



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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CLERK'S OFFICE

FEB 29 2008

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

AC08-18

(217) 782-9817
TDD: (217) 782-9143

February 26, 2008

John Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Carol G. Prieb and Margaret Dillavou
IEPA File No. 24-08-AC; 1818580001—Union County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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FEB 29 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CAROL G. PRIEB and MARGARET
DILLAVOU,

Respondents.

ORIGINAL

AC

08-18

(IEPA No. 24-08-AC)

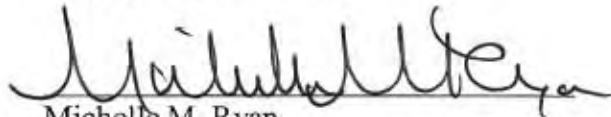
NOTICE OF FILING

To: Carol G. Prieb
405 Barkhausen Lane
Jonesboro, IL 62952

Margaret Dillavou
405 Barkhausen
Jonesboro, IL 62952

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
Assistant Counsel

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

Dated: February 26, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
FEB 29 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CAROL G. PRIEB and MARGARET
DILLAVOU,

Respondent.

ORIGINAL

AC

08-18

(IEPA No. 24-08-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 Carol G. Prieb is the present owner and Margaret Dillavou is the current Guardian ("collectively Respondents") of a facility located at Township 13 Range 2W Section 23 SE of SE of NE of SE 80 acres & township 13 range 2W Section 24 W1/2 of SW 80 Acres. The property is commonly known to the Illinois Environmental Protection Agency as Mill Creek/Prieb-Dillavou.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1818580001.
3. That Respondents have been the owner and or guardian of said facility at all times pertinent hereto.

4. That on January 10, 2008, Sheila Williams of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her January 10, 2008 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2004).

- (3) That Respondents 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), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 March 31, 2008, 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.

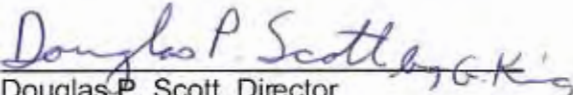
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall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


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 2/26/08

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

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 29 2008

STATE OF ILLINOIS
Pollution Control Board

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

A 08-18

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Sheila Williams, being first duly sworn, voluntarily deposes and states as follows:

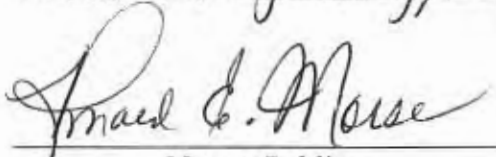
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 10, 2008, between 12:30 p.m. and 12:55 p.m., Affiant conducted an inspection of a disposal site operated by Carol G. Prieb and Margaret Dillavou, located in Union County, Illinois, and known as Mill Creek/Prieb-Dillavou by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1818580001 by the Agency.
3. Affiant inspected said Mill Creek/Prieb-Dillavou 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 Mill Creek/Prieb-Dillavou.

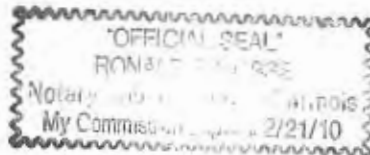


Subscribed and Sworn to before me

this 28th day of January, 2008


Notary Public

GES:SRW;jkb/34011/01-28-08



LPC # **1818580001**

Inspection Date: **1/10/2008**

	(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 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 type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

NARRATIVE INSPECTION REPORT

Date: January 10, 2008 Inspector: Sheila Williams & Maggie Stevenson

Site Code: 1818580001 County: Union

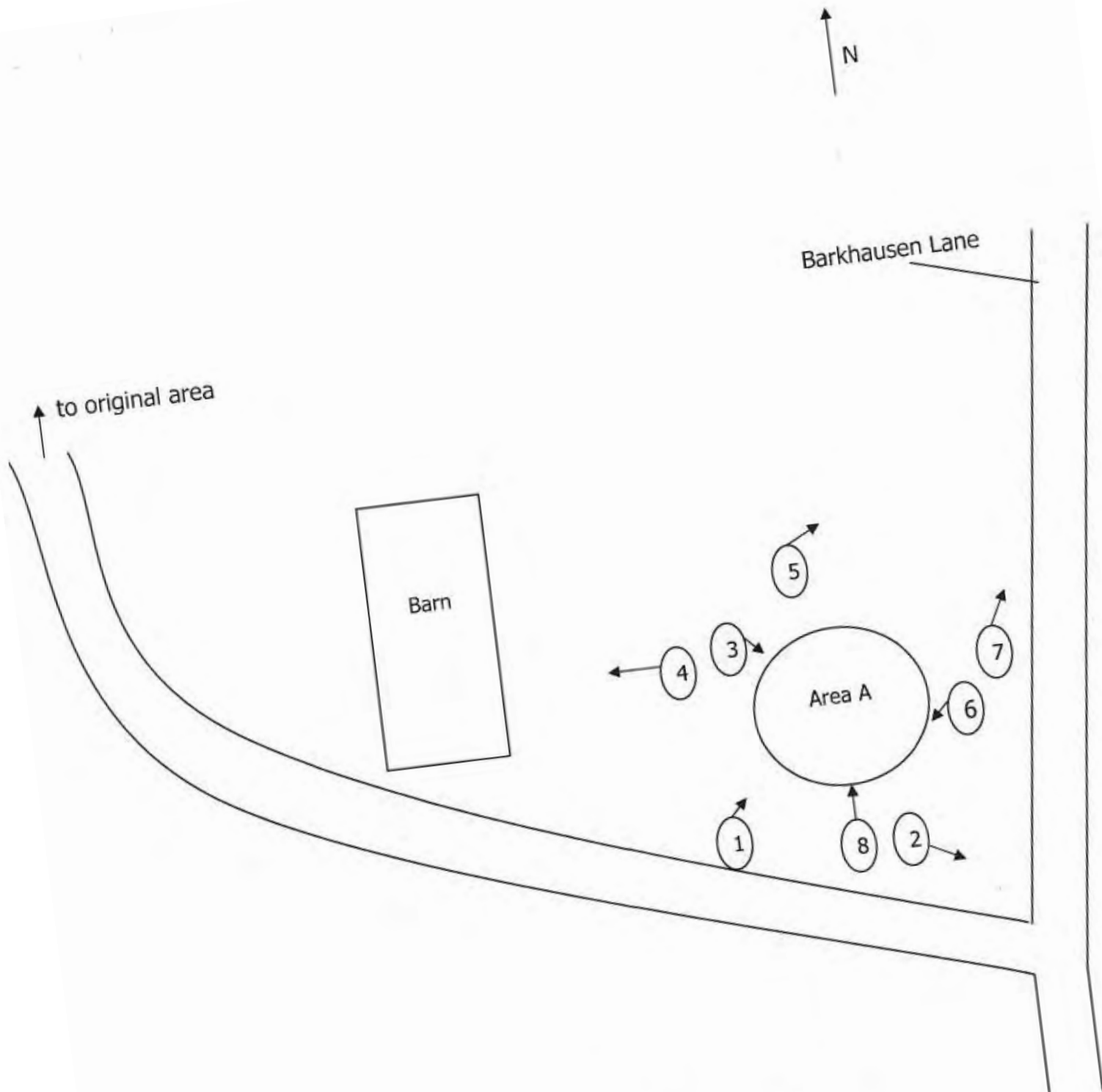
Site Name: Mill Creek/Prieb – Dillavou Time: 12:30 P.M. – 12:55 P.M.

GENERAL REMARKS

On January 10, 2008 Maggie Stevenson & I attempted to conduct an inspection of the Mill Creek/Prieb – Dillavou dump site. This inspection was conducted at the request of the Illinois EPA's Division of Legal Counsel. The intent of the inspection was to determine if the waste originally observed on October 3, 2006 had been cleaned up. We went to the home on the property where I had previously spoken Margaret Dillavou. It appeared no one was home. Due to extremely wet weather conditions, it was not possible to access the original dump. However, upon arriving at the site, a new area of apparent violations was observed.

A different house on the property adjacent to Barkhausen Lane had been burned down. A pit was present where the house once stood. This has been designated as Area A. The debris in the pit was still smoldering. A large tree adjacent to this area was charred on the side facing the debris. It was apparent the house was intentionally burned because certain items of value had been removed & were present in the vicinity. Among these were a sink & counter top, heating & air conditioning equipment & an antenna. Also, heavy equipment tracks were observed around the hole where the house once stood. Refuse remaining in the pit included, but was not limited to, ash, demolition wood, metal & concrete blocks. Waste in Area A was estimated to be approximately 28 cubic yards (22.5'x22.5'x1.5') in size.

Two real estate signs were posted along Barkhausen Lane. One was for Coldwell Banker Classic Properties (618-833-7331) & the other Classic Properties Farm & Home (618-833-7331). Following the inspection, I contacted the real estate agent who informed me that the property had not yet sold. The Union County Supervisor of Assessments Office's most current information indicated Carol Prieb is still listed as the owner & Margaret Dillavou, the guardian.



Mill Creek/Prieb – Dillavou
#1818580001 – Union County
Not to Scale
Locations are Approximate
1/10/2008



DIGITAL PHOTOGRAPHS



**Date: 1/10/2008
Time: 12:41 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 001
Comments: pit
containing demolition
debris that was
smoldering**



**Date: 1/10/2008
Time: 12:43 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 002
Comments: side of
the tree facing the pit
is charred**

File Names: 1818580001~01102008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 1/10/2008
Time: 12:44 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 003
Comments: metal,
demolition wood,
brick, concrete & ash



Date: 1/10/2008
Time: 12:45 P.M.
Direction: west
Photo by: S. Williams
Exposure #: 004
Comments: sink &
counter top

File Names: 1818580001~01102008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 1/10/2008
Time: 12:46 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 005
Comments: heating &
air conditioning
equipment**



**Date: 1/10/2008
Time: 12:47 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 006
Comments: heavy
equipment tracks
leading up to the pit**

File Names: 1818580001~01102008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 1/10/2008
Time: 12:48 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 007
Comments: antenna &
heating/air
conditioning
equipment



Date: 1/10/2008
Time: 12:49 P.M.
Direction: north
Photo by: S. Williams
Exposure #: 008
Comments: heavy
equipment tracks
leading up to the pit

File Names: 1818580001~01102008 - [Exp. #]-.jpg

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FEB 29 2008

STATE OF ILLINOIS

Send by Certified Mail

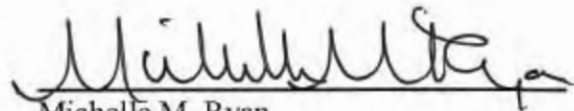
I hereby certify that I did on the 26th day of February 2008, send by Certified Mail Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Carol G. Prieb
405 Barkhausen Lane
Jonesboro, IL 62952

Margaret Dillavou
405 Barkhausen
Jonesboro, IL 62952

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



Michelle M. Ryan
Assistant Counsel

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

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:

Margaret Dillavou
405 Barkhausen Lane
Jonesboro, IL 62952

2. Article Number
(Transfer from service label)

7007 0220 0000 0152 3304

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

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

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-41-1540

GET THE RETURN ADDRESS FOLDED AT DOTTED LINE
CERTIFIED MAIL™



7007 0220 0000 0152 3304
7007 0220 0000 0152 3304

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24-08 Postage	\$	Postmark: Here
Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to
Margaret Dillavou
 Street, Apt. No.,
 or PO Box No. **405 Barkhausen Lane**
 City, State, ZIP+4®
Jonesboro IL 62952

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Postage	\$	24-08
Certified Fee		
Return Receipt Fee (Endorsement Required)		2.65
Restricted Delivery Fee (Endorsement Required)		2.15
Total Postage & Fees	\$	

Postmark
Here

Sent to
Carol G. Prieb
Street, Apt. No.,
or PO Box No. 405 Barkhausen Lane
City, State, ZIP+4® Jonesboro, IL 62952

PS Form 3800, August 2006

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:

Carol G. Prieb
405 Barkhausen Lane
Jonesboro, IL 62952

2. Article Number

(Transfer from service label)

7007 0220 0000 0152 3311

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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