



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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MAR 11 2011
STATE OF ILLINOIS
Pollution Control Board

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

February 22, 2011

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

ACU-21

ORIGINAL

Re: Illinois Environmental Protection Agency v. Christopher and Cora Kessinger
IEPA File No. 41-11-AC: 0610355025—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
ADMINISTRATIVE CITATION

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MAR 11 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHRISTOPHER and CORA KESSINGER,)
)
Respondents.)

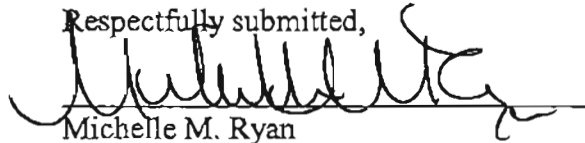
AC 11-21
(IEPA No. 41-11-AC)

NOTICE OF FILING

ORIGINAL

To: Christopher and Cora Kessinger
127 West Patterson Street
Roodhouse, IL 62082

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: February 22, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Complainant,)
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v.)
)
CHRISTOPHER and CORA KESSINGER)
)
)
)
)
Respondents.)

AC 11-21
(IEPA No. 41-11-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 Christopher and Cora Kessinger are the current owners ("Respondent's") of a facility located at 215 North Cobb Street, Roodhouse, Greene County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Roodhouse/Kessinger.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0610355025.
3. That Respondent's have owned said facility at all times pertinent hereto.
4. That on January 18, 2011, 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 2-22-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 4349.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his January 18, 2011 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent's have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent's 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's 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's 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 Respondent's elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 30, 2011, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent's 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, Respondent's 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's 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, Respondent's 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's 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's in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent's 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 Respondent's elect to contest this Administrative Citation, then Respondent's 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's.

 *by SCP*

Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 2/19/2011

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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MAR 11 2011
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHRISTOPHER and CORA KESSINGER)
)
)
)
Respondents.)

AC 11-21
(IEPA No. 41-11-AC)

ORIGINAL

FACILITY: Roodhouse/Kessinger

SITE CODE NO.: 0610355025

COUNTY: Greene

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: January 18, 2011

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

RECEIVED
CLERK'S OFFICE

MAR 11 2011

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Christopher Kessinger and Cora Kessinger,)
Respondents)

AC11-21

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 January 18, 2011 between 3:20 p.m. and 3:35 p.m., Affiant conducted an inspection of an open dump, located in Greene County, Illinois and known as *Roodhouse/Kessinger* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 0610355025 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 25th day of January, 2011

Charlene K. Powell

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Greene LPC#: 0610355025 Region: 5 - Springfield
 Location/Site Name: Roodhouse/Kessinger
 Date: 01/18/2011 Time From 1520 To 1535 Previous Inspection Date: 07/23/2010
 Inspector(s): Charlie King Weather: Overcast, 33 deg. F., Winds W @ 15 mph
 No. of Photos Taken: # 7 Est. Amt. of Waste: 102 yds³ Samples Taken: Yes # No
 Interviewed: None Complaint #: C-10-039-C
 Latitude: 39.485578 Longitude: -90.377269 Collection Point Description: Center of Site - None
 (Example Lat : 41 26493 Long . -89.38294) Collection Method: Photo Interpolation -

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

| | |
|---|--|
| Christopher and Cora Kessinger 127 W. Patterson Roodhouse, IL 62082 217/320-4049 | |
|---|--|

| | 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 type="checkbox"/> |
| | (2) | In Violation of Any Regulations or Standards Adopted by the Board | <input 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 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 # 0610355025

Inspection Date: 01/18/2011

| | | | |
|--|------------|---|-------------------------------------|
| | (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 checked="" 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 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

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: January 25, 2011
TO: Land Division File
FROM: Charlie King, BOL/DLPC/FOS – Springfield Region
SUBJECT: LPC # 0610355025 – Greene County
Roodhouse/Kessinger
C-10-039-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 January 18, 2011 from approximately 3:20 p.m. until 3:35 p.m., by this author. The re-inspection was conducted to follow-up the original site inspection conducted on September 4, 2009. That initial inspection resulted in the finding of apparent violations, and subsequently, an Open Dump Administrative Citation Warning Notice (ACWN) was issued on October 16, 2009. The January 18, 2011 re-inspection also followed previous site re-inspections conducted on January 22, 2010, May 7, 2010, and on July 23, 2010, also by this author. Cleanup time extensions followed, dated February 18, 2010, 17, 2010, and on September 2, 2010, respectively. The new cleanup deadline on the July 23, 2010 inspection became December 1, 2010. Waste volumes had apparently not changed between the July 23, 2010 and January 18, 2011 inspections.

The site is located at 215 N. Cobb Street, Roodhouse, IL 62082, which is approximately one and one-half blocks north of West Palm Street, on the west side of the street. The owners of the property are Christopher Kessinger and Cora Castleberry (now Kessinger per the deed), husband and wife. Their address is now 127 W. Patterson Street, Roodhouse, IL 62082. Their telephone number is 217/320-4049. Specific and legal descriptions were provided in the Narrative Inspection Report Document Memorandum to the Land Division File, dated October 16, 2009. Therefore, that information will not be repeated here. A copy of the Deed was included with that initial report.

Upon arrival at the site on the day of the most recent re-inspection, the weather was overcast and cold, with an air temperature of approximately 33° F. Winds were westerly at approximately 15 mph. Surface soil conditions were mostly snow covered.

During the January 18, 2011 re-inspection, seven photographs were taken of the site with a digital camera from different angles. The photographs show the conditions at the site on the day of the re-inspection, which consisted of some old dumped and previously burned wastes, most of

which were now snow covered. Among the open dumped wastes observed were wood, metals, drywall, concrete, carpet, insulation and other demolition wastes from a mobile home that was formerly on-site. Also observed were clothing, sheets, tarps, plastics, shingles, and miscellaneous other wastes. Open burning, however, stopped being an issue at this facility in 2010.

From the re-inspection and the Digital Photographs, a computer generated sketch of the site was developed by this author. It shows the basic outline of the site, as well as the photograph numbers, and, the approximate locations and directions of the Digital Photographs. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referred to in this report, and on the Digital Photograph sheets. However, real numbers were used on the Site Sketch, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this report.

During the re-inspection, apparent violations of Sections 21(a), 21(p)(1), and 21(p)(7) of the Act were noted. The Open Dump Inspection Checklist that is attached to this report provides additional information.

CK

cc: BOL/DLPC/FOS – Springfield Region

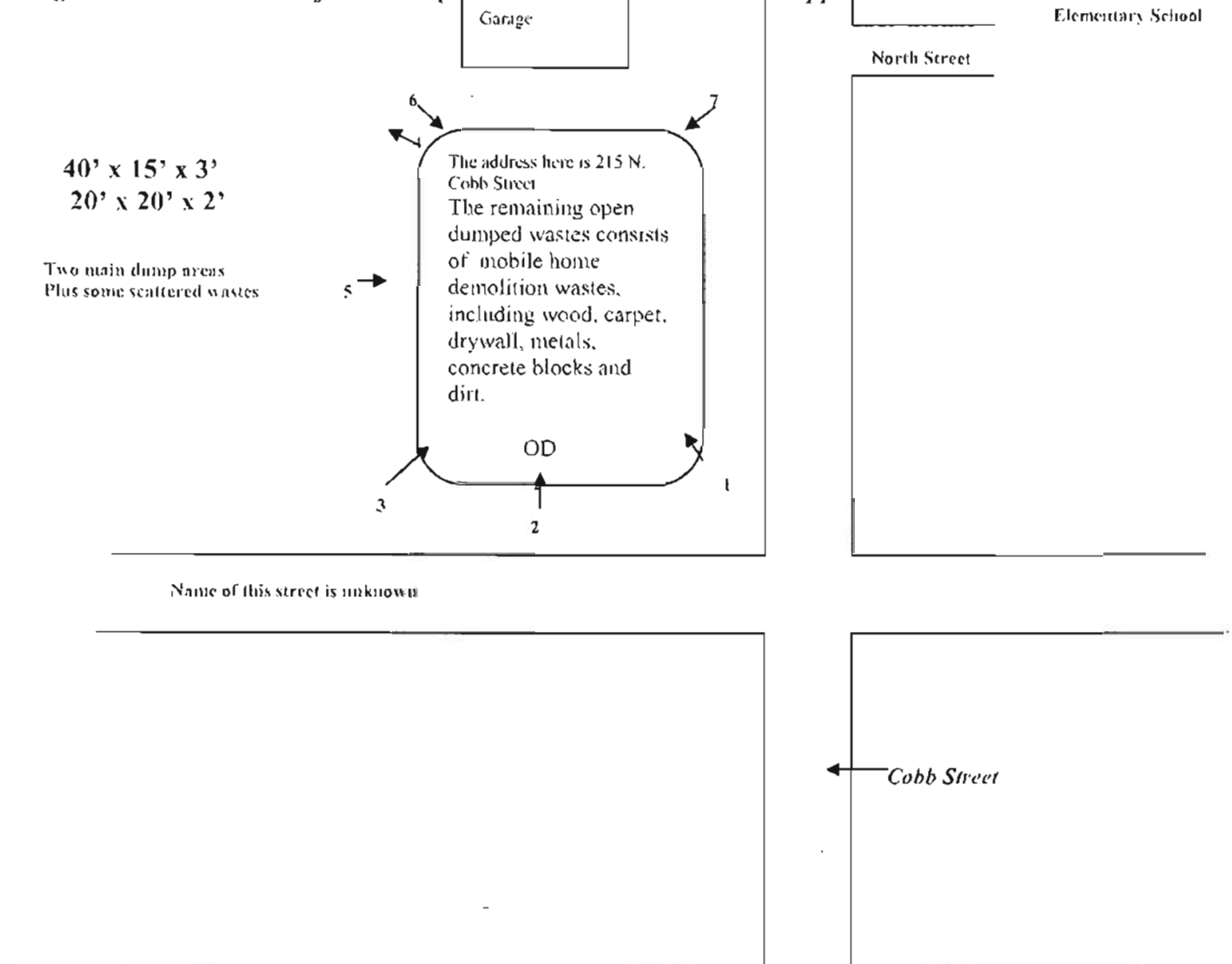
SITE SKETCH

Site name: Roodhouse/Kessinger
LPC #: 0610355025
Inspector: Charlie King

County: Greene County
Date: January 18, 2011
Time: 3:20 p.m. – 3:35 p.m.

FOS File

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



Palm Street (a main road)



LEGEND

↗ - Photo number and direction
OD - Open Dumping



DIGITAL PHOTOGRAPHS



Date: January 18, 2011
Time: 3:25 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 001
Comments: The site from the southeast corner. From this photo, most of the wastes cannot be seen due to snow and vegetation cover.



Date: January 18, 2011
Time: 3:26 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 002
Comments: Open dumped piles of wood, metals, carpet, drywall, concrete, carpet, insulation and other demolition wastes from a mobile home that was formerly on-site.

File Names: 0610355025~01182011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: January 18, 2011
Time: 3:26 p.m.
Direction: NE
Photo by: Charlle King
Exposure #: 003
Comments: Carpet, clothing, sheets, tarps, metals, plastics, dirt and clothing from this angle.



Date: January 18, 2011
Time: 3:26 p.m.
Direction: NW
Photo by: Charlle King
Exposure #: 004
Comments: The location of the former open burning area. Open burning is no longer alleged for this site. Some shingles and wood are in the lower right side of the photograph.

File Names: 0610355025~01182011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: January 18, 2011
Time: 3:27 p.m.
Direction: E
Photo by: Charlie King
Exposure #: 005
Comments: Demolition wastes including wood, metals, insulation, shingles and carpet.



Date: January 18, 2011
Time: 3:37 p.m.
Direction: SE
Photo by: Charlie King
Exposure #: 006
Comments: The on-site wastes from another angle.

File Names: 0610355025~01182011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: January 18, 2011
Time: 3:27 p.m.
Direction: SW
Photo by: Charlle King
Exposure #: 007
Comments: Metals,
tarps, wood, plastics
and demolltion wastes.

File Names: 0610355025~01182011-[Exp. #].jpg

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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

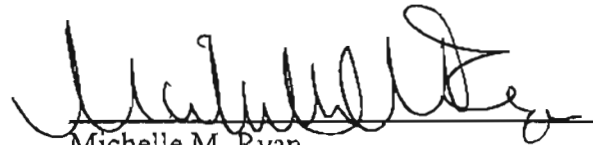
I hereby certify that I did on the 22nd day of February 2011, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Christopher and Cora Kessinger
127 West Patterson Street
Roodhouse, IL 62082

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