



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

September 30, 2010

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

AC11-10

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OCT 06 2010
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

Re: Illinois Environmental Protection Agency v. Luke Marquard, Jr.
IEPA File No. 277-10-AC; 1378065004—Morgan 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



ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 LUKE MARQUARD, JR.,)
)
)
)
)
 Respondent.)

AC 11-10
 (IEPA No. 277-10-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 Luke Marquard, Jr. is the current owner and operator ("Respondent") of a facility located at 400 Marnico Road, located northwest of Jacksonville, Morgan County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Road District No. 6 Marquard.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1378065004.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on August 8, 2010, Steven Townsend 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 9-30-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 3571.

VIOLATIONS

Based upon direct observations made by Steven Townsend during the course of his August 9, 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 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) (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 October 18, 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 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, 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: 9/27/2010

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

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OCT 06 2010

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LUKE MARQUARD, JR.,)
)
)
)
)
Respondent.)

AC 11-10
(IEPA No. 277-10-AC)

FACILITY: Road District No.6\Marquard
COUNTY: Morgan
DATE OF INSPECTION: August 9, 2010

SITE CODE NO.: 1378065004
CIVIL PENALTY: \$3,000.00

ORIGINAL

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

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OCT 06 2010

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency,)
)
Complainant)
)
vs.)
)
Luke E. Marquard Jr.)
)
Respondent)

IEPA DOCKET NO.

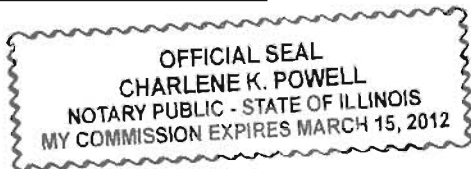
ORIGINAL

Affiant, Steven C. Townsend, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 9, 2010, between 10:30 AM and 11:30 AM, Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Morgan County, Illinois and known as Road District No. 6/Marquard by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1378065004 by the Agency.
3. Affiant inspected said Marquard open dump 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 Road District No.6/Marquard open dump.

Steven C. Townsend

Subscribed and Sworn To before me
This 8th day of September, 2010
Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Morgan LPC#: 1378065004 Region: 5 - Springfield

Location/Site Name: Road District No 6, Marquard

Date: 8/9/2010 Time: From 10:30 To 11:30 Previous Inspection Date: 2-18-2009

Inspector(s): S. Townsend Weather: 84 ° F ~ Clear – dry to Slightly moist Soil Cond.

No. of Photos Taken: # 19 Est. Amt. of Waste: 450 (est) yds³ Samples Taken: Yes # _____ No

Interviewed: Ms. Kim Manley, Mr. William Allen Complaint #: C-10-147-C

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OCT 06 2010

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

Luke Marquard, Jr.
 146 South Marnico Lane
 Jacksonville, IL 62650
 Ph: (217) 883-0579

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 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 # 1378065004

Inspection Date: 8-9-2010

	(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"/>
			<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.

IEPA - BOL/FOS MEMORANDUM

DATE: August 31, 2010

TO: DLPC/Division File

FROM: S. Townsend, DLPC/FOS - Springfield Region

SUBJECT: LPC # 1378065004 – Morgan County
Road District No. 6/Marquard
C-10-147-C
FOS FILE

Inspection Narrative

A complaint about this property at 400 Marnico Rd., located northwest of Jacksonville, IL, that alleged open dumping and burning had previously been received on March 16, 2007 (C-07-096-C). An inspection conducted on March 20, 2007 resulted in an Administrative Citation Warning Notice (ACWN) being sent to the property owner, and site operator, Mr. Luke Marquard, Jr., on April 5, 2007. A re-inspection was conducted on February 18, 2009 at which time the facility was found to have returned to compliance.

Another complaint was received on June 7, 2010, alleging that Luke Marquard, Jr. had dumped and burned waste from demolishing mobile homes brought in from off-site. Another inspection by this author was conducted based on the June 7, 2010, complaint. I arrived at the above referenced facility at 10:30 on August 9, 2010. I spoke with Kim Manley. She and William Allen live at the site. Ms. Manley stated that they only rent the place and that the mobile home waste was from the owner, Mr. Marquard, who owns and runs a mobile home park. Ms. Manley stated that there had been no burning of this waste, only some brush from on the property. Mr. Allen was not home when I interviewed Ms. Manley.

I inspected the facility and found open dumped wastes, predominantly from mobile homes, present (see photos 1378065005~08092010-001 through 003, 005, 006, 008 through 013 and 015). In addition to the mobile home wastes, used tires (see photos 1378065005~08092010-005 through 007), white goods (see photos 1378065005~08092010-014 and 015), and a waste car/vehicle parts (see photos 1378065005~08092010-018 and 019) were also on site. A mobile home apparently used for storage of parts was also on-site (see photos 1378065005~08092010-001 and 017). The former (2007) burn pile location appeared not to have had mobile home waste burned there. Some remnants of charred brush were seen in this location (see photo 1378065005~08092010-004).

While inspecting the site Mr. William Allen arrived. I also interviewed Mr. Allen. He reiterated that no burning of this waste had occurred. He also concurred that the waste was from Mr. Marquard's business and that the wastes were not from him or Ms. Manley. Mr. Allen also said that Mr. Marquard was slowly getting rid of the wastes and that he had contacted Buster Sanitation (Area Disposal), a local trash hauler. A small dumpster was already on-site (see photos 1378065005~08092010-015 and 016). I left the site at 11:30

Apparent violations are noted in the attached checklist.

cc: DLPC/FOS - Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: August 9, 2010

Site Code: 1378065004

Site Name: Marquard
Photo File 1378065004~08092010

Inspector: S. Townsend

County: Morgan

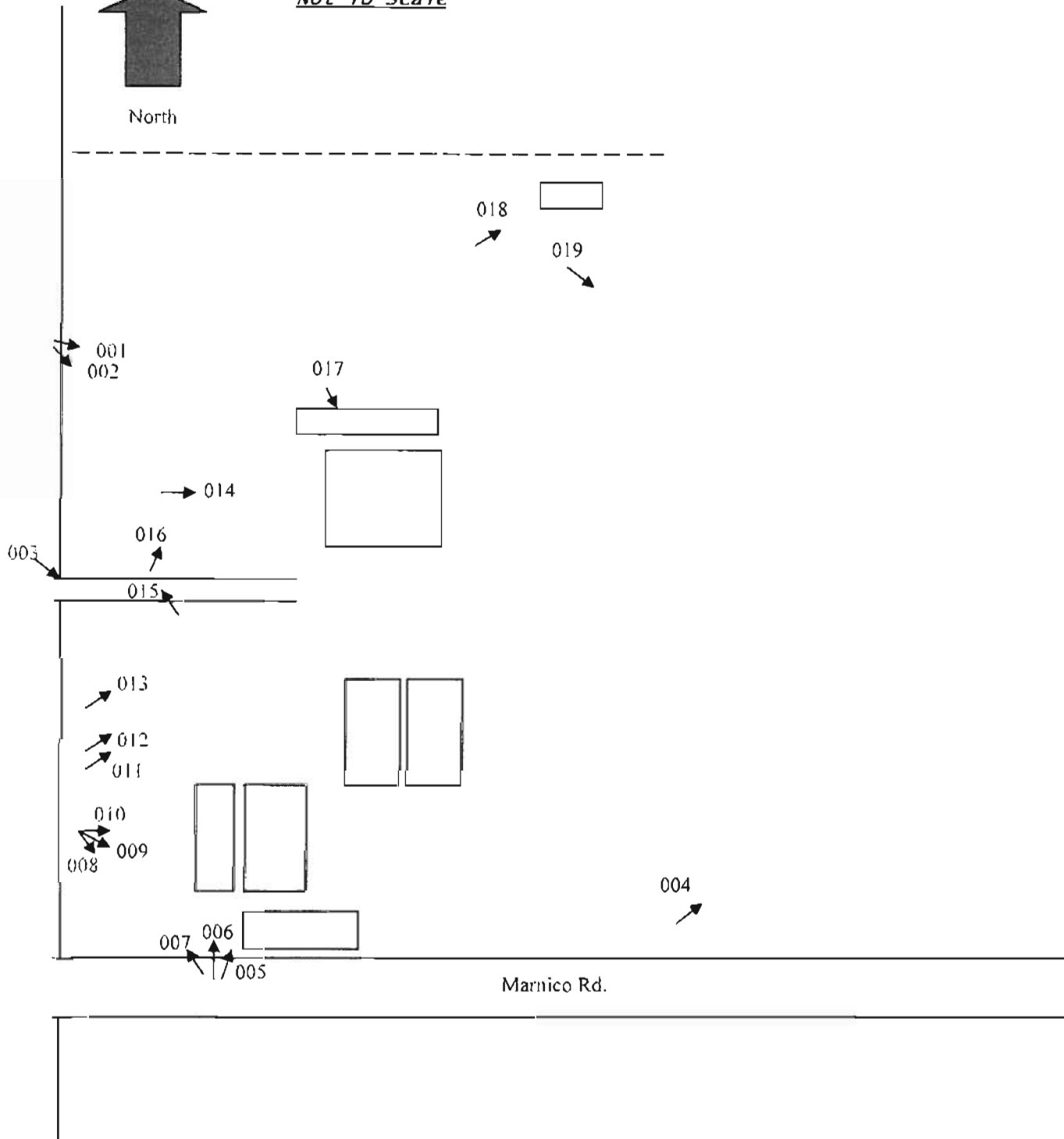
Time: 10:30-11:30

Measurements Approximate
Direction of Photo ↙ 00x

Not To Scale



North





DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:34
Direction: E-SE
Photo by: S. Townsend
Exposure #: 001
Comments:
Metal beams and wood, and mobile home apparently used for storage.



Date: August 9, 2010
Time: 10:34
Direction: SE
Photo by: S. Townsend
Exposure #: 002
Comments:
Metal beams, wood, and a demolished mobile home.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:37
Direction: SE
Photo by: S. Townsend
Exposure #: 003
Comments:
Wastes from mobile
home(s) and garbage.



Date: August 9, 2010
Time: 10:48
Direction: NE
Photo by: S. Townsend
Exposure #: 004
Comments:
Former burn pile – no
longer used except to
burn brush.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:53
Direction: N-NE
Photo by: S. Townsend
Exposure #: 005
Comments:
Demolished mobile home wastes leaning against storage shed, and used tires under other wastes.



Date: August 9, 2010
Time: 10:53
Direction: N
Photo by: S. Townsend
Exposure #: 006
Comments:
Demolished mobile home wastes leaning against storage shed, and used tires. Utility trailer in left part of photo



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:54
Direction: N-NW
Photo by: S. Townsend
Exposure #: 007
Comments:
Utility trailer and used tires. Tires at end of red arrow.



Date: August 9, 2010
Time: 10:56
Direction: SE
Photo by: S. Townsend
Exposure #: 008
Comments:
Demolished mobile home wastes.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:56
Direction: E-SE
Photo by: S. Townsend
Exposure #: 009
Comments:
Demolished mobile home wastes, including insulation, wood, and metal.



Date: August 9, 2010
Time: 10:56
Direction: E
Photo by: S. Townsend
Exposure #: 010
Comments:
Demolished mobile home wastes, insulation, and scrap wood.



DIGITAL PHOTOGRAPHS File Names: 1378065004-08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:56
Direction: NE
Photo by: S. Townsend
Exposure #: 011
Comments:
Demolished mobile
home wastes



Date: August 9, 2010
Time: 10:56
Direction: NE
Photo by: S. Townsend
Exposure #: 012
Comments:
Demolished mobile
home wastes.
Garbage in
background.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 10:56
Direction: NE
Photo by: S. Townsend
Exposure #: 013
Comments:
Close-up of demolished
mobile home wastes .



Date: August 9, 2010
Time: 11:00
Direction: E
Photo by: S. Townsend
Exposure #: 014
Comments:
White goods dumped
on the ground.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 11:01
Direction: NW
Photo by: S. Townsend
Exposure #: 015
Comments:
Small dumpster from
Area Disposal.
Garbage in foreground.
Wood and a water
heater (white good) in
the background.



Date: August 9, 2010
Time: 11:01
Direction: N-NE
Photo by: S. Townsend
Exposure #: 016
Comments:
Wastes inside
dumpster.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 11:03
Direction: S-SE
Photo by: S. Townsend
Exposure #: 017
Comments:
Inside open door of
mobile home
apparently used for
storage.



Date: August 9, 2010
Time: 11:04
Direction: NE
Photo by: S. Townsend
Exposure #: 018
Comments:
Junk automobile with
waste in trunk.



DIGITAL PHOTOGRAPHS File Names: 1378065004~08092010-[Exp. #].jpg



Date: August 9, 2010
Time: 11:05
Direction: SE
Photo by: S. Townsend
Exposure #: 019
Comments:
Auto body part from a
pick-up truck in brush.

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OCT 06 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

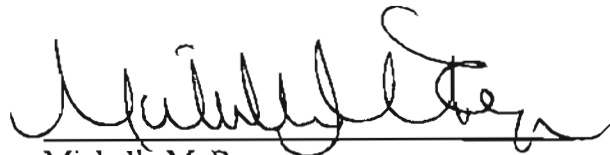
I hereby certify that I did on the 30th day of September 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Luke Marquard, Jr.
146 South Marnico Lane
Jacksonville, IL 62650

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