



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2879
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

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

April 30, 2009

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

Ac 9-41

Re: Illinois Environmental Protection Agency v. Mark A. Lewis
IEPA File No. 65-09-AC; 0258025002—Clay 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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MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MARK A. LEWIS,

Respondents.

AC

09-41

(IEPA No. 65-09-AC)

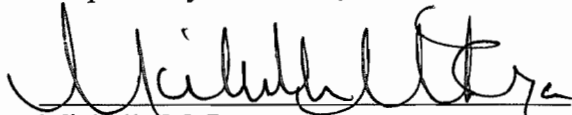
ORIGINAL

NOTICE OF FILING

To: Mark A. Lewis
1835 Bunnyville Drive
Clay City, IL 62824

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: April 30, 2009

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MARK A. LEWIS,

Respondent.

AC

(IEPA No. 65-09-AC)

ORIGINAL

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 Mark A. Lewis ("Respondent") is the present owner of a facility located at Bunnyville Drive, Clay City, Clay County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Clay City/Lewis, Mark A.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0258025002.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on April 1, 2009, Garrison Gross of the Illinois Environmental Protection Agency's 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 4-30-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0 002 3214 3268.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his April 1, 2009 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) (2006).

CIVIL PENALTY

On March 15, 2007, the Board found Mark A. Lewis in violation of Section 21(p)(1) of the Act in AC 07-31.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation, for a total of Three Thousand Dollars (\$3,000.00). 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 June 15, 2009, 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 (2006), 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) (2006), 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 (2006). 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: 4/29/09

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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MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MARK A. LEWIS,

Respondent.

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AC

09-41

(IEPA No. 65-09-AC)

ORIGINAL

FACILITY: Clay City/Lewis, Mark A.

SITE CODE NO.: 0258025002

COUNTY: Clay

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: April 1, 2009

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.

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

vs.)

Mark A. Lewis)

Respondent.)

AC09-41

IEPA DOCKET NO.

ORIGINAL

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 April 1, 2009, between 10:15 AM and 10:30 AM, Affiant conducted an inspection of a disposal site operated by Mark A. Lewis located in Clay County, Illinois, and known as Clay City / Lewis, Mark A. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0258025002 by the Agency.

3. Affiant inspected said Clay City / Lewis, Mark A. 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 Clay City / Lewis, Mark A.

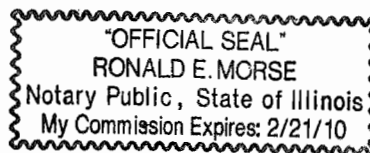
Janison Gos

Subscribed and Sworn to before me

this 13th day of April, 2009

Ronald E. Morse
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

ORIGINAL

County: Clay LPC#: 0258025002 Region: 7 - Marion

Location/Site Name: Clay City / Lewis, Mark A.

Date: 04/01/2009 Time: From 10:15 AM To 10:30 AM Previous Inspection Date: 12/07/2006

Inspector(s): Garrison Gross & Robert Mileur Weather: partly cloudy, 65° F, light breeze

No. of Photos Taken: # 13 Est. Amt. of Waste: 210 yds³ Samples Taken: Yes # No ☒

Interviewed: no one at the site Complaint #: C-06-033

Latitude: N38.65984° Longitude: W088.30923° Collection Point Description: Center of Site -

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin 76 S Unit

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

Mark A. Lewis
1835 Bunnyville Drive
Clay City, IL 62824
(618) 676-9955

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MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

	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 # 0258025002

Inspection Date: 04/01/2009

	(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 #: 0258025002

Site Name: Clay City / Lewis, Mark A.

County: Clay – Clay City Township

Date of Inspection: April 1, 2009

Inspectors: Garrison Gross & Robert Mileur

Subject: Open Dump Site Inspection at Mark A. Lewis Property

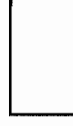
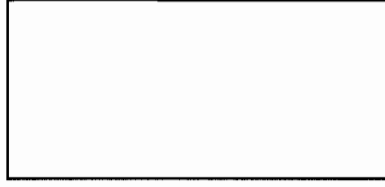
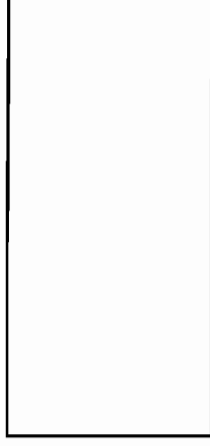
General Remarks: An Open Dump Site Inspection was conducted on Wednesday, April 1, 2009, at the property of Mark A. Lewis. Garrison Gross (author of this report) and Robert Mileur of the Illinois EPA Bureau of Land conducted the inspection. The inspection was performed as a follow-up to a previous inspection conducted on December 7, 2006. The property is located at 1835 Bunnyville Drive, in rural Clay City, Illinois, 62824.

The inspection began at approximately 10:15 AM. Weather conditions at the time of the inspection were partly cloudy, 65° F, with a light breeze. From Bunnyville Drive, the Inspectors observed wastes including but not limited to vehicles, white goods, domicile waste and household waste (photos 001 and 002). The Inspectors entered the site and attempted to make contact with the owner at the residence. No contact was made and this Inspector continued the inspection by walking and photographing the site. Inspector Mileur remained at the vehicle.

Approximately twenty-five (25) vehicles of various makes, models and conditions were observed at the site. The vehicles were scattered around the property. Fourteen (14) of the vehicles were considered waste due to their condition (photos 003-013). Of the fourteen (14) waste vehicles, ten (10) had been observed at the site during previous inspections. Most of them were still in the same location as previously observed and notations are indicated as such on the photograph inspection sheet. None of the vehicles appeared to have current license plates. Many of the vehicles had the windows either broken out, missing or rolled down, exposing the interior to the elements. Some of vehicles had the hoods open exposing the engine compartments to the elements, were missing mechanical components, or had body damage. None of the vehicles appeared to have been driven for some time. Approximately 210 cubic yards of waste was observed at the site. The inspection ended at approximately 10:30 AM.

According to information obtained from the Supervisor of Assessment's Office in Clay County, tax bills are mailed to Mark A. Lewis, 1835 Bunnyville Drive, Clay City, Illinois, 62824. Their office refers to the site as parcel 12-27-300-010 which consists of approximately 35 acres.

3 →

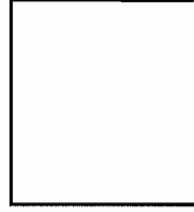


8



4

12 ↓



7

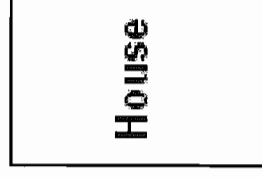
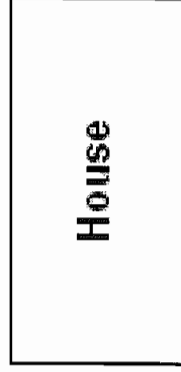
10 ↓

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11 →



← 13



2 1

Bunnyville Drive



DIGITAL PHOTOGRAPHS



**Date: 04/01/2009
Time: 10:17 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 001
Comments: Photograph
of a waste vehicle with no
valid license plates.**



**Date: 04/01/2009
Time: 10:17 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 002
Comments: Photograph
of white goods and pile of
household waste.**

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 04/01/2009
Time: 10:21 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 003
Comments: Photo of five vehicles. Photograph of waste vehicle. Vehicle observed in similar condition and same location on 2/8/2006.



Date: 04/01/2009
Time: 10:22 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 004
Comments: Photograph of waste vehicle. Vehicle observed in similar condition at site on 2/8/2006.

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 04/01/2009
Time: 10:22 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 005
Comments: Photograph of waste vehicle. Some of windows were busted out. Vehicle observed in similar condition at site on 2/8/2006.



Date: 04/01/2009
Time: 10:23 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 006
Comments: Photograph of waste vehicle. Windows and wheels were missing. Vehicle observed in similar condition at site on 2/8/2006.

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 04/01/2009
Time: 10:23 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 007
Comments: Photograph of two waste vehicles (pickup trucks). White Ford pickup observed in similar condition and location on 12/7/2006.



Date: 04/01/2009
Time: 10:24 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 008
Comments: Photograph of waste vehicle. Some of the windows were busted out. Vehicle observed at site on 2/8/2006.

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 04/01/2009
Time: 10:24 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 009
Comments: Photograph of three waste vehicle. Vehicles observed in similar conditions and same location on 2/8/2006.



Date: 04/01/2009
Time: 10:24 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 010
Comments: Photograph of waste vehicle from previous photo. Vehicle observed in similar condition and same location on 2/8/2006.

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 04/01/2009
Time: 10:25 AM
Direction: East
Photo by: Garrison Gross
Exposure #: 011
Comments: Photograph
of waste vehicle. Vehicle
observed in similar
condition and same
location on 2/8/2006.



Date: 04/01/2009
Time: 10:26 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 012
Comments: Photograph
of waste vehicle.

File Names: 0258025002~04012009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 04/01/2009
Time: 10:26 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 013
Comments: Photograph
of a waste vehicle.**

ORIGINAL

PROOF OF SERVICE

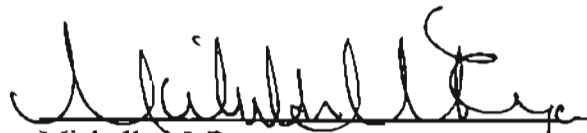
I hereby certify that I did on the 30th day of April 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Mark A. Lewis
1835 Bunnyville Drive
Clay City, IL 62824



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


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