



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

March 29, 2010

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

RECEIVED
CLERK'S OFFICE
APR 07 2010
STATE OF ILLINOIS
Pollution Control Board

AC10-22

Re: Illinois Environmental Protection Agency v. Jeff Dooley
IEPA File No. 111-10-AC: 0298110001—Coles County

ORIGINAL

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

RECEIVED
CLERK'S OFFICE

APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JEFF DOOLEY,)
)
Respondent.)

AC 10-22
(IEPA No. 111-10-AC)

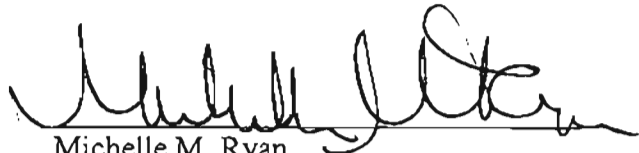
NOTICE OF FILING

To: Jeff Dooley, Owner
Seven Hickory Estates
17336 E 1400 N, Lot 13
Charleston, IL 61920

ORIGINAL

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: March 29, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
APR 07 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JEFF DOOLEY,)
)
)
)
Respondent.)

AC 10-22
(IEPA No. 111-10-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 (2008).

FACTS

1. That Jeff Dooley is the current owner ("Respondent") of a facility located about one mile east of Fairgrange, on 1400N in Seven Hickory Township, northeast of Charleston, Coles County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Charleston/Dooley,Jeff-SevenHickoryEstates.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0298110001.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on February 19, 2010, Deanna Carlock of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign Regional Office inspected the above-described facility. A copy

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

5. That on 3/29/10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 7783.

VIOLATIONS

Based upon direct observations made by Deanna Carlock during the course of her February 19, 2010 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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 May 15, 2010, 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 (2008), 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) (2008), 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 (2008). 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: 3/29/10

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

RECEIVED
CLERK'S OFFICE

APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 JEFF DOOLEY,)
)
)
)
)
 Respondent.)

AC *10-22*
 (IEPA No. 111-10-AC)

 ORIGINAL

FACILITY: Charleston/Dooley, Jeff-Seven Hickory Estates SITE CODE NO.: 0298110001
 COUNTY: Coles CIVIL PENALTY: \$1,500.00
 DATE OF INSPECTION: February 19, 2010

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 AGENCY
AFFIDAVIT

RECEIVED
CLERK'S OFFICE

APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

AC10-22

IN THE MATTER OF:)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
v.)
)
JEFF DOOLEY,)
Respondent)

IEPA DOCKET NO.

ORIGINAL

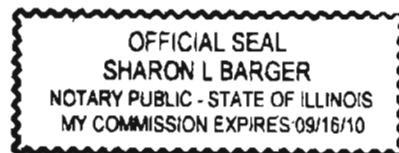
Affiant, Deanna Carlock, being first duly sworn, voluntarily deposes and states as follows:

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 February 19, 2010, between 12:45 and 1:00 p.m., Affiant conducted an inspection of the open dump in Effingham County, Illinois, known as Charleston/Dooley, Jeff-Seven Hickory Estates open dump, Illinois Environmental Protection Agency Site No. LPC# 0298110001.
3. Affiant inspected said Altamont/Antrim-Kanak St. open dump by an on-site inspection that included walking the site and taking photographs.

Deanna J. Carlock

Subscribed and Sworn to before me
this 17th day of March,
2010.

Sharon L. Barger
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

CLERK'S OFFICE

APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

County: Coles LPC#: 0298110001 Region: 4 - Champaign

Location/Site Name: Charleston/Dooley, Jeff-Seven Hickory Estates

Date: 02/19/2010 Time: From 12:45 pm To 1:00 pm Previous Inspection Date: 07/08/2009

Inspector(s): Deanna Carlock Weather: Sunny and clear, about 20 degrees F.

No. of Photos Taken: # 4 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # No

Interviewed: No one else present Complaint #: C09-147-CH

Latitude: Longitude: Collection Point Description: Dump Location -

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Jeff Dooley
17336E CR 1400N, Lot 13
Charleston, IL 61920

RECEIVED
MAR 13 2010
IFPA/BOC

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input 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 AND REGULATIONS	<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 checked="" 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 # 0298110001

Inspection Date: 02/19/2010

	(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)	<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 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"/>
	55(a)(3)	Storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.	<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.

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#0298110001—Coles County
Charleston/Dooley, Jeff-Seven Hickory Estates
FOS File
Inspector: Deanna Carlock
Inspection Date: 19 February 2010
Complaint #C09-147-CH

RECEIVED
MAY 19 2010

OPEN DUMP INSPECTION NARRATIVE

On February 19, 2010, from approximately 12:45 to 1:00 p.m., I reinspected this property located about a mile east of Fairgrange, Illinois on 1400N in Seven Hickory Township, northeast of Charleston. The purpose of the inspection was to determine whether the site had returned to compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of driving through the area, walking over the open dump site, and taking pictures. The weather was sunny and clear, about 20° F. No one else was present during the inspection. Four photos were taken.

Site Ownership:

The ownership was determined from questioning residents of the mobile home park. Jeff Dooley is the owner and he lives in the park.

Site History:

This site was inspected on July 8, 2009 in response to a complaint of open dumping and open burning of household waste generated by the trailer court. The open dump site is located on the west end of the site in a grassy lot. The dump consisted of a pile of burned ashes, tree limbs, and household trash (metal food cans, plastic bottles, bed springs, etc.). There was also a circular area about 5 feet in diameter with bare, cracked soil adjacent to the burn pile to the southeast. Area residents were questioned to determine the residence of the owner, but I was unable to contact him.

The Agency sent an Administrative Citation Warning Letter to the site owner, Jeff Dooley, on July 29, 2009. To date there has been no response.

Inspection Findings:

I drove through the mobile home park and parked on the west, straight east of the open dump area (see Photo #1). I noticed that a few of the residents now have trash pickup from a hauler. I could see the singed tops of the nearby pine trees. From there I walked to the dump. The original items were still in the pile, plus added household waste, including mattresses, bags of trash, and smaller items (see Photo #2). A few items were scattered in the grass nearby, plastic bagged trash and boards (see Photo #3).

I knocked on doors of the closest homes but no one was home. There was also no one at the owner's residence.

(over)

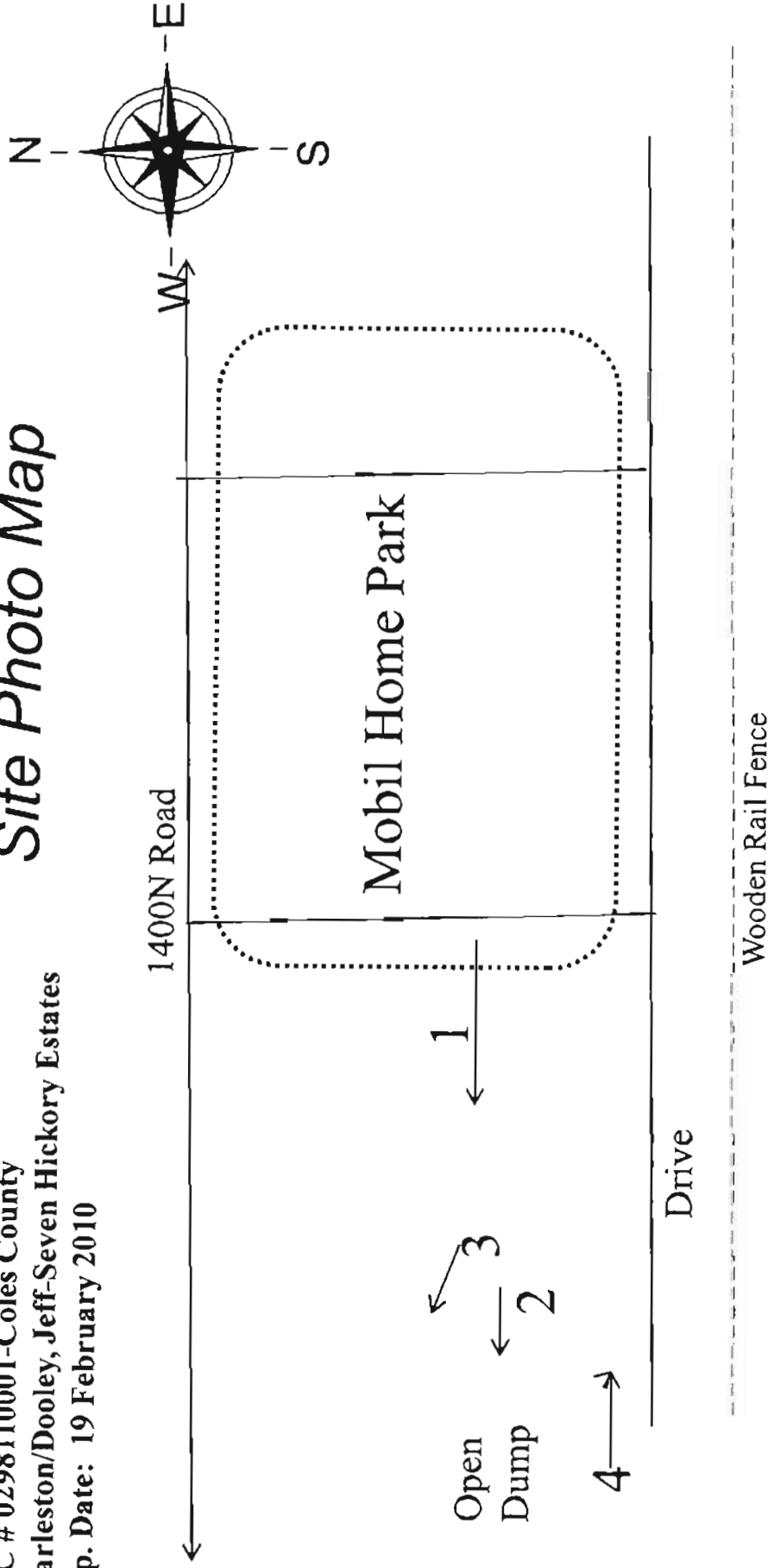
Apparent Violations Observed During this Inspection and the Previous Inspection:

- #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 this 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.**

Illinois Environmental Protection Agency

Site Photo Map

LPC # 0298110001-Coles County
Charleston/Dooley, Jeff-Seven Hickory Estates
Insp. Date: 19 February 2010



Map not to Scale
Arrows indicated direction
and location of Photos



DIGITAL PHOTOGRAPHS File Names: 0298110001 ~ 02192010-[Exp. #].jpg



Date: 2-19-10
Time: 12:47 p.m.
Direction: West
Photo by: D. Carlock
Exposure #: 001
Comments: *Grassy area west of mobil home park. Trash pile is in front of the row of evergreen trees. Note singed tops on the trees from burning the waste.*



Date: 2-19-10
Time: 12:48 p.m.
Direction: West
Photo by: D. Carlock
Exposure #: 002
Comments: *Waste pile north of southwest corner of site and west of trailers, with additional household waste piled on top of burn pile.*

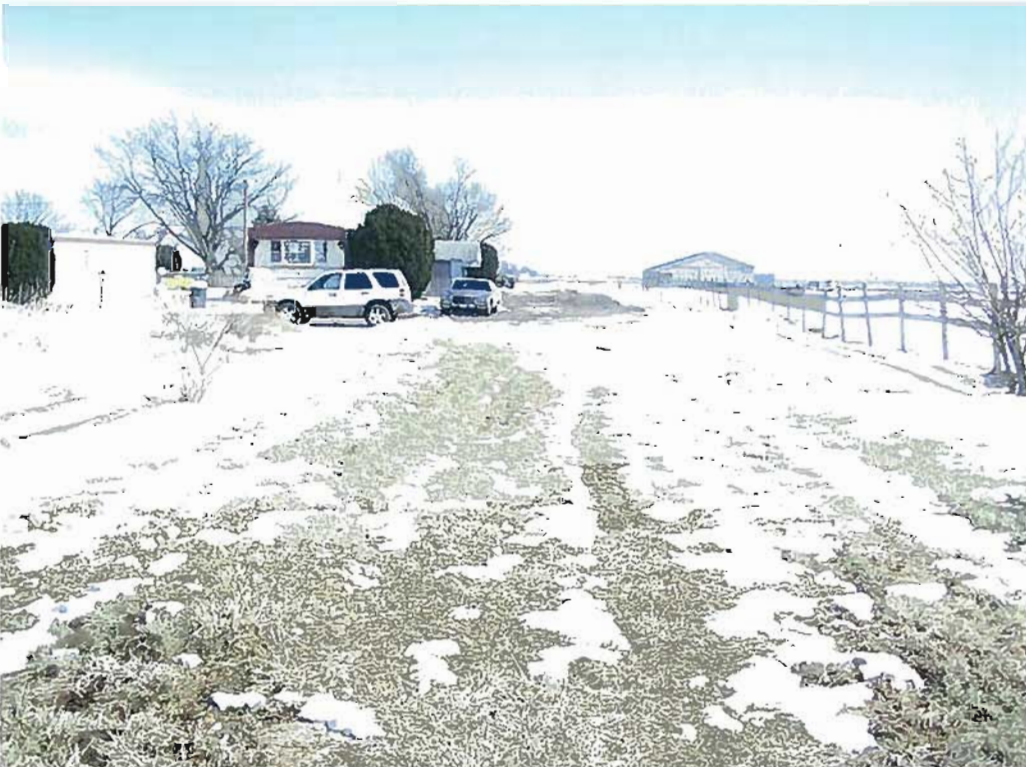


DIGITAL PHOTOGRAPHS

File Names: 0298110001 ~ 02192010-[Exp. #].jpg



Date: 2-19-10
Time: 12:48 p.m.
Direction: West
Photo by: D. Carlock
Exposure #: 003
Comments: *Grassy area west of mobil home park with scattered trash.*



Date: 2-19-10
Time: 12:49 p.m.
Direction: East
Photo by: D. Carlock
Exposure #: 004
Comments: *Looking across south end of site.*



DIGITAL PHOTOGRAPHS File Names: 0298110001 ~ 07082009-[Exp. #].jpg



Date: 7-8-09
Time: 12:29 p.m.
Direction: Northeast
Photo by: D. Carlock
Exposure #: 001
Comments: *Grassy area west of mobil home park.*



Date: 7-8-09
Time: 12:29 p.m.
Direction: North
Photo by: D. Carlock
Exposure #: 002
Comments: *Waste pile north of recreational fire ring and blanket.*



DIGITAL PHOTOGRAPHS File Names: 0298110001 ~ 07082009-[Exp. #].jpg



Date: 7-8-09
Time: 12:30 p.m.
Direction: North
Photo by: D. Carlock
Exposure #: 003
Comments:
*Burned household
waste from mobil home
park.*



Date: 7-8-09
Time: 12:30 p.m.
Direction: East
Photo by: D. Carlock
Exposure #: 004
Comments:
*Bare soil next to waste
pile*



DIGITAL PHOTOGRAPHS File Names: 0298110001 ~ 07082009-[Exp. #].jpg



Date: 7-8-09
Time: 12:31 p.m.
Direction: East
Photo by: D. Carlock
Exposure #: 005
Comments:
*Horse pasture south of
open dump*

PROOF OF SERVICE

I hereby certify that I did on the 29th day of March 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

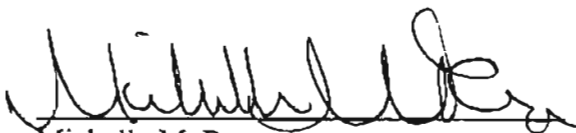
To: Jeff Dooley, Owner
Seven Hickory Estates
17336 E 1400N, Lot 13
Charleston, IL 61920

 ORIGINAL

RECEIVED
CLERK'S OFFICE
APR 07 2010
STATE OF ILLINOIS
Pollution Control Board

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