

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her July 28, 2016 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 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) (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 October 17, 2016, 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.

Alec Messina HW
Alec Messina, Acting Director
Illinois Environmental Protection Agency

Date: 9-15-16

Prepared by: Dawn A. Hollis, 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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SEP 20 2016

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KENNY MAUPIN)
)
Respondent.)

AC

(IEPA No. 141-16-AC)

FACILITY: Maupin/Manker

SITE CODE NO.: 0030055075

COUNTY: Alexander

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: July 28, 2016

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 ALEXANDER)

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SEP 20 2016

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

I, Sheila Williams, 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 July 28, 2016, between 12:06 P.M. and 12:26 P.M., Affiant conducted an inspection of the open dump in Alexander County, Illinois, known as Cairo/Maupin-Manker, Illinois Environmental Protection Agency Site No. 0030055075.

3. Affiant inspected said Cairo/Maupin-Manker open dump site by an on-site inspection, which included walking and photographing the site.

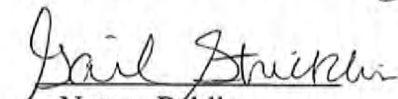
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Cairo/Maupin-Manker open dump.

FURTHER AFFIANT SAYETH NOT.



Subscribed and Sworn to before

me this 18th day of August, 2016


Notary Public





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

NARRATIVE INSPECTION REPORT

Date: July 28, 2016 Inspector: Sheila Williams

Site Code: 0030055075 County: Alexander

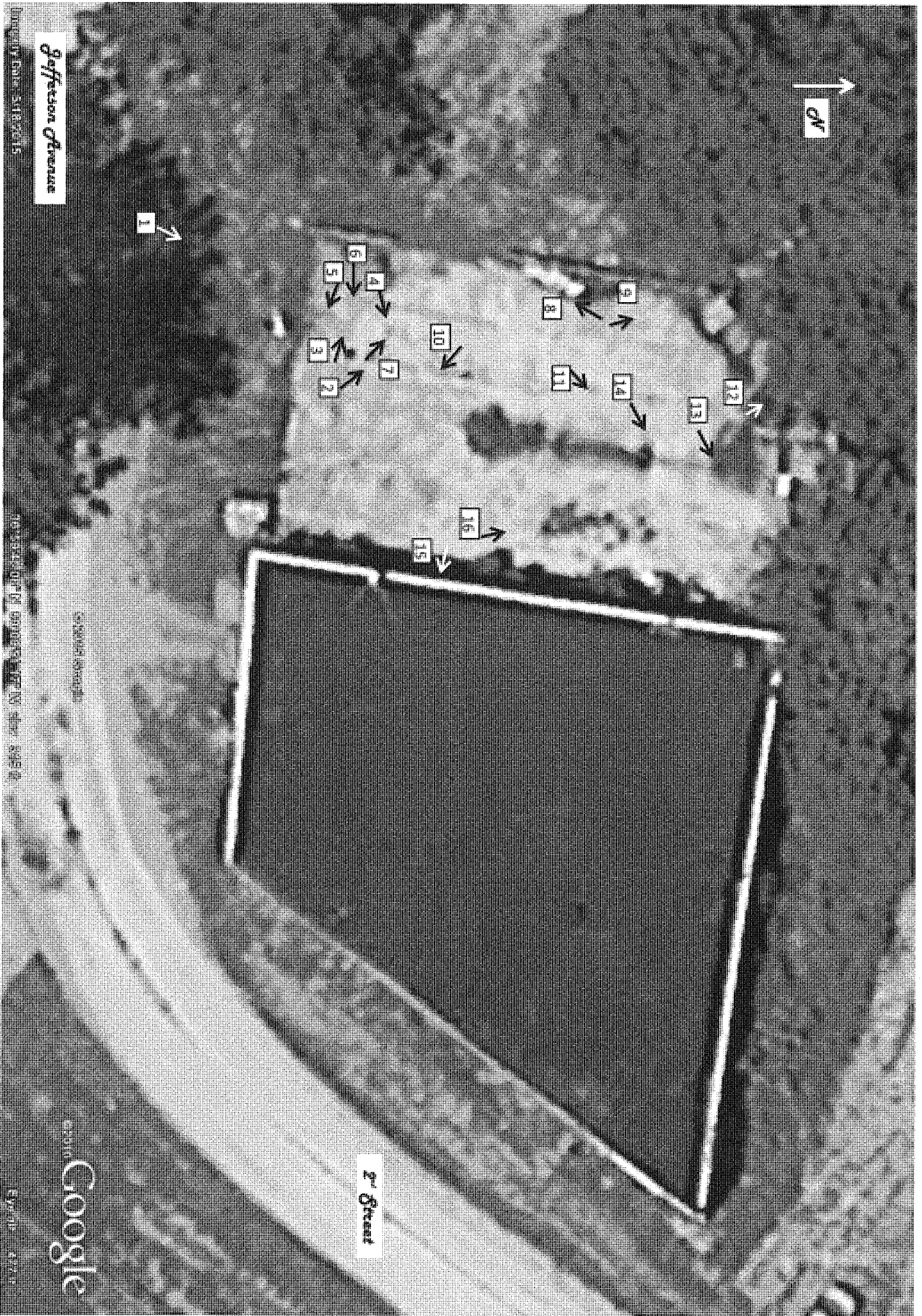
Site Name: Cairo/Maupin - Manker

Time: 12:06 P.M. – 12:26 P.M.

GENERAL REMARKS

On July 28, 2016, I conducted an inspection at the Cairo/Maupin-Manker site which is located at the juncture of Jefferson Avenue and 2nd Street in Cairo. The previous inspection was conducted on October 29, 2015 at which time approximately 30 cubic yards of waste were observed to be open dumped. It is apparent additional waste brought to the site has increased this amount by about 330 cubic yards. Apparent violations pertain to open dumping resulting in litter and the deposition of construction/demolition debris; and conducting waste operations without a permit. No one else was present during the inspection.

The observed waste was present to the west of the building. A dumpster with “MOSLEY” spray painted on it as well as other waste was easily seen from Jefferson Avenue (photo 001). A GMC Jimmy SUV with a license plate sticker that expired February of 2015 is shown in photos 002 and 003. Multiple yellow bags were present (photos 001, 003-007, 010, and 011). A dark substance could be seen through some of the yellow bags (photo 003, 005-007). Photo 003 depicts a very dark stain on the ground that appears to have originated from several yellow bags. The following phrases were hand written on some of the yellow bags: “CAPT BUCK LAY 7-5-16”, “OILY RAGS BOAT 87”, “XLG BOAT 87”, and “OILY TRASH...JACKY O’NEAL” (photos 004, 005, 007). Photo 008 shows a trailer with no license plate, a bucket holding water, a plastic bag containing a pillow and other debris. Photo 014 was taken of a box with a label that read: “TO: ACL TRANSPORTATION SERVICES, M/V DAVE EVANS, 14614 OHIO RIVER LEVEE RD, CAIRO, IL, 62914. Other wastes included, but were not limited to, cardboard, pallets, large filters, a variety of plastics, plywood, mattress/box springs, plastic barrels – one labeled “AQUACLEAN”-construction/demolition debris, and general refuse.



Cairo/Maupin - Manker
#0030055075 – Alexander County
Not to Scale / Locations are Approximate
7/28/2016

The aerial photograph is historical in nature and not necessarily an accurate depiction of wastes at the site at the time of the inspection.



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:08 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 001
Comments: dumpster with
"MOSLEY" spray painted
on it, and view of debris
from street



Date: 7/28/2016
Time: 12:09 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 002
Comments: tag on plate
expired February 2015

0030055075~07282016.docx

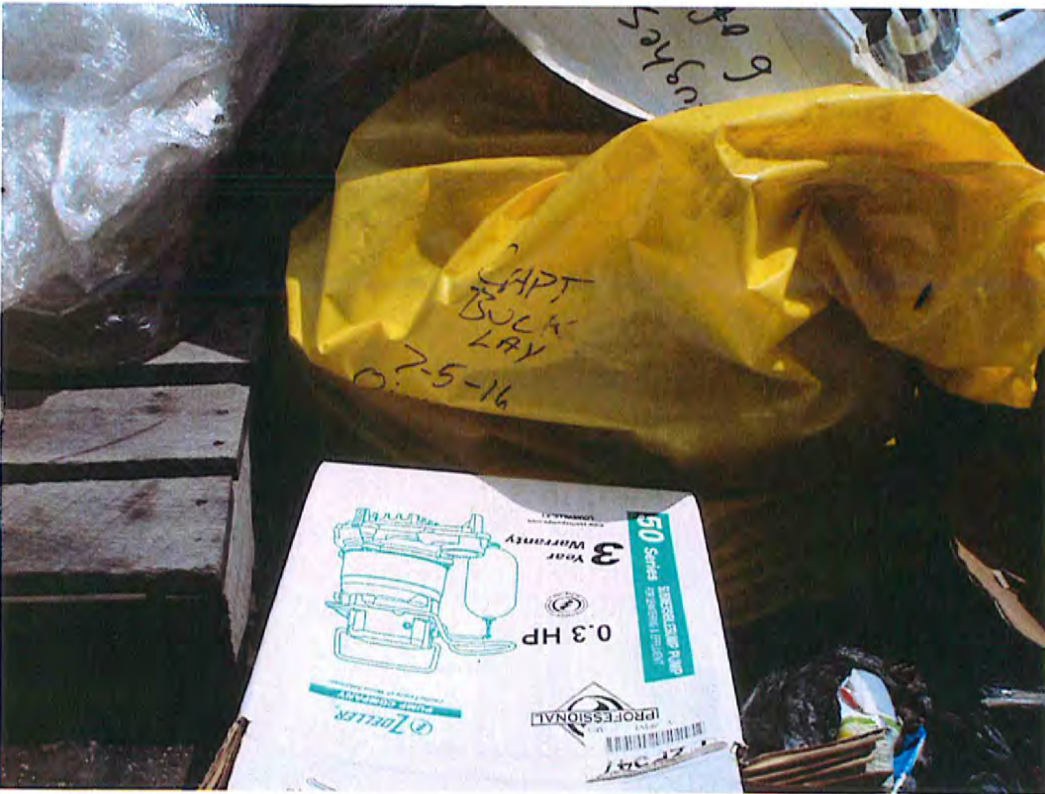


DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
 Time: 12:09 P.M.
 Direction: northwest
 Photo by: S. Williams
 Exposure #: 003
 Comments: yellow bags appear to be leaking a dark liquid substance



Date: 7/28/2016
 Time: 12:10 P.M.
 Direction: northeast
 Photo by: S. Williams
 Exposure #: 004
 Comments: yellow bag with "CAPT BUCK LAY 7-5-16" hand written on it, plastics, cardboard, and general refuse

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:12 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 005
Comments: one yellow bag has "OILY RAGS BOAT 87" hand written on it and another "XLG BOAT 87", concrete was darkened with apparent oil



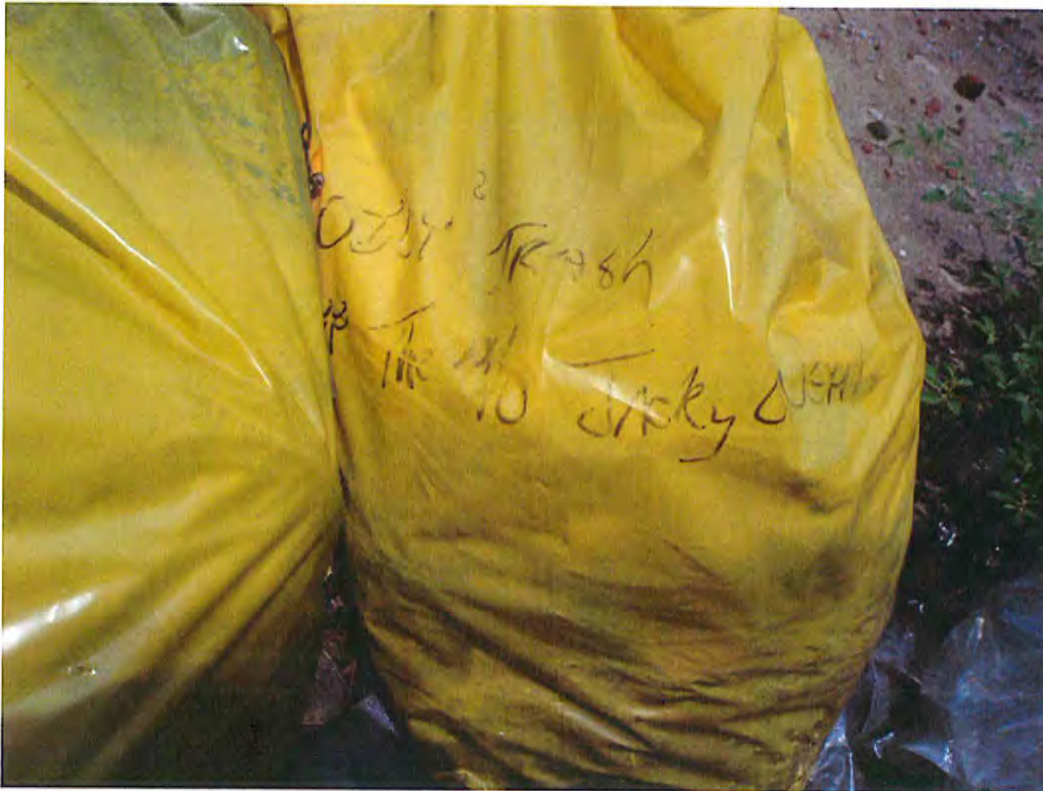
Date: 7/28/2016
Time: 12:14 P.M.
Direction: east
Photo by: S. Williams
Exposure #: 006
Comments: hole in yellow bag

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:14 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 007
Comments: yellow bag has
"OILY TRASH...JACKY
O'NEAL" hand written on it



Date: 7/28/2016
Time: 12:16 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 008
Comments: trailer with no
plates, bucket holding
water, a plastic bag
containing a pillow and
other debris

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:16 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 009
Comments: drum labeled "AQUACLEAN", general refuse, and wood spool, pallets, and wood pieces



Date: 7/28/2016
Time: 12:17 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 010
Comments: pile of plastic bags, cardboard, pallets appears to be leaking a dark substance onto the concrete

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:18 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 011
Comments: industrial size
filters, yellow bags,
mattress, pallets, and
cardboard



Date: 7/28/2016
Time: 12:18 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 012
Comments: pallets and
plastics

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
 Time: 12:18 P.M.
 Direction: northeast
 Photo by: S. Williams
 Exposure #: 013
 Comments: large hose,
 cardboard, plywood, and
 plastics



Date: 7/28/2016
 Time: 12:20 P.M.
 Direction: northeast
 Photo by: S. Williams
 Exposure #: 014
 Comments: label on
 cardboard reads
 "TO: ACL
 TRANSPORTATION
 SERVICES
 M/V DAVE EVANS
 14614 OHIO RIVER LEVEE
 RD
 CAIRO
 IL 62914

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:21 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 015
Comments: construction/
demolition debris and
dimensional lumber



Date: 7/28/2016
Time: 12:22 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 016
Comments: two box
springs, cardboard, plastic
bags, plastic drums, pallets,
and general refuse

0030055075~07282016.docx



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg



Date: 7/28/2016
Time: 12:52 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 017
Comments: the door to 710
Washington in Cairo is
boarded up

PROOF OF SERVICE

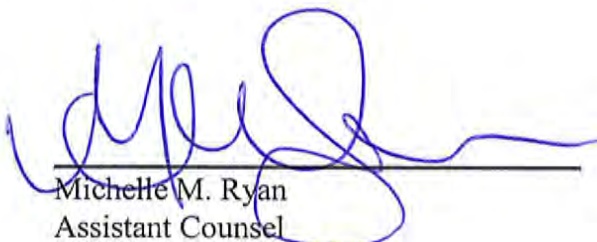
I hereby certify that I did on the 16th day of September 2016, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Kenny Maupin
14036 State Highway 37
Cairo, IL 62914

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SEP 20 2016
STATE OF ILLINOIS
Pollution Control Board

and the original and three (3) 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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

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

September 16, 2016

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SEP 20 2016

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

STATE OF ILLINOIS
Pollution Control Board

Re: Illinois Environmental Protection Agency v Kenny Maupin
IEPA File No. 141-16-AC; 0030055075

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and three 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