



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

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

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CLERK'S OFFICE

FEB 09 2015

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

AC15-30

February 4, 2015

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 David E. Beal
IEPA File No. 41-15-AC; 0818125013

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

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DAVID E. BEAL,

Respondent.

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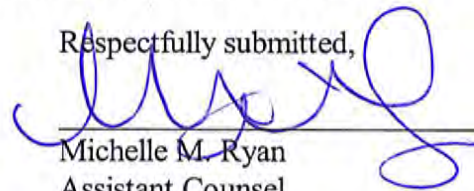
AC 15-30
(IEPA No. 41-15-AC)

NOTICE OF FILING

To: David E. Beal
18942 North Justin Lane
Mt. Vernon, IL 62864

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: February 4, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECORDED
CLEAN
FEB 9 9 2015
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
DAVID E. BEAL)
Respondent.)

AC 15-30
(IEPA No. 41-15-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 (2014).

FACTS

1. That David E. Beal is the current owner ("Respondent") of a facility located at 18942 North Justin Lane, in rural Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Vernon/Beal, David E.
2. That said facility is designated with Site Code No. 0818125013
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 12, 2015, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.
5. That on 2-4-15, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 5929.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the January 12, 2015 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) (2014).

- (2) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 March 27, 2015, 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 (2014), 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) (2014), 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 (2014). 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 ^{KAR}

Date:

2-4-15

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

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CLERK

FEB 19 2015

STATE OF ILLINOIS
Division of Environmental Protection

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
DAVID E. BEAL,)
Respondent.)

AC 15.30
(IEPA No. 41-15-AC)

FACILITY: Mt. Vernon/Beal, David E.
SITE CODE NO.: 0818125013
COUNTY: Jefferson
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: January 12, 2015

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)

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CLEANUP OFFICE

JAN 13 2015

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

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 January 12, 2015, between 12:50 P.M. and 1:10 P.M., Affiant conducted an inspection of the David E. Beal site in Jefferson County, Illinois, known as Mt. Vernon / Beal, David E. the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818125013 by the Agency.

3. Affiant inspected said Mt. Vernon / Beal, David E. 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 Mt. Vernon / Beal, David E.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 14th day of January, 2015

Gail Stricklin
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0818125013 Region: 7 - Marion
 Location/Site Name: Mt. Vernon / Beal, David E.
 Date: 01/12/2015 Time: From 12:50 P.M. To 1:10 P.M. Previous Inspection Date: 09/04/2014
 Inspector(s): Garrison Gross Weather: overcast skies, 35°F, windy
 No. of Photos Taken: # 5 Est. Amt. of Waste: 55 yds³ Samples Taken: Yes # No
 Interviewed: David Beal Complaint #: C-13-149 and C-14-035
 Latitude: N38.401411° Longitude: W-89.021242° Collection Point Description: Edge of North Justin Lane
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Google Earth

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

David Beal
 18942 North Justin Lane
 Mt. Vernon, Illinois 62864

FEB 9 9 2015
 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 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 (including Tires)	<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 # 0818125013

Inspection Date: 01/12/2015

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" 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 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"/>
OTHER REQUIREMENTS			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0818125013 – Jefferson County
Site Name: Mt. Vernon / Beal, David E.
Date of Inspection: January 12, 2015
Inspector: Garrison Gross

Subject: Open Dump Site Inspection at David Beal Property

General Remarks: An Open Dump Site Inspection was conducted on Monday, January 12, 2015 at property owned by David Beal. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The property address is 18942 North Justin Lane, in rural Mt. Vernon, Illinois 62864. The site is located near the settlement of Boyd which is 5 miles north of Woodlawn, Illinois and approximately 8.75 miles northwest of Mt. Vernon, Illinois. The inspection was performed as a follow-up to a previous inspection conducted on September 4, 2014 and to verify if the tires and debris had been removed from the site by the December 31, 2014 deadline. Weather conditions at the time of the inspection were overcast skies, 35° F, and windy. Surface conditions were muddy. The inspection began at 12:50 P.M. and ended at approximately 1:10 P.M.

Inspection Findings: I made contact with Mr. Beal upon arrival. Mr. Beal said he had removed most of the ash and debris from the burn pile. He was still disposing of the material in a small dumpster. A few more dumpster loads had been removed since the last inspection. I asked about tire disposal. Mr. Beal had not disposed of any tires. He said his son Michael had hauled off a few more. They were not on speaking terms so he didn't know where they were being hauled. He said Michael worked at a salvage yard near Benton so he might be taking them there. Micheal Beal was living in Christopher but Mr. Beal didn't know his address.

Mr. Beal told me that his son Darryl Beal had contacted Michael about removing the tires. He said Darryl had told him to come and get the rest of the tires. Mr. Beal stated that he had fallen during the holidays and spent 9 days in the hospital. I continued the inspection by walking and photographing the site. Mr. Beal accompanied me during the inspection.

It was apparent that approximately 3/4 of the burn pile had been removed from the site (photos 001 and 002). Approximately 180 used / waste tires remained behind the utility building (photos 002 and 003). All of the tires were off the rim. Tires had accumulated water and organic material (leaves) (photo 004). Some of the water was frozen. The remaining debris and waste tires were estimated to be 55 cubic yards of material.

Additional Remarks: Mr. Beal did not respond in writing to the initial ACWN and he did not respond or provide landfill / trash hauling receipts or tire disposal receipts after the Agency sent the Continuing Violations Letter.

0818125013 – Jefferson County

Mt. Vernon / Beal, David E.

January 12, 2015

Page 2

Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment's Office in Jefferson County. Tax bills are mailed to David Beal, 18942 North Justin Lane, Mt. Vernon, Illinois 62864. The property is referred to as parcels # 02-31-200-004 and 02-31-200-018 which contain approximately 1.5 acres.

Summary of Apparent Violations:

21(a)	21(e)	55(a)(1)
21(d)(2)	21(p)(1)	55(k)(1)



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

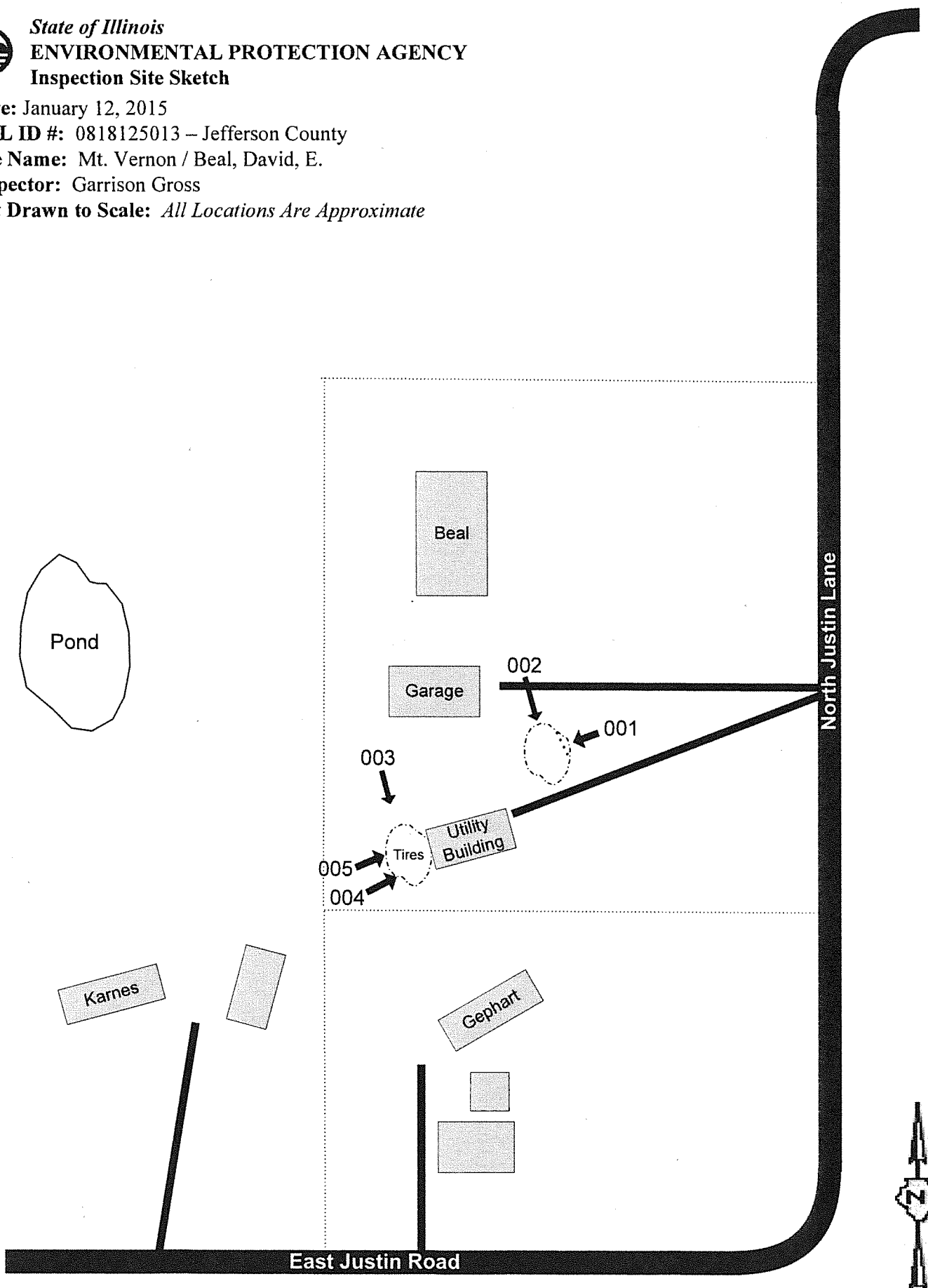
Date: January 12, 2015

BOL ID #: 0818125013 – Jefferson County

Site Name: Mt. Vernon / Beal, David, E.

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 01/12/2015
Time: 12:55 P.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 001
Comments: open burn
pile; additional cleanup
had occurred



Date: 01/12/2015
Time: 12:55 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 002
Comments: open burn
pile; additional cleanup
had occurred

File Name: 0818125013~01122015-[001-005].jpg



DIGITAL PHOTOGRAPHS



Date: 01/12/2015
Time: 12:56 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 003
Comments: used / waste
tires; off rim and holding
water and ice



Date: 01/12/2015
Time: 12:56 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 004
Comments: used / waste
tires; off rim and holding
water and ice

File Name: 0818125013~01122015-[001-005].jpg



DIGITAL PHOTOGRAPHS



Date: 01/12/2015
Time: 12:56 P.M.
Direction: east (down)
Photo by: Garrison Gross
Exposure #: 005
Comments: water and ice
in tire; organic material
(leaves) present

PROOF OF SERVICE

I hereby certify that I did on the 4th day of February 2015, 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 E. Beal
18942 North Justin Lane
Mt. Vernon, IL 62864

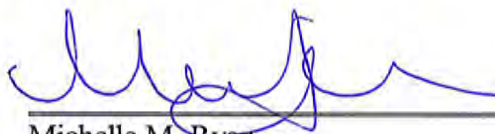
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CLERK'S OFFICE

FEB 09 2015

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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