



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

October 12, 2011

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

AC12-6

RECEIVED
CLERK'S OFFICE
OCT 19 2011
STATE OF ILLINOIS
Pollution Control Board

2 ORIGINAL

Re: Illinois Environmental Protection Agency v. David W. Edwards and Linda Edwards
IEPA File No. 315-11-AC: 1990205009—Williamson 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

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
DAVID W. EDWARDS and LINDA)
EDWARDS,)
))
Respondents.)

AC

12-6

(IEPA No. 315-11-AC)

ORIGINAL

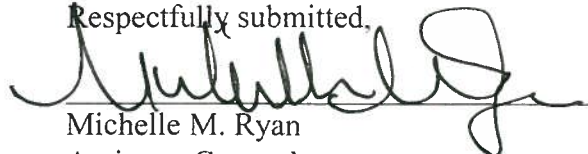
NOTICE OF FILING

To: David W. Edwards and Linda Edwards
200 Paradise Road, Lot #78
Carterville, IL 62918

David W. Edwards
P.O. Box 534
Carterville, IL 62918

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: October 12, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
DAVID W. EDWARDS and LINDA)
EDWARDS,)
))
))
Respondents.)

AC 12-6
(IEPA No. 315-11-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 David W. Edwards and Linda Edwards are the current owners and David W. Edwards is the current operator ("Respondents") of a facility located at 305 Martin Luther King Road, Colp, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Colp/Edwards, David and Linda.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1990205009.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on September 12, 2011, 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 10-12-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8588 4311.
7004 2510 0001 8588 4304

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his September 12, 2011 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) (2008).
- (2) That Respondents 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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 Three Thousand Dollars (\$3,000.00). 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 November 30, 2011, 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 (2008), 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) (2008), 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 (2008). 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.


Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

Date: 10/11/11

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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
DAVID W. EDWARDS and LINDA)
EDWARDS,)
))
))
Respondents.)

AC 12-6
(IEPA No. 315-11-AC)

ORIGINAL

FACILITY: Colp/Edwards, David and Linda

SITE CODE NO.: 1990205009

COUNTY: Williamson

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: September 12, 2011

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
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OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

A 012-6

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 vs.)
)
 David W. Edwards)
)
)
)
 Respondent)

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 September 12, 2011, between 9:55 AM and 10:05 AM, Affiant conducted an inspection of a disposal site operated by David W. Edwards located in Williamson County, Illinois, and known as Colp / Edwards, David and Linda by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1990205009 by the Agency.

3. Affiant inspected said Colp / Edwards, David and Linda 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 Colp / Edwards, David and Linda.

Davidson Gross

Subscribed and Sworn to before me

this 13th day of September 2011

Gail Stricklin
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

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OCT 19 2011
STATE OF ILLINOIS
Pollution Control Board

County: Williamson LPC#: 1990205009 Region: 7 - Marion
 Location/Site Name: Colp / Edwards, David and Linda
 Date: 09/12/2011 Time: From 9:55 AM To 10:05 AM Previous Inspection Date: 03/10/2011
 Inspector(s): Garrison Gross & Maggie Stevenson Weather: 78°F, clear skies, light breeze
 No. of Photos Taken: # 5 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes No
 Interviewed: No one at the site Complaint #: C-10-101-M
 Latitude: 37.80049° Longitude: 089.08351° Collection Point Description: driveway near
 (Example Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS-Garmin76S

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

David W. Edwards and Linda Edwards
 200 Paradise Road, Lot # 78
 Carterville, Illinois 62918

David W. Edwards
 P.O. Box 534
 Carterville, Illinois 62918

ORIGINAL

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 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 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 # 1990205009

Inspection Date: 09/12/2011

	(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 checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	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 and subsection (k) of Section 55 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 #: 1990205009 – Williamson County
Site Name: Colp / Edwards, David and Linda
Date of Inspection: September 12, 2011
Inspector: Garrison Gross
GPS Coordinates: N37.80049° W089.08351°

Subject: Open Dump Site Inspection at Edwards-Bush Property

General Remarks: An Open Dump Site Inspection was conducted on Monday, September 12, 2011, at property owned by David and Linda Edwards. The inspection was conducted by Garrison Gross and Maggie Stevenson representing the Illinois EPA Bureau of Land. The property is located at ~305 Martin Luther King Road, in Colp, Illinois 62921. The inspection was performed as a follow up to a previous inspection conducted on March 10, 2011. The inspection began at approximately 9:55 AM. Weather conditions at the time of the inspection were clear skies, 78° F, with a light breeze. Surface conditions at the site were dry.

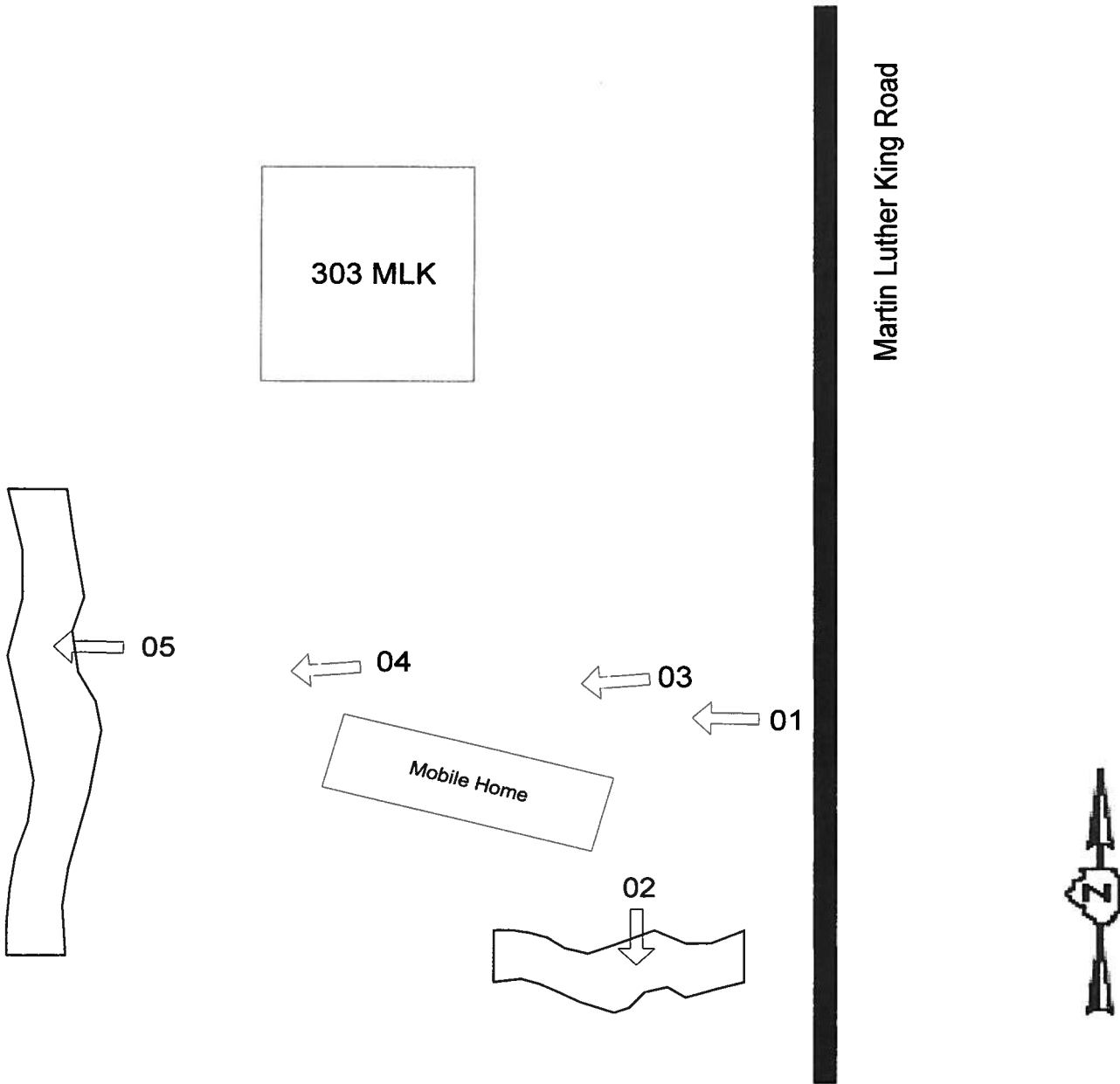
Inspection Findings: We observed the site from the roadway. A mobile home had been delivered to the site since the last inspection (photo 001). The mobile home was not leveled and it did not appear that anyone was living at the site. The site was overgrown in thick vegetation making it difficult to see the demolition pile near the roadway. We were unable to see the west end of the property from the roadway. I entered the site and continued the inspection by walking and photographing the property. Maggie Stevenson remained on the roadway near the state vehicle. A pile of demolition debris remained along the south property boundary (photo 002). It did not appear that any waste had been removed from this area. Vegetation at the site was taller than the mobile home (photo 003). Household waste (furniture) was observed open dumped at the site (photo 004). The other debris pile remained at the west end of the property (photo 005). It did not appear that any waste had been removed from this area. The demolition debris piles included but were not limited to lumber, shingles, carpeting, insulation, bricks and vinyl siding. Used / waste tires were observed in the debris piles and a few were scattered around the site. The tires were off the rim but were not holding water. Approximately 200 cubic yards of waste remained at the site and no disposal receipts have been provided. The inspection ended at approximately 10:05 AM

Additional Remarks: Information concerning property taxes was obtained from the Supervisor of Assessment's Office in Williamson County. The tax bill is mailed to David and Linda Edwards, 200 Paradise Road, Lot # 78, Carterville, Illinois 62918. Information obtained from the U.S. Post Office in Carterville indicates that mail for David Edwards and Amanda Kubitz is delivered to P.O. Box 534, Carterville, Illinois 62918.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: September 12, 2011
Site #: 1990205009 – Williamson County
Site Name: Colp / Edwards, David and Linda
Inspector: Garrison Gross
Not Drawn to Scale: Locations and Directions are Approximate





DIGITAL PHOTOGRAPHS



Date: 09/12/2011
Time: 9:59 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 001
Comments: offsite
photograph: mobile home
that has been moved to
site



Date: 09/12/2011
Time: 9:59 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 002
Comments: pile of
demolition waste

File Names: 1990205009~09122011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/12/2011
Time: 10:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 003
Comments: overgrown
vegetation at the site



Date: 09/12/2011
Time: 10:01 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 004
Comments: household
waste (furniture)

File Names: 1990205009~09122011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/12/2011
Time: 10:03 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 005
Comments: pile of
demolition waste

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OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 12th day of October 12, 2011, 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

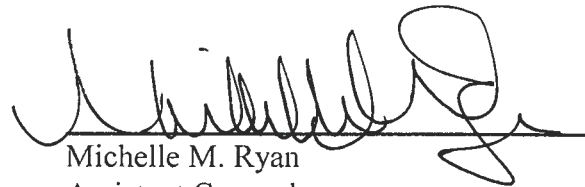
To: David W. Edwards and Linda Edwards
200 Paradise Road, Lot #78
Carterville, IL 62918

David W. Edwards
P.O. Box 534
Carterville, IL 62918

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

ORIGINAL



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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