



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

John J. Kim, Interim Director

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DEC 23 2011

STATE OF ILLINOIS
Pollution Control Board

Ac 12-30
ORIGINAL

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

December 19, 2011

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

Re: Illinois Environmental Protection Agency v. Terry L. Young
IEPA File No.379-11-AC: 0258035003—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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

TERRY L. YOUNG,

Respondent.

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AC

12-22

(IEPA No. 379-11-AC)

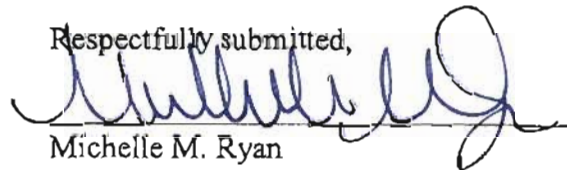
NOTICE OF FILING

ORIGINAL

To: Terry L. Young
128 West Washington Street
Flora, Illinois 62839

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: December 19, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 23 2011

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
TERRY L. YOUNG,)
))
))
))
))
Respondent.)

AC 12-22
(IIEPA No. 379-11-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 (2010).

FACTS

1. That Terry L. Young is the current owner ("Respondent") of a facility located at 961 Hanging Rock Road, Flora, Clay County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Flora/Young, Terry L.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0258035003.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on November 14, 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 12-19-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2516 0001 8588 4991.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his November 14, 2011 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) (2010).

- (2) 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 21(p)(7) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 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 January 31, 2012, 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 (2010), 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) (2010), 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 (2010). 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.


John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 12/19/2011

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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DEC 23 2011

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 TERRY L. YOUNG,)
)
)
)
)
 Respondent.)

AC 12-22
 (IEPA No. 379-11-AC)

ORIGINAL

FACILITY: Flora/Young, Terry L.

SITE CODE NO.: 0258035003

COUNTY: Clay

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: November 14, 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

CLERK'S OFFICE
 DEC 23 2011
 STATE OF ILLINOIS
 Pollution Control Board

County: Clay LPC#: 0258035003 Region: 7
 Location/Site Name: Flora / Young, Terry L.
 Date: 11/14/2011 Time: From 12:20 pm To 12:30 pm Previous Inspection Date: 04/14/2011
 Inspector(s): Garrison Gross Weather: overcast skies, 72°F, windy
 No. of Photos Taken: # 8 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No
 Interviewed: no one was at the site Complaint #: C-10-134

Responsible Party Mailing Address(es) and Phone Number(s):	Terry L. Young 128 West Washington Street Flora, Illinois 62839	ORIGINAL
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0258035003

Inspection Date: 11/14/2011

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" 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 #: 0258035003 – Clay County

Site Name: Flora / Young, Terry L.

Date of Inspection: June 22, 2010

Inspector: Garrison Gross

Subject: Open Dumping Site Inspection at Terry L. Young Property

General Remarks: An Open Dumping Site Inspection was conducted on Monday, November 14, 2011, at property owned by Terry L. Young. The Inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The property is located at 961 Hanging Rock Road, in rural Flora, Illinois 62839. The inspection was performed as a follow up to a two previous inspections conducted on June 22, 2010 and April 14, 2011. Weather conditions at the time of the inspection were overcast skies, 72° F, and windy. Surface conditions at the site were wet and muddy. The inspection began at approximately 12:20 p.m.

Inspection Findings: Construction demolition waste was visible from Hanging Rock Road. Based on photographs from the April 14, 2011 inspection, it did not appear that any demolition debris had been removed from the site. It also did not appear that anyone was living at the home. I entered the site and continued the inspection by walking and photographing the site. The mobile homes had been completely demolished and some of the wooden roof trusses were piled near the house (photo 001).

Ash and debris piles remained at the site. It did not appear that any additional open burning had taken place since the initial inspection. Black trash bags containing insulation remained on one of the ash piles (photo 002). Partially burned items, including, but not limited to construction/demolition debris (insulation and ceiling tiles) remained at the site (photo 003). Piles of demolition debris (plywood, dimensional lumber and concrete blocks) also remained at the site (photos 004 and 005).

Dead vegetation and a trail through the overgrown briars indicated that vehicles had recently been accessing the site (photo 006). Domicile wastes (wood, plastic, cloth, glass and tarps) remained at the end of the trail (photo 007). Based on the previous inspection photographs, it was apparent that the siding had recently been removed from the house (photo 008). Approximately 40 cubic yards of waste remained at the site. The inspection ended at approximately 12:30 p.m.

Additional Remarks: The initial inspection occurred more than one year ago and conditions at the site appear to be similar to the last inspection. Written correspondences from the Respondent dated August 3, 2011 and October 25, 2011 were reviewed and contained disposal receipts for metal wastes only. The last non-metal waste receipts for a roll off box were dated November 22, 2010. The majority of the remaining wastes are non-metal demolition debris and household items.

Information concerning property ownership / control was obtained through tax records from the Supervisor of Assessment's Office in Clay County. The tax bill is mailed to Terry Len Young, 929 Hanging Rock Road, Flora, Illinois 62839. The property is referred to as parcel 14-04-400-004-0040 and contains approximately 5 acres.

October 14, 2009

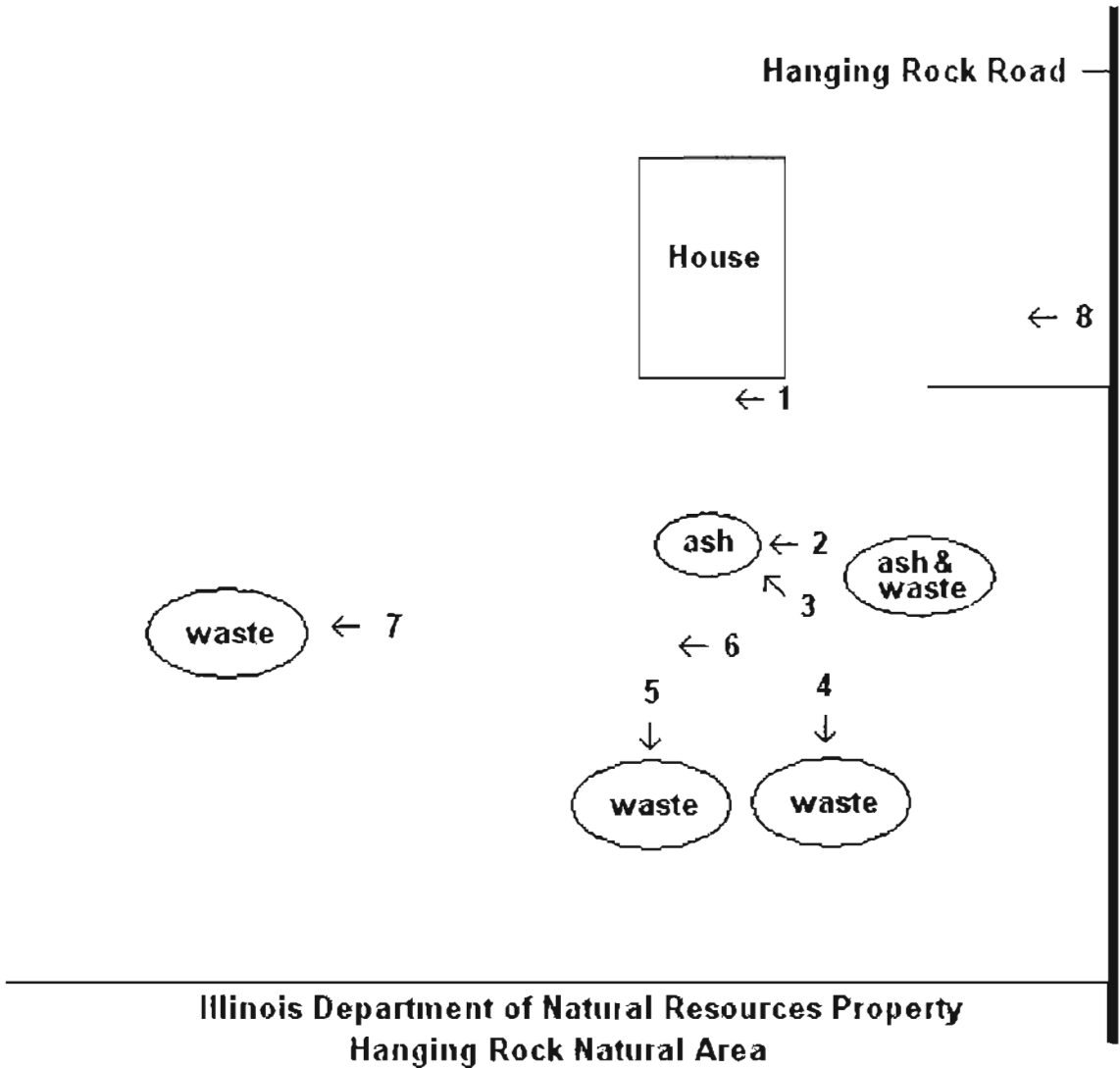
1010255005 – Richland County

Parkersburg / Hunley, Quinn E. & Glenna J.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: November 14, 2011
Site #: 0258035003 – Clay County
Site Name: Flora / Young, Terry L.
Inspector: Garrison Gross
Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 11/14/2011
Time: 12:24 pm
Direction: West
Photo by: Garrison Gross
Exposure #: 001
Comments: non-metal
demolition debris



Date: 11/14/2011
Time: 12:25 pm
Direction: West
Photo by: Garrison Gross
Exposure #: 002
Comments: ash pile and
demolition debris

File Names: 0258035003~11142011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/14/2011
Time: 12:25 pm
Direction: Northwest
Photo by: Garrison Gross
Exposure #: 003
Comments: ash pile and
demolition debris



Date: 11/14/2011
Time: 12:26 pm
Direction: South
Photo by: Garrison Gross
Exposure #: 004
Comments: non-metal
demolition debris

File Names: 0258035003~11142011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/14/2011
Time: 12:27 pm
Direction: South
Photo by: Garrison Gross
Exposure #: 005
Comments: non-metal
demolition debris



Date: 11/14/2011
Time: 12:27 pm
Direction: West
Photo by: Garrison Gross
Exposure #: 006
Comments: trail to waste
pile

File Names: 0258035003~11142011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11/14/2011
Time: 12:28 pm
Direction: West
Photo by: Garrison Gross
Exposure #: 007
Comments: non-metal
household waste items



Date: 11/14/2011
Time: 12:29 pm
Direction: West
Photo by: Garrison Gross
Exposure #: 008
Comments: house with
siding removed

File Names: 0258035003~11142011-[Exp. #].jpg

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
vs.)
)
Terry L. Young)
)
)
Respondent.)

A-112-22
IEPA DOCKET NO.
L 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 November 14, 2011, between 12:20 p.m. and 12:30 p.m., Affiant conducted an inspection of a disposal site operated by Terry L. Young located in Clay County, Illinois, and known as Flora / Young, Terry L. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0258035003 by the Agency.
3. Affiant inspected said Flora / Young, Terry L. 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 Flora / Young, Terry L.

Garrison Huns

Subscribed and Sworn to before me

this 21st day of November, 2011

Gail Stricklin
Notary Public

GRG



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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

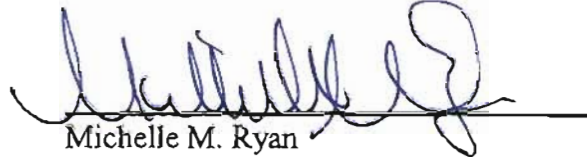
I hereby certify that I did on the 19th day of December 2011, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Terry L. Young
128 West Washington Street
Flora, Illinois 62839

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
Assistant Counsel

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

THIS FILING SUBMITTED ON RECYCLED PAPER