



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3697

PAT QUINN, GOVERNOR

Lisa Bonnett, Director

RECEIVED
CLERK'S OFFICE

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817

TDD: (217) 782-9143

May 2, 2013

AC13-44



ORIGINAL

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. Raymond Burns
IEPA File No. 85-13-AC; 1210355026—Marion 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RAYMOND BURNS,

Respondent.

AC

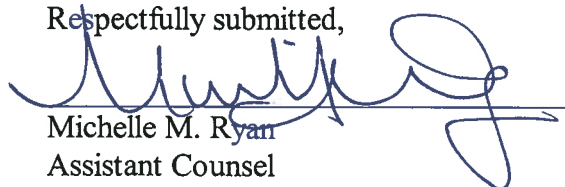
(IEPA No. 85-13-AC)

NOTICE OF FILING

To: Raymond Burns
117 Vine Street
P.O. Box 596
Sandoval, IL 62882

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: May 2, 2013

RECEIVED
CLERK'S OFFICE

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RAYMOND BURNS,

Respondent.

AC

(IEPA No. 85-13-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 Raymond Burns is the current owner ("Respondent") of a facility located at 1000 Red Stripe Road, Odin, Marion County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Odin/Burns Property.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1210355026.

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

4. That on March 19, 2013, Joe Zappa of the Illinois Environmental Protection Agency's ("Illinois EPA") Collinsville 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 5-2-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5461.

VIOLATIONS

Based upon direct observations made by Joe Zappa during the course of his March 19, 2013 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).

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 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 31, 2013, 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.

 *SOP*

Lisa Bonnett, Director
Illinois Environmental Protection Agency

Date: 5/1/13

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

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RAYMOND BURNS,

Respondent.

AC

(IEPA No. 85-13-AC)

FACILITY: Odin/Burns Property

SITE CODE NO.: 1210355026

COUNTY: Marion

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: March 19, 2013

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: Marion LPC#: 1210355026 Region: 6 - Collinsville
 Location/Site Name: Odin/Burns Property
 Date: 03/19/2013 Time: From 1:00 PM To 1:30 PM Previous Inspection Date: 03/08/2012
 Inspector(s): Joe Zappa Weather: 36 degrees and the skies were clear.
 No. of Photos Taken: # 6 Est. Amt. of Waste: 30 yds³ Samples Taken: Yes # No ☒
 Interviewed: Ray Burns Complaint #:
 Latitude: N38.352754 Longitude: W089.053381 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin gps76

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

Raymond Burns
 P. O. Box 596
 117 N Vine
 Sandoval, IL 62882
 (618) 292-6619

RECEIVED
CLERK'S OFFICE

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

	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 # 1210355026

Inspection Date: 03/19/2013

	(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 checked="" 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"/>
			<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.

1210355026 – Marion County
Odin/ Burns Property
Prepared by: Joe Zappa
Date of Inspection: March 19, 2013

NARRATIVE

Site History

On March 19, 2012, I conducted a follow-up inspection at parcel # 09-21-400-009 approximately 1000 Red Stripe Rd. Odin, Illinois 62882. According to Marion County records Raymond Burns owns this property. On March 19, 2013 skies were clear and it was 36F degrees outside.

Site Inspection

I arrived on-site at 1:00 P.M. I observed that the same violations found on the March 8, 2012 inspection. Mr. Odin did not comply with the October 4, 2011 ACWN and April 5, 2012 continuing violation letter. Since the original inspection more used tires have been observed and disposed of. A trailer with an additional 30 to 40 cubic yards of burnt solid waste was observed. The waste on-site consists of demolition debris, household garbage, clothing, and used tires.

Eight photographs (03192013-001-008) were taken of the yard. Due to this investigation, the following violations have been alleged: Illinois Environmental Protection Act, Sections 21(a), 21(d)(1), 21(d)(2), 21(e), and 21(p)(1)(7), and 55(a)(1).

Mr. Raymond burns must remove all of the solid waste from parcel # 09-21-400-009 approximately 1000 Red Stripe Rd. Odin, Illinois 62882 to a permitted landfill or transfer station. All receipts must be submitted to the Illinois EPA to verify the waste was properly disposed.

State of Illinois
Environmental Protection Agency
Facility Diagram

Date of Inspection: 03/19/2013 Inspector: Joe Zappa

Site Code: 1210355026 County: Marion

Site Name: Odin/Burns Property Time: 1:00-1:30pm

North
Pictures#





DIGITAL PHOTOGRAPHS File Names: 1210355026 ~ 03192013-001-002.jpg



Date: 03/19/13
Time: 1:00 PM
Direction: NE
Photo by: Zappa
Exposure #: 001
Comments: demolition
debris.



Date: 03/19/13
Time: 1:02 PM
Direction: NW
Photo by: Zappa
Exposure #: 002
Comments: A wider
angle of Photo # 8.



DIGITAL PHOTOGRAPHS File Names: 1210355026 ~ 03192013-003-004.jpg



Date: 03/19/13
Time: 1:04 PM
Direction: SW
Photo by: Zappa
Exposure #: 003
Comments: Demolition debris that was burned and placed in this trailer without any license plates on it. Approximately 30 to 40 cubic yards of waste4 to



Date: 03/19/13
Time: 1:06 PM
Direction: W
Photo by: Zappa
Exposure #: 004
Comments: garbage and clothing open dumped on the ground.



DIGITAL PHOTOGRAPHS File Names: 1210355026 ~ 03192013-005-006.jpg



Date: 03/19/13
Time: 1:08 PM
Direction: NW
Photo by: Zappa
Exposure #: 005
Comments: used tires
and shelving.



Date: 03/19/13
Time: 1:10 PM
Direction: N
Photo by: Zappa
Exposure #: 006
Comments: lumber and
demolition debris.



DIGITAL PHOTOGRAPHS File Names: 1210355026 ~ 03192013-007-008.jpg



Date: 03/19/13
Time: 1:12 PM
Direction: NW
Photo by: Zappa
Exposure #: 007
Comments: Vinyl siding
on the ground.



Date: 03/19/13
Time: 1:14 AM
Direction: N
Photo by: Zappa
Exposure #: 008
Comments: Demolition
debris.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
CLERK'S OFFICE

MAY 10 2013

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

vs.

Ray Burns

Respondent

)
)
) LPC# 1210355026 – Marion County
) Odin/Burns Property
) Compliance File
)
)
)
)
)

AC 13-44

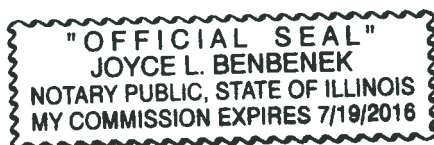
Affiant, Joe Zappa, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 19, 2013 at approximately 1:00 p.m. and 1:30 p.m. conducted an inspection of the dump in Marion County, Illinois known as Odin/Burns Property, Illinois Environmental Protection Agency Site No. LPC#1210355026.
3. Affiant inspected New Minden/Nail Property open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 Odin/Burns Property open dump.

Joseph W Zappa

Subscribed and Sworn to before me

Joyce L Benbenek
Notary Public



PROOF OF SERVICE

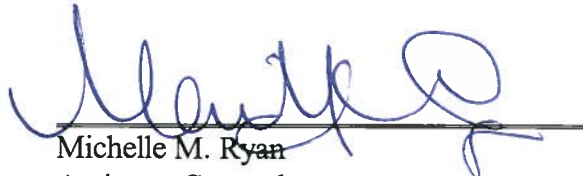
I hereby certify that I did on the 2nd day of May 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Raymond Burns
117 Vine Street
P.O. Box 596
Sandoval, IL 62882

RECEIVED
CLERK'S OFFICE
MAY 10 2013
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

THIS FILING SUBMITTED ON RECYCLED PAPER