:35 am Previous Inspection Date: 10/25/04
 Inspector(s): Curt White Weather: Partly Sunny & 35° F
 No. of Photos Taken: # 6 Est. Amt. of Waste: 50 yds³ Samples Taken: Yes # No X
 Interviewed: N/A Complaint #: CO5-046-CH

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

Dale & Carol Hartley
 9535 IL HWY 133
 Paris, IL 61944

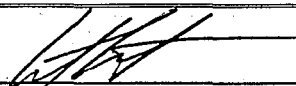
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 FEB 16 2005
 EPA / BOL

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	X
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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	X
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(1)	Litter	X
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	X
	(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 # 0458010001-Edgar County

Inspection Date: 2/16/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input 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	X
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"/>


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

LPC #0458010001—Edgar County

Paris / Hartley, Dale & Carol

FOS

Inspector: Curt White

Insp. Date: 2/16/05

Complaint #C05-046-CH

GIS Data: Latitude-N39.62032°, Longitude-W87.78714° (Garmin GPSmap 76S)

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FEB 24 2005

EPA / BOL

INSPECTION REPORT NARRATIVE

Curt White of DLPC/FOS Champaign Regional Office reinspected this site on February 16, 2005. The weather conditions during this inspection were partly sunny and 35° F. No interviews were conducted during this inspection. The initial inspection was conducted as a result of a citizen complaint.

The site is located at 9535 IL Hwy 133, Paris, IL. Dale & Carol Hartley own the site. The mailing address is the same as the site location. The ownership was determined by going to the Edgar County Supervisor of Assessments Office in Paris, IL.

This inspection was conducted in accordance with Sections 4(c) and (d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine if the site is in compliance with the Act and Regulations.

SITE HISTORY

An Administrative Citation Warning Notice was sent to the above-mentioned site by certified mail on December 1, 2004 and received by Carol Hartley on December 2, 2004 according to the U.S. Postal Service Mail Receipt. No response was received from Dale & Carol Hartley.

FEBRUARY 16, 2005 INSPECTION FINDINGS

I arrived on the property at 10:25 am. I walked around the property and I saw furniture, white goods, a toilet and household waste scattered around the site and a 30' x 27' x 1' burn pile that contained ash, cans, furniture, metal and other wastes (see photos 1 thru 6). The site had not been cleaned up and the evidence at the site supported that open dumping and open burning continued at the site. I left the site at 10:35 am.

Summary of Violations

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 ½, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) is alleged for the following reason: **Evidence of open burning, which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

2. Pursuant to Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: **Evidence of open burning of refuse was observed during the inspection.**

3. Pursuant to Section 21(a) of the Act. No one 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 was observed at the site during the inspection.**

4. Pursuant to Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any condition imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Waste was disposed without a permit granted by the Illinois EPA.**

5. Pursuant to Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

6. 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: **Evidence of wastes disposal was observed during the inspection of the site, which does not meet the requirements of the Act and regulations thereunder.**

7. 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 at the dumpsite.

A violation of Section 21(p)(1) is alleged for the following reason: **Evidence of open dumping of waste was observed at this site, which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner, which resulted in open burning.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

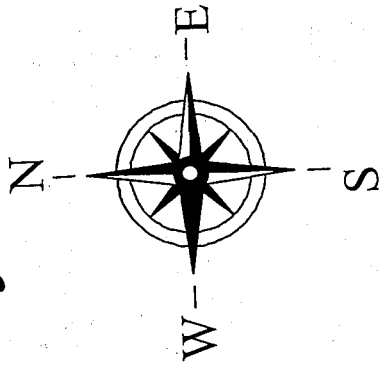
9. Pursuant to 35 Ill. Adm Code 812.101(a), All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(d)) [415 ILCS 5/21(d)], shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **This waste management site has not submitted an application to the Agency for a permit to develop and operate a landfill.**

Illinois Environmental Protection Agency

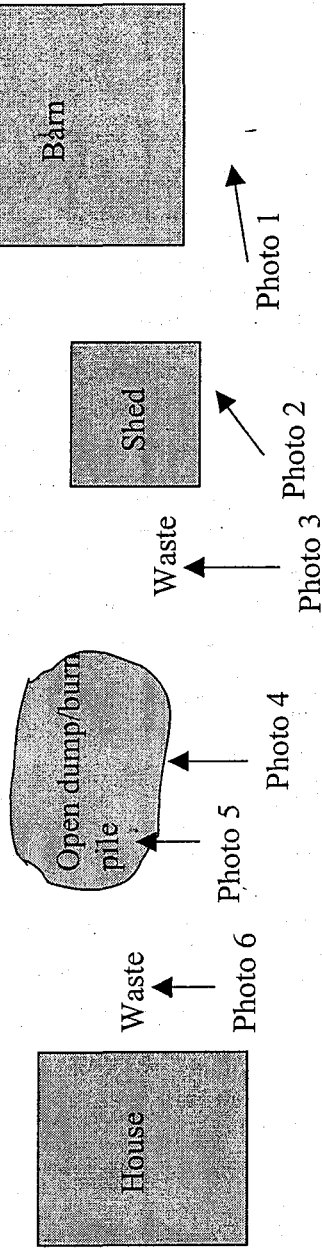
LPC # 0458010001--Edgar County
Paris / Hartley, Dale & Carol
Insp. Date 2 / 16 / 05

Site Map



Site Photos

1. Photo 1 @ 10:26 am
2. Photo 2 @ 10:26 am
3. Photo 3 @ 10:27 am
4. Photo 4 @ 10:27 am
5. Photo 5 @ 10:27 am
6. Photo 6 @ 10:27 am



IL Hwy 133

Map not to Scale
Arrows indicated direction
and location of Photos

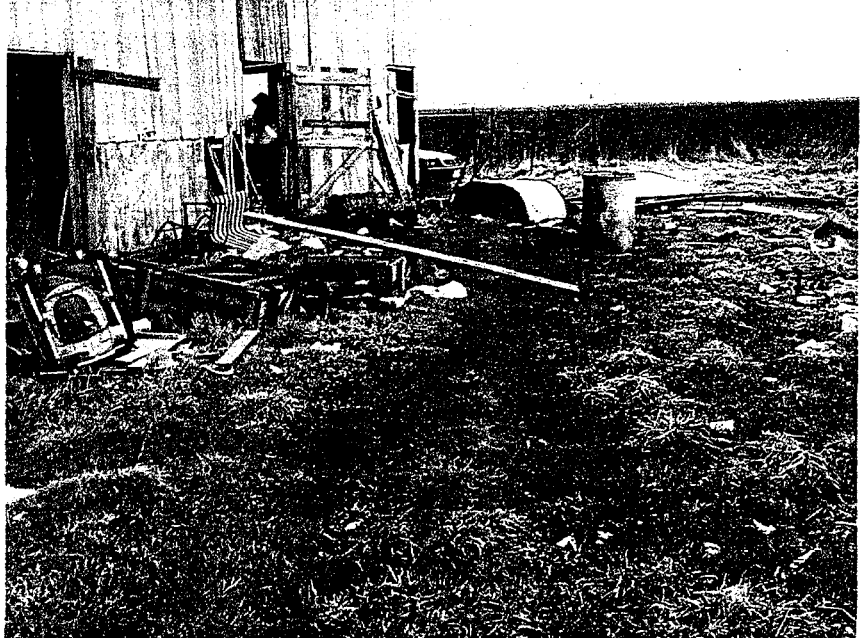


Illinois Environmental Protection Agency
Bureau of Land

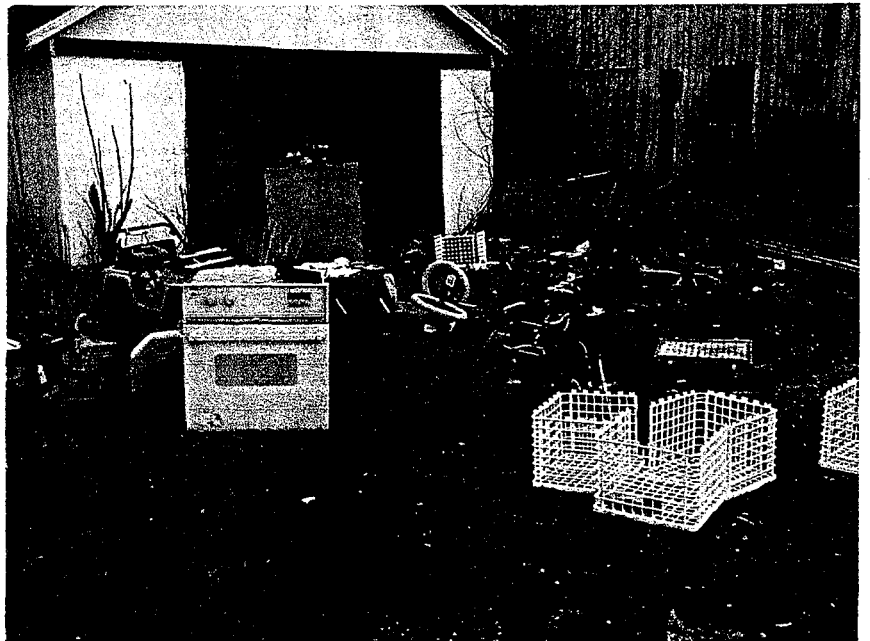
DIGITAL PHOTOGRAPHS

LPC # 0458010001 — Edgar County
Paris / Hartley, Dale & Carol
FOS File

DATE: 2-16-2005
TIME: 10:26 AM
DIRECTION: East
PHOTO by: Curt White
PHOTO FILE NAME:
0458010001~02162005-001.jpg
COMMENTS:



DATE: 2-16-2005
TIME: 10:26 AM
DIRECTION: Northeast
PHOTO by: Curt White
PHOTO FILE NAME:
0458010001~02162005-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC # 0458010001 — Edgar County
Paris / Hartley, Dale & Carol
FOS File**

**DATE: 2-16-2005
TIME: 10:27 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:
0458010001~02162005-003.jpg
COMMENTS:**



**DATE: 2-16-2005
TIME: 10:27 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:
0458010001~02162005-004.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC # 0458010001 — Edgar County
Paris / Hartley, Dale & Carol
FOS File**

**DATE: 2-16-2005
TIME: 10:27 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:
0458010001~02162005-005.jpg
COMMENTS:**



**DATE: 2-16-2005
TIME: 10:27 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:
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COMMENTS:**



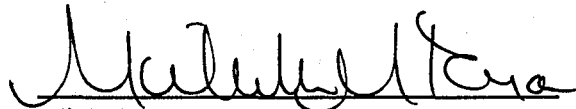
PROOF OF SERVICE

I hereby certify that I did on the 10th day of March 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: Dale and Carol Hartley
9535 IL HWY 133
Paris, Illinois 61944

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