

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

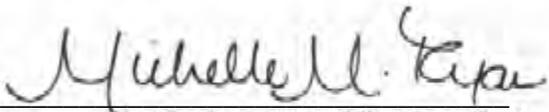
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 163-17-AC)
)	
DRAGON DUMPS, VICE INVESTMENTS,)	
LLC, and ANDREW B. VICE)	
)	
Respondents.)	

NOTICE OF FILING

To: Dragon Dumps, Vice Investments, LLC	Andrew B. Vice
Andrew B. Vice, Registered Agent	3810 Cole Hollow Road
3810 Cole Hollow Road	Pekin, IL 61554
Pekin, IL 61554	

PLEASE TAKE NOTICE that on this date I electronically filed 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,



e-signature valid for IPCB e-filings ONLY

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: October 3, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 163-17-AC)
)	
DRAGON DUMPS, VICE INVESTMENTS, LLC, and ANDREW B. VICE)	
)	
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 (2014).

FACTS

1. That Charles E. Tarpley, Jr. is the present owner of a facility located at 912 North 12th Street, Pekin, Tazewell County, Illinois. The Respondents, Dragon Dumps, Vice Investments, LLC, and Andrew B. Vice open dumped solid waste at the Tarpley facility.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1794735187.

3. That on September 13, 2017, Jason Thorp of the Illinois Environmental Protection Agency's 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.

4. That on September 28, 2017, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 3215 Dragon Dumps
7012 0470 0061 3000 3222 Andrew Vice

VIOLATIONS

Based upon direct observations made by Jason Thorp during his September 13, 2017 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) (2014).

- (2) That Respondents 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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 Three Thousand Dollars (\$3,000.00). 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 December 12, 2017, 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 (2014), 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.

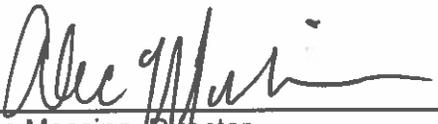
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents' 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 Respondent 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 (2014). 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 Respondent.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 9/26/17

Prepared by: Dawn A. Hollis, 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

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 163-17-AC)
)	
DRAGON DUMPS, VICE INVESTMENTS,)	
LLC, and ANDREW B. VICE)	
)	
Respondents.)	

FACILITY:	Tarpley, Charles E. Jr.	SITE CODE NO.:	1794735187
COUNTY:	Tazewell	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	September 13, 2017		

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 Open Dump Inspection Checklist

County: Tazewell BOL #: 1794735187 Region: 3 - Peoria
 Site Name: Tarpley, Charles E Jr
 Site Address: 912 N 9th St City: Pekin
 Inspector: Jason Thorp Interviewed: Ed Tarpley
 Date: 09/13/2017 Current Est. 30 yds³
 Complaint #: _____ Waste Amt. _____

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

Dragon Dumps, Vice Investments, LLC
Andrew B Vice, Registered Agent
3810 Cole Hollow Rd
Pekin, IL 61554
309-208-1037

Andrew B Vice
3810 Cole Hollow Rd
Pekin, IL 61554
309-208-1037

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	
9(c)	Cause or allow open burning	
12(a)	Cause, threaten, or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping	V
21(d)	Conduct any waste-storage, waste-treatment, or waste- disposal operation:	
(1)	Without a permit	V
(2)	In violation of any regulations or standards adopted by the Board	V
21(e)	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	V
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	V
(2)	Scavenging	
(3)	Open Burning	
(4)	Deposition of waste in standing or flowing waters	
(5)	Proliferation of disease vectors	
(6)	Standing or flowing liquid discharge from the dump site	
(7)	Deposition of general construction or demolition debris as defined at §3.160(a) or clean construction or demolition debris as defined at §3.160(b)	V
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	

55(k)	No person shall	
(1)	Cause or allow water to accumulate in used or waste tires	
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Electronic Products Recycling and Reuse Act (415 ILCS 150) Requirements		
95(c)	No person may knowingly cause or allow the mixing of a CED or other listed device with waste that is intended for disposal by burning or incineration	
95(d)	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
35 Illinois Administrative Code Subtitle G Requirements		
722.111	Hazardous waste determination	
808.121	Special waste determination	
809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
812.101(a)	Application submitted for permit to develop and operate landfill	V
Other Requirements		
Apparent violation of: <input type="checkbox"/> PCB order <input type="checkbox"/> Circuit Court order Case Number ; Order entered on		NA
Other		

Notes

1. Key to Status: V=Violated; C=Continuing violation from previous evaluation; V/C=Newly violated and continuing from previous evaluation; V/R=Violated and resolved during same inspection; R=Resolved violation; NA=Not applicable at the time of the inspection; NE=Not evaluated at the time of the inspection
2. The provisions of §§21(o)-(p) and §55(k) of the Environmental Protection Act are enforceable either by administrative citation under §31.1 or by complaint under §31. Violations of the Electronic Products Recycling and Reuse Act are enforceable by administrative citation under §20(k) or referral to the Attorney General pursuant to §20(a).
3. This inspection was conducted in accordance with §§4(c)-(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)) and §20(a) of the Electronic Products Recycling and Reuse Act (415 ILCS 150/20(a)).

Tarpley, Charles E. Jr.

FOS

Inspection Date: September 13, 2017

Prepared By: Jason Thorp

Page 1 of 3

Narrative

On September 13, 2017, I (Jason Thorp, BOL/FOS – Peoria) conducted an open dump inspection at 912 N 12th Street in Pekin, Tazewell County, Illinois (40.57420°, -89.63462°). The open dump inspection commenced at 10:30 a.m. The open dump inspection revealed the presence of open dumped solid waste in the driveway of a residential property owned by Charles E Tarpley, Jr. Mr. Tarpley was present on-site and interviewed. The solid waste was comprised of general household refuse and general construction or demolition debris. The total volume of solid waste was estimated at approximately 30 yd³. According to Mr. Tarpley, the solid waste was open dumped by Andrew Vice and Dragon Dumps in retaliation against C&T Siding & Construction for unpaid dumpster rentals. C&T Siding & Construction is owned and operated by Mr. Tarpley's son, Chad Tarpley.

I collected digital photographs 1794735187~09132017-001 through -004 to document the open dumped solid waste observed on-site. Digital photographs 1, 2, and 3 depict the open dumped solid waste observed on-site. Digital photograph 4 depicts the residential address posted on the mailbox. The digital photograph locations and GPS coordinates for the site have been plotted on the attached Illinois EPA Site Map.

The open dump inspection concluded at 10:50 a.m.

Agency correspondence should be addressed to the respondent as follows:

Waste Dumpers

		Possible Alternate Address
Dragon Dumps	Andrew B Vice	1600 Lamar Drive
Vice Investments, LLC	3810 Cole Hollow Rd	Pekin, IL 61554
Andrew B Vice, Registered Agent	Pekin, IL 61554	
3810 Cole Hollow Rd	309-208-1037	
Pekin, IL 61554		
309-208-1037		

An open dump checklist was completed resultant to the open dump inspection findings as the following solid waste violations were observed: Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), and 21(p)(7) of the Environmental Protection Act and Section 812.101(a) of the Illinois Administrative Code.

1. 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: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) open dumped waste.**

Tarpley, Charles E. Jr.

FOS

Inspection Date: September 13, 2017

Prepared By: Jason Thorp

Page 2 of 3

2. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), 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.

A violation of 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) conducted a waste-storage and waste-disposal operation without a permit granted by the Agency.**

3. 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: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) conducted a waste-storage and waste-disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

4. 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: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) disposed, stored, and abandoned waste at a site which does not meet the requirements of the Act and regulations thereunder.**

5. 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: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) open dumped waste in a manner which resulted in litter.**

Tarpley, Charles E. Jr.

FOS

Inspection Date: September 13, 2017

Prepared By: Jason Thorp

Page 3 of 3

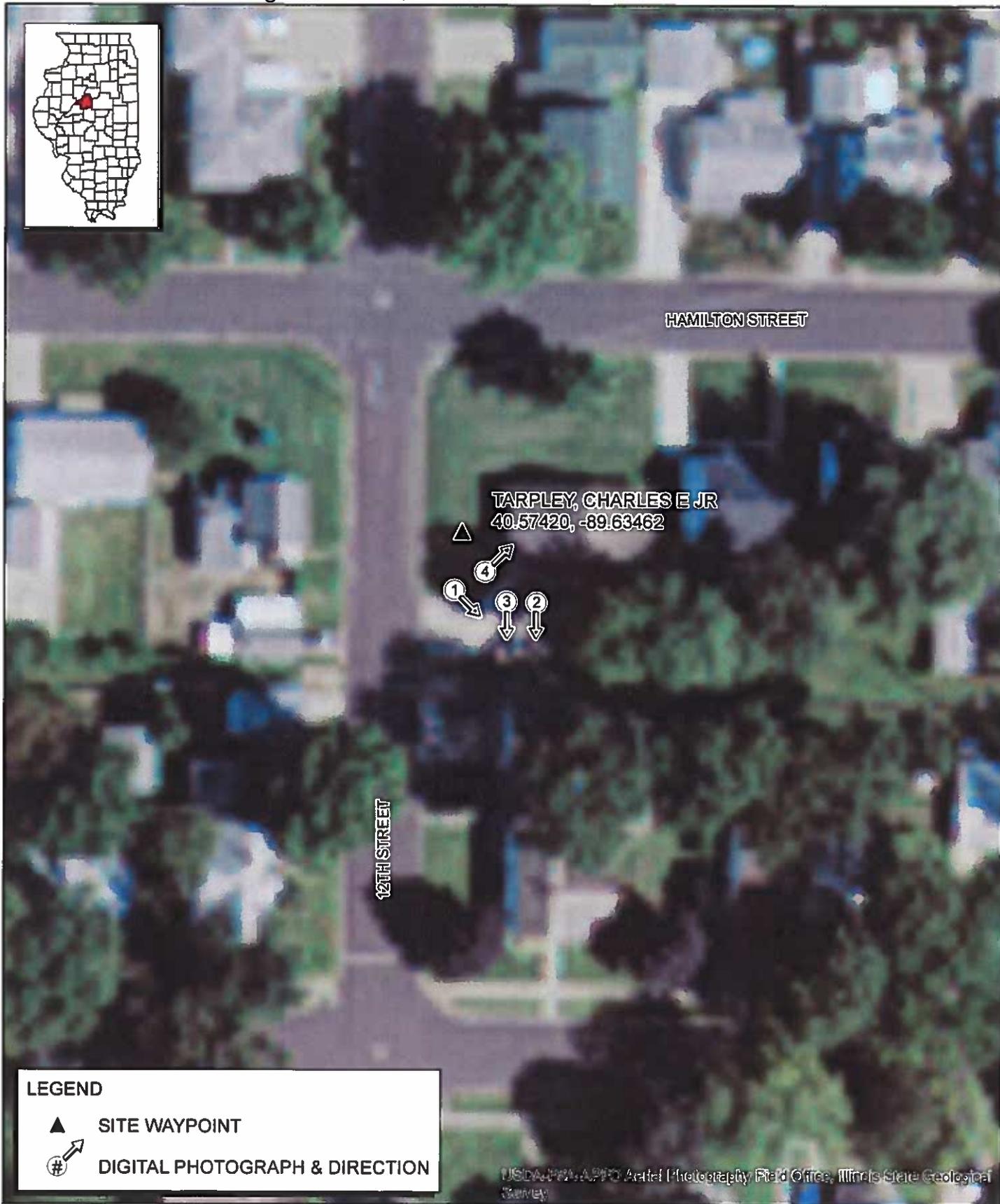
6. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

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)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) open dumped waste which resulted in deposition of general or clean construction or demolition debris.**

7. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Andrew Vice and Dragon Dumps (Vice Investments, LLC) operated a waste disposal facility without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**



LEGEND

- ▲ SITE WAYPOINT
- # ↗ DIGITAL PHOTOGRAPH & DIRECTION

USDA-PWA-APPO Aerial Photography Field Office, Illinois State Geological Survey

<p>ILLINOIS EPA - SOURCE SITE MAP</p> <p>1794735187 -- TAZEWELL COUNTY TARPLEY, CHARLES E JR FOS</p>	<p>INSPECTION DATE: 09/13/2017 INSPECTOR/DRAWN BY: JT/JT SCALE: 0 5 10 15 20 METERS</p>	
---	---	--



DATE: September 13, 2017

TIME: 10:34 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735187~09132017-001.jpg

COMMENTS: The digital
photograph depicts the open
dumped solid waste observed on-
site.



DATE: September 13, 2017

TIME: 10:37 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735187~09132017-002.jpg

COMMENTS: The digital
photograph depicts the open
dumped solid waste observed on-
site.



DOCUMENT FILE NAME:
1794735187~09132017.doc



DATE: September 13, 2017

TIME: 10:37 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735187~09132017-003.jpg

COMMENTS: The digital photograph depicts the open dumped solid waste observed on-site.



DATE: September 13, 2017

TIME: 10:40 a.m.

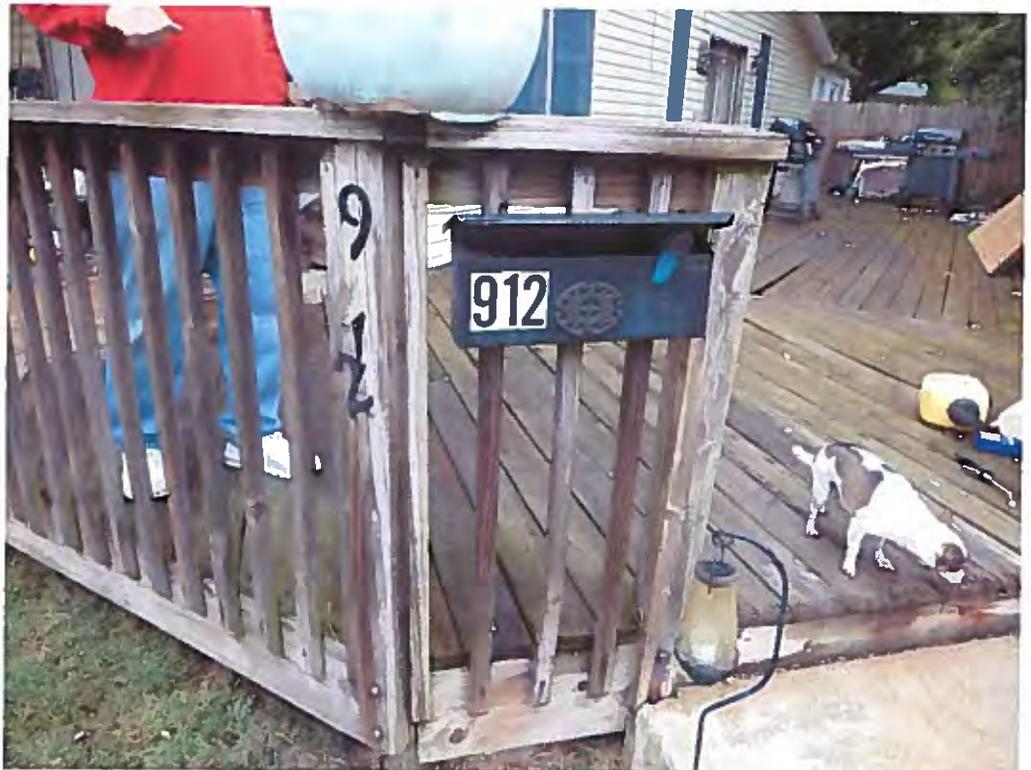
PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northeast.

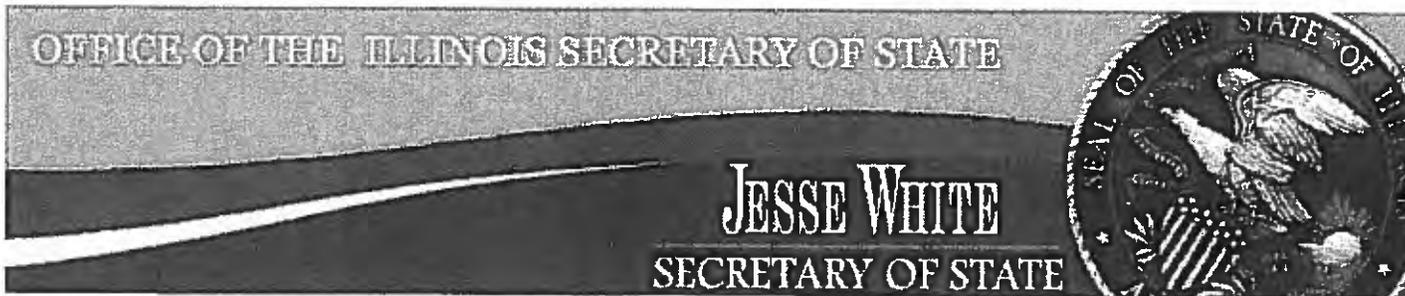
PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735187~09132017-004.jpg

COMMENTS: The digital photograph depicts the residential address 912 posted on the mail box.



DOCUMENT FILE NAME:
1794735187~09132017.doc



LLC FILE DETAIL REPORT

File Number	05776503		
Entity Name	VICE INVESTMENTS, LLC		
Status	ACTIVE	On	03/06/2017
Entity Type	LLC	Type of LLC	Domestic
File Date	04/28/2016	Jurisdiction	IL
Agent Name	ANDREW B. VICE	Agent Change Date	04/28/2016
Agent Street Address	3810 COLE HOLLOW RD	Principal Office	3810 COLE HOLLOW ROAD PEKIN, IL 615540000
Agent City	PEKIN	Managers	View
Agent Zip	61554	Duration	PERPETUAL
Annual Report Filing Date	03/06/2017	For Year	2017
Assumed Name	ACTIVE - DRAGON DUMPS		
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

[Return to the Search Screen](#)

Select Certificate of Good Standing for Purchase
(One Certificate per Transaction)

OTHER SERVICES

[File Annual Report](#)

[Adopting Assumed Name](#)

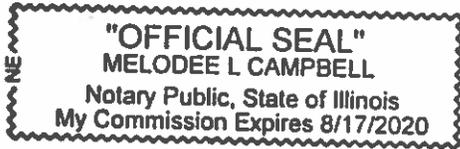
[Articles of Amendment Effecting A Name Change](#)

[Change of Registered Agent and/or Registered Office Address](#)

Subscribed and Sworn to before me this 15 day of September 2017

Melodee L Campbell

Notary Public



PROOF OF SERVICE

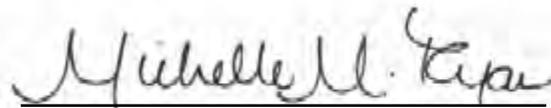
I hereby certify that I did on the 28th day of September, 2017, serve by Certified Mail, Return Receipt Requested, with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Dragon Dumps, Vice Investments, LLC
Andrew B. Vice, Registered Agent
3810 Cole Hollow Road
Pekin, IL 61554

Andrew B. Vice
3810 Cole Hollow Road
Pekin, IL 61554

and the original via electronic filing on October 3, 2017

To: Don Brown, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

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