



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

RECEIVED
CLERK'S OFFICE

MAY 13 2011

STATE OF ILLINOIS
Pollution Control Board

May 11, 2011

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

AC11-27

ORIGINAL

Re: Illinois Environmental Protection Agency v. James Harris
IEPA File No. 92-11-AC: 0958120001—Knox 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

RECEIVED
CLERK'S OFFICE
MAY 13 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES HARRIS,)
)
Respondent.)

AC 11-27
(IEPA No.92-11-AC)

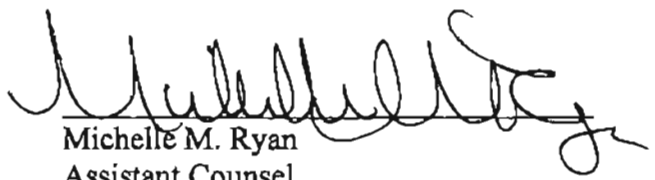
NOTICE OF FILING

ORIGINAL

To: James Harris
184 Duffield Avenue
Galesburg, IL 61401

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: May 11, 2011

RECEIVED
CLERK'S OFFICE

MAY 13 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
JAMES HARRIS,))
))
))
))
Respondent.))

AC 11-27
(IEPA No. 92-11-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 James Harris is the current owner and operator ("Respondent") of a facility located at the dead end of Market Street in Knoxville where the street ends at Haw Creek, Knox County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Harris Property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0958120001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on March 29, 2011, Gene Figge of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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 5-11-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 1456.

VIOLATIONS

Based upon direct observations made by Gene Figge during the course of his March 29, 2011 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).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2008).
- (4) That Respondent caused or allowed the open dumping of waste in a manner resulting in proliferation of Disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2008).

- (5) 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).
- (6) That Respondent 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), 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 Nine Thousand Dollars (\$9,000.00). 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 June 15, 2011, 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.

Lisa Bonnett 3450P

Date: 5/9/11

Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

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

MAY 13 2011

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
JAMES HARRIS,))
))
))
))
Respondent.))

AC 11-27
(IEPA No. 92-11-AC)

FACILITY: Harris Property
SITE CODE NO.: 0958120001
COUNTY: Knox
CIVIL PENALTY: \$9,000.00
DATE OF INSPECTION: March 29, 2011

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

RECEIVED
CLERK'S OFFICE
MAY 13 2011
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)

James D. Harris)

RESPONDENT)

Acil-27

IEPA DOCKET NO.

ORIGINAL

Affiant, R. Eugene Figge, 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 March 29, 2011, between 9:50 a.m. and 10:15 a.m., Affiant conducted an inspection of the open dump in Knox County, Illinois, known as Harris Property, Illinois Environmental Protection Agency Site No. 0958120001.

3. Affiant inspected said Harris Property 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 Harris Property open dump.

R. Eugene Figge

Subscribed and Sworn to before me this 30 day of March, 2011

Carolyn S. Schlueter
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

MAY 13 2011
 STATE OF ILLINOIS
 Pollution Control Board

County: Knox LPC#: 0958120001 Region: 3 - Peoria
 Location/Site Name: Orange Twp./Harris Property
 Date: 03/29/2011 Time: From 9:50 am To 10:15 am Previous Inspection Date: 11/08/2006
 Inspector(s): Gene Figge Weather: Cloudy 40 F
 No. of Photos Taken: # 35 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # No
 Interviewed: No One On Site Complaint #: C-2011-024-P
 Latitude: 40 88509 Longitude: -90 28649 Collection Point Description: Site Entrance -
 (Example: Lat 41 26493 Long -89 38294) Collection Method: GPS -

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

James Harris
 184 Duffield Avenue
 Galesburg, Illinois 61401
 309-343-7709



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 checked="" type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD	<input checked="" 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 checked="" type="checkbox"/>
	(5) Proliferation of Disease Vectors	<input checked="" type="checkbox"/>
	(6) Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0958120001

Inspection Date: 03/29/2011

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(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"/>
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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	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

Narrative

On March 29, 2011, I conducted an inspection from 9:50 a.m. until 10:15 a.m. at the Harris Property. I conducted the inspection in response to citizen complaint C-2011-024-P of open dumping and open burning. The facility had previously been inspected by the Agency. The last time the facility was inspected was on November 8, 2006.

The property is located at the dead end of Market Street in Knoxville where the street ends at Haw Creek. The dump area is located on the west side of the street down a farm lane. There is a pole building present on the property as well as the farm lane. Litter was observed at the entrance of the property. See photographs 1 through 3.

As I proceeded west down the lane I observed an accumulation of general refuse that started near the entrance and continued for approximately 300 yards. The area was approximately 50 yards wide located between the farm lane and the creek. See photographs 4 through 6 and 15. White goods were interspersed with the general refuse on the east side of the property. See photographs 5, 6, and 8.

Continuing to the west down the farm lane I observed multiple accumulations of construction and demolition debris. See photographs 9, 24, and 25. I also observed evidence of open burning in several locations. See photographs 10, 11, 14, 16, 18, 19, 20, 23, 26, 27, and 28. There were also two accumulations of empty open top fifty-five gallon drums. There were approximately fifty of these containers. See photographs 9 and 12.

Used tires that had not been prevented from accumulating water were found in various locations around the property. See photographs 6, 17, and 24. In one of the burn areas there was evidence of open burning of used tires as displayed by the presence of charred bead rings. See photographs 33 and 34. On the west side of the area demolition debris had been deposited into the waters of Haw Creek. See photographs 30 through 32.

The following apparent violations were observed during the inspection:

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated that James Harris had caused or tended to cause open burning which would cause or tended to cause air pollution in Illinois.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated James Harris had caused or allowed open burning.**

3. Pursuant to Section 12(a) of the Act states that no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **Evidence of open dumping was observed during the inspection that indicated James Harris had caused or tended to cause water pollution in Illinois.**

4. Pursuant to Section 12(d) of the Ac, no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **Evidence of open dumping was observed during the inspection that indicated James Harris had caused or allowed open dumping of waste in waters of the State of Illinois.**

5. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Evidence indicating James Harris open dumped waste was observed during the inspection.**

6. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic

reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Evidence indicating James Harris conducted waste disposal operations without a permit granted by the Agency was observed during the inspection.**

7. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act..

A violation of Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Evidence indicating James Harris conducted waste disposal operations in violation of regulations adopted by the Illinois Pollution Control Board was observed during the inspection.**

8. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Evidence indicating James Harris disposed of waste at a site which did not meet the requirements of the Act and regulations thereunder was observed during the inspection.**

9. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Evidence indicating James Harris caused the open dumping of waste in a manner which resulted in litter was observed during the inspection.**

10. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **Evidence indicating James Harris caused or allowed the open dumping of waste in a manner which resulted in open burning was observed during the inspection.**

11. Pursuant to Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in deposition of waste in standing or flowing waters.

A violation of Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)) is alleged for the following reason: **Evidence indicating James Harris caused or allowed the deposition of waste in standing waters was observed during the inspection.**

12. Pursuant to Section 21(p)(5) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(5)), no person shall, in violation of subdivision (a) of this Section, cause or allow the proliferation of disease vectors.

A violation of Section 21(p)(5) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(5)) is alleged for the following reason: **Evidence indicating James Harris caused or allowed the proliferation of disease vectors by not preventing used tires from accumulating water was observed during the inspection.**

13. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall in violation of subdivision (a) of this Section, cause or allow the 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).

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **Evidence indicating James Harris deposited General Construction or Demolition Debris as defined in Section 3.160(a) was observed during the inspection.**

14. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Evidence indicating James Harris**

caused or allowed the open dumping of used and waste tires was observed during the inspection.

15. Pursuant to Section 55(a)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)) is alleged for the following reason: **Evidence indicating James Harris caused or allowed the open burning of used and waste tires was observed during the inspection.**

16. Pursuant to Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)), no person shall cause or allow water to accumulate in used or waste tires.

A violation of Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)) is alleged for the following reason: **Evidence indicating James Harris caused or allowed water to accumulate in used or waste tires was observed during the inspection.**

17. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Evidence indicating James Harris developed and operated a landfill without submitting an application for a permit was observed during the inspection.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge

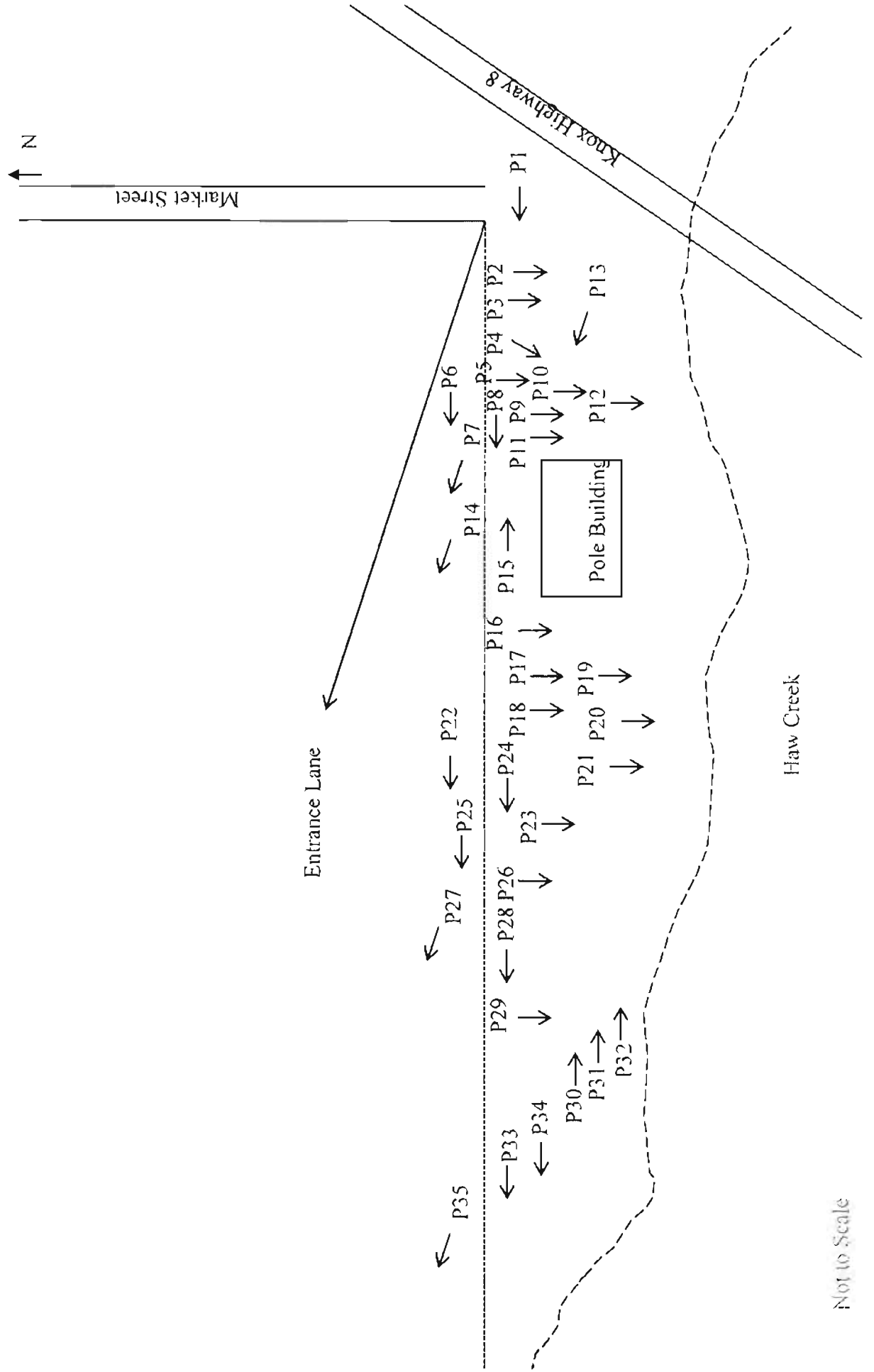
Date of Inspection: March 29, 2011

Site Name: Harris Property

LPC #: 0958120001

County: Knox

Time: 9:50 am - 10:15 am



Not to Scale



DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0958120001-03292011-001.jpg

COMMENTS: Litter.



DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0958120001-03292011-002.jpg

COMMENTS: Litter.



DOCUMENT FILE NAME:
0958120001-03292011.doc



DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0958120001~03292011-003.jpg

COMMENTS: Litter.



DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0958120001~03292011-004.jpg

COMMENTS: General refuse.





DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0958120001~03292011-005.jpg

COMMENTS: White goods.



DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0958120001~03292011-006.jpg

COMMENTS: General refuse.





DATE: March 29, 2011

TIME: 9:53 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0958120001~03292011-007.jpg

COMMENTS: General refuse.



DATE: March 29, 2011

TIME: 9:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0958120001~03292011-008.jpg

COMMENTS: General refuse.





DATE: March 29, 2011

TIME: 9:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0958120001~03292011-009.jpg

COMMENTS: Demolition waste,
white goods, empty drums.



DATE: March 29, 2011

TIME: 9:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0958120001~03292011-010.jpg

COMMENTS: Open burning.





DATE: March 29, 2011

TIME: 9:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0958120001~03292011-011.jpg

COMMENTS: Open burning.



DATE: March 29, 2011

TIME: 9:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0958120001~03292011-012.jpg

COMMENTS: Empty drums.





DATE: March 29, 2011

TIME: 9:55 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0958120001~03292011-013.jpg

COMMENTS: General refuse.



DATE: March 29, 2011

TIME: 9:56 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0958120001~03292011-014.jpg

COMMENTS: Open burning of
electronics.



DOCUMENT FILE NAME:
0958120001~03292011.doc



DATE: March 29, 2011

TIME: 9:56 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0958120001~03292011-015.jpg

COMMENTS: General refuse.



DATE: March 29, 2011

TIME: 9:57 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0958120001~03292011-016.jpg

COMMENTS: Open burning.





DATE: March 29, 2011

TIME: 9:57 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0958120001-03292011-017.jpg

COMMENTS: Used tires not
prevented from accumulating water.



DATE: March 29, 2011

TIME: 9:57 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
0958120001-03292011-018.jpg

COMMENTS: Open burning.





DATE: March 29, 2011

TIME: 9:57 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
0958120001-03292011-019.jpg

COMMENTS: Open burning.



DATE: March 29, 2011

TIME: 9:58 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
0958120001-03292011-020.jpg

COMMENTS: Open burning.





DATE: March 29, 2011

TIME: 9:59 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
0958120001~03292011-021.jpg

COMMENTS: General refuse.



DATE: March 29, 2011

TIME: 10:01 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 22

PHOTOGRAPH FILE NAME:
0958120001~03292011-022.jpg

COMMENTS: Demolition waste
and general refuse.



DOCUMENT FILE NAME:
0958120001~03292011.doc



DATE: March 29, 2011

TIME: 10:01 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 23

PHOTOGRAPH FILE NAME:
0958120001~03292011-023.jpg

COMMENTS: Open burning.



DATE: March 29, 2011

TIME: 10:01 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 24

PHOTOGRAPH FILE NAME:
0958120001~03292011-024.jpg

COMMENTS: Demolition waste
and a tire.





DATE: March 29, 2011

TIME: 10:01 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 25

PHOTOGRAPH FILE NAME:
0958120001~03292011-025.jpg

COMMENTS: Demolition waste.



DATE: March 29, 2011

TIME: 10:01 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 26

PHOTOGRAPH FILE NAME:
0958120001~03292011-026.jpg

COMMENTS: General refuse and
open burning.



DOCUMENT FILE NAME:
0958120001~03292011.doc



DATE: March 29, 2011

TIME: 10:02 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 27

PHOTOGRAPH FILE NAME:
0958120001~03292011-027.jpg

COMMENTS: Open burning.



DATE: March 29, 2011

TIME: 10:02 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 28

PHOTOGRAPH FILE NAME:
0958120001~03292011-028.jpg

COMMENTS: Open burning.





DATE: March 29, 2011

TIME: 10:02 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 29

PHOTOGRAPH FILE NAME:
0958120001~03292011-029.jpg

COMMENTS: General refuse.



DATE: March 29, 2011

TIME: 10:03 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 30

PHOTOGRAPH FILE NAME:
0958120001~03292011-030.jpg

COMMENTS: Waste in water.





DATE: March 29, 2011

TIME: 10:03 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 31

PHOTOGRAPH FILE NAME:
0958120001-03292011-031.jpg

COMMENTS: Waste in water.



DATE: March 29, 2011

TIME: 10:03 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 32

PHOTOGRAPH FILE NAME:
0958120001-03292011-032.jpg

COMMENTS: Waste in water.





DATE: March 29, 2011

TIME: 10:04 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 33

PHOTOGRAPH FILE NAME:
0958120001~03292011-033.jpg

COMMENTS: Bead rings
indicating tire burning.



DATE: March 29, 2011

TIME: 10:04 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 34

PHOTOGRAPH FILE NAME:
0958120001~03292011-034.jpg

COMMENTS: Bead rings
indicating tire burning.





DATE: March 29, 2011

TIME: 10:05 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 35

PHOTOGRAPH FILE NAME:
0958120001~03292011-035.jpg

COMMENTS: General refuse,
open burning, white goods.



RECEIVED
CLERK'S OFFICE

MAY 13 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

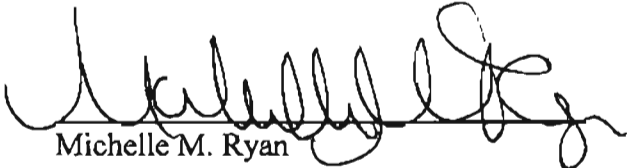
I hereby certify that I did on the 11th day of May 2011, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: James Harris
184 Duffield Avenue
Galesburg, IL 61401

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

THIS FILING SUBMITTED ON RECYCLED PAPER