

June 7, 2006

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

RECEIVED
CLERK'S OFFICE
JUL 12 2006
STATE OF ILLINOIS
Pollution Control Board

Re: County of Perry v. Mike Tilley
County AC# PC-2006-015
Site Code: 1450105068
Inspection Date: 4/27/06

AC07-03

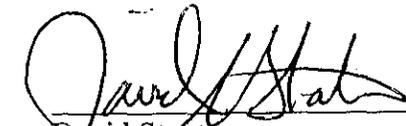
Dear Clerk Gunn:

Enclosed for filing with the Board is the Administrative Citation packet issued against Mike Tilley.

The Respondent's mailing address is 505 South Street Dowell, IL 62927. I will send you the date, and proof of such, of service of the Citation on the Respondent. The site is known as the Mike Tilley site.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,



David Stanton
Perry County State's Attorney

enclosures

RECEIVED
CLERK'S OFFICE

JUL 12 2006
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Perry,)
)
Complainant,)
)
v.)
)
Mike Tilley,)
)
Respondent.)

County AC #: PC-2006-010

AC07-03

NOTICE OF FILING

TO: Mike Tilley
505 South Street
Dowell, IL 62927

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois
Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith
served upon you.



David Stanton
Perry County State's Attorney

6/7/06

Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 12 2006
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

County of Perry,)	
)	
Complainant,)	
)	
v.)	County AC #: PC-2006-010
)	
Mike Tilley,)	
)	
Respondent.)	

AC0703

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent is the present occupant and in control and possession of a facility located in the County of Perry, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #1450105068. The facility is known to the Agency as the Mike Tilley site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On April 27, 2006, Field Inspector, Gary Steele, inspected the facility. A true and correct copy of the inspection report, along with a signed affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector Gary Steele's direct observation during the course of his April 27, 2006 inspection of the above named facility, he has determined that the Respondent has

caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

(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) (2002).

(2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2002).

(3) 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) (2002).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500) for each violation specified above in paragraph 1, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). This is total of Four Thousand Five Hundred Dollars (\$4,500.00) for this Citation. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the Four Thousand Five Hundred Dollars (\$4,500.00) fine.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondents fail to petition or elect 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, your check should be made payable to the Perry County's Treasurer Office and mailed to the attention of Bill Taylor, Perry County Treasurer, Perry County Government Building, P.O. Box 158, Pinckneyville, Illinois, 62274. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Perry County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must 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. A copy of the Petition for Review shall be filed with the Perry County State's Attorney office. **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.**

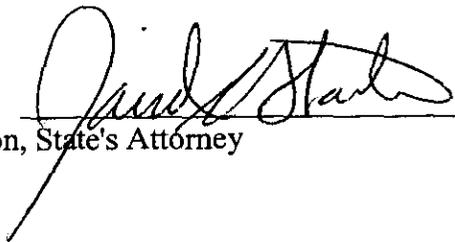
Your original Petition must be filed with the Clerk of the Board at:

The Honorable Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

A copy must also be sent to:

Office of the State's Attorney
David Stanton
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274

DATED: June 7, 2006



David Stanton, State's Attorney

RECEIVED
CLERK'S OFFICE

JUL 12 2006

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

County of Perry,)
)
Complainant,)
)
v.) County AC #: PC-2006-010
Mike Tilley,)
)
Respondent.)

AC07-03

FACILITY: Mike Tilley Site
COUNTY: Perry
DATE OF INSPECTION: 4/27/06
SITE CODE: 1450105068
CIVIL PENALTY: \$4,500.00

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Bill Taylor, Perry County Treasurer
Perry County Government Building
P.O. Box 158
Pinckneyville, IL 62274

RECEIVED
CLERK'S OFFICE

JUL 12 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLIN
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
v.)
)
Mike Tilley)
)
Respondent.)

IEPA DOCKET NO.

AC0703

AFFIDAVIT

Affiant, Gerald E. Steele, 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 April 27, 2006, between 12:30 p.m. and 1:30 p.m., Affiant conducted an inspection of a disposal site operated by Mike Tilley, located in Perry County, Illinois, and known as the Mike Tilley open dump by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1450105068 by the Agency.
3. Affiant inspected said Mike Tilley open dump 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 Mike Tulley open dump site.

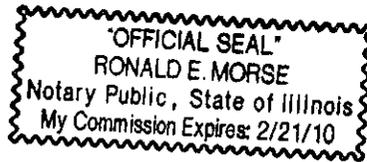
Gerard E. Steele

Subscribed and Sworn to before me

this 20th day of June, 2006

Ronald E. Morse
Notary Public

GES:jkb/26131/06-13-06



JUL 12 2006

Perry County Solid Waste Management Department
Narrative Inspection ReportSTATE OF ILLINOIS
Pollution Control Board

Site #: 1450105068

Date: April 27, 2006

County: Perry
Subject: Mike Tilley Open Dump

Inspectors: Gary Steele

On Thursday, April 27, 2006 an open dump site inspection was conducted at the Mike Tilley property. The inspection was performed as a follow up to a 6/15/05 inspection. Gary Steele and I arrived at the Mike Tilley property at approximately 12:30p.m.

Several of the mobile home seen during the previous inspection are not there. A doublewide mobile home had been set up near the front of the property. While it was leveled and had steps, skirting had not yet been installed. Two other mobile homes were seen at this time. They were in the same location and condition as seen on June 15, 2005. One of these had no siding, and holes in the walls exposed the interior to the elements. The other mobile home, while leveled and with step was becoming overgrown with weeds. Three of the waste vehicles have been moved to the front of the property. The remaining waste vehicles, including the two semi tractors, are in the same locations as 6-15-06. None of these vehicles have current plates. Some of them are becoming overgrown with weeds, or have been. A boat, camper trailer, and pick-up bed trailer were also seen on site. These were not in use, not usable in their current condition, and not being protected for future use. The boat and one or the trailers were barely visible through vegetative growth.

A pile consisting of trees, building waste, tire remnants and general refuse was seen smoldering in the central part of the site. This measured approximately 8 yards by 5 yards by one yard. A separate burn pile location was seen in the northwest part of the site. This measured 1 pile contained about 1 cubic yard of waste, and included logs and tire remnants. The concentric nature of wire from the tires and the scorched ground indicated the burning had occurred on-site. Scattered over the approximate 1 acre portion of the site were metal pipe, tires, wood, building materials, and car parts. These were on the ground and or exposed to the elements. The inspection ended at 1:30p.m.

The following conditions, which constitute violations, were observed:

Line 1,2, and 8 (3); Air pollution, open burning, and open dumping resulting in open burning: Construction/demolition debris, tires, and general refuse were observed being open burned on this property. Remants from past on-site open burning of tires was also observed.

Line 3 and 8 (1 & 7); Open dumping, and open dumping resulting in litter and deposition of general construction demolition debris: Genreal refuse and construction/demolition debris were observed in the smoldering burn pile. Additional construction demolition debris in the form of building materials(windows, railings, a fire place, etc.) were observed scatted on the ground throughout this property. A mobile home with no siding and holes in the walls was observed. These items were exposed to the elements, and were unsightly. Several waste vehicles were scattered over the site. These were not in use, not usable in their current condition, and were not being protected

for future use. Other metal wastes were observed on the ground and exposed to the elements.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

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JUL 12 2006

County: Perry LPC#: 1450105068 Region: 7-Marin
 Location/Site Name: DuQuoin/Mike Tilley Property **STATE OF ILLINOIS**
Pollution Control
 Date: 04/27/2006 Time: From 12:30p.m. To 1:00p.m. Previous Inspection Date: 06/16/2005
 Inspector(s): Jason Van Zandt/Gary Steele Weather: Sunny 70's
 No. of Photos Taken: # 11 Est. Amt. of Waste: _____ yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: C-05-102
 Latitude: _____ Longitude: _____ Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Mike Tilley
 505 South Street
 Dowell, IL 62927

Mike Tilley
 P.O. Box 205
 DuQuoin, IL 62832

	SECTION	DESCRIPTION	VIOLATION
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" 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 #

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" 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"/>

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.



DIGITAL PHOTOGRAPHS



Date: 4/27/06
Time: 12:35
Direction: S
Photo by:
Jason VanZandt
Exposure #: 001
Comments:



Date: 4/27/06
Time: 12:36
Direction: S
Photo by:
Jason VanZandt
Exposure #: 002
Comments:



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC # 1450105068
Perry County/DuQuoin/Mike Tilley
FOS File



Date: 4/27/06
Time: 12:36
Direction: E
Photo by:
Jason VanZandt
Exposure #: 003
Comments:



Date: 4/27/06
Time: 12:37
Direction: E
Photo by:
Jason VanZandt
Exposure #: 004
Comments



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC # 1450105068
Perry County/DuQuoin/MikeTilley
FOS File



Date: 4/27/06
Time: 12:38
Direction: E
Photo by:
Jason VanZandt
Exposure #: 005
Comments:



Date: 4/27/06
Time: 12:38
Direction: W
Photo by:
Jason VanZandt
Exposure #: 006
Comments:

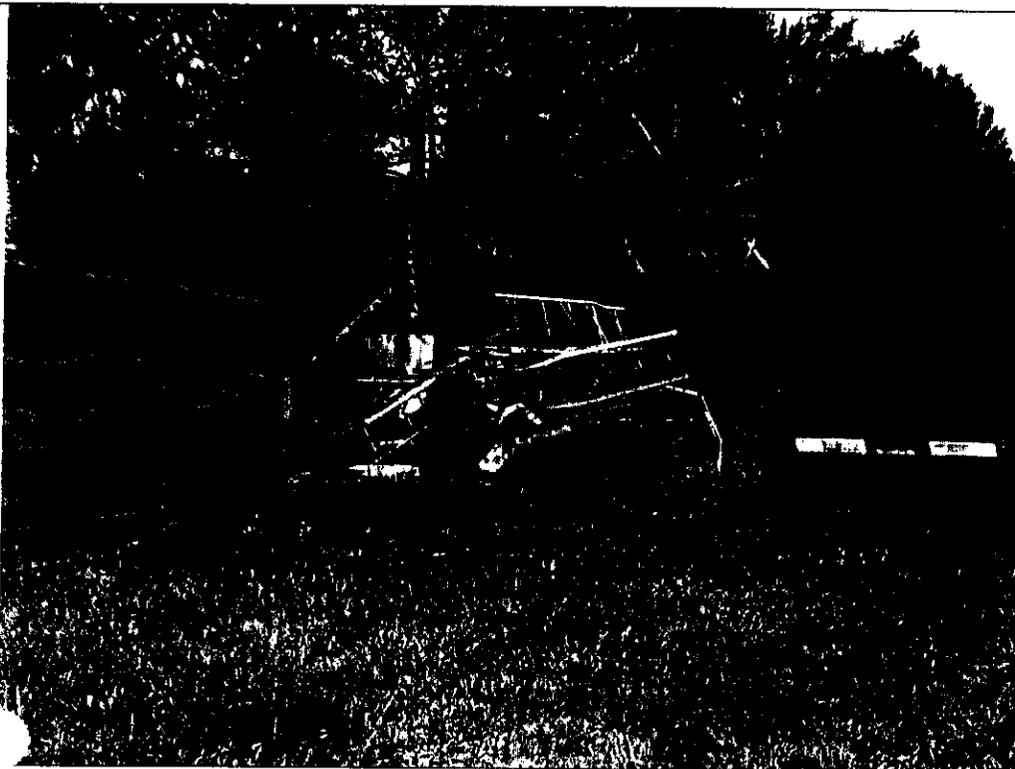


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC # 1450105068
Perry County/DuQuoin/MikeTilley
FOS File



Date: 4/27/06
Time: 12:45
Direction: E
Photo by:
Jason VanZandt
Exposure #: 007
Comments:



Date: 4/27/06
Time: 12:45
Direction: E
Photo by:
Jason VanZandt
Exposure #: 008
Comments:

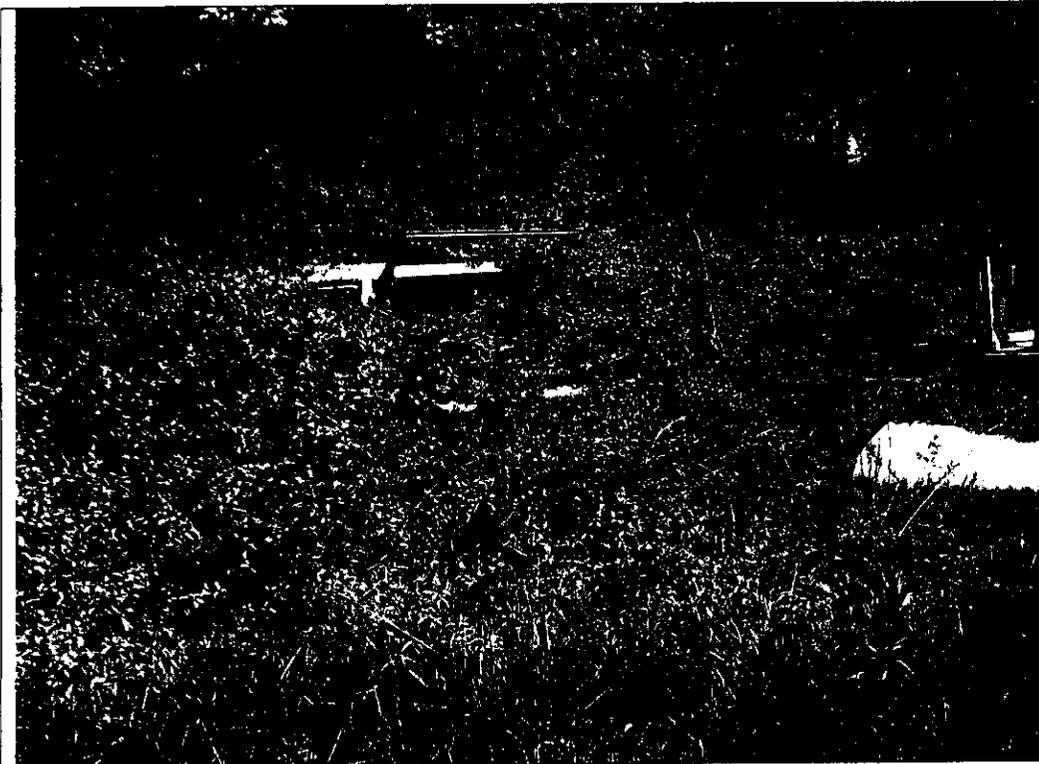


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC # 1450105068
Perry County/DuQuoin/MikeTilley
FOSFile



Date: 4/27/06
Time: 12:45
Direction: S
Photo by:
Jason VanZandt
Exposure #: 009
Comments:



Date: 4/27/06
Time: 12:46
Direction: S
Photo by:
Jason VanZandt
Exposure #: 010
Comments:



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC # 1450105068
Perry County/DuQuoin/MikeTilley
FOSFile



Date: 4/27/06
Time: 12:35
Direction: E
Photo by:
Jason VanZandt
Exposure #: 011
Comments:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mike Tilley
505 South street
Dowell, IL 62927

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Mike Tilley* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Mike Tilley

6-23-06

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

7005 1820 0004 8642 3321

(Transfer from service label)