RECEIVED CLERK'S OFFICE

SEP 1 8 2006

STATE OF ILLINOIS Pollution Control Board

INFORMATIONAL NOTICE!!!

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 James R. Thompson 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.

Any person other than individuals MUST appear through an attorneyat-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 III. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

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SEP 1 8 2006

STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL)	· Cudion Control Bos	ar(
PROTECTION AGENCY,)	21/2	
Complainant,)	AC 07-16	
v.)	(IEPA No. 253-06-AC)	
DENNIS BALLINGER,)		
Respondent.)		

NOTICE OF FILING

To: Dennis Ballinger P.O. Box 1452

Decatur, Illinois 62525

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: September 15, 2006

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD SEP

ADMINISTRATIVE CITATION

SEP 1 8 2006 STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	}
Complainant,	AC 01-16
V.	(IEPA No. 253-06-AC)
DENNIS BALLINGER,	(
	}
Respondent.)
Meshouneur.)

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 (2004).

FACTS

- 1. That Dennis Ballinger ("Respondent") is the present owner of a facility located at 527 N. High Street, Paris, Edgar County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Paris/Farr-Ballinger.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0450305105.
 - 3. That Respondent has owned said facility at all times pertinent hereto.
- 4. That on August 8, 2006, 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.

<u>VIOLATIONS</u>

Based upon direct observations made by Curt White during the course of his August 8, 2006 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 <u>One Thousand Five Hundred Dollars (\$1,500.00)</u>. 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 <u>October 15, 2006</u>, 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 (2004), 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) (2004), 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 (2004). 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.

Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 9/15/06

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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SEP 1 8 2006

REMITTANCE FORM

STATE OF ILLINOIS Pollution Control Board

	IVIRONMENTA ON AGENCY,	V L)			
Complainant	,)	AC 01-	16	
V.)	(IEPA No. 2		
DENNIS BA	LLINGER,)			
Respondent)			
FACILITY:	Paris/Farr-Ba	llinger		SITE CODE NO.:	0450305105	
COUNTY:	Edgar			CIVIL PENALTY:	\$1,500.00	
DATE OF INS	SPECTION:	August 8, 2006				
DATE REMIT	TED:					
SS/FEIN NUM	MBER:					
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:	`	
IN THE WATTER OF.)	
)	
)	
)	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 August 8, 2006, between 10:10 A.M. and 10:25 A.M., Affiant conducted an inspection of the site in Edgar County, Illinois, known as the Paris / Farr-Ballinger site, Illinois Environmental Protection Agency Site No. 0450305105.
- 3. Affiant inspected said Farr-Ballinger 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 Farr-Ballinger site.

Subscribed and Sworn to before me

this $\sqrt{2/2^{n}}$ da

day of Avalst

Respondent

2006.

Notary Public

OFFICIAL SEAL
SHARON L BARGER
NOTARY PUBLIC - STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Edgar		LPC#:	045030	5105		Region:	4 - Champaign
Location/Si	ite Name:	Paris / Farr	Ballinger					
Date:	8/8/2006	Time: Fro	m 10:10	am To	10:25 am	Pre	evious Inspection Date	3/20/2006
Inspector(s	s): Curt Wi	- hite			Weather:	- Clo	oudy & 75° F	
No. of Pho- Interviewed	tos Taken: # d: N/A	9 Est	. Amt. of W	/aste: 20			nples Taken: Yes # #: C06-101-CH	No 🗵
Latitude:	39.61794	Longitude:	-87.6179	4 Colle	ection Point	Des	cription: Dump Location	on - +/- 28 ft
(Example: L	.at.: 41.26493	Long.: -8	9.38294)	Colle	ection Meth	od:	GPS - Garmin GPSma	p 76S
Responsible Party Mailing Address(es)		Edwin Far 200 Reich Joliet, IL 6	man	Owner		1 F	Dennis Ballinger Rea 119 E William St-Suit PO Box 1452 Decatur, IL 62525 217/429-5050	•
					·			

	SECTION	DESCRIPTION	VIOL
	, LE	INOIS 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	\boxtimes
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	\boxtimes
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RE IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	SULTS
	(1)	Litter	\boxtimes
	(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 # 0450305105-Edgar County

Inspection Date:

8/8/2006

	(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	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS	e ja h
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	
	en en de deprés de La suscitation de la companya de la	OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		

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 #0450305105-Edgar County Paris / Farr-Ballinger FOS Inspector: Curt White Insp. Date: 8/8/2006

Complaint # C06-101-CH

INSPECTION REPORT NARRATIVE

Curt White of DLPC/FOS Champaign Regional Office reinspected this site on August 8, 2006. The weather conditions during this inspection were cloudy and 75° 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 527 N. High Street, Paris, IL. According to the Edgar County Supervisor Office in Paris, IL the site was sold on January 27, 2006 to Edwin Farr. The mailing address for Mr. Farr is 200 Reichman, Joliet, IL 60433. The previous owner was Dennis Ballinger. The mailing address for Dennis Ballinger Real Estate is 119 E. William Street-Suite 300, PO Box 1452, Decatur, IL 62525. According to the complainant, the waste material at the site was there before January 27, 2006 so both the current and former owner will be a respondent. The previous tenant is unknown. A "Tax Deed" and a "Quit Claim Deed" are attached with this report.

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

I (Curt White) initially inspected the site on March 20, 2006. I arrived on the property at 11:10 am and knocked on the door at the residence at the site. Nobody answered the door. According to the complainant, nobody resides at the site. I proceeded to the area described by the complainant. The entire back yard was covered with used tires, cans, lumber, three junk vehicles, bags of trash and other general refuse. I left the site at 11:25 am.

An Administrative Citation Warning Notice (ACWN) was sent to Mr. Ballinger and Mr. Farr on April 18, 2006. According to the U.S. Postal Service Certified Mail Receipt Mr. Ballinger received his ACWN on April 20, 2006. Mr. Farr's ACWN was returned to sender because the letter was "attempted, not known". The ACWN was resent "U.S. First Class Mail" and not returned. The deadline for the cleanup was August 1, 2006. No response was received by either Mr. Ballinger or Mr. Farr.

AUGUST 8, 2006 INSPECTION FINDINGS

I arrived on the property at 10:10 am. There was no change at the site. No waste was removed or added. The entire back yard was covered with used tires, cans, lumber, three junk vehicles, bags of trash, other general refuse which was dumped haphazardly in weeds (see photos 1 thru 9). I left the site at 10:25 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 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.
- 2. 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.
- 3. 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.
- 4. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.
 - A violation of Section 55(a)(1) is alleged for the following reason: Evidence of open dumping of used or waste tires was observed during the inspection.

Illinois Environmental Protection Agency

LPC # 0450305105--Edgar County Paris / Farr-Ballinger

Site Map

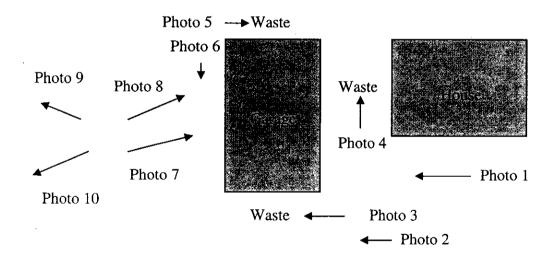
Insp. Date 8/8/06

Site Photos

- 1. Photo 1 @ 10:15 am
- 4. Photo 4 @ 10:16 am
- 7. Photo 7 @ 10:19 am
- 10. Photo 10@ 10:20 at

- 2. Photo 2 @ 10:16 am
- 5. Photo 5 @ 10:16 am
- 8. Photo 8 @ 10:19 am

- 3. Photo 3 @ 10:16 am
- Photo 6 @ 10:17 am
- 9. Photo 9 @ 10:20 am



N High Street

Map not to Scale
Arrows indicated direction
and location of Photos

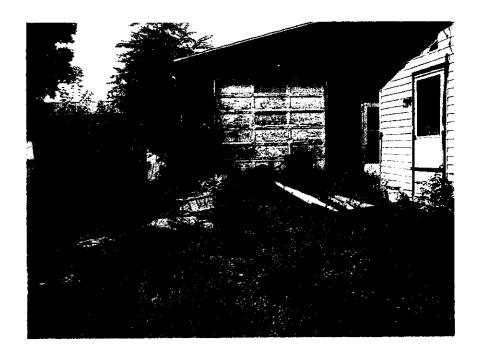


LPC # 0450305105 — Edgar County Paris / Farr-Ballinger FOS File

DATE: 8-8-2006 TIME: 10:15 AM DIRECTION: West PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-001.jpg

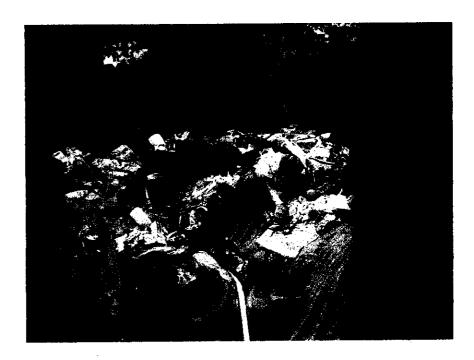
COMMENTS:



DATE: 8-8-2006
TIME: 10:16 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:

0450305105~08082006-002.jpg

COMMENTS:





LPC # 0450305105 — Edgar County Paris / Farr-Ballinger FOS File

DATE: 8-8-2006 TIME: 10:16 AM DIRECTION: West PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-003.jpg

COMMENTS:



DATE: 8-8-2006
TIME: 10:16 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:

0450305105~08082006-004.jpg

COMMENTS: Used tires,

appliances





LPC # 0450305105 — Edgar County Paris / Farr-Ballinger FOS File

DATE: 8-8-2006
TIME: 10:17 AM
DIRECTION: East
PHOTO by: Curt White
PHOTO FILE NAME:

0450305105~08082006-005.jpg COMMENTS: Used tires and other material in weeds.



DATE: 8-8-2006 TIME: 10:17 AM DIRECTION: South PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-006.jpg COMMENTS: Used tires, big wheel and other material in

weeds.





LPC # 0450305105 — Edgar County Paris / Farr-Ballinger **FOS File**

DATE: 8-8-2006 TIME: 10:19 AM DIRECTION: East PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-007.jpg

COMMENTS: Windows,

fencing and other material in

weeds.



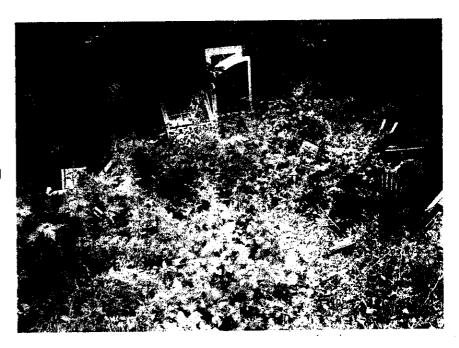
DATE: 8-8-2006 TIME: 10:19 AM **DIRECTION:** East **PHOTO by: Curt White** PHOTO FILE NAME:

0450305105~08082006-008.jpg

COMMENTS: Windows,

fencing and other material in

weeds.





LPC # 0450305105 — Edgar County Paris / Farr-Ballinger FOS File

DATE: 8-8-2006 TIME: 10:20 AM DIRECTION: West PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-009.jpg COMMENTS: Automobile in

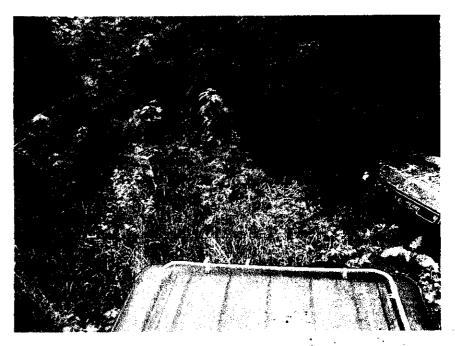
weeds.



DATE: 8-8-2006 TIME: 10:20 AM DIRECTION: West PHOTO by: Curt White PHOTO FILE NAME:

0450305105~08082006-010.jpg COMMENTS: Lawnmower in

weeds.



PROOF OF SERVICE

I hereby certify that I did on the 15th day of September 2006, 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: Dennis Ballinger

P.O. Box 1452 Decatur, Illinois 62525

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