



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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MAR 20 2008

STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL

AC08-23

March 18, 2008

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

Re: Illinois Environmental Protection Agency v. William Dixon
IEPA File No. 28-08-AC; 1810255016—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

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STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ORIGINAL

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

AC

08-23

v.

(IEPA No. 28-08-AC)

WILLIAM DIXON,

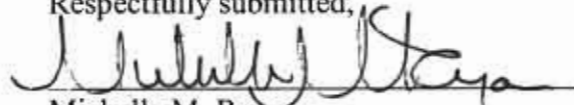
Respondents.

NOTICE OF FILING

To: William Dixon
512 Ashlar Street
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: March 18, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAR 20 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIAM DIXON,

Respondent.

ORIGINAL

AC

08-23

(IEPA No. 28-08-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 (2006).

FACTS

1. That William Dixon ("Respondent") is the present operator of a facility located at the following legal address: SEC 30, TWP 12, RNG 1W, PART OF THE NW SE, .28 ACRES, in Jonesboro, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Jonesboro/Rendleman-Farrell-Dixon.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1810255016.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on January 29, 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 29, 2008 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) (2006).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in scavenging, a violation of Section 21(p)(2) of the Act, 415 ILCS 5/21(p)(2)(2006).

- (3) 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)(2006).

- (4) 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 Six Thousand Dollars (\$6,000.00). 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 April 15, 2008, 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 (2006), 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) (2006), 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 (2006). 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, Director
Illinois Environmental Protection Agency

Date: 3/18/08

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Union LPC#: 1810255016 Region: 7 - Marion
 Location/Site Name: Jonesboro/Rendleman - Farrell - Dixon
 Date: 01/29/2008 Time: From 12:45 PM To 1:03 PM Previous Inspection Date: 01/10/2008
 Inspector(s): S. Williams Weather: overcast, -45 F.
 No. of Photos Taken: # 11 Est. Amt. of Waste: 61 yds³ Samples Taken: Yes # No
 Interviewed: Complaint #: 08-077
 Latitude: N 37.44353 Longitude: W -89.25919 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Agnus Rendleman & Nancy Farrell
 618 W. Washington
 Napoleon, OH 43545

ORIGINAL

William Dixon
 512 Ashlar St.
 Jonesboro, IL 62952

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 STATE OF ILLINOIS
 Pollution Control Board

	SECTION	DESCRIPTION	VIOL
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	<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 checked="" 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 # 1810255016

Inspection Date: 01/29/2008

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<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

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 29, 2008 Inspector: Sheila Williams

Site Code: 1810255016 County: Union

Site Name: Jonesboro/Rendleman – Farrell - Dixon Time: 12:45 P.M. – 1:03 P.M.

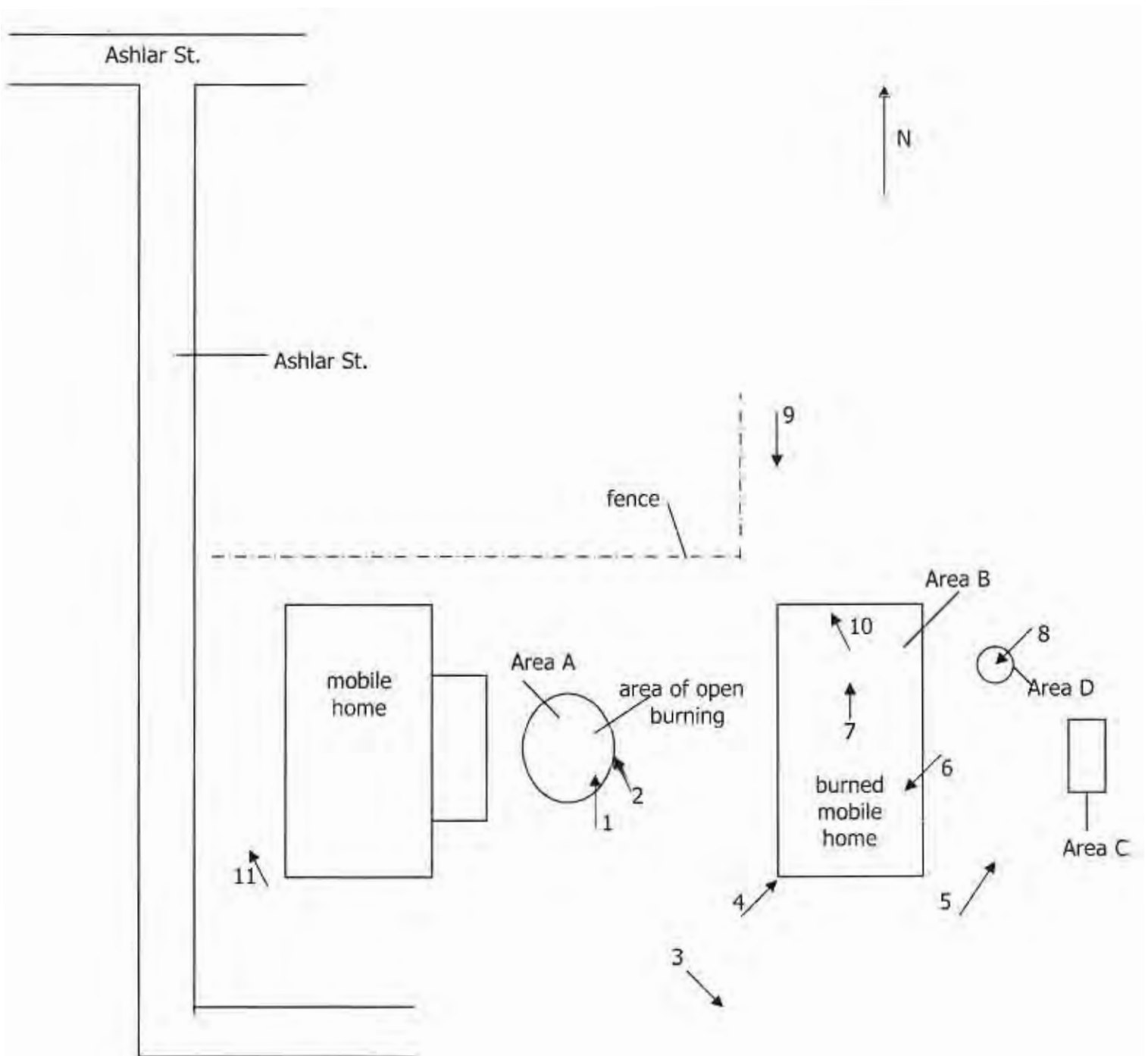
GENERAL REMARKS

On January 29, 2008 a follow up inspection was conducted at the Jonesboro/Dixon site. The initial inspection was conducted on November 15, 2007 at which time apparent violations pertained to open dumping & open burning. Amongst other debris, an open burn area & a dilapidated mobile home were present during the first inspection. On January 10, 2008 a site visit was conducted. Besides the appearance of additional waste having been burned in the open burn area, it was apparent the dilapidated mobile home had been burned on site.

During the current inspection four areas of apparent violations, as well as scattered waste, were observed. The four areas have been designated as Area A – Area D. Among the scattered wastes were demolition wood, insulation & general refuse. Area A is the same shallow pit previously noted that is used for open burning. Among the waste in Area A were pieces of charred furniture, tire beads, clothing, metal, landscape waste, a partially melted plastic bucket, demolition debris & general refuse. The pieces of charred furniture were not present during previous visits. It appears this area is still being utilized for open burning. Area A was estimated to be approximately eight cubic yards (17.5'x12.5'x1) in size. Area B appeared to be the remains of the dilapidated mobile home that was previously observed. During the January 10, 2008 site visit, the metal frame was amongst the debris. It was obvious during the current inspection that the large piece(s) of metal had been removed. Because of this, it is apparent scavenging has occurred. Area B was estimated to be approximately 47 cubic yards

(67.5'x12.5'x1.5) in size. Area C consisted of a trailer holding dimensional lumber still exposed to the elements. Area C was estimated to be approximately five cubic yards (10'x5'x2.5') in size. Area D was a new area containing metal, ash & demolition debris. Area D was estimated to be approximately one cubic yard (5'x7.5'x1') in size.

Following the initial inspection I was told by the Union County Assessors Office that they did not show a William Dixon as owning property in this area. I was also told that there was one piece of property in the vicinity of this site that had no name or identity associated with it. An incident report dated November 11, 2007 from the Jonesboro Police Dept. indicated William Dixon resides at this location & he was found to be burning brush & tires. As a result Mr. Dixon was sent an ACWN. I recently spoke with the assessors office again & was informed that their updated records reflect Agnus Rendleman (with no mailing address) et. al owns the property, but Nancy Farrell of Napoleon, Ohio receives the tax bill for this piece of property.



Jonesboro/Rendleman - Farrell - Dixon
 #1810255016 – Union County
 Not to Scale
 Locations are Approximate
 1/29/2008



DIGITAL PHOTOGRAPHS



Date: 1/29/2008
Time: 12:45 P.M.
Direction: north
Photo by: S. Williams
Exposure #: 001
Comments: appears
furniture & other
waste open burned



Date: 1/29/2008
Time: 12:46 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 002
Comments: open burn
area

File Names: 1810255016~01292008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 1/29/2008
Time: 12:49 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 003
Comments: scattered
debris



Date: 1/29/2008
Time: 12:49 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 004
Comments: ash,
insulation, metal,
demolition wood & a
toilet

File Names: 1810255016~01292008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 1/29/2008
Time: 12:50 P.M.
Direction: northeast
Photo by: S. Williams
Exposure #: 005
Comments: trailer
holding dimensional
lumber



Date: 1/29/2008
Time: 12:52 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 006
Comments: charred
demolition debris, ash
& general refuse

File Names: 1810255016~01292008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 1/29/2008
Time: 12:54 P.M.
Direction: north
Photo by: S. Williams
Exposure #: 007
Comments: charred
demolition debris &
ash**



**Date: 1/29/2008
Time: 12:55 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 008
Comments: metal,
demolition debris &
ash**

File Names: 1810255016~01292008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 1/29/2008
Time: 12:57 P.M.
Direction: south
Photo by: S. Williams
Exposure #: 009
Comments:
windblown waste



Date: 1/29/2008
Time: 12:58 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 010
Comments: in the
center of the picture
is charred vegetation
amongst the charred
demolition debris

File Names: 1810255016~01292008 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 1/29/2008
Time: 1:02 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 011
Comments: plastic
bottles, a toy,
demolition debris &
other general refuse**

File Names: 1810255016~01292008 - [Exp. #].jpg

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

Respondent.)

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 29, 2008, between 12:45 p.m. and 1:03 p.m., Affiant conducted an inspection of a disposal site operated by William Dixon, located in Union County, Illinois, and known as Jonesboro/Rendleman-Farrel-Dixon by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1810255016 by the Agency.
3. Affiant inspected said Jonesboro/Rendleman-Farrel-Dixon 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 Jonesboro/Rendleman-Farrel-Dixon.



Subscribed and Sworn to before me

this 26th day of February, 2008

Marcia A. English
Notary Public



SRW:jkb/34501/02-26-08

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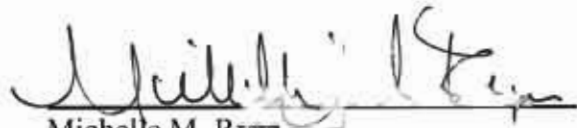
MAR 20 2008

I hereby certify that I did on the 18th day of March 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: William Dixon
512 Ashlar Street
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

THIS FILING SUBMITTED ON RECYCLED PAPER

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:

William Dixon
512 Ashlar St.
Jonesboro, IL 62952

2. Article Number

(Transfer from service label)

7007 0220 0000 0152 3144

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
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7007 0220 0000 0152 3144

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

Send To
William Dixon
Street, Apt. No.
or PO Box No. **512 Ashlar St.**
City, State, ZIP+4
Jonesboro, IL 62952