



# 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

RECEIVED  
CLERK'S OFFICE

JUN 07 2011

STATE OF ILLINOIS  
Pollution Control Board

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

June 2, 2011

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

AC11-30

ORIGINAL

Re: Illinois Environmental Protection Agency v. Rodney Pinter  
IEPA File No. 135-11-AC: 0118010001—Bureau 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

RECEIVED  
CLERK'S OFFICE  
JUN 07 2011  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RODNEY PINTER, )  
 )  
Respondents. )

AC 11-30  
(IEPA No.135-11-AC)

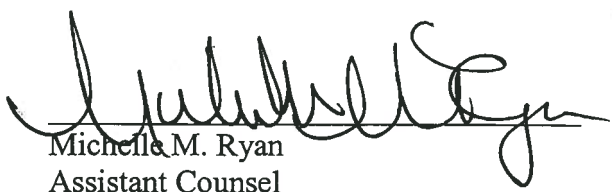
ORIGINAL

NOTICE OF FILING

To: Rodney Pinter  
29760 1900 North Avenue  
Malden, IL 61337

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: June 2, 2011

RECEIVED  
CLERK'S OFFICE  
JUN 07 2011  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RODNEY PINTER, )  
 )  
 )  
Respondent. )

AC 11-30  
(IEPA No. 135-11-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 Rodney Pinter is the current owner ("Respondent") of a facility located at 29760 1900 North Avenue, Malden, Bureau County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Berlin Township/Greg and Rodney Pinter.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0118010001.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on April 8, 2011, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 6-2-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 1654.

#### VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her April 8, 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 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 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 June 30, 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.

 *67 SOP*

Lisa Bonnett, Interim, Director  
Illinois Environmental Protection Agency

Date: 5/31/11

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  
JUN 07 2011  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
RODNEY PINTER, )  
Respondent. )

AC 11-30  
(IEPA No. 135-11-AC)

ORIGINAL

FACILITY: Berlin Township/Greg & Rodney Pinter      SITE CODE NO.: 0118010001  
COUNTY: Bureau      CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: April 8, 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

AFFIDAVIT

IN THE MATTER OF: )  
 )  
 Rodney Pinter )  
 )  
 Respondent )

IEPA DOCKET NO.

Affiant, Donna Shehane, 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 April 8, 2011 between 9:25 am and 9:30 a.m., Affiant conducted an inspection of an open dump, located in Bureau County, Illinois and known as the Rodney Pinter Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number BOL# 0118010001 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.

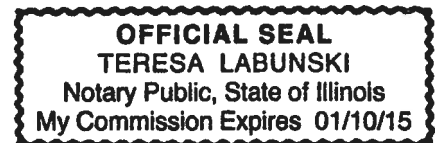
*Donna Shehane*

Donna Shehane EPS III

Subscribed and Sworn to Before Me  
this 26 day of April, 2011

*Teresa Labunski*

Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Bureau      LPC#: 0118010001      Region: 1 - Rockford  
 Location/Site Name: Berlin Township/Rodney Pinter  
 Date: 04/08/2011    Time: From 9:25 am    To 9:30 am    Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): Shehane      Weather: 48 °F; E winds @ 14 mph; overcast  
 No. of Photos Taken: # 5    Est. Amt. of Waste: 30 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: \_\_\_\_\_  
 Latitude: 41.421567    Longitude: -89.281388    Collection Point Description: Dump Location -  
 (Example: Lat.: 41.26493      Long.: -89.38294)      Collection Method: Map Interpolation -

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

Rodney Pinter  
 29760 1900 North Avenue  
 Malden, IL 61337

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 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	<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 # 0118010001

Inspection Date: 04/08/2011

	(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)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	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>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**0118010001 – Bureau County  
Berlin Township/Rodney Pinter**

**NARRATIVE INSPECTION REPORT DOCUMENT**

On April 8, 2011, I (Donna Shehane) conducted an inspection at the Rodney Pinter property, located at 29760 1900 North Avenue, Malden, Illinois. Mr. Rodney Pinter was previously issued Violation Notice, L-2008-01320 for apparent violations of open dumping and burning of waste, including construction and demolition debris. The weather at the time of this inspection was 48 °F with east winds at 14 mph and overcast skies.

I was present at the property to observe Mr. Rodney Pinter's cousin, Greg Pinter, excavate asbestos-contaminated soils from the site. While driving to the excavation location, I observed a pile of open dumped waste to the southeast of the Rodney Pinter residence. I parked the vehicle and walked over to investigate the pile. Photo # 1 was taken to the east of the waste pile. Waste lumber, cardboard, siding, rubber, insulation and miscellaneous debris were observed in the pile. Photo # 2 reveals fabric, insulation, plastic, lumber and other waste on the ground. Photo # 3 shows ashes on the ground, as well as construction and demolition debris. Photo # 4 shows a table, a metal drum, painted wood and other litter. Photo # 5 depicts plastic containers, household bags of garbage, along with other waste.

All open dumped waste materials in this pile must be placed into a dumpster and disposed at a permitted landfill. A landfill disposal receipt will be required as evidence of proper disposal.

I left the inspection of this waste pile at approximately 9:30 am.

The Rodney Pinter property was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 9(a) of the Environmental Protection Act ("Act").
2. Section 9(c) of the Act.
3. Section 21(a) of the Act.
4. Section 21(d)(1) of the Act.
5. Section 21(d)(2) of the Act.
6. Section 21(e) of the Act.
7. Section 21(p)(1) of the Act.
8. Section 21(p)(7) of the Act.
9. Section 812.102(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

State of Illinois  
Environmental Protection Agency  
Site Sketch

Date of Inspection: 04/08/2011

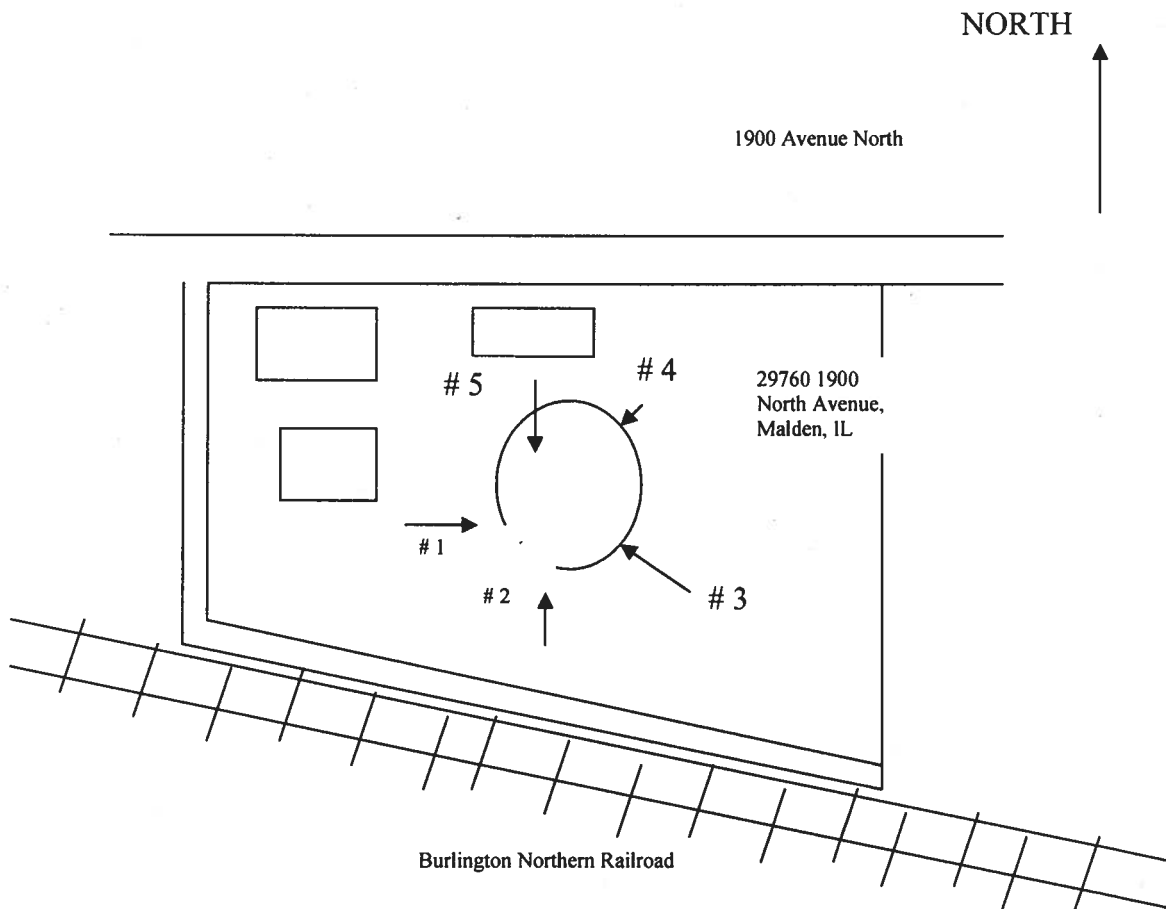
Inspector(s): Shehane

Site Code: 0118010001

County: Bureau

Site Name: Rodney Pinter

Time: 9:25 am to 9:30 am



Site Sketch is not drawn to scale; 0118010001 ~ 040811-001-005



## DIGITAL PHOTOGRAPHS

File Names: 0118010001~040811



**Date:** 04/08/2011  
**Time:** 9:27 am  
**Direction:** E  
**Photo by:** Shehane  
**Exposure #:** 001  
**Comments:** open  
dumped waste and  
debris on Rodney  
Pinter property



**Date:** 04/08/2011  
**Time:** 9:27 am  
**Direction:** N  
**Exposure #:** 002  
**Comments:** open  
dumped insulation,  
siding, debris



## DIGITAL PHOTOGRAPHS

File Names: 0118010001~040811



Date: 04/08/2011  
Time: 9:27 am  
Direction: NW  
Photo by: Shehane  
Exposure #: 003  
Comments: open  
dumped lumber,  
waste, ashes



Date: 04/08/2011  
Time: 9:27 am  
Direction: SW  
Photo by: Shehane  
Exposure #: 004  
Comments: open  
dumped furniture,  
lumber, metal



## DIGITAL PHOTOGRAPHS

File Names: 0118010001~040811



**Date:** 04/08/2011  
**Time:** 9:28 am  
**Direction:** S  
**Photo by:** Shehane  
**Exposure #:** 005  
**Comments:** open  
dumped waste and  
debris

RECEIVED  
CLERK'S OFFICE

JUN 07 2011

STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

I hereby certify that I did on the 2nd day of June 2011, send by Certified Mail, Return Receipt

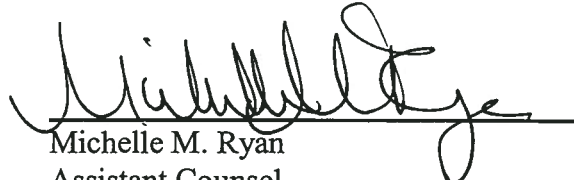
Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Rodney Pinter  
29760 1900 North Avenue  
Malden, IL 61337

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