

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 ◆ (217) 782-2829 James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 ◆ (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

September 8, 2011

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

4c12-2

CLERK'S OFFICE

SEP 1 3 2011

STATE OF ILLINOIS

Pollution Control Board



Re: Illinois Environmental Protection Agency v. David and Vivian Wright

IEPA File No. 214-11-AC: 0510355083—Fayette 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

ADMINISTRATIVE CITATION SEP 1 3 2011 ILLINOIS ENVIRONMENTAL) PROTECTION AGENCY,) Complainant,) AC 10-2 v.) (IEPA No. 214-11-AC) DAVID and VIVIAN WRIGHT,) Respondents.) NOTICE OF FILING

To: David and Vivian Wright

RR3. Box 75 Vandalia, IL 62471

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: September 8, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,	AC 13-3
v.) (IEPA No. 214-11-AC)
DAVID and VIVIAN WRIGHT,)
	& -dGINAL
Respondents.))

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 David and Vivian Wright are the current owners ("Respondents") of a facility located at Lot five (5) in Block one (1) in the Village of Vera, Fayette County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Vandalia/Wright 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. 0510355083.
 - 3. That Respondents have owned said facility at all times pertinent hereto.
- 4. That on July 15, 2011, Joseph Zappa of the Illinois Environmental Protection Agency's ("Illinois EPA") Collinsville Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 9-8-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 25) 0 0001 8588 4052.

VIOLATIONS

Based upon direct observations made by Joseph Zappa during the course of his July 15, 2011 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 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).

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 <u>Three Thousand Dollars (\$3,000.00)</u>. 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 <u>September 30, 2011</u>, 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.

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

REMITTANCE FORM

CLERIK'S OFFICE

SEP 1 3 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) Pollution Control	
Complainant,) AC 12-2	
v.) (IEPA No. 214-11-AC)	
DAVID and VIVIAN WRIGHT,)	
	DORIGINAL	
Respondents.)	

FACILITY: Vandalia/Wright Property

SITE CODE NO.: 0510355083

COUNTY: Fayette

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: July 15, 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

	AFFIDAVIT	CLERK'S OFFICE
IN THE MATTER OF:		SEP 1 3 2011
W III MIII I EK GI .)	STATE OF ILLINOIS
ILLINOIS ENVIRONMENTAL) LPC# 05103	55083 Polytien Control Board
PROTECTION AGENCY,		right Property
Complainant) Compliance	File
vs.)	
David Wright		177
VivianWright)	DORIGINAL
Respondent	} Acis	AL

Affiant, Joe Zappa, 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.
- On July 15, 2011 at approximately 12:30 p.m. and 1:00 p.m. conducted an inspection of the dump in Fayette County, Illinois known as Vandalia/Wright Property, Illinois Environmental Protection Agency Site No. LPC#0510355083.
- 3. Affiant inspected Vandalia/Wright 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 Vandalia/Wright Property open dump.

They we Jappa

Subscribed and Sworn to before me

2.92,

"OFFICIAL SEAL"

JOYCE BENBENEK

NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 7/23/2012

Open Dump Inspection Checking Open Dump Inspection Checking

County: Fayette	LPC#: 0510355083	SEP 13 Z011 6 - Collinsville
Location/Site Name:	Vandalia/Wright Property	STATE OF ILLINOIS
Date: 07/15/2011	Time: From 2:30 PM To 3:00 PM	Previous Inspection Date 03/22/2011
Inspector(s): Joe Zaj	opa Weather.	Clear Skies and 86F degrees
No. of Photos Taken: #	10 Est. Amt. of Waste: 20 yds ³	Samples Taken: Yes# No 🖂
Interviewed: no one	present Comple	aint #· C-2011-061
Latitude: N38.67366	Longitude: W090.01869 Collection Point	Description: Dump Location -
(Example: Lat 41 26493 Long -89 38294) Collection Method: GPS - Garmin gps76		
Responsible Party Mailing Address(es) and Phone Number(s):	David Wright Vivian Wright RR#3 Box 75 Vandalia, IL 62471 618/335-5102	DORIGINAL

	SECTION	DESCRIPTION	VIOL
,	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
	1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
	2. 9(c)	CAUSE OR ALLOW OPEN BURNING	\boxtimes
	3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
	4. 12(d)	CREATE A WATER POLLUTION HAZARD	
	5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	
	6. 21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
	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	
A CONTRACT	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS 8. 21(p) IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:		
	(1)	Litter	\boxtimes
	(2)	Scavenging	
76.1	(3)	Open Burning	\boxtimes
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

LPC# 0510355083

Inspection Date: 07/15/2011

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris		
9.	9. 55(a) NO PERSON SHALL:			
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire		
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire		
	35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL		
11.	722.111	HAZARDOUS WASTE DETERMINATION		
12.	808.121	SPECIAL WASTE DETERMINATION		
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST		
	OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON;		
15.	OTHER:			
1111				
•				

Informational Notes

- 1. [Illinois] Environmental Protection Act 415 ILCS 5/4
- 2 Illinois Pollution Control Board 35 III 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
- 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

0510355083 - Fayette County Vandalia/ Wright Property Prepared by: Joe Zappa

Date of Inspection: July 15, 2011

NARRATIVE

Site History

On March 22, 2011 I received complaint C-2011-061. I conducted the inspection at RR 3 Box 75Vandalia IL, 62471. I observed open dumping and open burning of household garbage, furniture, and automobile parts. This site is identified in the Fayette County plat book. David and Vivian Wright are the property owners.

Site Inspection

On July 15, 2011. I conducted a follow-up inspection at RR 3 Box 75 Vandalia. Illinois 62471. I arrived on-site at 12:30 pm. The skies were clear and the soil was dry. The temperature was 86F degrees on this day. There was no one present during my inspection. I walked around the house and I observed 30-40 used tires stored inside of the camper parked on the west side of the house.

I walked around the house and I observed in the yard household garbage, furniture, and automobile parts and an engine lying on the ground. The household garbage has been kept right outside the front door. Around two feet from where they store their garbage they have been open burning household garbage. There has been no change of site condition since my March 22, 2011 inspection. Ten photographs were taken of the yard.

The neighbor's are concerned about their health. Ms. Wright continues to open dump and open burn in the front yard and on both side of the house. Ms. Wright doesn't have trash pick-up. On March 22, 2011 Ms. Wright explained to me that she owes Country Side Disposal for past due bills.

Due to this investigation, the following violations have been alleged: Illinois Environmental Protection Act. Sections 9(a), 9(c), 21(a), 21(c), 21(p)(1)(3).

Ms. Vivian Wright must remove all of the solid waste from RR 3 Box 75 Vandalia, Illinois 62471 to a permitted landfill or transfer station. All receipts must be submitted to the Illinois EPA to verify the waste was properly disposed.

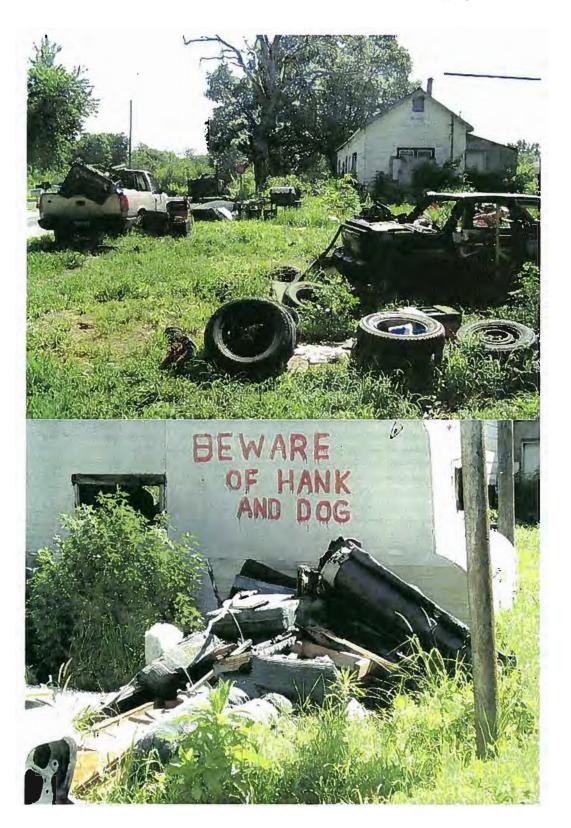
,



LPC# 051 035 5083 - FAGETTE County Vandalie/Whight Property Compliance



DIGITAL PHOTOGRAPHS File Names: 0510355083 ~ 07152011-001-002.jpg



Date: 07/15/11
Time:12:30 PM
Direction: E
Photo by: Zappa
Exposure #: 001
Comments: Household
garbage, automobile
parts, furniture, used,
and waste tires.

Date: 07/15/11
Time: 12:32 PM
Direction: W
Photo by: Zappa
Exposure #: 002
Comments: Furniture,
car seats, demolition
debris.



DIGITAL PHOTOGRAPHS File Names: 0510355083 ~ 07152011-003-004.jpg



Date: 07/15/11
Time: 12:34 PM
Direction: NE
Photo by: Zappa
Exposure #: 003
Comments: toys,
carpet, plastic sheeting.



Date: 07/15/11
Time: 12:36 PM
Direction: W
Photo by: Zappa
Exposure #: 004

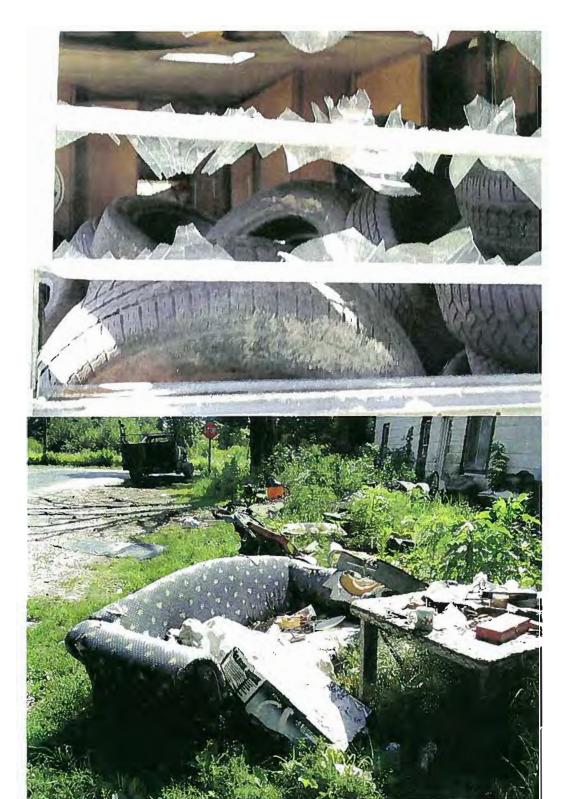
Comments: 30- 40 used

tires stored in a

camper.



DIGITAL PHOTOGRAPHS File Names: 0510355083~07152011-005-006.jpg



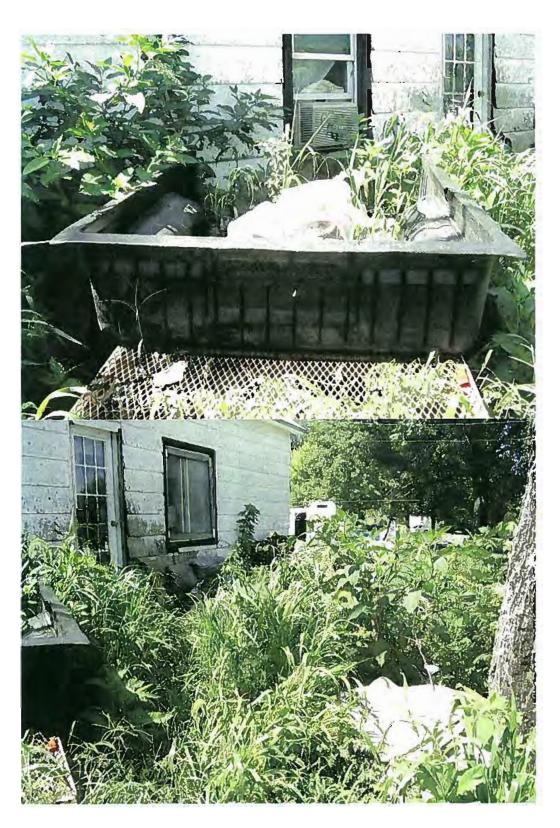
Date: 07/15/11
Time:12:38 PM
Direction: S
Photo by: Zappa
Exposure #: 005
Comments: From the window of the camper.

Date: 07/15/11 Time: 12:40 PM Direction: SW Photo by: Zappa Exposure #: 006

Comments: Household furniture, garbage.



DIGITAL PHOTOGRAPHS File Names: 0510355083 ~ 07152011-007-008.jpg

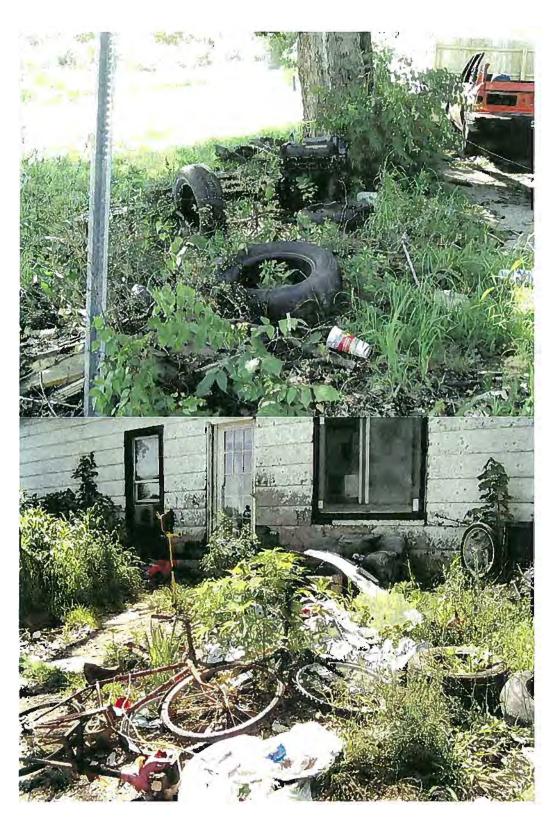


Date: 07/15/11 Time:12:42 PM Direction: SW Photo by: Zappa Exposure #: 007 Comments: Truck insert, household garbage. Front of house.

Date: 07/15/11
Time: 12:44 PM
Direction: W
Photo by: Zappa
Exposure #: 008
Comments: This is a
photo of the front yard.



DIGITAL PHOTOGRAPHS File Names: 0510355083~07152011-009-010.jpg



Date: 07/15/11 Time:12:44 PM Direction: SE Photo by: Zappa Exposure #: 009

Comments: automobile

parts.

Date: 07/15/11
Time: 12:46 PM
Direction: SE
Photo by: Zappa
Exposure #: 010
Comments: This is the photo of the front yard with old bicycles used tires, furniture.

WARRANTY DEED

THEGRANTOR, Jonnie D. Beck and Sharon K. Beck, husband and wife, each in their own right and as spouse of the other

for and in consideration of Ten Dollars & other good & valuable consideration To Dollars in hand paid, CONVEY CARD WARRANT TO David W. Wright and Vivian S. Wright, as joint tenants with right of survivorship

ETATI OF LINOTE ES 921567

COUNTY OF PAYETTE ES 921567

Find the record on the day of 15 Miles of 1600 AM

Medalla 4 Land ECORDER

This store for Recurilies our only

the following described real estate:

Lot Five (5) in Block one (1) in the Village of Vera, in Fayette County, Illinois.

Subject to:

- 1. Real estate taxes for the year 1991 and subsequent years.
- Previous conveyances, reservations, or lease of any right, title and interest in the coal, oil, gas and other minerals.
- Private, public and utility easements of record and visible roads and highways.

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4 TOUR	THOUSE THOUSE	4

situated in the County of ____ Fayette____, in the State of Illinois, hereby releasing and waiving all rights

FATETTE COUNTY
4/98/92

\$ 4/0

REAL ESTATE
TRANSFER TAX

under and by virtue of the Homestead Exemption Laws of this State.		
Dated 1992		
Sonnie D. Beck (SEAL) SHARON K. BECK (SEAL) (SEAL)		
STATE OF ILLINOIS, County of Jugitte 1. In June 1. In and for said County, in the State aforesaid, do hereby certify that Jonnie D. Beck and Sharon K. Beck		
personally known to me to be the same person S whose name <u>&F@</u> subscribed to the foregoing instrument, appeared before me this day in person		
and acknowledged that the Vsigned, sealed and delivered the said instru-		
AFT ALL		
I INVONING E LABORER		
Lavonne Frikhamer and purposes therein set forth, including the release and waiver of the right of My Commission Expires 19/19/24		
My Commission Expires 12/19/94 homestead.		
Civen under my hand and notarial seal.		
0 4 1 2 1 24 24		
on Captile 27 , 19 72,		
Sa Florice J. France Notary Public (Official Tile)		
MAIL SUBSEQUENT TAX BILLS TO: DEED PREPARED BY:		
S. Gene Schwarm		
Mr. & Mrs. David Wright LePevre, Zeman, Oldfield & Schwarm		
Law Group, Ltd.		
R.R.#3. Box 75 103 South 7th, P.O. Box 399		
Vandalia, IL 62471 (618) 283-3034		

BB

BOOK 882 PAGE 251

1500



PROOF OF SERVICE

I hereby certify that I did on the 8th day of September 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: David and Vivian Wright

RR3, Box 75 Vandalia, IL 62471



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