



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

September 27, 2012

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. Kenneth Hails
IEPA File No. 225-12-AC; 0818065009—Jefferson 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

ORIGINAL
RETURN TO CLERK'S OFFICE
AC 13-18

RECEIVED
CLERK'S OFFICE
OCT 01 2012
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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OCT 01 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

KENNETH HAILS,

Respondent.

AC

13-18

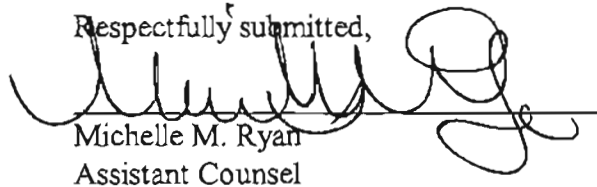
(IEPA No. 225-12-AC)

NOTICE OF FILING

To: Kenneth Hails
21606 North Hails Lane
Texico, IL 62889

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: September 27, 2012

RECEIVED
CLERK'S OFFICE
OCT 01 2012
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
KENNETH HAILS,)
Respondent.)

AC 13-18
(IEPA No. 225-12-AC)

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 Kenneth Hails is the current owner ("Respondent") of a property located at 14600 East Divide Road, in rural Texico, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Texico/Hails, Kenneth (2).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818065009.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on August 15, 2012, 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 9-27-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8588 3710.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his August 15, 2012 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 proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2010).
- (3) That Respondent caused or allowed standing or flowing liquid discharge from the dump site, a violation of Section 21(p)(6) of the Act, 415 ILCS 21(p)(6) (2010).
- (4) 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) (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 Six Thousand Dollars (\$6,000.00). 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 October 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, by SOP

John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date:

9/27/12

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

OCT 01 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
KENNETH HAILS,)
)
)
)
)
)
Respondent.)

AC 13-18
(IEPA No. 225-12-AC)

FACILITY: Texico/Hails, Kenneth (2)
SITE CODE NO.: 0818065009
COUNTY: Jefferson
CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: August 15, 2012

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

County: Jefferson LPC#: 0818065009 Region: 7 - Marion
 Location/Site Name: Texico / Hails, Kenneth (2)
 Date: 08/15/2012 Time: From 9:50 a.m. To 10:10 a.m. Previous Inspection Date: N/A
 Inspector(s): Garrison Gross Weather: clear skies, 77°F, light breeze
 No. of Photos Taken: # 13 Est. Amt. of Waste: 2100 yds³ Samples Taken: Yes # No
 Interviewed: no one at the site Complaint #: C-12-072

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

Kenneth Hails
 21606 North Hails Lane
 Texico, Illinois 62889



	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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 checked="" type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input checked="" type="checkbox"/>

LPC # 0818065009

Inspection Date: 08/15/2012

	(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 #: 0818065009 – Jefferson County

Site Name: Texico / Hails, Kenneth (2)

Date of Inspection: August 15, 2012

Inspector: Garrison Gross

Subject: Open Dump Site Inspection at Kenneth Hails Property

General Remarks: An Open Dump Site Inspection was conducted on Wednesday, August 15, 2012, at property owned by Kenneth Hails. Garrison Gross representing the Illinois EPA Bureau of Land conducted the inspection. The property is located at ~14600 East Divide Road, in rural Texico, Illinois 62889. The inspection was performed as a follow-up to a telephone complaint (C-12-072) alleging open dumping at the site. Weather conditions at the time of the inspection were clear skies, 77° F, with a light breeze; surface conditions were dry.

Inspection Findings: The inspection began at approximately 9:50 a.m. The site was initially observed from offsite. The surrounding property appeared to be used for agricultural purposes and consisted of open grassy fields and agricultural fields. An office trailer was located at the site. Large piles of landscape waste and construction / demolition debris were observed near overhead high voltage power lines. No one was present when I entered the property. I continued the inspection by walking and photographing the site.

Area A: A large pile of landscape waste was observed (photos 001 and 011). The pile measured approximately 200 feet long by 30 feet wide. The landscape waste did not appear to be generated onsite and it appeared as if a commercial landscape waste hauler was using the site for disposal purposes. The landscape waste consisted of leaves, branches, grass clippings and bagged material (photo 005). A few pallets and pieces of dimensional lumber were also observed. The waste pile was producing a strong odor similar to manure although no manure was observed. Evidence of leachate puddles was observed in two locations near the waste pile. One semi-dried puddle was located along East Divide Road and measured approximately 10 feet long by 2 feet wide (photo 012). The second semi-dried puddle measured approximately 10 feet long by 10 feet wide (photo 013). Numerous flies were observed swarming the landscape waste near the largest leachate puddle. Several piles of construction / demolition debris were also located in this area. The piles contained but were not limited to: dimensional lumber, paneling, drywall, bricks, and mortar (photos 002-004).

Area B: This area was located south of East Divide Road in an open grassy field. A large pile of landscape waste was observed (photo 006). The waste pile consisted of tree limbs, root balls and stumps. Approximately 40 cubic yards of construction / demolition debris were located in this area (photo 007). The debris consisted of dimensional lumber, paneling and drywall.

Area C: This area consisted of an office trailer and parking lot (photo 008). Several piles of construction / demolition debris and waste metal were open dumped along the northern edge of East Divide Road (photo 009). A collapsed building comprised of demolition debris was also observed in this area (photo 010).

Page 2
0818065009 – Jefferson County
Texico / Hails, Kenneth (2)
August 15, 2012

Approximately 1500 cubic yards of landscape waste were observed at the site. Approximately 600 cubic yards of construction / demolition debris and metal wastes were located at the site. The inspection ended at approximately 10:10 a.m.

Additional Remarks: Information concerning property ownership was obtained through tax records from the Supervisor of Assessment's Office in Jefferson County. Tax bills are mailed to Kenneth Hails, 21606 North Hails Lane, Texico, Illinois, 62889. The property is referred to as parcel 03-09-400-011 and contains approximately 80 acres.

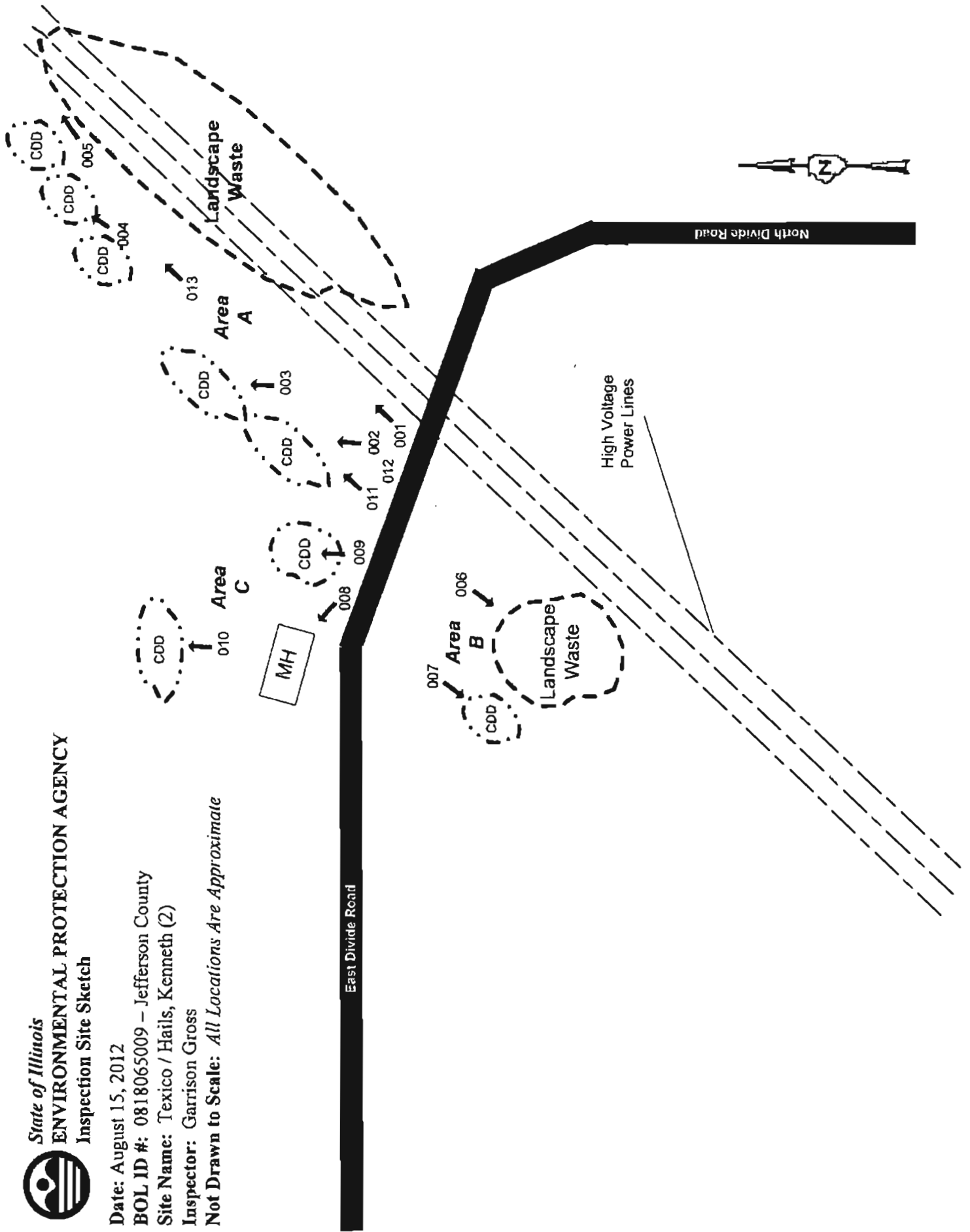
Summary of Apparent Violations:

12(a)	21(d)(2)	21(p)(6)
12(d)	21(e)	21(p)(7)
21(a)	21(p)(1)	812.101(a)
21(d)(1)	21(p)(5)	



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: August 15, 2012
BOL ID #: 0818065009 – Jefferson County
Site Name: Texico / Hails, Kenneth (2)
Inspector: Garrison Gross
Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS

Date: 08/15/2012
Time: 9:57 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 001
Comments: landscape
waste



Date: 08/15/2012
Time: 9:58 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 002
Comments: construction /
demolition debris



File Names:0818065009 08152012--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 08/15/2012
Time: 9:58 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 003
Comments: construction /
demolition debris



Date: 08/15/2012
Time: 10:00 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 004
Comments: construction /
demolition debris

File Names:0818065009 08152012--[Exp. #].jpg



DIGITAL PHOTOGRAPHS

Date: 08/15/2012
Time: 10:00 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 005
Comments: landscape
waste



Date: 08/15/2012
Time: 10:02 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 006
Comments: landscape
waste



File Names:0818065009 08152012--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 08/15/2012
Time: 10:02 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 007
Comments: construction /
demolition debris



Date: 08/15/2012
Time: 10:03 a.m.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 008
Comments: mobile home
at site

File Names:0818065009 08152012--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 08/15/2012
Time: 10:04 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 009
Comments: construction /
demolition debris and
waste metal**



**Date: 08/15/2012
Time: 10:05 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 010
Comments: collapsed
building / demolition
debris**

File Names:0818065009 08152012--[Exp. #].jpg

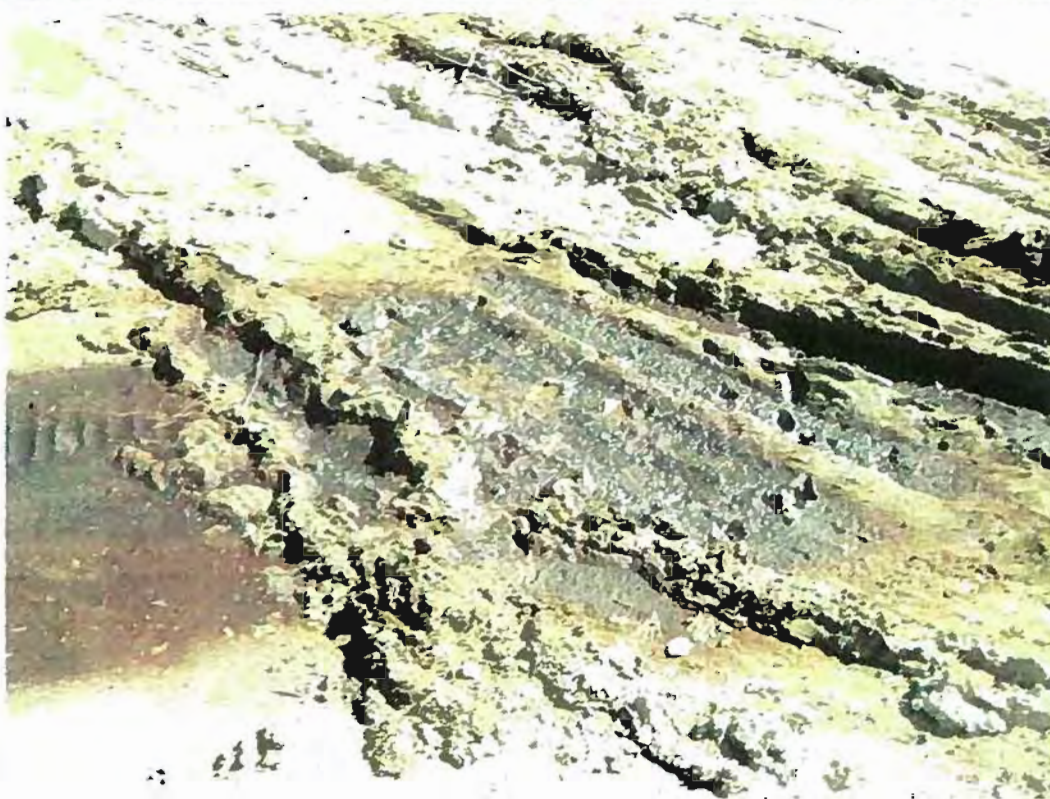


DIGITAL PHOTOGRAPHS

Date: 08/15/2012
Time: 10:07 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 011
Comments: landscape
waste and construction /
demolition debris



Date: 08/15/2012
Time: 10:07 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 012
Comments: leachate flows



File Names:0818065009 08152012--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 08/15/2012
Time: 10:09 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 013
Comments: leachate flows

PROOF OF SERVICE

I hereby certify that I did on the 27th day of September 2012, 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: Kenneth Hails
21606 North Hails Lane
Texico, IL 62889

RECEIVED
CLERK'S OFFICE
OCT 0-1 2012
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
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