



# 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

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NOV 10 2010

STATE OF ILLINOIS  
Pollution Control Board

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

November 3, 2010

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

*Acc-14*

ORIGINAL

Re: Illinois Environmental Protection Agency v. Jason Johnson Sr. and Robin Johnson  
IEPA File No. 308-10-AC; 1258055002—Mason County

Dear Clerk 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

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NOV 10 2010

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JASON JOHNSON SR. and ROBIN )  
 JOHNSON, )  
 )  
 Respondents. )

AC 11-14  
 (IEPA No. 308-10-AC)

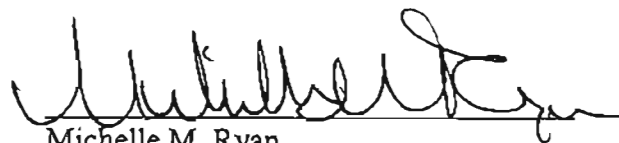
ORIGINAL

NOTICE OF FILING

To: Jason and Robin Johnson  
 6203 N CR 2050 E  
 Kilbourne, IL 62655

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 3, 2010

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NOV 10 2010  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
JASON JOHNSON SR. and ROBIN )  
JOHNSON, )  
 )  
Respondents. )

AC 11-14  
(IEPA No. 308-10-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 Jason Johnson Sr. and Robin Johnson are the current owners and operators ("Respondents") of a facility located at 20512 E. CR. 600 N. Kilbourne, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Kilbourne\Johnson, Jason.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1258055002.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on September 29, 2010, Jan Mier of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield 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.

5. That on 11/3/10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 3847.

#### VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her September 29, 2010 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents caused or allowed the open dumping of waste in a manner resulting in used tires, at this site, not altered, covered or otherwise prevented from accumulating water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2008).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than December 15, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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 Respondents fail 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

  
\_\_\_\_\_  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 11/1/10

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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NOV 10 2010  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
JASON JOHNSON SR. and ROBIN )  
JOHNSON, )  
 )  
 )  
Respondents. )

AC 11-14  
(IEPA No. 308-10-AC)

ORIGINAL

FACILITY: Kilbourne/Johnson, Jason      SITE CODE NO.: 1258055002  
COUNTY: Mason      CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: September 29, 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

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NOV 10 2010

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
 )  
 Illinois Environmental )  
 Protection Agency, )  
 Complainant )  
 vs. )  
 )  
 Jason Johnson, Robin Johnson )  
 and Jason Johnson, Jr., )  
 Respondents )  
 )  
 )

IEPA DOCKET NO.

ORIGINAL

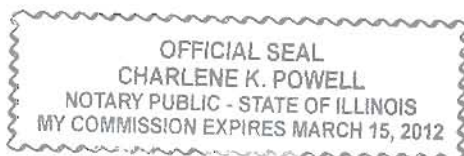
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 September 29, 2010, between 10:40 a.m. and 11:10 a.m., Affiant conducted an inspection of an open dump, located in Mason County, Illinois and known as *Johnson, Jason* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1258055002 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.

*Jan Mier*  
 \_\_\_\_\_  
 Jan Mier

Subscribed and Sworn to Before Me  
this 30<sup>th</sup> day of Oct, 2010

*Charlene K. Powell*  
 \_\_\_\_\_  
 Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

**REGIONAL AGENCY  
 CLERK'S OFFICE**  
 NOV 10 2010  
 Region: 5 - Springfield  
**STATE OF ILLINOIS**  
**Pollution Control Board**

County: MASON LPC#: 1258055002  
 Location/Site Name: KILBOURNE TWP./JOHNSON, JASON  
 Date: 09/29/2010 Time: From 10:40 AM To 11:10 AM Previous Inspection Date: 06/29/2010  
 Inspector(s): JAN MIER Weather: 80 F., Cloudy  
 No. of Photos Taken: # 5 Est. Amt. of Waste: 200 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: NO ONE ON SITE Complaint #: C-09-111-C  
 Latitude: 40.150645 Longitude: -89.965528 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):

JASON and ROBIN JOHNSON  
 JASON JOHNSON JR.  
 20512 E. CR. 600 N  
 KILBOURNE, IL 62655

JASON AND ROBIN JOHNSON  
 6203 N CR 2050 E  
 KILBOURNE, IL 62655  
 309-538-4602

**ORIGINAL**

SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
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 # 1258055002

Inspection Date: 09/29/2010

	(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)	<b>NO PERSON SHALL:</b>	
	(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"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
15.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
17.	55(a)(3)	<b>CAUSE OR ALLOW WATER TO ACCUMULATE IN USED TIRES</b>	<input checked="" 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 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.
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  
INSPECTION NARRATIVE**

**LPC#1258055002 - Mason County  
Kilbourne Twp./Johnson, Jason  
FOS File**

**DATE: September 29, 2010  
INSPECTOR: Jan Mier  
C-09-111-C**

On September 29, 2010, I conducted my fourth follow up inspection at the above referenced site located at 20512 E. CR. 600 N, Kilbourne, IL. The property is owned by Jason and Robin Johnson. The open dumping of the used tires was caused or allowed by their son, Jason Johnson, Jr. The Johnsons have been very difficult to reach. The telephone numbers I have were disconnected and we have not received any written response to the many letters the Illinois EPA has sent. On 6/29/10 I went to the site to treat the used tires with Abate, a mosquito larvacide. When I arrived on 6/29/10, Jason Johnson, Jr. was there and I verified his address of 20512 E. CR 600 N with him.

I arrived at 10:40 a.m. on September 29<sup>th</sup>. I knocked on the door, but no one answered. I then walked the site. While some of the waste from the restaurant renovation has been removed, no receipts for proper disposal have been received as of 10/19/10. Photo #001 shows lumber and a wire cage with household waste. The cage has been used to open burn waste in the past. Also shown in this photo are used off rim tires, a metal container, and a plastic bucket in the foreground. The used tire pile (see photo #002) appeared unchanged since 6/29/10, when I treated the used tires with Abate. Many of these used tires held water. A smaller pile of on and off rim used tires was located north of the main pile (see photo #003). This was also observed during my previous inspection. I walked south, back to the house where Jason Johnson resides and observed a waste pile containing carpet, cans, bottles and lumber. This pile had not been previously observed (see photo #004). More used on and off rim tires were observed in the vegetation near the house (see photo #005). These used tires were not previously seen at the site. I estimated there were about 400 used tires at the site, most of them off the rim. I departed at 11:10 a.m.

Continuing violations observed during the inspection are noted on the attached checklist.

cc: DLPC Division File  
DLPC/FOS – Springfield Region



## DIGITAL PHOTOGRAPHS



**Date:** 9/29/10  
**Time:** 10:48 a.m.  
**Direction:** NE  
**Photo by:** Jan Mier  
**Exposure #:** 001  
**Comments:**

**Lumber, burn cage with household garbage, used off rim tires, metal container, and plastic bucket in foreground**



**Date:** 9/29/10  
**Time:** 10:48 a.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 002  
**Comments:**

**Used off rim tire pile**

**File Names:** 1258055002~09292010-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 9/29/10  
**Time:** 10:49 a.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 003  
**Comments:**

**Used on and off rim tires  
in vegetation**



**Date:** 9/29/10  
**Time:** 10:51 a.m.  
**Direction:** W  
**Photo by:** Jan Mier  
**Exposure #:** 004  
**Comments:**

**Waste pile near house  
containing green carpet,  
cans, bottles, and lumber**

**File Names:** 1258055002~09292010-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 9/29/10  
**Time:** 10:51 a.m.  
**Direction:** W  
**Photo by:** Jan Mier  
**Exposure #:** 005  
**Comments:**

**Used on and off rim tires  
near house observed for  
the first time**

## PROOF OF SERVICE

I hereby certify that I did on the 3<sup>rd</sup> day of November 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

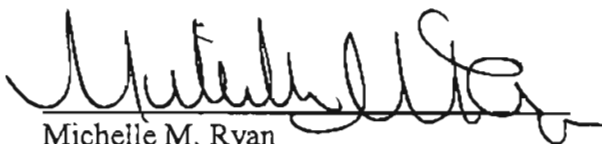
To: Jason and Robin Johnson  
6203 N CR 2050 E  
Kilbourne, IL 62655

RECEIVED  
CLERK'S OFFICE  
NOV 10 2010  
STATE OF ILLINOIS  
Pollution Control Board

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

ORIGINAL

  
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