

**RECEIVED**  
CLERK'S OFFICE

JAN 09 2007

STATE OF ILLINOIS  
Pollution Control Board

**INFORMATIONAL NOTICE !!!**

A007-31

**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

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ADMINISTRATIVE CITATION

JAN 09 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)   
Complainant, )  
)   
v. )  
)   
MARK A. LEWIS, )  
)   
Respondents. )

AC 07-31

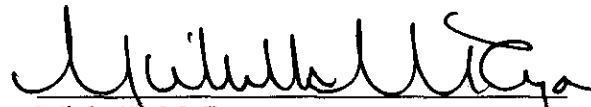
(IEPA No. 376-06-AC)

**NOTICE OF FILING**

To: Mark A. Lewis  
1835 Bunnyville Drive  
Clay City, IL 62824

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 3, 2007



## VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his December 7, 2006 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).

## 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 One Thousand Five Hundred Dollars (\$1,500.00). 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, 2007, 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  
Illinois Environmental Protection Agency

Date: 1/3/07

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

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REMITTANCE FORM

JAN 09 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, ) )  
) )  
v. ) )  
) )  
MARK A. LEWIS, ) )  
) )  
) )  
) )  
Respondent. ) )

AC 07-31

(IEPA No. 376-06-AC)

FACILITY: Clay City/Lewis, Mark A.

SITE CODE NO.: 0258025002

COUNTY: Clay

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: December 7, 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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 vs. ) IEPA DOCKET NO.  
 )  
 Mark A. Lewis )  
 )  
 Respondent. )

AFFIDAVIT

Affiant, Garrison Gross, 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 7, 2006, between 11:40 AM and 11:50 AM, Affiant conducted an inspection of a disposal site operated by Mark A. Lewis located in Clay County, Illinois, and known as Clay City / Lewis, Mark A. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0258025002 by the Agency.
3. Affiant inspected said Clay City / Lewis, Mark A. 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 Clay City / Lewis, Mark A.

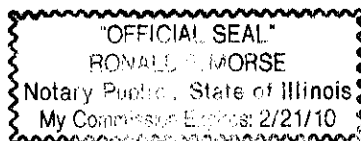
Garrison Goss

Subscribed and Sworn to before me

this 18<sup>th</sup> day of December, 2006

Ronald E. Morse  
Notary Public

GRG



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Clay LPC#: 0258025002 Region: 7 - Marion  
 Location/Site Name: Clay City / Lewis, Mark A.  
 Date: 12/07/2006 Time: From 11:40 AM To 11:50 AM Previous Inspection Date: 08/01/2006  
 Inspector(s): Garrison Gross Weather: Scattered Clouds, 93° F, Moderate Breeze.  
 No. of Photos Taken: # 15 Est. Amt. of Waste: 525 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: no one at the site Complaint #: C-06-033  
 Latitude: N38.65984° Longitude: W088.30923' Collection Point Description: Center of Site -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin 76 S Unit

Responsible Party Mailing Address(es) and Phone Number(s):	Mark A. Lewis	
	1835 Bunnyville Drive Clay City, IL 62824 (618) 676-9955	

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input 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 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 # 0258025002

Inspection Date: 12/07/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<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.



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Narrative Inspection Report

**Site #:** 0258025002

**County:** Clay

**Date of Inspection:** December 7, 2006

**GPS Coordinates:** N 38.65984° W 088.30923°

**Subject:** Open Dumping Inspection at Mark A. Lewis Property

**Site Name:** Clay City / Lewis, Mark A.

**Township:** Clay City

**Inspectors:** Garrison Gross

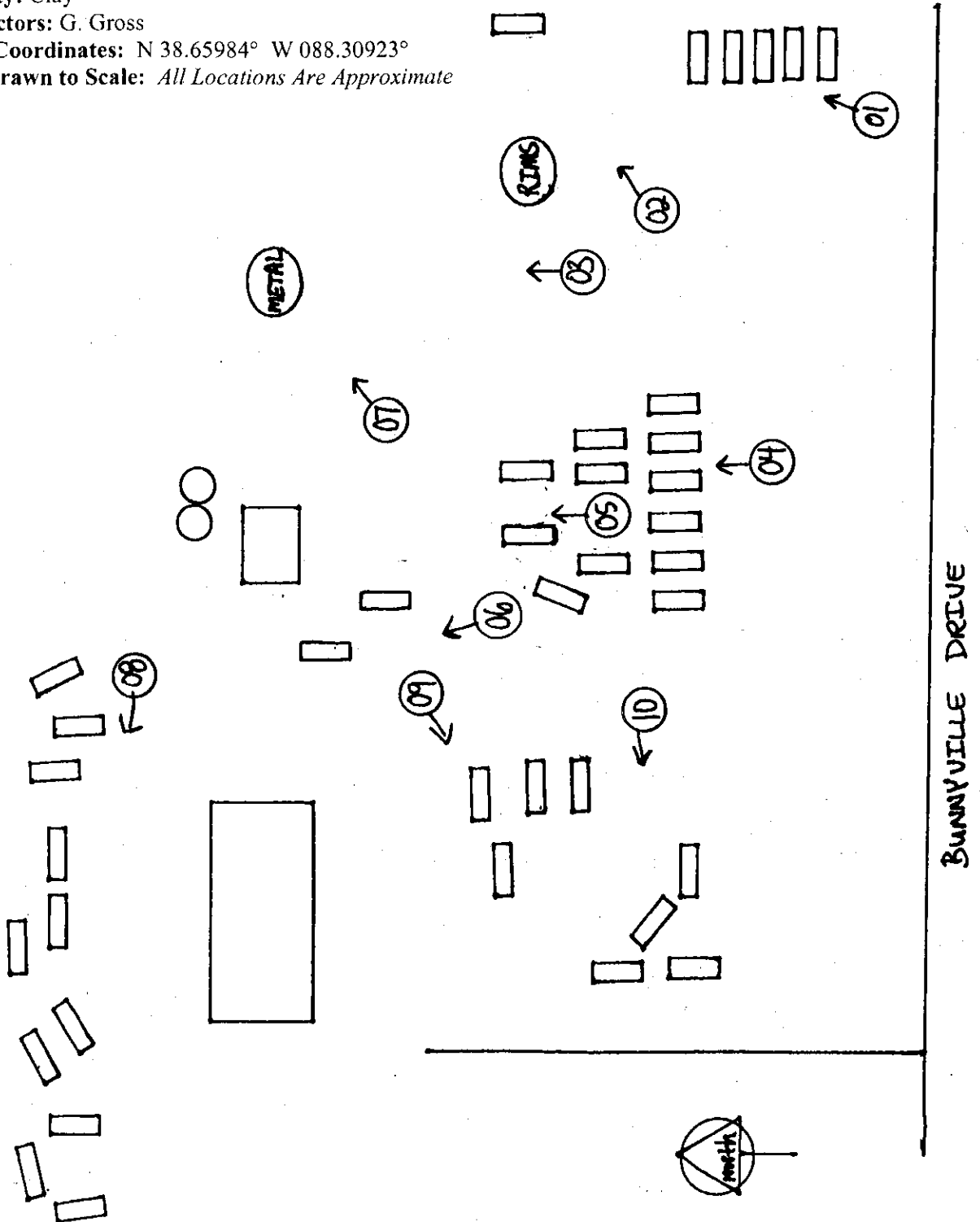
**General Remarks:** An Open Dumping Site Inspection was conducted by Illinois EPA Bureau of Land personnel on Thursday, December 7, 2006, at the property of Mark A. Lewis. Garrison Gross, author of this report, conducted the inspection. The property is located at 1835 Bunnyville Drive, in rural Clay City, Illinois, 62824. The inspection was performed as a follow-up to a previous inspection conducted on August 1, 2006. Weather conditions at the time of the inspection were scattered clouds, 24° F, and a moderate breeze.

The inspection began at approximately 11:40 AM. From Bunnyville Drive, I observed wastes including but not limited to vehicles, wheel rims and metal. I continued the inspection by walking and photographing the site. Approximately 35 waste vehicles of various makes, models and conditions were observed scattered around the property (photos 001, 002, 004-006, 008-010). None of the vehicles appeared to have current license plates. Many of the vehicles had the windows either broken out, missing or rolled down, exposing the interior to the elements. Some of vehicles had the hoods open exposing the engine compartments to the elements, were missing mechanical components, or had body damage. Most of the vehicles did not appear to have been driven for some time. A few large waste industrial tires were observed in the back of a pick-up truck near the central portion of the site. The tires had accumulated water and leaf litter. Approximately 40 metal vehicle rims and a few metal drums and other unidentifiable metal wastes were observed near the northeastern property boundary (photo 003 and 007). The two large metal tanks used for tire incineration were still at the site and contained remnants of previously burned tires. A few whole tires were still inside the metal tanks. The inspection ended at approximately 11:50 AM. Approximately 525 cubic yards of waste was observed at the site.



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

Date of Inspection: December 7, 2006  
Site #: 0258025002  
Site Name: Clay City / Lewis, Mark A.  
County: Clay  
Inspectors: G. Gross  
GPS Coordinates: N 38.65984° W 088.30923°  
Not Drawn to Scale: All Locations Are Approximate





## DIGITAL PHOTOGRAPHS



**Date:** 12/07/2006  
**Time:** 11:42 AM  
**Direction:** Northeast  
**Photo by:** G. Gross  
**Exposure #:** 001  
**Comments:** Photo of five vehicles. Some have interiors exposed to the elements.



**Date:** 12/07/2006  
**Time:** 11:42 AM  
**Direction:** Northeast  
**Photo by:** G. Gross  
**Exposure #:** 002  
**Comments:** Photo of vehicle missing a door and metal wheel rims.

**File Names:** 0258025002~12072006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 12/07/2006  
**Time:** 11:42 AM  
**Direction:** North  
**Photo by:** G. Gross  
**Exposure #:** 003  
**Comments:** Photo of  
metal waste and drums.



**Date:** 12/07/2006  
**Time:** 11:43 AM  
**Direction:** North  
**Photo by:** G. Gross  
**Exposure #:** 004  
**Comments:** Photo of  
waste vehicles.

**File Names:** 0258025002~12072006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 12/07/2006  
**Time:** 11:43 AM  
**Direction:** North  
**Photo by:** G. Gross  
**Exposure #:** 005  
**Comments:** Photo of  
waste vehicles.



**Date:** 12/07/2006  
**Time:** 11:43 AM  
**Direction:** North  
**Photo by:** G. Gross  
**Exposure #:** 006  
**Comments:** Photo of  
waste vehicles.

**File Names:** 0258025002~12072006-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: 12/07/2006  
Time: 11:44 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 007  
Comments: Photo of  
waste metal and drums.



Date: 12/07/2006  
Time: 11:44 AM  
Direction: West  
Photo by: G. Gross  
Exposure #: 008  
Comments: Photo of  
waste vehicles.

File Names: 0258025002~12072006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 12/07/2006**  
**Time: 11:44 AM**  
**Direction: West**  
**Photo by: G. Gross**  
**Exposure #: 009**  
**Comments: Photo of waste vehicles.**



**Date: 12/07/2006**  
**Time: 11: 44 AM**  
**Direction: West**  
**Photo by: G. Gross**  
**Exposure #: 010**  
**Comments: Photo of waste vehicles.**

**File Names: 0258025002~12072006-{Exp. #}.jpg**

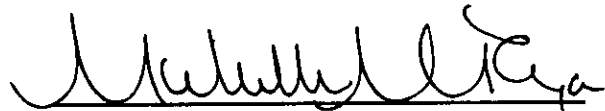
**PROOF OF SERVICE**

I hereby certify that I did on the 3rd day of January 2007, 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: Mark A. Lewis  
1835 Bunnyville Drive  
Clay City, IL 62824

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