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CLERK'S OFFICE

JAN 30 2006

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

A 106-22

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 HAROLD GRAVES,)
)
 Respondent.)

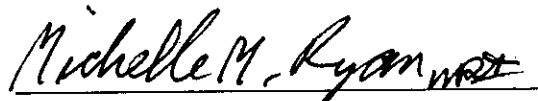
AC *06-22*
 (IEPA No. 3-06-AC)

NOTICE OF FILING

To: Harold Graves
 306 Beechwood Drive
 Taylorville, Illinois 62568

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
 Special Assistant Attorney General

Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217) 782-5544

Dated: January 27, 2006

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his December 2, 2005 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) (2004).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 February 15, 2006, 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 (2004), 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.

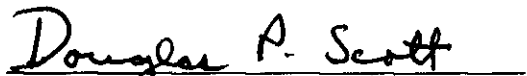
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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 (2004). 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.



Douglas P. Scott, Director *by wcc*
Illinois Environmental Protection Agency

Date: 1/27/06

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

JAN 30 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
HAROLD GRAVES,)
)
)
)
Respondent.)

AC 06-22
(IEPA No. 3-06-AC)

FACILITY: Tower Hill/Graves-Ambrose SITE CODE NO.: 1738220005
COUNTY: Shelby CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: December 2, 2005

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

AFFIDAVIT

IN THE MATTER OF:)
)
)
)
Harold Graves,)
)
)
Respondent)

IEPA DOCKET NO.

Affiant, Dustin Burger, 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 Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On December 2, 2005 between 12:40 P.M. and 12:45 P.M., Affiant conducted an inspection of the site in Shelby County, Illinois, known as Tower Hill/Ambrose-Graves, Illinois Environmental Protection Agency Site No. 1738220005.

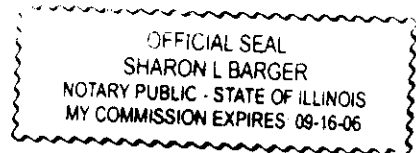
3. Affiant inspected said Ambrose-Graves site by an on-site inspection which included photographing the site.

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 the Tower Hill/Ambrose-Graves site.

Dustin Burger

Subscribed and Sworn to before me
this 10th day of January,
2006.

Sharon L Barger
Notary Public



LPC # 1738220005

Inspection Date: 12/02/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<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.

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1738220005--Shelby County

Tower Hill/Ambrose-Graves

FOS File

Inspector: Dustin Burger

December 2, 2005 Inspection

GIS information: (N39.35119 W-89.00907 +/- 156 by Garmin 76s)

Narrative Inspection Report

I conducted an open dump complaint inspection of the above referenced facility on December 2, 2005 from approximately 12:40 to 12:45 P.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The weather was clear with a layer of snow on the ground, with temperatures in the 30s. Two photos were taken during the visit. No one was present at the site during the inspection.

Champaign FOS received a complaint via the Springfield Regional Office from an anonymous complainant stating that Harold Graves was demolishing the Pana Junior High School and dumping the debris at two locations. The Christian County Solid Waste Department first investigated the complaint and found the waste had been dumped just across the county line in Shelby County, which was out of their jurisdiction. The first property was owned by Mark Eilers and is located approximately 3 miles south of Illinois a Route 16 and one mile from the county line. This second property is owned by Ronald Ambrose and is located one property north and across the road from the Eilers site at Rural Route 1, Box 44a. The mailbox and Mr. Mark Eilers confirmed the plat book information stating Mr. Ambrose was the property owner.

This site consists of a house tucked back in a wooded area with a short driveway ending in a circular drive. I could see a pile of demolition debris from the road and drove into the driveway for a closer look. I knocked on the door, but no one answered. I then looked at and photographed the debris dumped on the north edge of the driveway. The pile looked like it was made of two tandem-truck loads of general demolition debris. It consisted of mostly brick and concrete, but had significant amounts of wood and metal mixed in (see photos 1-3). The pile had a recent coating of snow, but I could easily see dimensional lumber, conduit, and metal mesh material sticking out of the pile.

After photographing the pile I left the site. Further communications regarding the site are contained in separate reports for the Eilers-Graves site LPC#1738220005.

Regulated Status

This site is regulated as an open dump.

Summary of Apparent Violations

1. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Wastes were observed open dumped at this site.**

2. Pursuant to Section 21(d)(1) of the Act, in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Evidence that a waste-disposal operation was being operated without a permit was observed.**

3. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Evidence that a waste disposal operation was being conducted in violation of the regulations was observed.**

4. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Evidence that waste is being transported and disposed of at this site which does not meet the requirements of the Act or Regulations was observed.**

5. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

1. litter;
2. scavenging;
3. open burning;
4. deposition of waste in standing or flowing waters;
5. proliferation of disease vectors; or
6. standing or flowing liquid discharge from the dump site.
7. deposition of:
 - (i) general construction or demolition debris as defined in Section 3.78 of this Act; or
 - (ii) clean construction or demolition debris as defined in Section 3.78a of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reason: **Evidence of open dumping with (1) litter, and (7) deposition of general construction and demolition debris was observed during this inspection.**

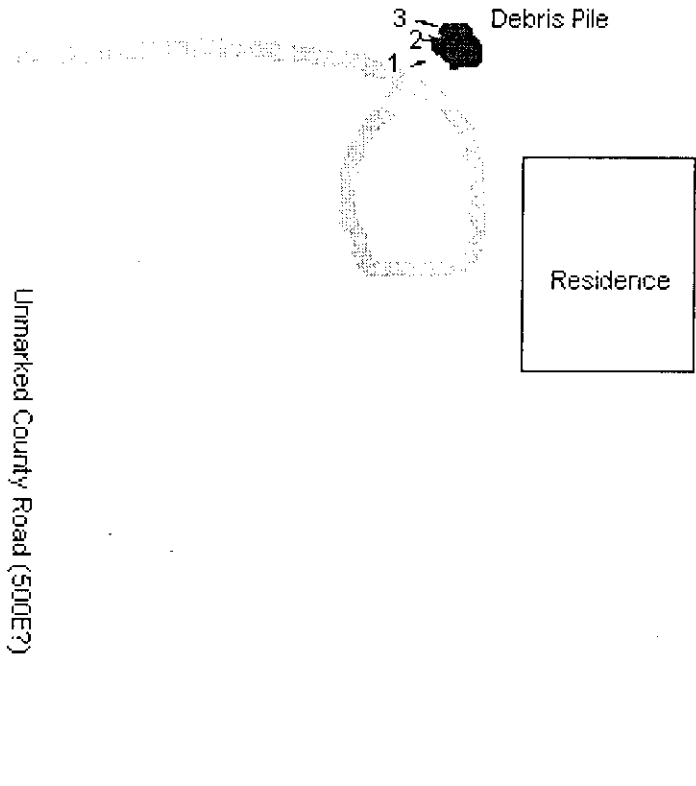
6. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: Evidence of the operation of a landfill was observed. **The site does not have a permit to operate a sanitary landfill.**

↑
NORTH

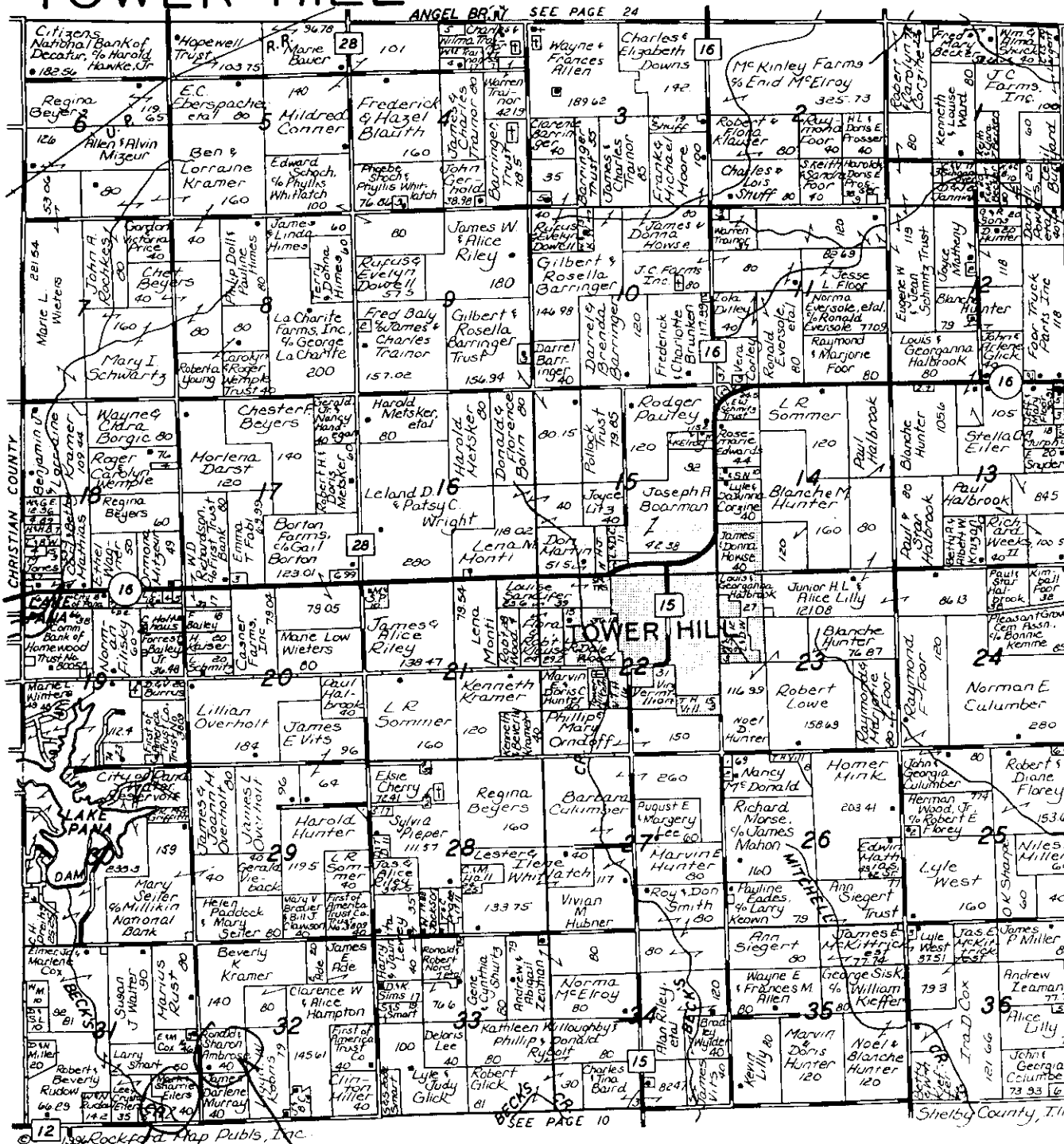
LPC#1738220005--Shelby County
Tower Hill/Ambrose-Graves
December 2, 2005
Site Sketch

Numbers denote photo locations/direction
Not to scale



TOWER HILL

T.1N.-R.2E.



Eilers Site Ambrose Site

Lakeland FS Inc.

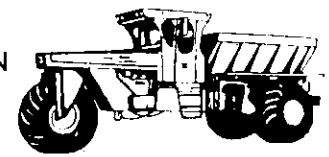
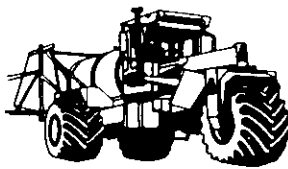
CHEMICALS ★ RENTAL SPREADERS
 BULK-BLEND FERTILIZER ★ CUSTOM APPLICATION
 LIQUID MIXED FERTILIZER ★ 28% LIQUID NITROGEN
 LIME ★ ANHYDROUS

P.O. BOX 211, TOWER HILL, ILLINOIS 62571

Phone: (217) 567-3142

SHELBYVILLE - (217) 774-3901

STEWARDSON - (217) 682-3238





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1738220005—Shelby County
Tower Hill/Ambrose-Graves
FOS File

DATE: December 2, 2005
TIME: 12:40 P.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220005~12022005-001.jpg
COMMENTS:



DATE: December 2, 2005
TIME: 1:00 P.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220005~12022005-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1738220005—Shelby County
Tower Hill/Ambrose-Graves
FOS File**

**DATE: December 2, 2005
TIME: 12:40 P.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220005~12022005-003.jpg
COMMENTS:**



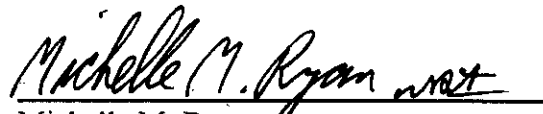
PROOF OF SERVICE

I hereby certify that I did on the 27th day of January 2006, 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: Harold Graves
306 Beechwood Drive
Taylorville, Illinois 62568

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


Michelle M. Ryan
Special Assistant Attorney General

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