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FEB 02 2006

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC 06-23

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).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 02 2006

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

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

AC 06-23

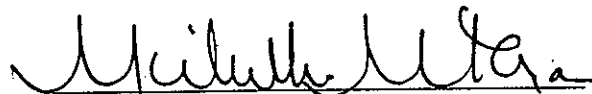
(IEPA No. 4-06-AC)

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 02 2006

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HAROLD GRAVES,

Respondent.

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AC 06-23

(IEPA No. 4-06-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 (2004).

FACTS

1. That Harold Graves ("Respondent") is the present operator of a facility located approximately 3 miles south of Illinois 16 and one mile from the Christian County Line in Tower Hill Township, Section 32, located in Shelby County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Tower Hill/Eilers-Graves.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1738220004.

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

4. That on December 15, 2005, Dustin Burger of the Illinois Environmental Protection Agency's Champaign 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.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his December 15, 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 waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2004).
- (3) 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 February 28, 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
Douglas P. Scott, Director *by wsc*
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

RECEIVED
CLERK'S OFFICE

FEB 02 2006

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HAROLD GRAVES,

Respondent.

AC 06-23

(IEPA No. 4-06-AC)

FACILITY: Tower Hill/Eilers-Graves

SITE CODE NO.: 1738220004

COUNTY: Shelby

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: December 15, 2006

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 15, 2005 between 8:40 A.M. and 9:10 A.M., Affiant conducted an inspection of the site in Shelby County, Illinois, known as Tower Hill/Eilers-Graves, Illinois Environmental Protection Agency Site No. 1738220004.

3. Affiant inspected said Eilers-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/Eilers-Graves site.

Dustin Burger

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

Sharon L. Barger
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Shelby LPC#: 1738220004 Region: 4 - Champaign
 Location/Site Name: Tower Hill/Eilers-Graves
 Date: 12/15/2005 Time: From 8:40A To 9:10A Previous Inspection Date: 12/02/2005
 Inspector(s): Dustin Burger Weather: Clear, snow, 30s
 No. of Photos Taken: # 8 Est. Amt. of Waste: 250 yds³ Samples Taken: Yes # No
 Interviewed: Mark Eilers, Owner: H. Graves, Contractor Complaint #: C06-054-CH
 Latitude: N39.35119 Longitude: W-89.00907 Collection Point Description: Dump Location - +/-253ft
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin 76s

Responsible Party Mailing Address(es) and Phone Number(s): Mark Eilers, Owner Rural Route 1, Box 45 Tower Hill Illinois 62571 217/567-3377	Harold Graves 306 Beach Wood Drive Taylorville, Illinois 62568 217/287-2054
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	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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1738220004

Inspection Date: 12/15/2005

	(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

- [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.

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

LPC#1738220004--Shelby County

Tower Hill/Eilers-Graves

FOS File

Inspector: Dustin Burger

December 15, 2005 Inspection

GIS information: (N40.12056 W-88.64126 +/- 253 by Garmin 76s)

Narrative Inspection Report

I conducted an open dump complaint inspection of the above referenced facility on December 15, 2005 from approximately 8:40 to 9:10 A.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 fresh layer of snow on the ground, with temperatures in the high 30s. Eight photos were taken during the visit. Mr. Mark Eilers, the property owner, was not present at the site during the inspection, but I later returned to the site with the demolition contractor, Harold Graves, to show him what was being dumped.

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 property is owned by Mark Eilers, who I spoke with during my initial visit on December 2, 2005. During that inspection, Mr. Eilers stated he was the owner of the site and had been contacted by Harold Graves about dumping some clean demolition debris to fill in a small pond that never held much water. He was happy to receive the material, but was unaware that material containing wood, metal, and other non-masonry materials was not allowed as clean fill. He said the materials came from the demolition of the Pana Jr. high school in Pana, Illinois. During the first inspection, I found the materials being dumped did not meet the definition of clean construction and demolition debris under the Environmental Protection Act since it contained considerable amounts of wood, dimensional lumber, metal, and conduit. I said the material needed to be removed to a landfill.

Mr. Graves later called me to say he had sent a crew out to clean-up the Eilers site and remove all the non-masonry materials and asked if he could continue to dump clean

material into the pond. I replied in no-uncertain terms that ONLY clean, uncontaminated bricks, concrete without rebar, and soils could be used as clean fill in the pond. I told Mr. Graves that I would be carefully inspect an debris at the site since this first loads that arrived at the site were not even close to being considered clean C & D debris. Graves replied that he had three people working to remove all the wood and metal from the bricks and nothing else would be dumped at the site.

I arrived at the Eilers site at approximately 8:40 A.M. after an early-morning inspection at a landfill. As I arrived, a red dump truck bearing the license number 11117 was leaving the site driveway as I pulled in. I parked near the dump site located around a small pond and knocked on the door to attempt to talk with Mr. Eilers. When no one answered, I took a closer look at the material that had been dumped.

One load of construction and demolition debris had been dumped on the surface of the ground, while many more had been dumped into the pond, filling it approximately 2/3 full. Since I had observed the truck leaving as I arrived and the pile did not have an accumulation of snow, I believe the surface pile had been freshly dumped a few minutes before. The new pile contained bricks and concrete, but also contained dimensional lumber, bits of black-coated insulation, metal, and some of the concrete had mastic still stuck to the surface. In addition, some of the bricks were painted a light blue color.

The additional material dumped into the pond also had metal and wood mixed in. I saw even more wood floating on the surface of the pond than the previous inspection, along with what looked like a badly decomposed basketball and volleyball. Wood was poking out of the pile at many locations, and I observed the same concrete with mastic and insulation in the pile.

After photographing the area, I drove into Pana to contact Mr. Graves at the Junior High School site. As I arrived at the school, the same truck with the 11117 plate was leaving the site. I honked and flagged the truck down and asked it to return to the school, since I did not want an additional load dumped that would later need to be removed. At the school I asked to see Harold Graves and met him a few minutes later. When I introduced myself and explained the reason I was there, Mr. Graves first discussed how he was a FEMA contractor working on the hurricane relief in Florida and FEMA had told the USEPA to stop bothering his operations. He said he had three men back from the hurricane project to work on sorting the material at the school site so they could dump the clean debris at the pond site. He said Mr. Eilers was happy with what he was bringing him and he didn't see why a few boards were much of a problem.

I calmly explained that the material that he was dumping at the Eilers property was mostly bricks and concrete, but there was still too much wood and metal in the material. I added that the most recent load included painted bricks, which do not met the definition of "uncontaminated" in the Act. Mr. Graves admitted there might be some painted material in the recent loads, since he was working on a high wall in what used to be the gym and some painted bricks from lower came down along with the unpainted ones. I told him that all the material at the pond would have to be removed to a properly

permitted landfill. I bluntly told him that I now had seen on two occasions that he could not adequately sort the material coming from the school site and I doubted his ability to properly sort the material in the future. He said he had sent crews to sort the material at the Eilers property and they had removed three truck-loads of wood and metal from the piles. He still refused to believe that there was any problem with the material he delivered to the Eilers property. I replied that if his guys sorted the material, they were doing a very poor job of the work. I added that since the Agency had a previous run-in with him regarding another site, I told him that I would likely recommend he be fined \$4500 for open dumping construction debris into a pond. I added that the decision was not mine to make, but a committee at the Agency would make the actual decision on whether any fines would be assessed, but I felt it was fair to tell him what the consequences might be. He then said he had never been in trouble with IEPA, and that he was only a hauler in a previous case. I stopped Mr. Graves before he went on too far by saying I was not familiar with the other case, but the facts would be looked at by Agency management when they decided what to do in the present case.

We then agreed to drive out to the pond site and look at the debris there. When we arrived, he looked around and admitted there was wood, metal, insulation, and painted bricks in the pile. He did not think it was a major problem and again offered to have his employees pick out the unpermitted materials. He even offered to pay IEPA to have an inspector on-site to watch the progress. I told Graves that there was too much extraneous materials to sort through, and then proceeded to pick some of the wood from the face of the fill and toss them up on the surface. I picked up wood, insulation, and mastic material from one small area in the pile and tossed them where he could see them at his feet. I stated that if he was paying people to sort through the material, then he was wasting his money because they were not doing their jobs. As we walked back to our vehicles, I noted some dimensional lumber and plywood from the demolition debris piles had been placed on a small burn pile with some logs, likely by the owner of the property.

Mr. Graves said he had delivered approximately 53 loads to the site and said it would cost \$30,000 to dispose of the materials at the landfill. I replied that the material should have been taken to the landfill in the first place, or his employees should have been more careful sorting the waste at the site. I told him that, technically, it was illegal to sort the waste at any site except the site where it was generated.

Mr. Graves said he would send more employees to pick out the offending wood and metal, and then he would have his attorney look at the pond area. I again reiterated that all the waste would need to be removed to a landfill. I advised him not to attempt to pick up the surface wood and debris, and then show his attorney a "clean site" to demonstrate that the place was back in compliance. I said if he wanted to give his attorney an accurate picture of what the property looks like, he should show it to him as it was. Mr. Graves then gave me his business card for Harjoy Inc. and I left the site.

On December 21, 2005, I received via e-mail, a report from Dale Halford IEPA/BOA that was forwarded by Dave Jansen at the Agency's Springfield Office. Dale said he had watched the demolition job at the Pana school looking for asbestos problems. He saw

workers at the site burning wood waste in a burn barrel at the site. When a truck load of demolition waste left the site, he followed it to another location owned by Mr. Graves near the Kincaid Power Station, where it dumped its load. Dale did not enter to property to look closely at the load, but he suspected it might not be clean debris.

I called Triple A Asbestos Service Inc. in Pana, Illinois on December 21, 2005. Triple A was the general contractor for the school demolition project, and they hired Mr. Graves as a subcontractor to demolish the building after the asbestos was removed. When I called, I reached Judy Austif, the spouse of the owner, Lee Austif. She had Lee call me back after a meeting and I told Mr. Austif about our recent investigation of Mr. Graves. Austif was highly displeased with Mr. Graves. He said Graves told him the problem with the Shelby county site had been handled to my satisfaction, and he should not be concerned. Mr. Austif said Mr. Graves knew how to properly dispose of the materials, and he had given Graves a copy of the statute with the definition of clean construction and demolition debris. Mr. Austif said he had negotiated with Five Oaks Landfill to get a rate of \$28 per ton for the project as opposed to the normal \$45 per ton the landfill charged. Austif said the project was bid out, and all the contractors had thought approximately 35-40% of the masonry material could be recycling, including Mr. Graves. I then told Mr. Austif that we had unconfirmed reports that Graves had hauled additional material to his property near the Kincaid power plant, but I did not yet have confirmation whether the material was clean or not. Austif said he would drive to the school site immediately and talk to Mr. Graves.

Mr. Austif called later the same day to tell me he had spoken to Mr. Graves. He said Graves said there were a "few sticks" in the material dumped at the Shelby County pond. Austif replied that a "few sticks" were still too many and that he was not going to get paid until all the material dumped was removed to the landfill. He added that all the material from the Pana School would have to be removed to the landfill, whether Graves thought it was clean or not. He said if Graves could not sort it properly, then it would all be treated as waste. Austif added that if there was anything else the Agency needed, he would be happy to help. He said he always operated his business in compliance and would not stand for anyone he was involved with to break the law.

When I returned from holiday vacation, I received e-mails from the Springfield Regional Office stating they had inspected Mr. Graves property near the power plant and had found general construction and demolition debris at the site. The photos they e-mailed showed bricks painted light blue identical to the bricks I observed both at the school and at the Eilers property. Their reports will be filed separately.

Regulated Status

This site is regulated as an open dump.

Summary of Apparent Violations

1. Pursuant to Section 12(a) of the Act states that no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **Waste was observed dumped in and around water, which would cause or tend to cause water pollution in Illinois.**

2. Pursuant to Section 12(d) of the Ac, no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **Wastes were observed deposited upon the land in a manner so as to create a water pollution hazard.**

3. 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.**

4. 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.**

5. 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.**

6. 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.**

7. 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, (4) deposition of waste in standing or flowing water, and (7) deposition of general construction and demolition debris was observed during this inspection.**

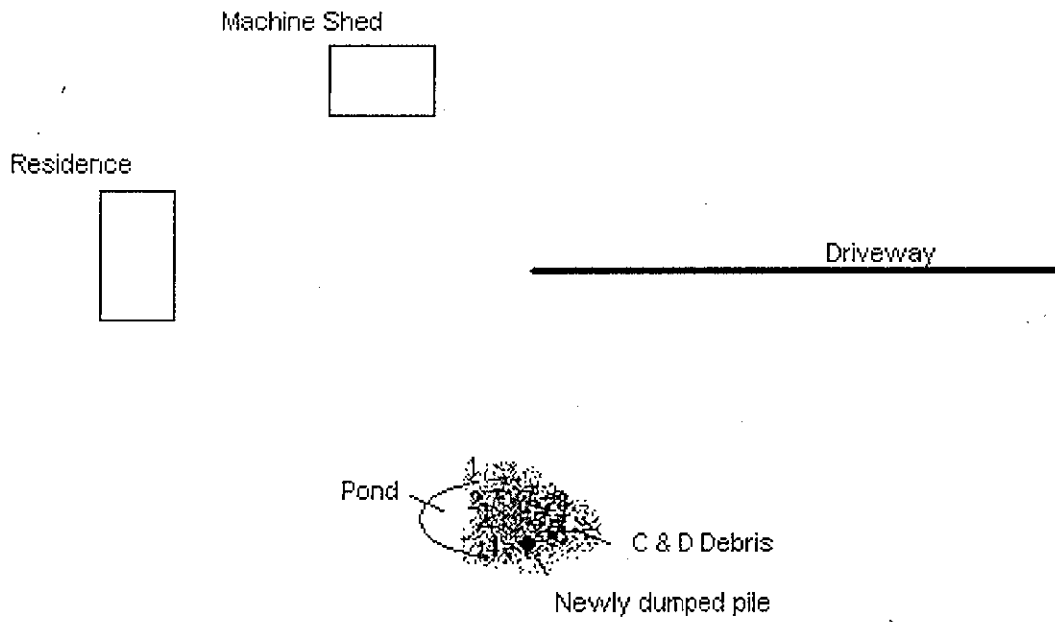
8. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. 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.

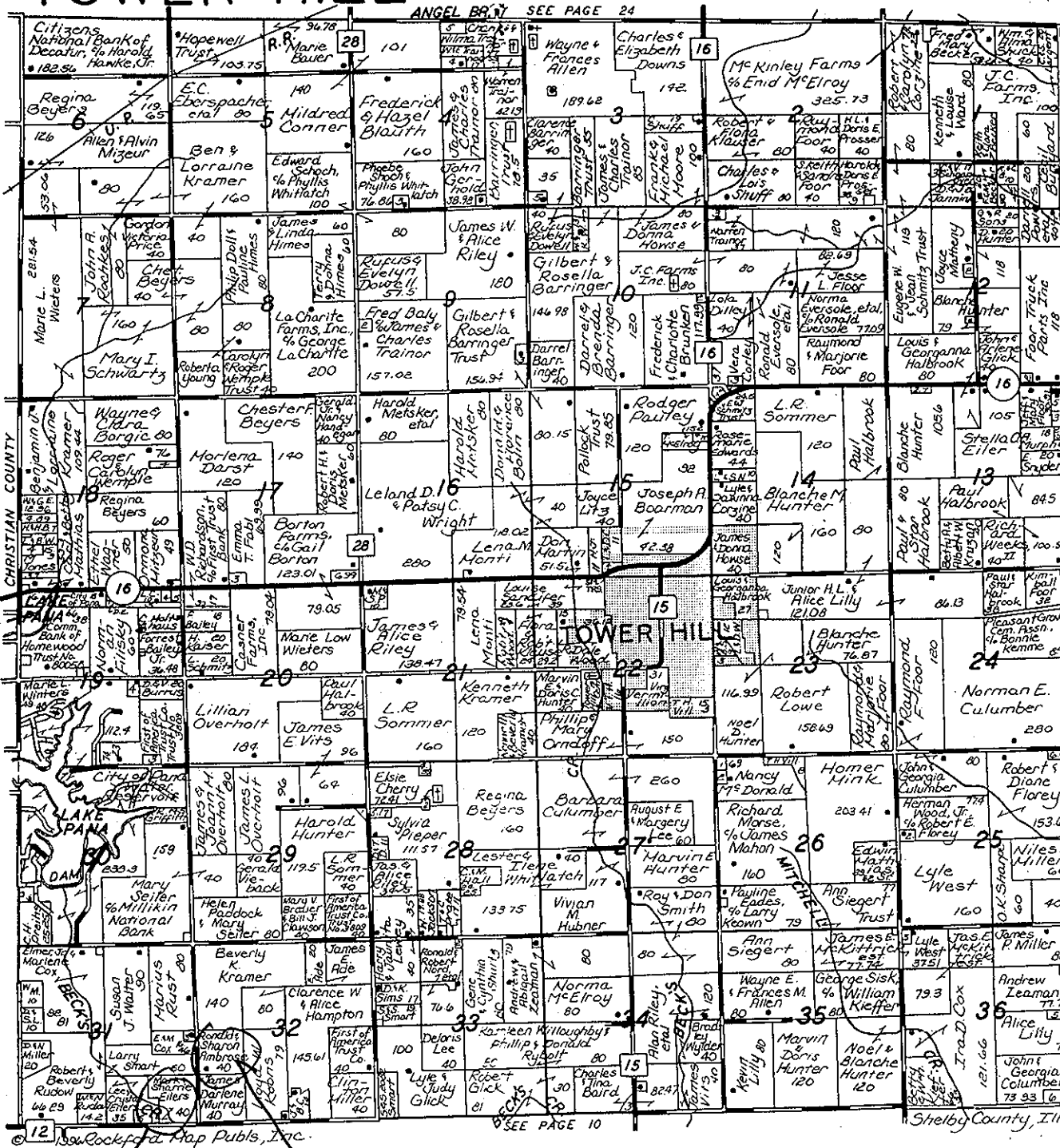
A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: Evidence of the operation of a landfill was observed. **The site does not have a permit to operate a sanitary landfill.**

LPC#1738220005--Shelby County
Tower Hill/Eilers-Graves
December 15, 2005 Inspection
Site Sketch



Numbers denote photo location/Direction
Not to scale





Eilers Site Ambrose Site

Lakeland FS Inc.

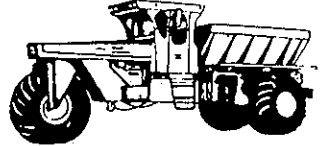
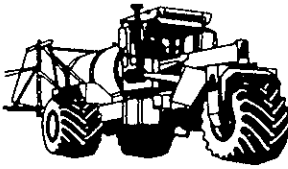
CHEMICALS ★ RENTAL SPREADERS
 BULK-BLEND FERTILIZER ★ CUSTOM APPLICATION
 LIQUID MIXED FERTILIZER ★ 28% LIQUID NITROGEN
 LIME ★ ANHYDROUS

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/Eilers-Graves
FOS File

DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-003.jpg
COMMENTS:



DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-004.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-001.jpg
COMMENTS:



DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12015005-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

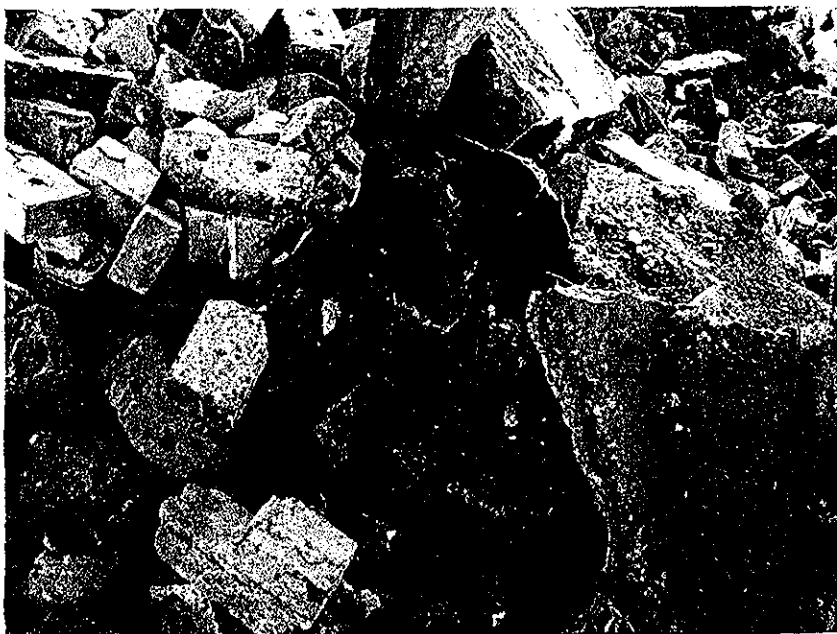
DIGITAL PHOTOGRAPHS

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

**DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
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COMMENTS:**



**DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-006.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

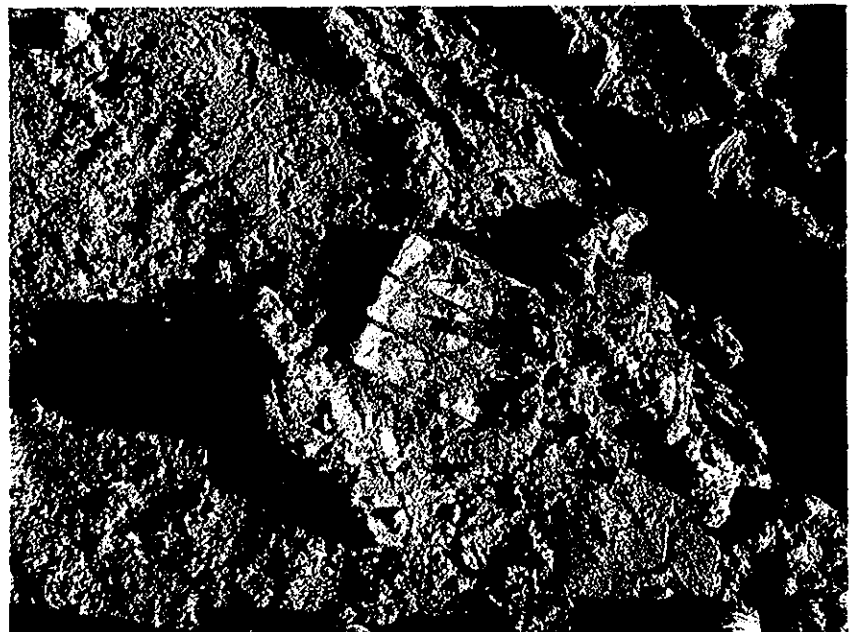
DIGITAL PHOTOGRAPHS

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

DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-007.jpg
COMMENTS:



DATE: December 15, 2005
TIME: 8:20 A.M.
DIRECTION: Down
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1738220004~12152005-008.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