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STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC10-07 ORIGINAL

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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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY M. ISON,)
)
Respondent.)

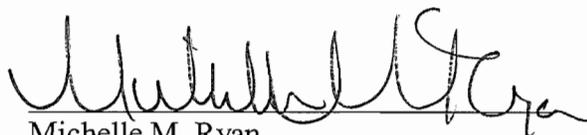
AC 10-07
(IEPA No. 281-09-AC)

NOTICE OF FILING

To: Larry M. Ison
P.O. Box 207
Belle Rive, IL 62810

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: November 9, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY M. ISON,)
)
Respondent.)

AC 10-07
(IEPA No. 281-09-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 (2008).

FACTS

1. That Larry M. Ison ("Respondent") is the present owner and operator of a facility located at the corner of 101 South Hickory Street and Illinois Route 142, in Belle Rive, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency ("Illinois EPA") as Belle Rive/Ison, Larry M.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0810055010.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on September 14, 2009, Garrison Gross of the Illinois EPA's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 11/9/09, Illinois EPA sent this Administrative Citation via Certified Mail No. 70073020000232144579

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his September 14, 2009 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) (2008).

- (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) (2008).

- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of clean or general construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 December 15, 2009, 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 (2008), 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) (2008), 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 (2008). 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 Scott, Director
Illinois Environmental Protection Agency

Date: 11/9/09

Prepared by: Michelle M. Ryan, Assistant Counsel
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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
LARRY M. ISON,)
Respondent.)

AC 10-07
(IEPA No. 281-09-AC)

FACILITY: Belle Rive/Ison, Larry M. SITE CODE NO.: 0810055010
COUNTY: Jefferson CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: September 14, 2009

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.

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
vs.)
)
Larry M. Ison,)
)
)
Respondent)

AC10-07

IEPA DOCKET NO.
281-09-AC

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 September 14, 2009, between 12:25 PM and 12:35 PM, Affiant conducted an inspection of a disposal site owned by Larry M. Ison located in Jefferson County, Illinois, and known as Belle Rive / Ison, Larry M. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0810055010 by the Agency.

3. Affiant inspected said Belle Rive / Ison, Larry M. site by an on-site inspection which included walking and photographing the site.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0810055010 Region: 7 - Marion
 Location/Site Name: Belle Rive / Ison, Larry M.
 Date: 09/14/2009 Time: From 12:25 PM To 12:35 PM Previous Inspection Date: 12/15/2008
 Inspector(s): Garrison Gross Weather: partly cloudy, 80°F, light breeze
 No. of Photos Taken: # 9 Est. Amt. of Waste: 130 yds³ Samples Taken: Yes # No
 Interviewed: no one at the site Complaint #: C-09-012-M

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

Larry M. Ison
 P.O. Box 207
 Belle Rive, Illinois 62810

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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 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 # 0810055010

Inspection Date: 09/14/2009

	(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 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0810055010

Site Name: Belle Rive / Ison, Larry M.

County: Jefferson

Township: City Limits

Date of Inspection: September 14, 2009

Inspectors: Garrison Gross

Subject: Open Dump Site Inspection at Larry M. Ison Property

General Remarks: An open dump site inspection was conducted on Monday, September 14, 2009, at the property of Larry M. Ison. Garrison Gross of the Illinois EPA Bureau of Land conducted the inspection. The property is located at the corner of 101 South Hickory Street and Illinois Route 142, in Belle Rive, Illinois 62810. The inspection was performed as a follow up to a previous inspection conducted on December 15, 2008. Weather conditions at the time of the inspection were partly cloudy, 80° F, with a light breeze.

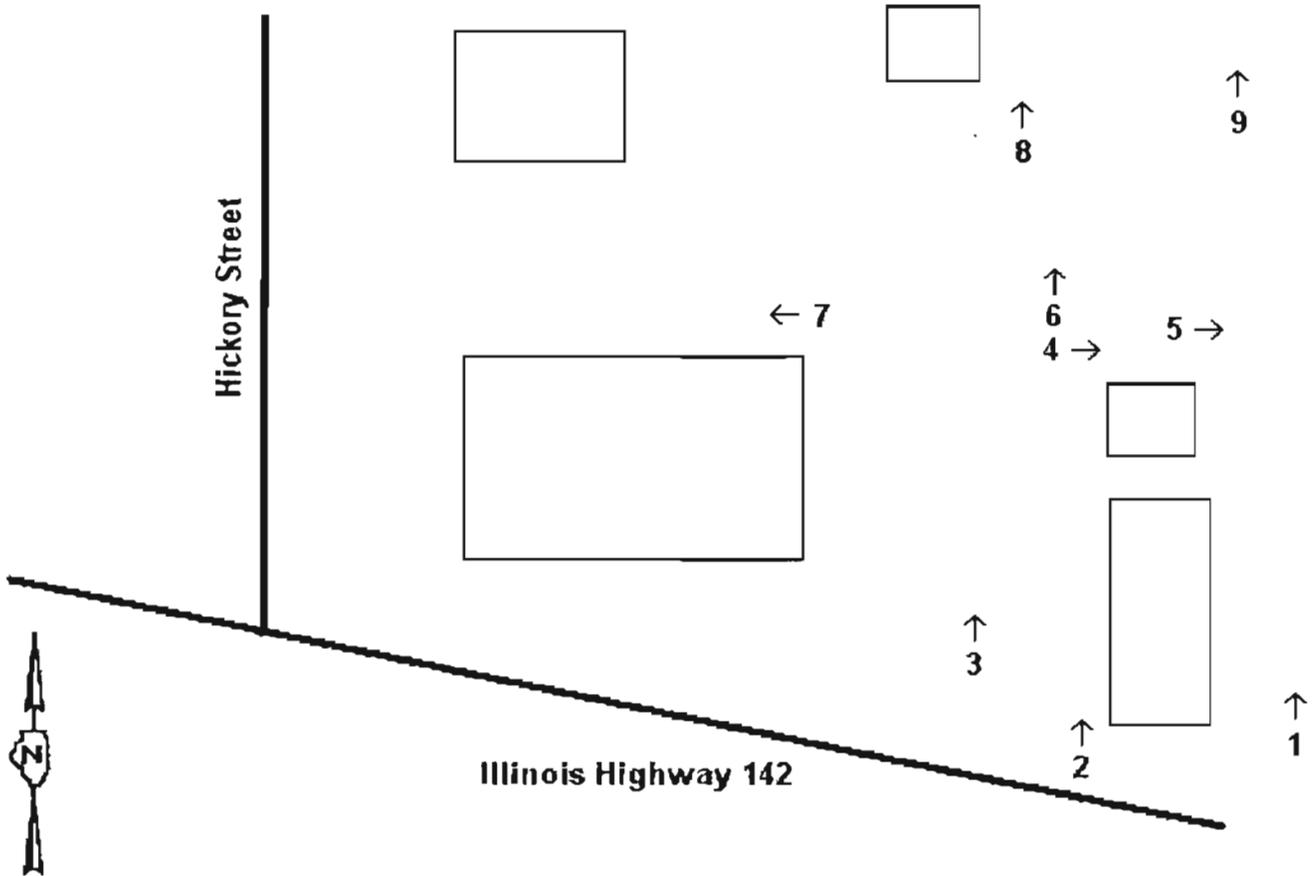
Inspection Findings: The inspection began at approximately 12:25 PM. The Inspector entered the site from Illinois Route 142 and walked and photographed the property. A partially collapsed waste mobile home was observed at the site (photo 001). Another waste mobile home was open to the elements, not leveled and not connected to utilities (photo 002). The mobile home contained various waste items similar to those observed during the last inspection. A waste vehicle (fiberglass boat) was observed (photo 003). The boat was on the ground and had body damage. As the Inspector proceeded beyond the fence, it was apparent that some clean up had occurred, but evidence of continued open burning was observed. Evidence of open burning was observed north of the shed (two locations) (photos 004 and 005) and east of the house (photo 008). Ash containing charred pieces of dimensional lumber, domicile wastes, plastic, aluminum cans and metal was observed. Approximately 40 waste tires were observed at the site (photo 006). Most of the tires were on rim. It appeared that some waste metals and waste tires were no longer at the site, particularly north of the utility building (photo 007) and east of the house (photo 009). The Inspector noticed that some dimensional lumber and firewood had been stacked in racks, which would account for other bare spots on the ground. Approximately 130 cubic yards of waste were observed at the site. The inspection ended at approximately 12:35 PM.

Additional Remarks: This site is located on Highway 142 at the west edge of Belle Rive village limits. There are homes nearby and the excessive waste items and the manner in which they are being stored are creating a scenic blight and a public nuisance.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: September 14, 2009
Site #: 0810055010
Site Name: Belle Rive / Ison, Larry M.
County: Jefferson
Township: City Limits
Inspectors: Garrison Gross
Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 12:29 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 001
Comments: Photograph
of partially collapsed
waste mobile home.



Date: 09/14/2009
Time: 12:29 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 002
Comments: Photograph
of waste mobile home.
Not leveled, not connected
to utilities and open to the
elements.

File Names: 0810055010~09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 12:29 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 003
Comments: Photograph
of waste vehicle
(fiberglass boat).



Date: 09/14/2009
Time: 12:30 PM
Direction: East
Photo by: Garrison Gross
Exposure #: 004
Comments: Photograph
of ash containing partially
burned plastic, metal and
domicile wastes.
Evidence of open burning.

File Names: 0810055010-09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 12:30 PM
Direction: East
Photo by: Garrison Gross
Exposure #: 005
Comments: Photograph
of ash containing partially
burned metal and
dimensional lumber.
Evidence of open burning.



Date: 09/14/2009
Time: 12:30 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 006
Comments: Photograph
of waste tires.

File Names: 0810055010-09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 12:31 PM
Direction: West
Photo by: Garrison Gross
Exposure #: 007
Comments: Photograph of metal drums and other waste metals and household wastes (television).



Date: 09/14/2009
Time: 12:31 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 008
Comments: Photograph of ash containing domicile wastes. Evidence of open burning.

File Names: 0810055010-09142009-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 09/14/2009
Time: 12:32 PM
Direction: North
Photo by: Garrison Gross
Exposure #: 009
Comments: Photograph
of waste metal and metal
drums.

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STATE OF ILLINOIS
Pollution Control Board

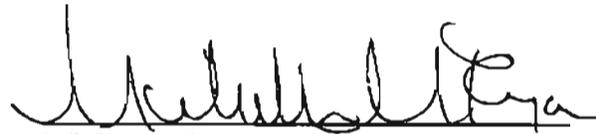
PROOF OF SERVICE

I hereby certify that I did on the 9th day of November 2009, 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: Larry M. Ison
P.O. Box 207
Belle Rive, IL 62810

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, 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
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