

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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

January 13, 2010

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CLERK'S OFFICE

JAN 27 2010

STATE OF ILLINOIS

Pollution Control Board

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

Re: <u>Illinois Environmental Protection Agency v. David Antrim</u> IEPA File No. 64-10-AC; 0498085004—Effingham County

Dear Clerk 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

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JAN 27 2010

STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

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DAVID ANTRIM,

Respondent.

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NOTICE OF FILING

To: David Antrim 1025 Cardinal Drive Effingham, IL 62401 DORIGINAL

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,

AC 10-15

(IEPA No. 64-10-AC)

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: January 13, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

ν.

DAVID ANTRIM,

AC 10 -15 (JEPA No. 64-10-AC)

Respondent.

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

That David Antrim is the current owner ("Respondent") of a facility located south of 1. Interstate 70, south of Altamont, Illinois. This is a group of small rental homes on a dead end road on the west side of County Road 300E, north of 800N, in Effingham County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Altamont/ Antrim-Kanak St.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0498085004.

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

4. That on December 18, 2009, Deanna Carlock of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign Regional Office inspected the above-described facility. A copy



RECEIVED CLERK'S OFFICE

JAN 27 2010

of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on <u>January 13</u>, 2014 Illinois EPA sent this Administrative Citation via Certified Mail No. <u>7008 1830 000 4720 7547</u>.

VIOLATIONS

Based upon direct observations made by Deanna Carlock during the course of her December 28, 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).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2006).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

CIVIL PENALTY

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 One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of <u>Four Thousand Five Hundred Dollars (\$4,500.00)</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>March 1, 2010</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 (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.

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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

Date: 11310

Doughas P. Scott, Director 2007 Co. 10-Illinois Environmental Protection Agency

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

		CLERK'S OFFICE
	REMITTANCE FORM	JAN 27 2010
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	STATE OF ILLINOIS Pollution Control Board
Complainant,) AC	10-15
۷.)) (IEF	A No. 64-10-AC)
DAVID ANTRIM,)	
Respondent.)))	DORIGINAL
FACILITY: Altamont/Antrim-Ka	nak St SITE COD	E NO.: 0498085004
COUNTY: Effingham	CIVIL PEN	IALTY: \$4,500.00
DATE OF INSPECTION: Dece	ember 18, 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.

		ILLINOIS ENVIRONMENTAL PROTECTION AGENCIK'S OFFIC Open Dump Inspection Checklist	E
County:	Effingham	LPC#: 0498085004 DORIGINA CegicoTATE OF Multiple	CH3
Location/S	ite Name:	Altamont/Antrim-Kanak St Pollution Control E	Board
Date:	12/18/2009	Time: From 10:30 am To 11:30 am Previous Inspection Date:	
Inspector(s	s): Deanna	a Carlock Weather: Overcast, ~30 degrees F.	
No. of Pho	tos Taken: #	6 Est. Amt. of Waste: 25 yds ³ Samples Taken: Yes # No	
Interviewee	d: Gary &	Jamie England, site managers Complaint #: C10-074-CH	
Latitude:	39.03167	Longitude: -88.74940 Collection Point Description: Dump Location - +/-31	
(Example: l	at.: 41.26493	Long.: -89.38294) Collection Method: GPS - Garmin GPSmap76S	
_		David Antrim, owner/Landlord Gary England, site manager	
Responsib Mailing Ad		1025 Cardinal Drive15 W. Kanak St; And #3Effingham, Illinois 62401Altamont, IL 62411	-
	Number(s):	Effingham, Illinois 62401 Altamont, IL 62411	'ED
	()	217-821-1850 JAN 07 20	
[-		
	SECTION	DESCRIPTION	VIOL
	ILLI	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	
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 AND REGULATIONS	
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	⊠ ·
Lance and a second	(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 # 0498085004

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	\boxtimes
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 SUBTITLE G	
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	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		
	55(a)(3)	Storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.	[
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Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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# 0498085004—Effingham County Altamont / Antrim-Kanak St FOS File JAN © 7 2010 Inspector: Deanna Carlock Inspection Date: 18 December 2009 C10-074-CH GIS Data: Latitude-N 39.03163°; Longitude-W -088.74940° +/- 31'(Garmin GPSMAP 76 S)

OPEN DUMP INSPECTION NARRATIVE

On December 18, 2009, from approximately 10:30 to 11:30 a.m., I investigated a complaint at the above-referenced property located south of Interstate 70, south of Altamont, Illinois. This is a group of small rental homes on a dead end road on the west side of County Road 300E, north of 800N. The street sign is labeled 2900 Blk/3rd Street, but the address of the houses are 11 through 15 Kanak Street and the numbers on the houses are 2703 through 2715 (very confusing). The property is owned by David Antrim of Effingham. The purpose of the inspection was to respond to a citizen's complaint and determine whether the site was in compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Six photos were taken. There was a skiff of snow on the ground and the temperature was about 70° with overcast skies. Site maintenance manager, Gary England, and his wife, Jamie, were interviewed during the inspection.

Inspection Findings:

I first drove to the end of the road (Kanak Street) and walked along the ridge above the creek bank to the north of the houses. There was a small amount of litter along the slope mixed with the riprap (see Photos #1 & 2). The creek was clean (see Photo #3).

I walked back up to the road and saw a small pile of shingles with a couple carpets/rugs (see Photo #4). I returned to my vehicle and drove along the rental houses; then I saw the large waste pile tucked back into a wooded gully to the northwest of 15 Kanak Street, beginning just back of the northwest corner of the apartment building (see Photos #5 & 6). The pile had been burned and there appeared to be a buildup of ashes from past fires. I identified partially burned wallboard, dimension lumber, and some metal bedsprings.

Gary England, site manager, who lives in the nearest apartment on the north end of the building southeast of the pile came out on the upper deck and talked to me. He stated that he had been burning waste that was too large to fit in the dumpster (2 or 3 yd³) in order to fit it in. He said that burning was allowed because the county did not have a burn ordinance. I explained that the burning of furniture and construction/demolition waste was not allowed, and that this was also business waste since it originated from rental house maintenance.

Mr. England spoke by phone with the owner, David Antrim, while I was there and stated that Mr. Antrim was not aware that burning was not allowed. I told him that Mr. Antrim had been informed that it was illegal during an inspection of another rental site he had owned in the same county. Mr.

England said that they would clean up the waste and send it to a landfill but a truck could not access the area when the ground was soft, as it was this day.

We went inside the England home where I met his wife, Jamie England. She provided Mr. Antrim's address and phone number. I told them that the Agency would need copies of all disposal receipts and that a reinspection would be conducted to assure compliance.

Summary of Apparent Violations:

Environmental Protection Act. (Act) 415 ILCS 5/1 et. seq

- #1 Pursuant to Section 9(a) of the Act, 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 this section is alleged because evidence of open burning that would cause or tend to cause air pollution in Illinois was observed during the inspection.
- #2 Pursuant to Section 9(c) of the Act, 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 this section is alleged because evidence of open burning of refuse was observed during the inspection.

#3 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of this section is alleged because evidence of open dumping of waste was observed during the inspection.

#4 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 this Act and of regulations and standards thereunder.

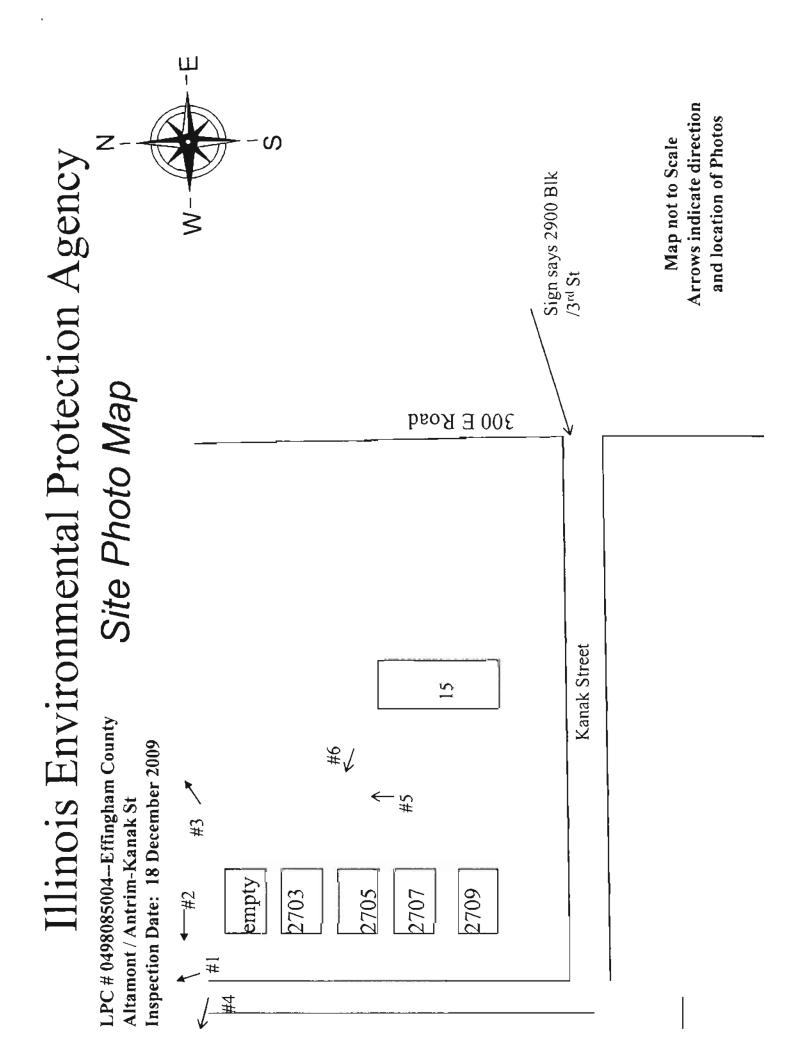
A violation of this section is alleged because waste was disposed at a site that does not meet the requirements of the Act.

- #5 Pursuant to Section 21(p)(1) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in litter.
 A violation of this section is alleged because the open dumping of waste was caused or allowed in a manner that resulted in litter.
- #6 Pursuant to Section 21(p)(3) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in open burning.

A violation of this section is alleged because the open dumping of waste was caused or allowed in a manner that resulted in open burning.

- #7 Pursuant to Section 21(p)(7) of the Act, no person shall cause or allow the open dumping of any waste in a manner that results in the deposition of:
 - (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act. A violation of this section is alleged because waste was open dumped at this site resulting in the deposition of general construction or demolition debris.





DIGITAL PHOTOGRAPHS File Names: 0498085004~12182009-[Exp. #].jpg



Date:12-18-09Time:11:03 a.m.Direction:NorthwestPhoto by:D. CarlockExposure #:001Comments:Small amount of waste

on hillside above creek; most of this is riprap.



Date:12-18-09Time:11:04 a.m.Direction:WestPhoto by:D. CarlockExposure #:002Comments:Same areaSmall amount of wasteon hillside above creek



DIGITAL PHOTOGRAPHS File Names: 0498085004 ~ 12182009-[Exp. #].jpg



Date:12-18-09Time:11:04 a.m.Direction:NortheastPhoto by:D. CarlockExposure #:003Comments:Creek running alongnorthern end of site.



Date:12-18-09Time:11:07 a.m.Direction:WestPhoto by:D. CarlockExposure #:004Comments:carpet/rugs and shinglesat end of Kanak Street



DIGITAL PHOTOGRAPHS File Names: 0498085004~12182009-[Exp. #].jpg



Date:12-18-09Time:11:16 a.m.Direction:NorthPhoto by:D. CarlockExposure #:005Comments:Partially burned wastewith ashes.Includingbedsprings, drywall,pieces of dimensionlumber, etc.



Date:12-18-09Time:11:20 a.m.Direction:NorthwestPhoto by:D. CarlockExposure #:006Comments:Same pile as #5 fromabove gully

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AFFIDAVIT

IN THE MATTER OF:

IEPA DOCKET NO.

Respondent

Affiant, Deanna Carlock, 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 December 18, 2009, between 10:30 a.m. and 11:30 a.m., Affiant conducted an inspection of the open dump in Effingham County, Illinois, known as Altamont/Antrim-Kanak St open dump, Illinois Environmental Protection Agency Site No. LPC# 0498085004.

3. Affiant inspected said Altamont/Antrim-Kanak St. open dump by an on-site inspection that included walking the site, interviewing, and taking photographs.

Jan

Subscribed and Sworn to before me this $\underline{5^{\mu}}$ day of $\underline{\overline{3}^{\mu}}$ day of $\underline{\overline{3}^{\mu}}$, 2010.

OFFICIAL SEAL SHARON L BARGER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES 09/16/10



JAN 27 2010

PROOF OF SERVICE

STATE OF ILLINOIS Pollution Control Board

I hereby certify that I did on the 13th day of January, 2010, 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: David Antrim 1025 Cardinal Drive Effingham, IL 62401

ORIGINAL

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 Special Assistant Attorney General

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