

**RECEIVED**  
CLERK'S OFFICE

MAY 25 2007

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

A 007-62

**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

MAY 25 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JOHN A. & KAY E. OLDHAM, )  
 )  
 Respondents. )

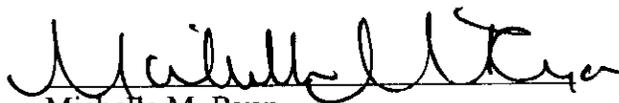
AC 07-62  
 (IEPA No. 156-07-AC)

**NOTICE OF FILING**

To: John A. & Kay E. Oldham  
 693 Oskaloosa Road  
 Xenia, Illinois 62899

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: May 22, 2007



## VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his April 19, 2006 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents 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) (2004).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2007, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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 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, Respondents' 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

**PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION**

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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  
Illinois Environmental Protection Agency

Date: 5/22/07

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

**RECEIVED**  
CLERK'S OFFICE

MAY 25 2007

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
JOHN A. & KAY E. OLDHAM, )  
) )  
) )  
) )  
) )  
) )  
Respondents. )

AC 0762  
(IEPA No. 156-07-AC)

FACILITY: Xenia/Oldham, John A. & Kay E.      SITE CODE NO.: 0258070001  
COUNTY: Clay      CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: April 19, 2007

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. )  
)  
John A. & Kay E. Oldham )  
)  
)  
)  
Respondent. )

IEPA DOCKET NO.

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 April 19, 2007, between 12:55 PM and 1:05 PM, Affiant conducted an inspection of a disposal site operated by John A. & Kay E. Oldham located in Clay County, Illinois, and known as Xenia / Oldham, John A. & Kay E. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0258070001 by the Agency.
3. Affiant inspected said Xenia / Oldham, John A. & Kay E. 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 Xenia / Oldham, John A. & Kay E.

Garrison Gross

Subscribed and Sworn to before me

this 1<sup>st</sup> day of May, 2007

Marcia A. English  
Notary Public



GRG

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Clay LPC#: 0258070001 Region: 7 - Marion  
 Location/Site Name: Xenia / Oldham, John A. and Kay E.  
 Date: 04/19/2007 Time: From 12:55 PM To 1:05 PM Previous Inspection Date: 12/07/2006  
 Inspector(s): Garrison Gross Weather: Scattered Clouds, 60°F, Light Breeze  
 No. of Photos Taken: # 10 Est. Amt. of Waste: 250 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: William Oldham Complaint #:                     

|   |  |  |
|---|--|--|
| Responsible Party<br>Mailing Address(es)<br>and Phone<br>Number(s): | John A. & Kay E. Oldham<br>693 Oskaloosa Road<br>Xenia, Illinois 62899 |  |
|---|--|--|

|   | 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 type="checkbox"/>            |
|   | (2)     | In Violation of Any Regulations or Standards Adopted by the Board  | <input 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 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 # 0258070001

Inspection Date: 04/19/2007

|  |               |   |                                     |
|--|---------------|---|-------------------------------------|
|  | (7)           | Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris   | <input checked="" type="checkbox"/> |
| 9.   | 55(a)         | <b>NO PERSON SHALL:</b>   |                                     |
|  | (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"/>            |
| <b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS<br/>SUBTITLE G</b> |               |   |                                     |
| 10.  | 812.101(a)    | <b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>  | <input 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"/>            |

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 #:** 0258070001

**Site Name:** Xenia/ Oldham, John A. & Kay E.

**County:** Clay

**Township:** Oskaloosa

**Date of Inspection:** April 19, 2007

**Inspectors:** G. Gross

**GPS Coordinates:** N 38.76015° W 088.64938°

**Subject:** Follow-up Open Dump Site Inspection at John and Kay Oldham Property

**General Remarks:** A follow-up Open Dump Site Inspection was conducted on Thursday, April 19, 2007 at the property of John A. and Kay E. Oldham. Garrison Gross, of the Illinois EPA Bureau of Land and author of this report, conducted the inspection. The property is located at 693 Oskaloosa Road, in rural Xenia, Illinois, 62899. The inspection was performed as a follow-up to a previous inspection conducted on December 7, 2006. Weather conditions at the time of the inspection were scattered clouds, 60° F, and a light breeze.

The inspection began at approximately 12:55 PM. A young man was working on a vehicle at the residence. I approached him and identified myself and informed him of the reason for the inspection. The young man explained that he was Mr. Oldham's son, William. He said he had been living in Tennessee, but had recently moved back to the area. I asked him if he knew anything about progress with cleaning up the site. He said he knew that his family had been working on cleaning up the property. I inquired about receipts for waste metal and materials hauled to the landfill. He said he was sure his dad had some receipts. I informed him that I was going to continue the inspection by walking and photographing the site. I gave him one of my business cards.

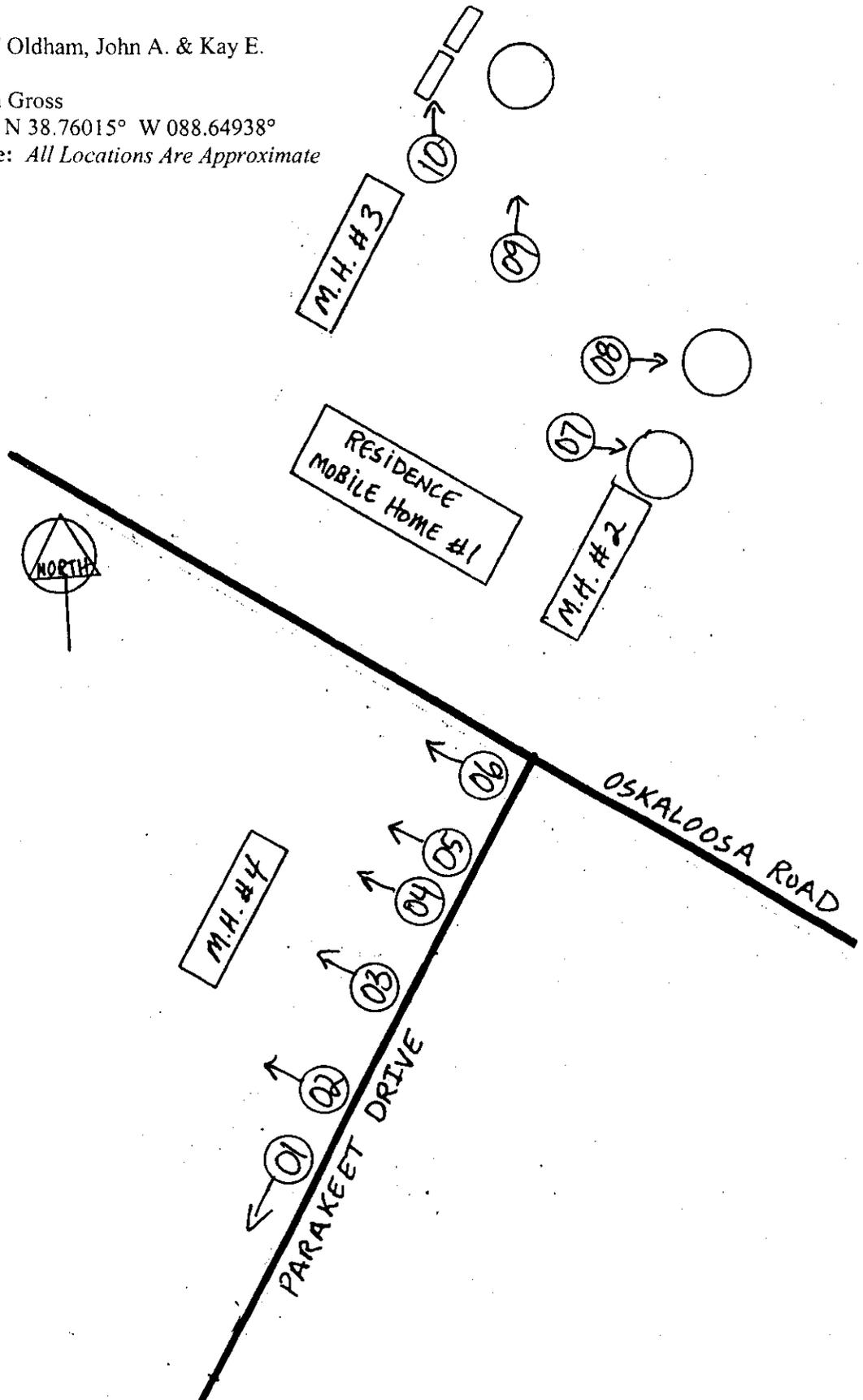
I continued the inspection from Parakeet Drive. I observed a waste mobile home and several piles of domicile waste, demolition waste automotive parts, and waste metal (photos 001-004). Some of the wastes were commingled with landscape waste (limbs and brush). A small portion of the site located at the corner of Oskaloosa Road and Parakeet Drive had been cleaned up (photo 005 & 006). I proceeded across Oskaloosa Road to the area around the residence. Wastes including but not limited to domicile waste, furniture, vehicles, automotive parts, waste metal and lawn equipment were observed behind the residence (photos 007-010).

The inspection ended at approximately 1:05 PM. Approximately 250 cubic yards of waste were observed at the site.



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

Date: April 19, 2007  
Site #: 0258070001  
Site Name: Xenia / Oldham, John A. & Kay E.  
County: Clay  
Inspector: Garrison Gross  
GPS Coordinates: N 38.76015° W 088.64938°  
Not Drawn to Scale: All Locations Are Approximate





**DIGITAL PHOTOGRAPHS**



**Date: 04/19/2007**  
**Time: 1:01 PM**  
**Direction: Southwest**  
**Photo by: G. Gross**  
**Exposure #: 001**  
**Comments: Photograph of waste metal, demolition debris and domicile waste.**



**Date: 04/19/2007**  
**Time: 1:01 PM**  
**Direction: Northwest**  
**Photo by: G. Gross**  
**Exposure #: 002**  
**Comments: Photograph of waste mobile home, waste metal, demolition debris and domicile waste.**

**File Names: 0258070001~04192007-[Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 04/19/2007  
Time: 1:01 PM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 003  
Comments: Photograph of waste mobile home, waste metal, demolition debris and domicile waste.



Date: 04/19/2007  
Time: 1:02 PM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 004  
Comments: Photograph of waste mobile home, waste metal, demolition debris and domicile waste.

File Names: 0258070001~04192007-[Exp. #].jpg



### DIGITAL PHOTOGRAPHS



Date: 04/19/2007  
Time: 1:02 PM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 005  
Comments: Photograph  
of area that has been  
cleaned up. Some waste  
metal and demolition  
debris is still present.



Date: 04/19/2007  
Time: 1:02 PM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 006  
Comments: Photograph  
of area that has been  
cleaned up.

File Names: 0258070001~04192007-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 04/19/2007  
Time: 1:03 PM  
Direction: East  
Photo by: G. Gross  
Exposure #: 007  
Comments: Photograph  
of domicile waste.**



**Date: 04/19/2007  
Time: 1:03 PM  
Direction: East  
Photo by: G. Gross  
Exposure #: 008  
Comments: Photograph  
of waste metal and  
domicile waste.**

**File Names: 0258070001~04192007-[Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 04/19/2007**  
**Time: 1:03 PM**  
**Direction: North**  
**Photo by: G. Gross**  
**Exposure #: 009**  
**Comments: Photograph of domicile waste and furniture (foreground), and waste vehicles and metal (background).**



**Date: 04/19/2007**  
**Time: 1:03 PM**  
**Direction: North**  
**Photo by: G. Gross**  
**Exposure #: 010**  
**Comments: Photograph of waste vehicles and metal.**

**File Names: 0258070001~04192007-[Exp. #].jpg**

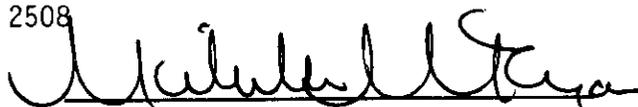
**PROOF OF SERVICE**

I hereby certify that I did on the 22nd day of May 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: John A. & Kay E. Oldham  
693 Oskaloosa Road  
Xenia, Illinois 62899  
Cert #7004 2510 0001 8587 8907

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  
Cert #7004 2510 0001 8588 2508



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