



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

November 7, 2012

AC13-22

RECEIVED
CLERK'S OFFICE

NOV 19 2012

STATE OF ILLINOIS
Pollution Control Board

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

Re: Illinois Environmental Protection Agency v. William Braden
IEPA File No. 247-12-AC; 1658005004—Saline 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

RECEIVED
CLERK'S OFFICE

NOV 19 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIAM BRADEN,

Respondent.

AC

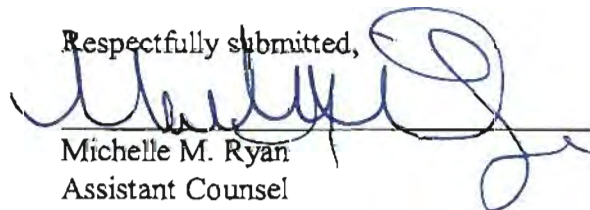
(IEPA No. 247-12-AC)

NOTICE OF FILING

To: William Braden
105 Lankin Road
Harco, IL 62935

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: November 7, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION



ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
WILLIAM BRADEN,)
)
)
)
)
Respondent.)

AC 13-22
(IEPA No. 247-12-AC)

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 (2010).

FACTS

1. That William Braden is the current owner ("Respondent") of a facility located at 105 Lankin Road, Harco, Saline County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Galatia/Braden, Bill.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1658005004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on October 4, 2012, Phillip Fatka of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 11-7-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1602.

VIOLATIONS

Based upon direct observations made by Phillip Fatka during the course of his October 4, 2012 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) (2010).
- (2) 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) (2010).
- (3) 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) (2010).
- (4) That Respondent caused or allowed waste tires to accumulate water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Six Thousand Dollars (\$6,000.00). 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 December 30, 2012, 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 (2010), 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) (2010), 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 (2010). 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.

John J. Kim as SOP

John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date:

11/5/2012

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

RECEIVED
CLERK'S OFFICE

NOV 19 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIAM BRADEN,

Respondent.

AC

(IEPA No. 247-12-AC)

FACILITY: Galatia/Braden, Bill

SITE CODE NO.: 1658005004

COUNTY: Saline

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: October 4, 2012

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.

STATE OF ILLINOIS
COUNTY OF SALINE

)
) SS
)

RECEIVED
CLERK'S OFFICE
NOV 19 2012
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

I, Phillip Fatka, being first duly sworn upon oath, depose and state as follows:

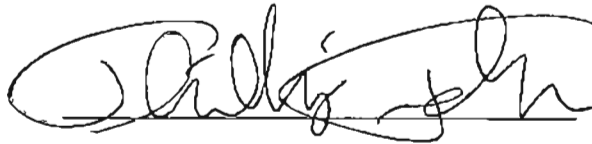
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On October 4, 2012, between 10:40am and 11:00am, Affiant conducted an inspection of the open dump in Saline County, Illinois, known as Braden, Bill, Illinois Environmental Protection Agency Site No. 1658005004.

3. Affiant inspected said Braden, Bill 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 Braden, Bill open dump.

FURTHER AFFIANT SAYETH NOT.



Subscribed and Sworn to before
me this 24th day of October, 2012


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Saline LPC#: 1658005004 Region: 7 - Marion

Location/Site Name: Galatia/Braden, Bill

Date: 10/04/2012 Time: From 10:40am To 11:00am Previous Inspection Date: 05/07/2009

Inspector(s): P. Fatka Weather: ~70 F, Sunny

No. of Photos Taken: # 19 Est. Amt. of Waste: 400 yds³ Samples Taken: Yes # No ☐

Interviewed: Dan January, Egyptian Health Department Complaint #: C-03-047, C-08-164

Latitude: 37.79599 Longitude: -88.64732 Collection Point Description: Site Entrance -

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Bill Braden
105 Lankin Rd
Harco, IL 62935

RECEIVED
CLERK'S OFFICE
NOV 19 2012
STATE OF ILLINOIS
Pollution Control Board

	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 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 checked="" type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1658005004

Inspection Date: 10/04/2012

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 type="checkbox"/>
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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
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	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; <input type="checkbox"/> CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
16.	55(k)(1)	Cause or allow waste tires to accumulate water	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 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
Narrative Inspection Report**

Site #: 1658005004

Date: 10-4-12

County: Saline

Inspector: Phillip Fatka

Subject: Open Dumping

Complaint #: 03-047, 08-093, 08-164

General Remarks

G.P.S.: N 37.79599 W 88.64732

Time: 10:40-11:00am

Volume of waste found at site: ~400 cubic yards

Owner of Property: William (Bill) Braden

Weather: ~70°, Sunny

Soil Conditions: Damp

This inspection was made to evaluate clean-up progress and general site condition by this office. The site is located at 105 Lankin Road in Harco, Illinois. The site was easily accessed by both Lankin and Highland Roads. I announced myself but no one came to the door or made any attempt to inquire as to our presence on the property. It was impossible to knock on the doors of the more intact trailers because they were obstructed with weeds and debris piles. Except for a wide path cleared to a storage shed, this site was overgrown with vegetation. Nineteen (19) pictures were taken of the waste, which consisted of General Construction and/or Demolition Debris, waste vehicles, used tires, electronic wastes, window air conditioning units and general refuse. Water, leaf litter, and mosquito larvae were seen in several of the ~40 tires observed at this site. Wastes covered most of this approximately 1/8 acre site, and the mobile homes on the site were dilapidated and uninhabitable, with sections of wall and roof missing.

Additional Comments:

This site had been referred to the Egyptian Health Department, but was referred back to the Agency. During previous inspections at least ten (10) waste vehicles were observed to be on site. All but ~2 have been removed, but the other wastes were not and more wastes may have been brought on-site.

Findings:

The following conditions, which constitute violations, were observed:

Open dumping, including of used tires and GC/DD, which constitutes litter

Accumulation of water in tires

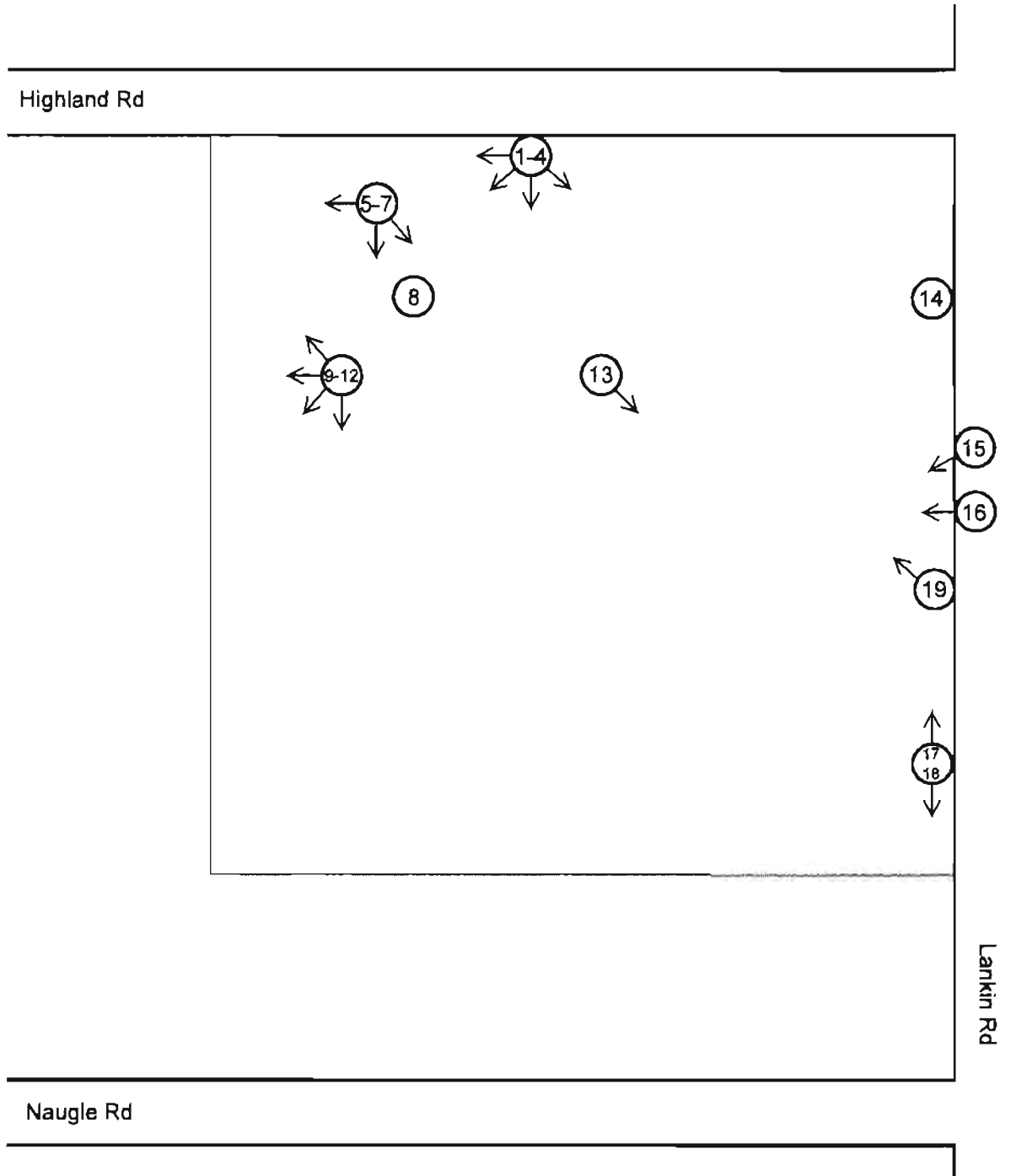
Mosquito larvae in tires

Not to scale
All locations approximate

1
N

① → Direction and number of photo

1658005004 -- Saline County
Galatia/Braden, Bill
10-4-12





DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:46am
Direction: SE
Photo by: P. Fatka
Exposure #: 001
Comments: General
Construction and/or
Demolition Debris
(GC/DD) and general
refuse.



Date: 10-4-12
Time: 10:46am
Direction: SW
Photo by: P. Fatka
Exposure #: 002
Comments: Waste vehicle
and GC/DD.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:46am
Direction: S
Photo by: P. Fatka
Exposure #: 003
Comments: GC/DD and
general refuse.



Date: 10-4-12
Time: 10:46am
Direction: W
Photo by: P. Fatka
Exposure #: 004
Comments: View of waste
vehicle and general refuse
from the road.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:48am
Direction: S
Photo by: P. Fatka
Exposure #: 005
Comments: Patch cut
through the vegetation to
a small shed. GC/DD can
be seen.



Date: 10-4-12
Time: 10:48am
Direction: SE
Photo by: P. Fatka
Exposure #: 006
Comments: Used tires,
GC/DD, and general
refuse.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:48am
Direction: W
Photo by: P. Fatka
Exposure #: 007
Comments: GC/DD and
general refuse.



Date: 10-4-12
Time: 10:49am
Direction: Down
Photo by: P. Fatka
Exposure #: 008
Comments: Used tire
holding water, leaf litter,
and mosquito larva.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:50am
Direction: S
Photo by: P. Fatka
Exposure #: 009
Comments: GC/DD and
general refuse.



Date: 10-4-12
Time: 10:50am
Direction: SW
Photo by: P. Fatka
Exposure #: 010
Comments: GC/DD and
general refuse.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:50am
Direction: W
Photo by: P. Fatka
Exposure #: 011
Comments: GC/DD and
general refuse.



Date: 10-4-12
Time: 10:50am
Direction: NW
Photo by: P. Fatka
Exposure #: 012
Comments: GC/DD and
general refuse.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:53am
Direction: SW
Photo by: P. Fatka
Exposure #: 013
Comments: Used tires,
GC/DD, and general
refuse. The mobile home
at center is missing
portions of the roof and
walls.



Date: 10-4-12
Time: 10:53am
Direction: down
Photo by: P. Fatka
Exposure #: 014
Comments: Electronic
wastes and GC/DD.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:53am
Direction: SW
Photo by: P. Fatka
Exposure #: 015
Comments: Used tires, GC/DD, and general reference. A large portion of the walls and roof of the mobile home on the right are missing.



Date: 10-4-12
Time: 10:54am
Direction: W
Photo by: P. Fatka
Exposure #: 016
Comments: Used tires, electronics waste, GC/DD, and general refuse. Portions of the wall are clearly missing in the center mobile home.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:54am
Direction: N
Photo by: P. Fatka
Exposure #: 017
Comments: GC/DD and
general refuse.



Date: 10-4-12
Time: 10:55am
Direction: S
Photo by: P. Fatka
Exposure #: 018
Comments: GC/DD and
general refuse.

File Names: 1658005004~10042012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 10-4-12
Time: 10:57am
Direction: NW
Photo by: P. Fatka
Exposure #: 019
Comments: Used tires
partially covered by a
tarp, GC/DD, and general
refuse.

Date: 10-4-12
Time:
Direction:
Photo by: P. Fatka
Exposure #:
Comments:

No Photograph

File Names: 1658005004~10042012-[Exp. #].jpg

RECEIVED
CLERK'S OFFICE

NOV 19 2012

STATE OF ILLINOIS
Pollution Control Board

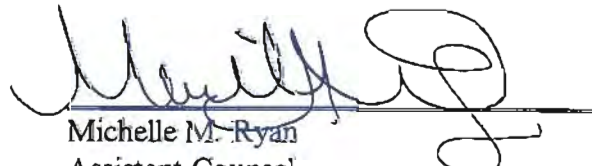
PROOF OF SERVICE

I hereby certify that I did on the 7th day of November 2012, 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: William Braden
105 Lankin Road
Harco, IL 62935

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

THIS FILING SUBMITTED ON RECYCLED PAPER