



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

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APR 07 2010
STATE OF ILLINOIS
Pollution Control Board

April 1, 2010

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

AC10-21

Re: Illinois Environmental Protection Agency v. David Charles Bettis
IEPA File No. 124-10-AC; 0618025001—Greene 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

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DAVID CHARLES BETTIS,)
)
Respondent.)

AC 10-21
(IEPA No. 124-10-AC)

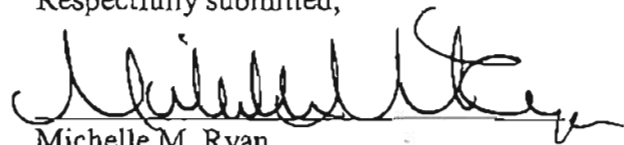
NOTICE OF FILING

ORIGINAL

To: David Charles Bettis
6517 Marmaduke Avenue
St. Louis, MO 63139

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: April 1, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
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APR 07 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DAVID CHARLES BETTIS,)
)
)
)
)
Respondent.)

AC 10-21
(IEPA No.124-10-AC)

ORIGINAL

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 David Charles Bettis is the current owner and operator ("Respondent") of Carrollton Livestock Auction, a facility located on Route 108, 1 mile East of Carrollton, Greene County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carrollton/Carrollton Livestock Auction.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0618025001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on February 19, 2010, Charlie King of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield 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 4/1/10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 7820.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his February 19, 2010 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).

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 Three Thousand Dollars (\$3,000.00). 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 May 17, 2010, 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 P. Scott, Director
Illinois Environmental Protection Agency

Date: 4/1/10

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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DAVID CHARLES BETTIS,)
)
)
)
Respondent.)

AC 10-21
(IEPA No. 124-10-AC)

ORIGINAL

FACILITY: Carrollton/Carrollton Livestock Auction SITE CODE NO.: 0618025001

COUNTY: Greene CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: February 19, 2010

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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APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 DAVID BETTIS,)
 Respondent)

Acio-21

IEPA DOCKET NO.

ORIGINAL

Affiant, *Charlie King*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 19, 2010 between 11:05 a.m. and 11:25 a.m., Affiant conducted an inspection of an open dump, located in Greene County, Illinois and known as the Carrollton/Carrollton Livestock Auction by the Illinois Environmental Protection Agency. The business is owned and operated by David Bettis. Said site has been assigned site code number LPC # 0618025001 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 open dump.

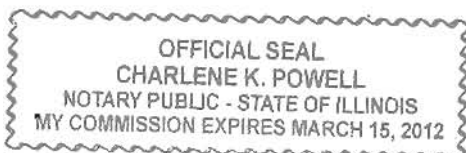
Charlie King

 Charlie King

Subscribed and Sworn to Before Me
 this 31st day of March, 2010

Charlene K. Powell

 Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
OFFICE

APR 07 2010

County: Greene LPC#: 0618025001 Region: 5 - Springfield
 Location/Site Name: Carrollton/Carrollton Livestock Auction
 Date: 02/19/2010 Time: From 1105 To 1125 Previous Inspection Date: 10/02/2009
 Inspector(s): Charlie King Weather: Overcast, 30 deg. F., Winds SE @ 10 mph
 No. of Photos Taken: # 5 Est. Amt. of Waste: 36 yds³ Samples Taken: Yes # No
 Interviewed: None Complaint #: C-10-052-C
 Latitude: 39.301295 Longitude: -90.39628 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation -

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

David Charles Bettis
 6517 Marmaduke Avenue
 St. Louis, MO 63139
 (No telephone number available)

ORIGINAL

Carrollton Livestock Auction
 Attn: Mr. David Charles Bettis
 Rte. 108 - 1 Mile East
 Carrollton, IL 62016 217/942-5063

	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 AND REGULATIONS	<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 # 0618025001

Inspection Date: 02/19/2010

	(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 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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- The provisions of subsection (p) of Section 21 and subsection (k) of Section 55 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: March 15, 2010

TO: BOL/DLPC/FOS – Springfield Region

FROM: Charlie King, BOL/DLPC/FOS – Springfield Region

SUBJECT: LPC # 0618025001 – Greene County
Carrollton/Carrollton Livestock Auction
C-10-555-C
FOS File

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of a re-inspection conducted at the subject site on February 19, 2010 from approximately 11:05 a.m. until 11:25 a.m., by this author. The re-inspection was conducted to follow-up the October 10, 2009, inspection, also by this author. The original inspection was conducted in response to a complaint received at the BOL/DLPC/FOS – Springfield Regional Office. That inspection revealed open dumping and open burning violations of the Illinois Environmental Protection Act (Act). Subsequently, an Administrative Citation Warning Notice (ACWN) was issued, dated November 13, 2009. The re-inspection revealed that not only had the apparent violations not ceased, but that the wastes being burned had changed to a certain degree. Porcelain, glass, metals, wood and springs were observed during the initial inspection. The re-inspection revealed an apparent counter top and two console television sets in the burn pile. Glass, metals, wood and other wastes were observed for the second time, but some of those were different as well.

The site is located approximately one mile east of the City of Carrollton, on the south side of Illinois Highway 108. The address of the facility is: Carrollton Livestock Auction, Attn: Mr. David Charles Bettis, Owner, Rte. 108 – 1 Mile East, Carrollton, IL 62016. Telephone: 217/942-5063. Specific legal and ownership information was presented in the Narrative Inspection Report Document Memorandum to the Land Division File, from this author, dated November 9, 2009, and therefore, for the most part, will not be repeated herein. David Charles Bettis' home address is 6517 Marmaduke Avenue, St. Louis, MO 63139.

Upon arrival at the site on the day of the re-inspection, the weather was overcast, with an air temperature of approximately 30° F. Winds were southeasterly at approximately 10 mph. Surface soil conditions were partially wet and muddy, partially snow covered, and partially frozen.

During the re-inspection, five photographs were taken with a digital camera. They show the conditions at the site on the day of the inspection. From the re-inspection and the photographs, a

computer generated sketch of the site was developed by this author. It shows the layout of the site, as well as the numbers, approximate locations and directions of the photographs. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referenced in this narrative and on the Digital Photograph pages. Real numbers were used on the Site Sketch, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this narrative.

The Digital Photographs are described as follows:

Photo # 001 shows an open dump and open burn pile measuring approximately 27' x 18' x 2'.

Photo # 002 shows wood, bed springs, box springs, car seat springs, glass, plastics, two television sets, paper, Styrofoam cups, apparent cabinets, an empty Old Crow Bourbon bottle, soda cans, nails and ashes in the pile.

Photo # 003 shows wastes from another angle.

Photo # 004 shows burned wastes.

Photo # 005 shows some of the wastes from another angle.

During the re-inspection, the same apparent violations of the Illinois Environmental Protection Act (Act) observed during the initial site inspection are again alleged. Those apparent violations of the Act are, Sections: 9(a), 9(c), 21(a), 21(p)(1), and 21(p)(3). However, in addition to these, since wastes are obviously being brought in from off-site, Sections 21(d)(1), 21(d)(2), 21(e), and an apparent violation of the regulations, Title 35, Illinois Administrative Code Subtitle G (35 I.A.C.), Section 812.101(a) are also alleged. Additional information is provided in the Open Dump Inspection Checklist, attached.

OTHER COMMENTS

1. During the inspection, approximately 36 cubic yards of wastes were observed. This amount was calculated as follows:

DESCRIPTION OF WASTE AREA

A single pile of wood, bed springs, box springs, car seat springs, glass, plastics, two television sets, paper, Styrofoam cups, apparent cabinets, an empty Old Crow Bourbon bottle, soda cans, nails and ashes .

SIZE OF WASTE AREA IN CUBIC FEET

$972 \div 27 =$ (conversion factor of cubic feet to cubic yards) = 36 cubic yards

2. No one else approached me during the inspection.

cc: DLPC/FOS - Springfield

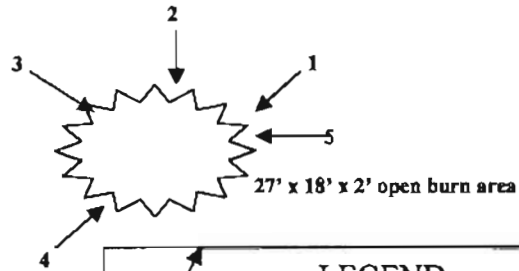
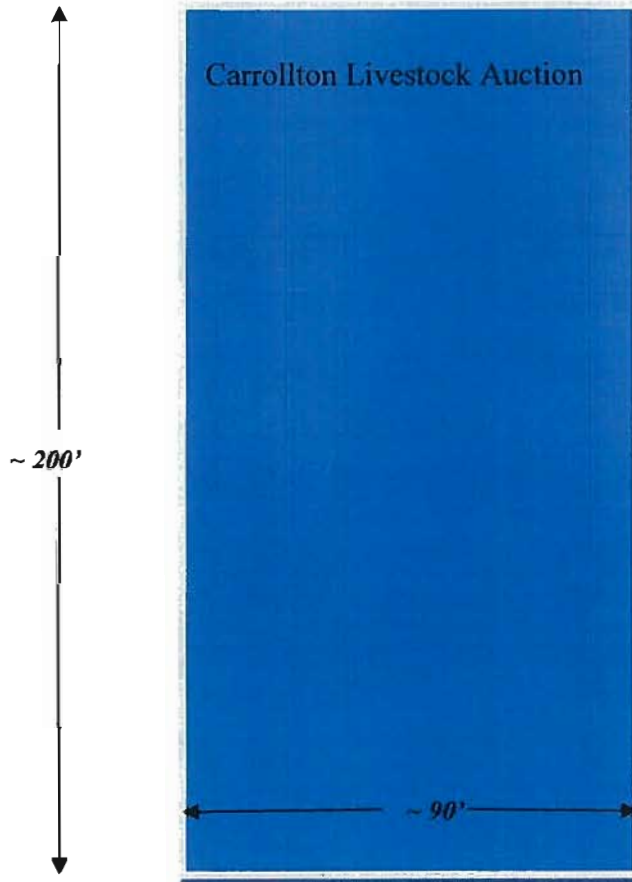
SITE SKETCH

Site name: Carrollton/Carrollton Livestock Auction County: Greene County
LPC #: 0618025001 Date: February 19, 2010
Inspector: Charlie King Time: 11:05 a.m. – 11:25 a.m.
FOS File

A digital camera was used for the Inspection photos. Distances are approximate – Not drawn to scale

← Carrollton

Illinois Route 108 East



LEGEND	
2	- Photo number and direction
	- Open dump and open burn area



DIGITAL PHOTOGRAPHS



Date: February 19, 2010
Time: 11:06 a.m.
Direction: SW
Photo by: Charlie King
Exposure #: 001
Comments: Open
dump and open burn
pile measuring
approximately 27' x 18'
x 2'.



Date: February 19, 2010
Time: 11:07 a.m.
Direction: S
Photo by: Charlie King
Exposure #: 002
Comments: Wood, bed
springs, box springs
car seat springs, glass,
plastics, two television
sets, paper, Styrofoam
cups, apparent
cabinets, an empty Old
Crow Bourbon bottle,
soda cans, nails and
ashes were observed
in the wastes.

File Names: 0618025001~02192010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: February 19, 2010
Time: 11:07 a.m.
Direction: SE
Photo by: Charlie King
Exposure #: 003
Comments: Wastes
from another angle.



Date: February 19, 2010
Time: 11:12 a.m.
Direction: NE
Photo by: Charlie King
Exposure #: 004
Comments: Burned
wastes are easily seen
here.

File Names: 0618025001~02192010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: February 19, 2010
Time: 11:15 a.m.
Direction: W
Photo by: Charlie King
Exposure #: 005
Comments: Some of
the wastes from
another angle.

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APR 07 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

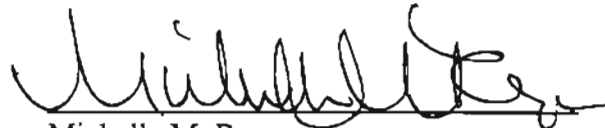
I hereby certify that I did on the 1st day of April 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: David Charles Bettis
6517 Marmaduke Avenue
St. Louis, MO 63139

ORIGINAL

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, Clerk
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