



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

LISA BONNETT, DEPUTY DIRECTOR

RECEIVED
DEPT. OF ENVIRONMENT

MAY 30 2013

STATE OF ILLINOIS
Pollution Control Board

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

May 23, 2013

ORIGINAL

AC13-50

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. R.F. Stewart Family Ltd. Partnership
IEPA File No. 111-13-AC; 0470055035—Edwards 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 30 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

R.F. STEWART FAMILY LTD. PARTNERSHIP,

Respondent.

AC

(IEPA No. 111-13-AC)


13-50

NOTICE OF FILING

To: R.F. Stewart Family Limited Partnership
Arrol Stewart, Partner
P.O. Box 26
Albion, IL 62806

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 23, 2013

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAY 30 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Complainant,)

v.)

R.F. STEWART FAMILY LTD.)
PARTNERSHIP,)

Respondent.)

AC

13-50

(IEPA No. 111-13-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 R.F. Stewart Family Ltd. Partnership is the current owner ("Respondent") of a facility located at 19 North 5th Street, Albion, Edwards County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Albion/R.F. Stewart Family Limited Partnership.

2. That said facility is designated with Site Code No. 0470055035.

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

4. That on April 16, 2013, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 5-22-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5614.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his April 16, 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).
- (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 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 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 June 28, 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.

Lisa Bonnett *as SOP*

Date:

5/21/2013

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

MAY 30 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
R.F. STEWART FAMILY LTD.)
PARTNERSHIP,)
)
)
Respondent.)

AC 13-50
(IEPA No. 111-13-AC)

FACILITY: Albion/R.F. Stewart Family Limited Partnership
SITE CODE NO.: 0470055035
COUNTY: Edwards
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: April 16, 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.

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

CLERK'S OFFICE
MAY 30 2013
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

AC13-50

I, Garrison Gross, being first duly sworn upon oath, depose and state 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 April 16, 2013, between 9:05 a.m. and 9:15 a.m., Affiant conducted an inspection of the R.F. Stewart Family Limited Partnership site in Edwards County, Illinois, known as Albion / R. F. Stewart Family Limited Partnership by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0470055035 by the Agency.
3. Affiant inspected said R.F. Stewart Family Limited Partnership site by an off-site inspection. Photographs were taken of 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 R.F. Stewart Family Limited Partnership site.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 14 day of May

Sharon Baxter
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Edwards LPC#: 0470055035 Region: 7 - Marion

Location/Site Name: Albion / R. F. Stewart Family LP

Date: 04/16/2013 Time: From 9:05 a.m. To 9:15 a.m. Previous Inspection Date: 09/06/2012

Inspector(s): Garrison Gross Weather: overcast skies, 60°F, moderate breeze

No. of Photos Taken: # 4 Est. Amt. of Waste: 600 yds³ Samples Taken: Yes # No ☒

Interviewed: offsite inspection Complaint #: C-12-077-M and C-12-078-M

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

R.F. Stewart Family Ltd. Partnership
Arrol Stewart, Partner
P.O. Box 26
Albion, Illinois 62806
618-445-2718

RECEIVED
CLERK'S OFFICE

MAY 30 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 # 0470055035

Inspection Date: 04/16/2013

	(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 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 #: 0470055035 – Edwards County
Site Name: Albion / R. F. Stewart Family LP
Date of Inspection: April 16, 2013
Inspector: Garrison Gross

Subject: Open Dump Site Inspection at R. F. Stewart Family LP Property

General Remarks: An Open Dump Site Inspection was conducted on Tuesday, April 16, 2013, at the R. F. Stewart Family Limited Partnership property. Garrison Gross representing the Illinois EPA Bureau of Land conducted the inspection. The property is located at 19 North 5th Street, Albion, Illinois 62806. The inspection was performed as a follow-up to a previous inspection conducted on September 6, 2012. Weather conditions at the time of the inspection were overcast skies, 60° F, with a moderate breeze.

Inspection Findings: The inspection began at approximately 9:05 a.m. and was conducted from offsite. The property is a commercial lot in the middle of town and piles of offsite generated demolition debris are within public view. The demolition debris was observed from an unnamed alley (photos 001 and 002) and an adjacent parking lot (photos 003 and 004). Approximately 21 loads of demolition debris remain at the site. The debris primarily consisted of brick but also included busted concrete, concrete block, stone block, mortar, wood, metal and roofing materials. Four (4) pallets were laid out on the ground with a few bricks stacked on each one. Four (4) empty pallets were stacked nearby. The site appeared relatively unchanged since the last inspection. The inspection ended at approximately 9:15 A.M.

Additional Remarks: Information concerning property ownership was obtained through tax records from the Supervisor of Assessment's Office in Edwards. Tax bills are mailed to R. F. Stewart Family Ltd. Partnership, P.O. Box 26, Albion, Illinois, 62806. The property is referred to as parcel 032-018-09. State records indicate that Arrol Stewart, Sally L. Stewart, Kimberly J. Stewart and Marie K. Stewart (dec.) are listed as the partners. Arrol Stewart lives at 222 North 5th Street, Albion, Illinois 62806 but receives his mail at P.O. Box 26.

Summary of Apparent Violations:

21(a)	21(e)	812.101(a)
21(d)(1)	21(p)(1)	
21(d)(2)	21(p)(7)	



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

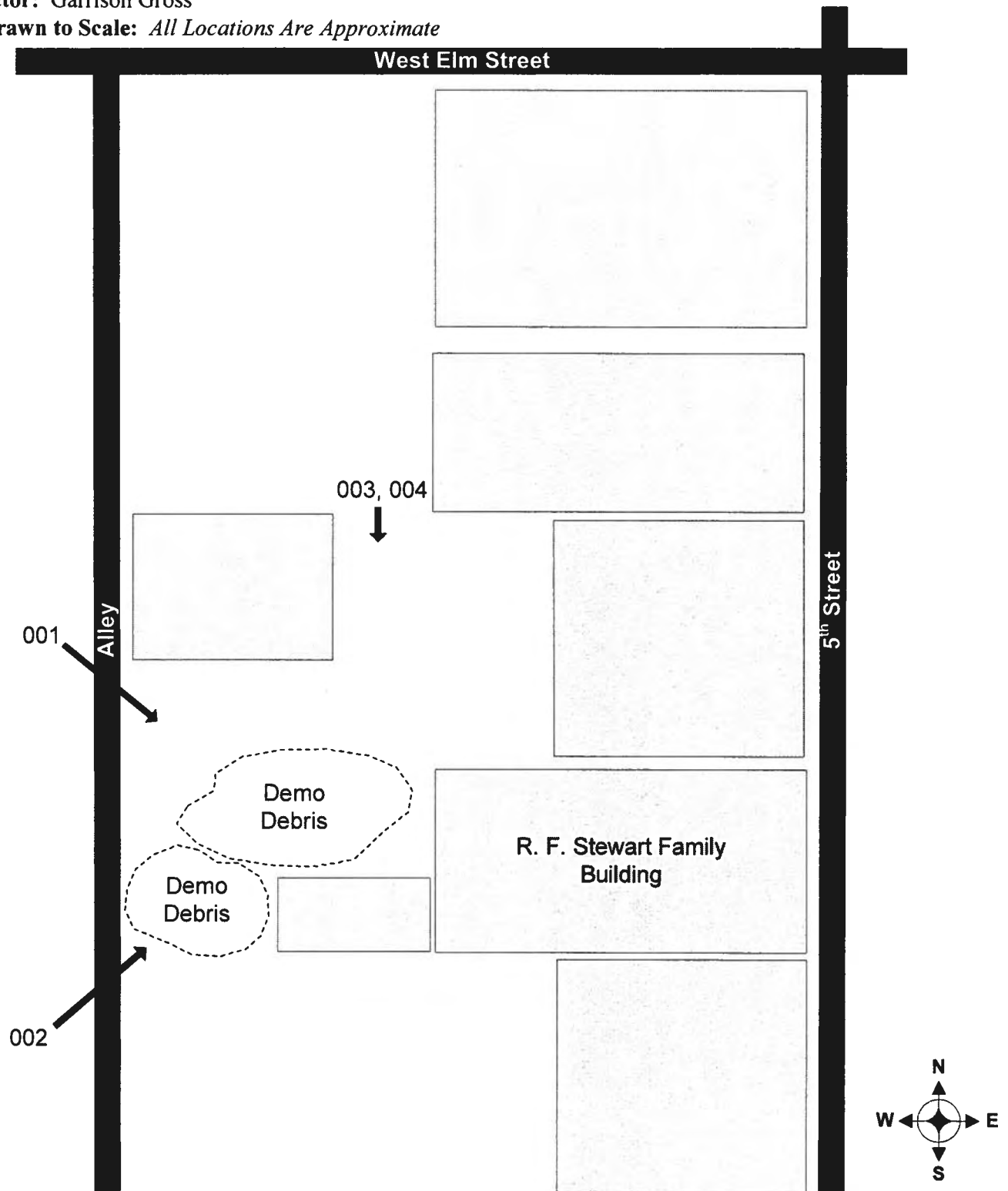
Date: April 16, 2013

BOL ID #: 0470055035 – Edwards County

Site Name: Albion / R. F. Stewart Family Limited Partnership

Inspector: Garrison Gross

Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS

**Date: 04/16/2013
Time: 9:08 A.M.
Direction: southeast
Photo by: Garrison Gross
Exposure #: 001
Comments: offsite
photograph of mixed
demolition debris**



**Date: 04/16/2013
Time: 9:09 A.M.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 002
Comments: offsite
photograph of mixed
demolition debris; wood,
metal, roofing materials
observed**



File Names: 0470055035~04162013-[001-004].jpg



DIGITAL PHOTOGRAPHS



**Date: 04/16/2013
Time: 9:11 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 003
Comments: offsite
photograph of mixed
demolition debris; grass
growing on debris**



**Date: 04/16/2013
Time: 9:11 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 004
Comments: close up of
photo # 003; 4 pallets laid
on ground with a few
stacks bricks near rear of
R.F. Stewart building**

File Names: 0470055035~04162013-[001-004].jpg

PROOF OF SERVICE

I hereby certify that I did on the 23rd 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: R.F. Stewart Family Limited Partnership
Arrol Stewart, Partner
P.O. Box 26
Albion, IL 62806

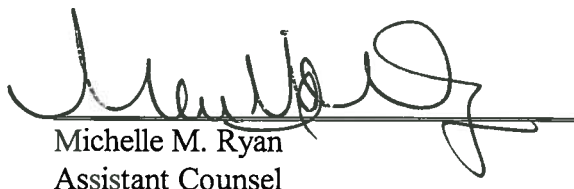
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CLERK'S OFFICE

MAY 30 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
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