



# 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

July 21, 2010

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

RECEIVED  
CLERK'S OFFICE

JUL 23 2010

STATE OF ILLINOIS  
Pollution Control Board

AC 11-001

ORIGINAL

Re: Illinois Environmental Protection Agency v. William A. Cogdill  
IEPA File No.206-10-AC: 1010255010—Lawrence County

Dear Mr. Therriault:

As requested, enclosed for filing with the Illinois Pollution Control Board, please find the original and a copy 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 July 7, 2010 and served on said respondent on July 9, 2010. Also enclosed, please find a copy of the U.S. Postal Services' white certified mail receipt, showing that the item was sent on July 7, 2010.

The signed green certified mail receipt was filed with the Board on July 14, 2010.

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

RECEIVED  
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JUL 23 2010

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
WILLIAM A. COGDILL, )  
 )  
Respondent. )

AC 11-1  
(IEPA No. 206-10-AC)

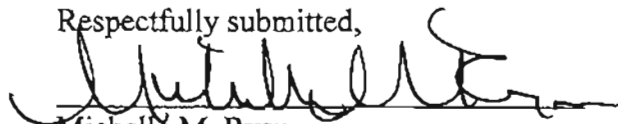
NOTICE OF FILING

ORIGINAL

To: William A. Cogdill  
903 Main Street  
P.O. Box 52  
St. Francisville, IL 62460

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: July 7, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
JUL 23 2010  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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Complainant, )  
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v. )  
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WILLIAM A. COGDILL )  
 )  
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 )  
 )  
Respondent. )

AC 11-1  
(IEPA No. 206-10-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 William A. Cogdill is the current owner ("Respondent") of a facility located at 903 West Main Street, St. Francisville, Lawrence County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as St. Francisville/Cogdill, William A.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1010255010.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on May 25, 2010, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") 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 7-7-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 8193.

#### VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his May 25, 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).

#### 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 August 1, 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: 7/21/2010

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

JUL 23 2010

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, ) )  
) )  
v. ) )  
) )  
WILLIAM A. COGDILL ) )  
) )  
) )  
) )  
) )  
Respondent. )

AC 11-1  
(IEPA No. 206-10-AC)

ORIGINAL

FACILITY: St. Francisville/Cogdill, William A.

SITE CODE NO.: 1010255010

COUNTY: Lawrence

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: May 25, 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.

RECEIVED  
CLERK'S OFFICE

JUL 23 2010

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 William A. Cogdill, )  
 )  
 )  
 )  
 Respondent. )

IEPA DOCKET NO.

ORIGINAL

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 May 25, 2010, between 12:30 PM and 12:40 PM, Affiant conducted an inspection of a disposal site owned by William A. Cogdill located in St. Francisville, Illinois, and known as St. Francisville / Cogdill, William A. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1010255010 by the Agency.

3. Affiant inspected said St. Francisville / Cogdill, William A. 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 St. Francisville / Cogdill, William A.

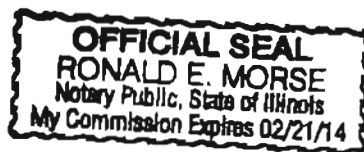
Hamilton Gross

Subscribed and Sworn to before me

this 9<sup>th</sup> day of June, 2010

Ronald E. Morse  
Notary Public

GRG





LPC # 1010255010

Inspection Date: 5/25/2010

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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 SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
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.



*State of Illinois*  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Narrative Inspection Report**

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**Site #:** 1010255010 – Lawrence County  
**Site Name:** St. Francisville / Cogdill, William A.  
**Date of Inspection:** May 25, 2010  
**Inspector(s):** Garrison Gross & Robert Mileur  
**Subject:** Open Dump Site Inspection at William A. Cogdill Property

**General Remarks:** An Open Dump Site Inspection was conducted on Tuesday, May 25, 2010, at the property of William A. Cogdill. Garrison Gross (author of this report) and Robert Mileur of the Illinois EPA Bureau of Land conducted the inspection. The property is located at 903 West Main Street, St. Francisville, Illinois 62460. The site was initially observed and photographed from offsite (the public street and sidewalk) (photos 001-004). A number of waste items were observed from offsite including but not limited to vehicles (white Ford truck and white Toyota car), lawn equipment and military surplus equipment. The inspection was performed as a follow up to a previous inspection conducted on January 6, 2010. The inspection began at approximately 12:30 PM. Weather conditions at the time of the inspection were partly cloudy skies, 85° F, with a light breeze.

**Inspection Findings:** The Inspectors attempted to make contact with the owner. No one answered the door. The Inspectors continued the inspection by walking and photographing the site. Waste lawn equipment and surplus military equipment were again observed overgrown in vegetation (photo 005). Recently acquired lawn equipment was observed at the site (photos 005 and 006). Waste surplus military equipment (generators) and additional evidence of open burning were again observed at the site (photo 007). The ash pile contained partially burned fragments of dimensional lumber. A waste vehicle (white Monte Carlo), dimensional lumber, plastic drums and other wastes were again observed overgrown in vegetation (photo 008). More waste lawn equipment was observed at the site (photo 009). Unidentifiable waste items were again observed under a partially deteriorated tarp (photo 010). The bed of the white Ford truck was filled with waste items (photo 011). The truck cab was filled with papers and boxes indicating that it had not been driven for some time (photo 012). Although it appears that some waste items had been removed from the site, it was evident that additional items had been acquired and other items had been moved around. Approximately 100 cubic yards of waste were observed at the site. The inspection ended at approximately 12:40 PM

**Additional Remarks:** The south end of the property was overgrown in thick vegetation which made it difficult to observe and photograph most of the waste items.



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

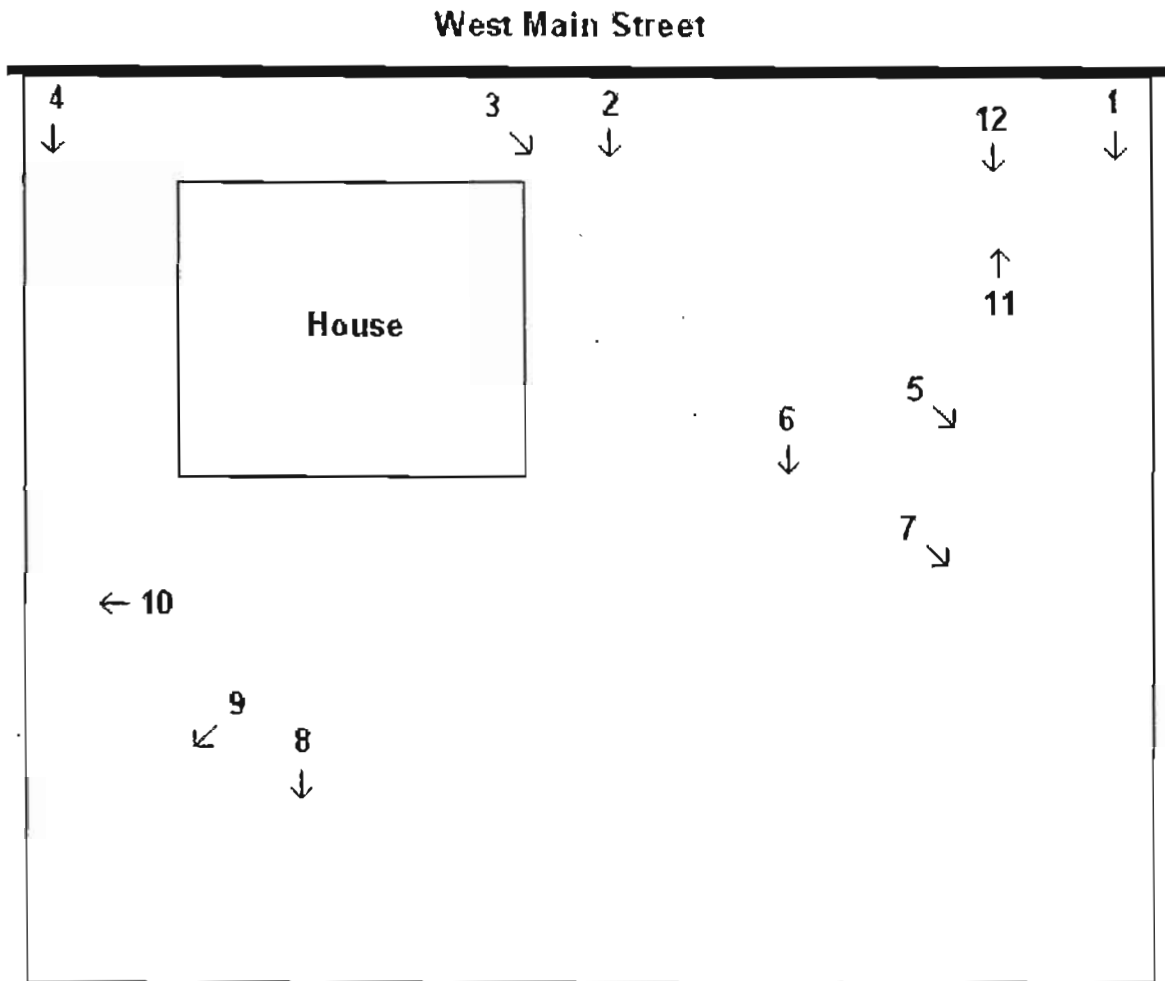
Date: May 25, 2010

Site #: 1010255010 – Lawrence County

Site Name: St. Francisville / Cogdill, William A.

Inspector(s): Garrison Gross & Robert Mileur

Not Drawn to Scale: All Locations Are Approximate





**DIGITAL PHOTOGRAPHS**



**Date:** 05/25/2010  
**Time:** 12:34 PM  
**Direction:** South  
**Photo by:** Garrison Gross  
**Exposure #:** 001  
**Comments:** waste items  
observed from offsite



**Date:** 05/25/2010  
**Time:** 12:35 PM  
**Direction:** South  
**Photo by:** Garrison Gross  
**Exposure #:** 002  
**Comments:** waste items  
observed from offsite

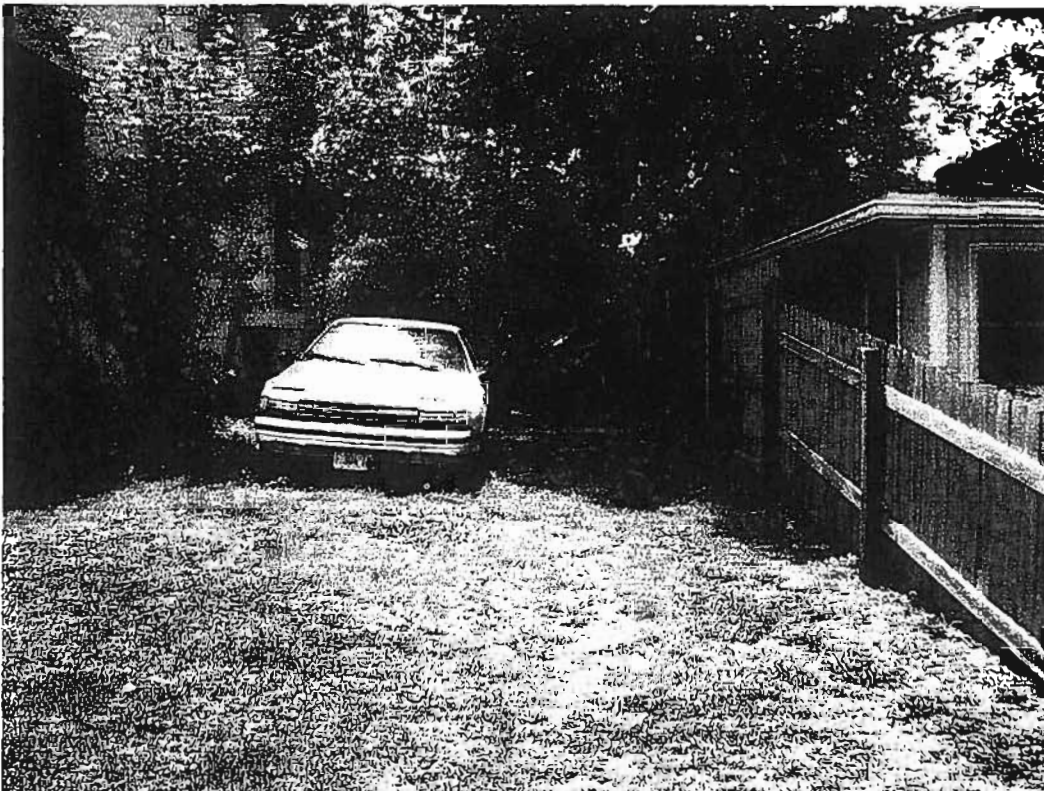
**File Names:** 1010255010~05252010-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 05/25/2010  
Time: 12:35 PM  
Direction: Southeast  
Photo by: Garrison Gross  
Exposure #: 003  
Comments: waste items  
observed from offsite



Date: 05/25/2010  
Time: 12:35 PM  
Direction: South  
Photo by: Garrison Gross  
Exposure #: 004  
Comments: waste vehicles  
observed from offsite

File Names: 1010255010~05252010-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: 05/25/2010  
Time: 12:36 PM  
Direction: East  
Photo by: Garrison Gross  
Exposure #: 005  
Comments: waste lawn  
equipment (background),  
recently acquired lawn  
equipment (foreground)



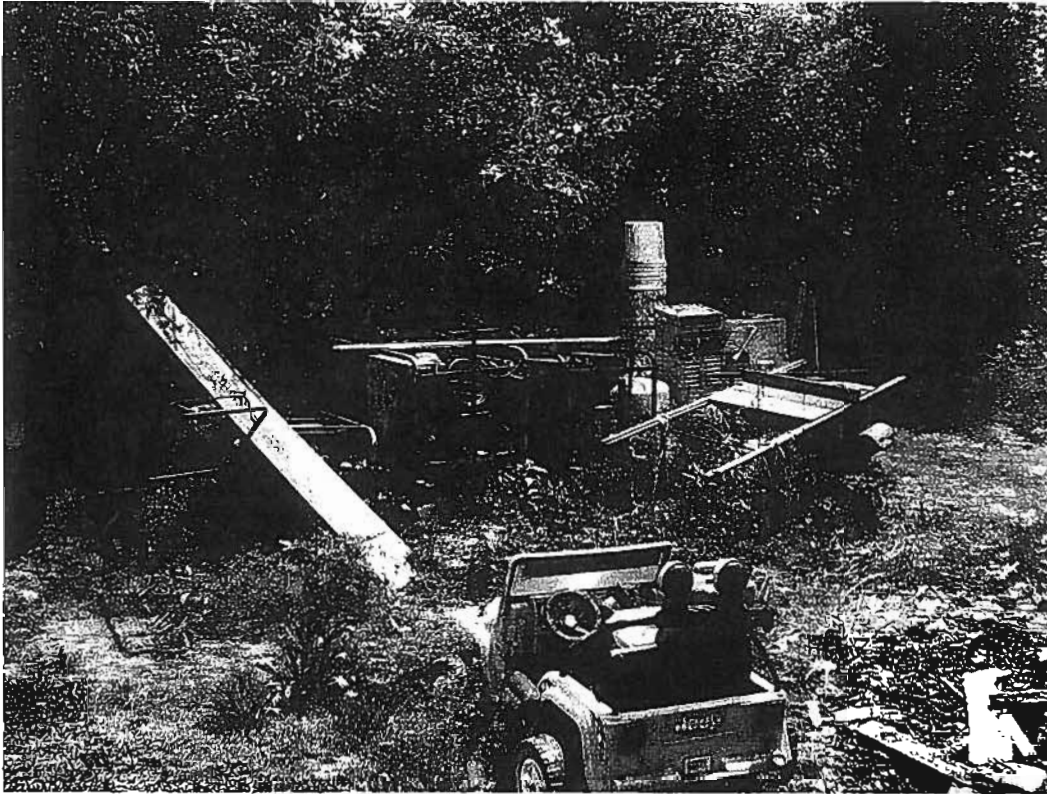
Date: 05/25/2010  
Time: 12:36 PM  
Direction: East  
Photo by: Garrison Gross  
Exposure #: 006  
Comments: recently  
acquired lawn equipment

File Names: 1010255010~05252010-[Exp. #].jpg





**DIGITAL PHOTOGRAPHS**



Date: 05/25/2010  
Time: 12:36 PM  
Direction: South  
Photo by: Garrison Gross  
Exposure #: 007  
Comments: waste  
military surplus  
equipment (background),  
new evidence of open  
burning (dimensional  
lumber) (foreground)



Date: 05/25/2010  
Time: 12:36 PM  
Direction: South  
Photo by: Garrison Gross  
Exposure #: 008  
Comments: waste vehicle  
and other waste items

File Names: 1010255010~05252010-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 05/25/2010  
Time: 12:36 PM  
Direction: Southwest  
Photo by: Garrison Gross  
Exposure #: 009  
Comments: waste lawn  
equipment



Date: 05/25/2010  
Time: 12:37 PM  
Direction: West  
Photo by: Garrison Gross  
Exposure #: 010  
Comments: unidentifiable  
waste items

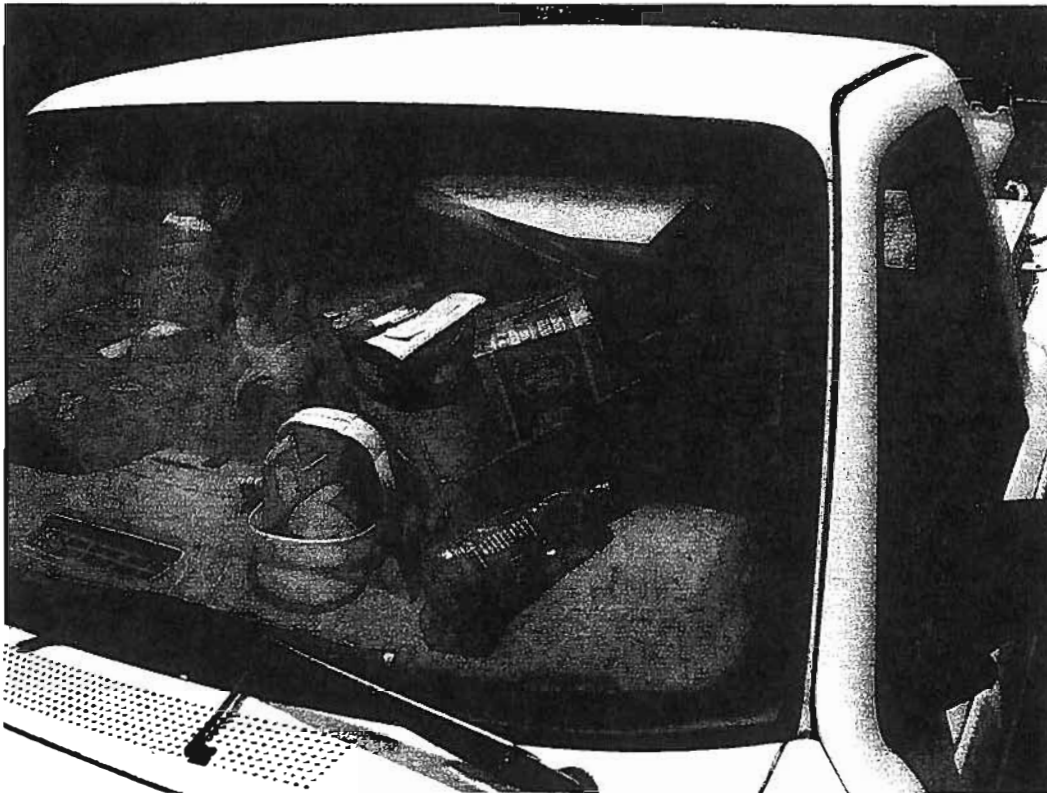
File Names: 1010255010~05252010-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 05/25/2010  
Time: 12:37 PM  
Direction: North  
Photo by: Garrison Gross  
Exposure #: 011  
Comments: waste metals  
stacked in waste vehicle



Date: 05/25/2010  
Time: 12:37 PM  
Direction: North  
Photo by: Garrison Gross  
Exposure #: 012  
Comments: truck cab  
filled with waste

File Names: 1010255010~05252010-[Exp. #].jpg

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
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7008 1A30 0001 4720 8186

Sent To John Therianet, Clerk - IACB  
Street, Apt. No. or PO Box No. James A. Thompson Garden  
City, State, ZIP+4 100 W. Randolph St. Suite 4-500  
Chicago, IL 60601

PS Form 3800, August 2008

See Reverse for Instructions

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JUL 23 2010

STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

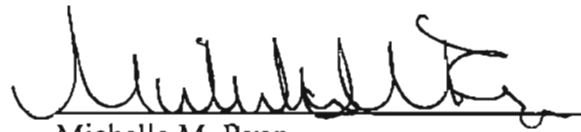
I hereby certify that I did on the 7th day of July 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: William Cogdill  
P.O. Box 52  
903 West Main Street  
Lawrenceville, IL 62460

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  
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