



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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NOV 24 2008
STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

Original

AC09-24

November 20, 2008

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Quinn & Glenna Hunley
IEPA File No. 317-08-AC: 0478570005—Edwards County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

QUINN & GLENNA HUNLEY,)

Respondents.)

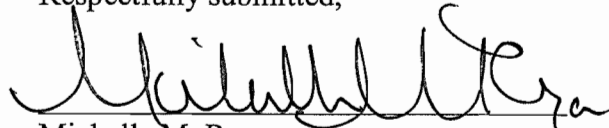
AC 09-24
(IEPA No. 317-08-AC)

NOTICE OF FILING

To: Quinn & Glenna Hunley
201 Seminary Street
West Salem, IL 62476

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
Assistant Counsel

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

Dated: November 20, 2008

RECEIVED
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NOV 24 2008
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

QUINN & GLENNA HUNLEY,

Respondents.

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09-24

(IEPA No. 317-08-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 (2006).

FACTS

1. That Quinn & Glenna Hunley are the current owners and operators ("Respondents") of a facility located at 2136 North Illinois Route 130, in rural West Salem, Edwards County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Salem/Hunley, Quinn & Glenna.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0478570005.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on October 1, 2008, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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.

5. That on 11-20-08, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 4905.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his October 1, 2008 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 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 December 30, 2008, 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 (2006), 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.

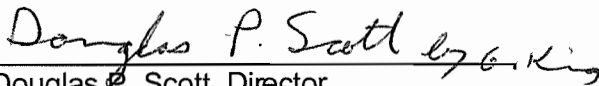
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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 (2006). 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.



Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 11/20/08

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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NOV 24 2008

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
QUINN & GLENNA HUNLEY,)
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))
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))
))
Respondents.)

AC 09-24

(IEPA No. 317-08-AC)

FACILITY: West Salem/Hunley, Quinn & Glenna

SITE CODE NO.: 0478570005

COUNTY: Edwards

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: October 1, 2008

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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NOV 24 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
)
 v.)
)
 Quinn & Glenna Hunley)
)
 Respondents.)

IEPA DOCKET NO.

AC09-24

AFFIDAVIT

Affiant, Garrison Gross, 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 October 1, 2008, between 11:20 AM and 11:35 AM, Affiant conducted an inspection of a disposal site owned by Quinn & Glenna Hunley, located in Edwards County, Illinois, and known as West Salem / Hunley, Quinn & Glenna by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0478570005 by the Agency.

3. Affiant inspected said West Salem / Hunley, Quinn & Glenna site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions 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 West Salem / Hunley, Quinn & Glenna.

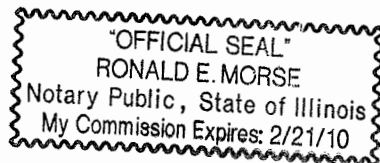
Garrison Gus

Subscribed and Sworn to before me

this 20th day of October, 2008

Ronald E. Morse
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Edwards LPC#: 0478570005 Region: 7 - Marion
 Location/Site Name: West Salem / Hunley, Quinn & Glenna
 Date: 10/01/2008 Time: From 11:20 AM To 11:35 AM Previous Inspection Date: 12/19/2007
 Inspector(s): Garrison Gross Weather: partly cloudy, 72°F, moderate breeze
 No. of Photos Taken: # 18 Est. Amt. of Waste: 400 yds³ Samples Taken: Yes # No X
 Interviewed: n/a Complaint #: N/A

Responsible Party Mailing Address(es) and Phone Number(s):	Quinn & Glenna Hunley 201 Seminary Street West Salem, Illinois 62476	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input 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 # 0478570005

Inspection Date: 10/01/2008

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

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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0478570005

Site Name: West Salem / Hunley, Quinn & Glenna

County: Edwards

Township: Salem

Date of Inspection: October 1, 2008

Inspector: Garrison Gross

GPS Coordinates: N38.55816° W088.05701°

Subject: Follow-up Open Dump Site Inspection at Quinn & Glenna Hunley Property

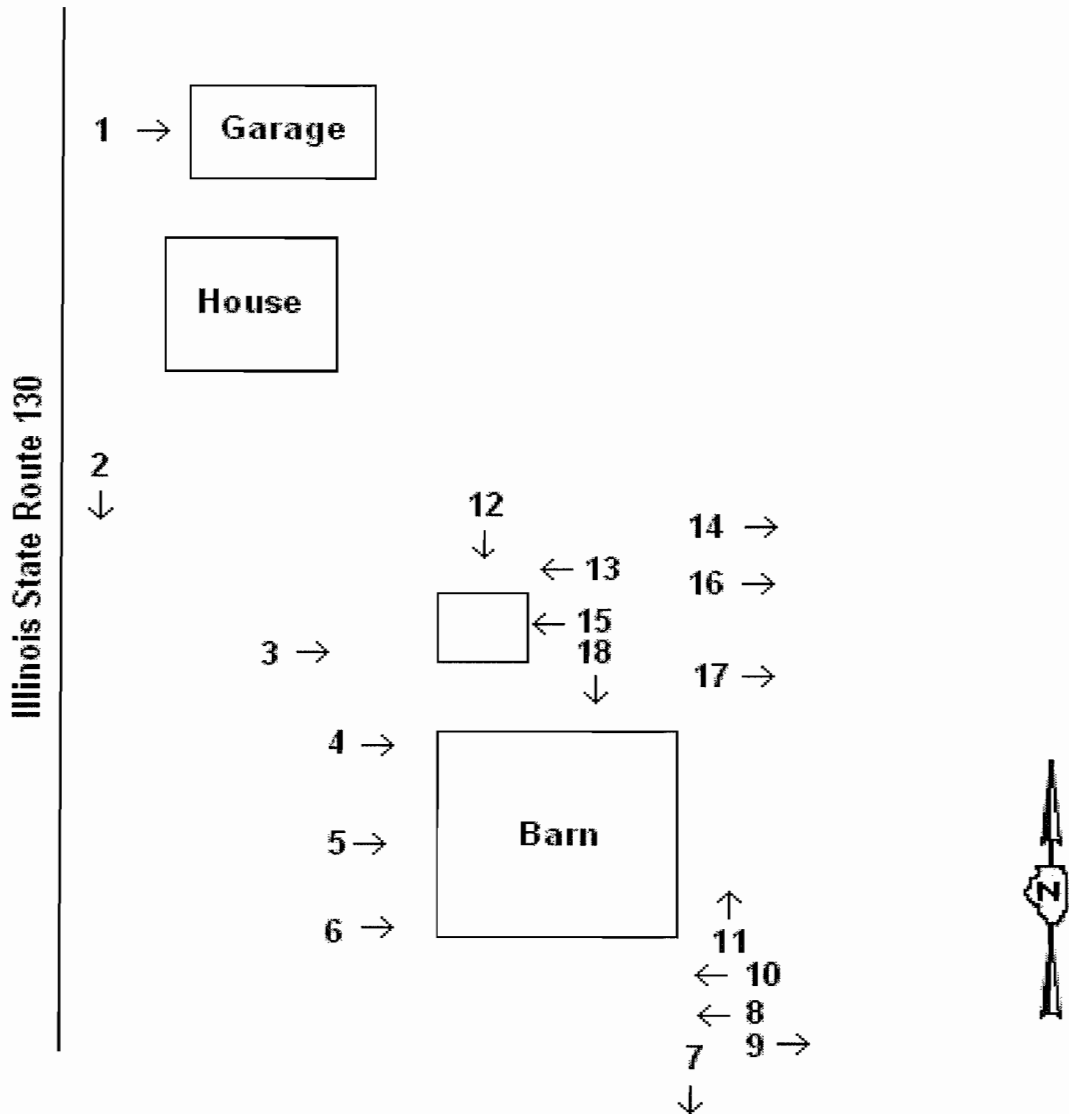
General Remarks: A follow-up Open Dump Site Inspection was conducted on Wednesday, October 1, 2008 at the property of Quinn and Glenna Hunley. Garrison Gross (author of this report) and Robert Mileur of the Illinois EPA Bureau of Land conducted the inspection. The property is located at ~2136 North Illinois Route 130, in rural West Salem, Illinois, 62476. The inspection was performed as a follow-up to a previous inspection conducted on December 19, 2007.

The inspection began at approximately 11:20 AM. Weather conditions at the time of the inspection were partly cloudy, 72° F, and a moderate breeze. No one was at the site when we arrived. The inspectors continued the inspection by walking and photographing the site. It was apparent that some progress had been made, especially along Route 130 and the property boundary. A considerable amount of waste metal remained at the site (photos 001-018). Excessive amounts of wastes including but not limited to metal, vehicles, vehicle parts, white goods, farm machinery and lawn mowers were scattered around the site. The inspection ended at approximately 11:35 AM. Approximately 400 cubic yards of waste was observed at the site.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: October 1, 2008
Site #: 0478570005
Site Name: West Salem / Hunley, Quinn & Glenna
County: Edwards
Township: Salem
Inspector: Garrison Gross
GPS Coordinates: N38.55816° W088.05701°
Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:23 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 001
Comments: Photograph of waste metal.



Date: 10/01/2008
Time: 11:25 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 002
Comments: Photograph of property line where waste metal has been removed.

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:25 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 003
Comments: Photograph
of waste metal.



Date: 10/01/2008
Time: 11:25 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 004
Comments: Photograph
of waste metal.

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:25 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 005
Comments: Photograph
of waste metal.



Date: 10/01/2008
Time: 11:26 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 006
Comments: Photograph
of waste metal.

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:27 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 007
Comments: Photograph of waste metal.



Date: 10/01/2008
Time: 11:27 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 008
Comments: Photograph of waste metal.

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:27 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 009
Comments: Photograph
of waste metal farm
implement.



Date: 10/01/2008
Time: 11:27 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 010
Comments: Photograph
of waste metal (camper
shells).

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:27 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 011
Comments: Photograph of waste metal (camper shells).



Date: 10/01/2008
Time: 11:30 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 012
Comments: Photograph of waste metal.

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:30 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 013
Comments: Photograph of waste metal.



Date: 10/01/2008
Time: 11:30 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 014
Comments: Photograph of waste metal.

File Names: 0478570005-10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:30 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 015
Comments: Photograph
of waste metal.



Date: 10/01/2008
Time: 11:30 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 016
Comments: Photograph
of waste metal (drums).

File Names: 0478570005~10012008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10/01/2008
Time: 11:30 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 017
Comments: Photograph of waste metal.



Date: 10/01/2008
Time: 11:31 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 018
Comments: Photograph of waste metal.

File Names: 0478570005~10012008-[Exp. #].jpg

ORIGINAL
PROOF OF SERVICE



I hereby certify that I did on the 20th day of November, 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: Quinn & Glenna Hunley
201 Seminary Street
West Salem, IL 62476

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: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, appearing to read "Michelle M. Ryan". The signature is written in a cursive style and is positioned above the printed name and title.

Michelle M. Ryan
Assistant Counsel

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