

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

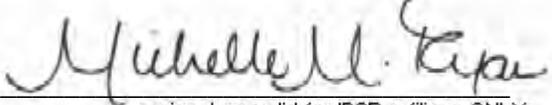
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 210-17-AC)
)	
DALE OBERMARK)	
)	
Respondent.)	

NOTICE OF FILING

To: Dale Obermark	Richard Kruger
6843 Midway Road	Kruger, Henry & Hunter, Attorneys at Law
Metropolis, IL 62960	P.O. Box 568
	110 West 5 th Street
	Metropolis, IL 62960

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: December 8, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 210-17-AC)
)	
DALE OBERMARK,)	
)	
)	
)	
Respondent.)	

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 Dale Obermark is the present owner of a property located at 6843 Midway Road, Metropolis, Massac County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Obermark Dale.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1270155037.
3. That Respondent has operated said facility at all times pertinent hereto.

4. That on October 18, 2017, Maggie Stevenson of the Illinois Environmental Protection Agency's Marion 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 December 8, 2017, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 3253-Obermark
7012 0470 0001 3000 3208-Kruger

VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of her October 18, 2017 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) (2014).
- (2) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is jointly and severally subject to civil penalties 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 penalties

specified above shall be due and payable no later than January 12, 2018 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 (2014), 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) (2014), if Respondent fails 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.

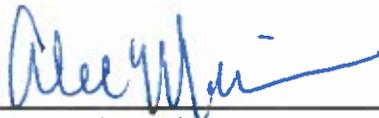
When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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.

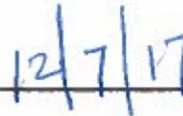
PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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 (2014). If Respondent elects to contest this Administrative Citation, then Respondent shall file a 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 : _____



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. 210-17-AC)

DALE OBERMARK,

)
)
)

Respondent.

FACILITY: Obermark Dale

SITE CODE NO.: 1270155037

COUNTY: Massac

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: October 18, 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.

**Bureau of Land – Field Operations Section
Inspection Report**

General Facility Information

BOL ID:	1270155037	Region:	Marion
USEPA ID:	Not Applicable	County:	Massac
Site Name:	Obermark Dale	Phone:	618-524-5571
Address:	6843 Midway Rd	Latitude:	37.2381
City/State/Zip:	Metropolis, IL. 62960	Longitude:	-88.6358
Permit No(s):	None		
Regulated As:	dba Obermark Farms, Obermark Excavating, Residential		
Operational Status:	Active		

Owner	Operator
Dale Obermark 6843 Midway Rd Metropolis, IL. 62960	Dale Obermark 6843 Midway Rd Metropolis, IL. 62960

Inspection Details

Inspection Type	Open Dump Inspection
Inspection Date	October 18, 2017
Inspector(s)	Stevenson, Maggie
Person(s) Interviewed	None
Previous Inspection Date	May 17, 2017

Observations

Time	11:30 Am To 11:50 Am
Weather Conditions	Sunny, Dry, Still
Temperature	67
Samples Collected	No
Number of Samples Collected	Na
Photos Taken	Yes
Number of Tires	20
Amount of Waste	.35 Tons, 30 Cubic Yards, and 405.89 lbs. liquid waste oil.

Executive Summary

I conducted a solid waste open dump (21p) follow-up inspection at Obermark Dale, 6843 Midway Road in rural Metropolis, Massac County on October 18, 2017, 11:30 AM to 11:50 AM. This site is zoned as farmland (Obermark Farms) with a residence and other structures. It is also used as the location for Obermark Excavation. The inspection was conducted as a follow-up to an inspection conducted on August 30, 2017 in response to complaint 16-100-M indicating open dumping and open burning of GCDD. I interviewed Mrs. Dale Obermark, wife. Apparent violations of improper used/waste tire storage, improper storage of waste oil, oil spillage, and open dumping were observed. Sections 9, 12, 21, and 55 of the Illinois Environmental Protection Act (Act 415 ILCS 5), Section 95 of the Electronic

Products Recycling and Reuse Act (415 ILCS 15), and 35 Ill. Adm. Code parts 722, 739, 808, 809, 811, and 812 were evaluated at the time of this inspection.

Inspection Narrative

Facility History with Illinois EPA

The site was first inspected on August 30, 2016 for issues related to open dumping and open burning of general construction demolition debris. An ACWN was sent on November 15, 2016 and the response was due November 30, 2016. Mr. Obermark is represented by Richard Kruger who responded on Mr. Obermark's behalf on December 13, 2016. A meeting was requested and the date was set for January 10, 2017. The meeting was held and the compliance deadline for site clean-up remained May 1, 2017. A re-inspection of the site was conducted on May 17, 2017 and continuing violations were observed. During the inspection, Mr. Obermark verbally requested an extension. On June 6, 2017, a partial return to compliance was issued and an extension was granted until August 30, 2017.

Participants at the Site

- Maggie Stevenson, Environmental Protection Specialist, Illinois EPA, BOL, FOS-Marion
- MrsDale Obermark, Spouse

Facility Description/Facility Process

Obermark Dale has NAICS Codes of 238910 1, 1111101, and 1111501. The industry (238910) comprises establishments primarily engaged in site preparation activities, such as excavating and grading, demolition of buildings and other structures, and septic system installation. Earthmoving and land clearing for all types of sites (e.g., building, nonbuilding, mining) is included in this industry. Establishments primarily engaged in construction equipment rental with operator (except cranes) are also included. The industry (111110) comprises establishments primarily engaged in growing soybeans and/or producing soybean seeds. The industry (111150) comprises establishments primarily engaged in growing corn (except sweet corn) and/or producing corn seeds.

This site has not been registered as a hazardous waste, special waste, or universal waste generator (form 8700-12). A tire activity notification form as an exempt tire storage facility has not been submitted to the Illinois EPA. The site is not registered with the Illinois Secretary of State as a salvage yard with a parts repairer/rebuilder license.

The site consists of 18.8 acres of land zoned as farmland except for 1.07 acres zoned residential. The property is identified with a parcel identification number of 06-02-300-003 and a legal description of S02 T15 R05 S PT NW SW W of Midway Road. Massac County Tax Assessor has the owner listed as Dale Obermark with a site address of 6843 Midway Road in rural Metropolis. The billing address is listed as the same.

Facility Inspection and Observations

I arrived at the site and began my inspection by providing notification to Mrs. Obermark that I was on the property. We briefly spoke and she told me that she had a copy of a receipt for me. I told her I was going to look around and would check back with her before I left the property.

Electronic Filing: Received, Clerk's Office 12/12/2017 * * AC 2018-007 * *

During the re-inspection, I observed used/waste tires both on and off rims. Used/waste tires off rims were holding water and mosquito larvae was present. Used/waste tires were being improperly stored. Oil spillage and improper storage of oil noted in previous inspections was again observed. Open dumping of miscellaneous waste in overgrown vegetation was observed again. Drums (empty) in poor condition remained at the site as did cylinders, metals, wiring, punctured drum, electrical box, and old farm equipment.

I returned to the house and Mrs. Obermark handed me a receipt for the disposal of 22 used/waste tires at Bob Harper Ford in Vienna. Mr. Obermark transported the 22 tires himself. I asked about receipts for waste oil disposal and she said that her husband had not mentioned any receipts for oil.

Additional Information

Dale Obermark, Obermark Farms, nor Obermark Excavating has filed a Tire Activity Notification to the Illinois EPA. Dale Obermark, Obermark Farms, nor Obermark Excavating is registered as a Tire Hauler, as required if over 20 used/waste tires are transported.

Photographic Documentation

Six photos are included in this report. Photos were taken on-site October 18, 2017. Photos document the waste generated at the site and the unpermitted activities described above.

¹NAICS Association (2017). NAICS Code Description of 238910 1, 1111101, and 1111501
Retrieved from [Http://www.naics.com/](http://www.naics.com/)

Summary of Apparent Violation(s)

Status	Date	Violation	Narrative
Continuing	8/30/2016	21(a)	Cause or allow open dumping.
Continuing	8/30/2016	21(d)(1)	Conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit.
Continuing	8/30/2016	21(d)(2)	Conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the board (21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(5), 21(p)(7), 55(k)(1), 55(a)(1), 812.101(a)).
Continuing	8/30/2016	21(e)	Dispose, treat, store, abandon, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements.
Continuing	8/30/2016	21(p)(1)	Cause or allow the open dumping of any waste in a manner which results in litter.
Continuing	8/30/2016	21(p)(5)	Cause or allow the open dumping of any waste in a manner which results in proliferation of disease vectors.
Continuing	8/30/2016	21(p)(7)	Cause or allow the open dumping of any waste in a manner which results in deposition of general construction or demolition debris.
Continuing	8/30/2016	55(a)(1)	Cause or allow open dumping of any used or waste tires
Continuing	8/30/2016	55(k)(1)	Cause or allow water to accumulate in used or waste tires.
Continuing	8/30/2016	812.101(a)	Failure to submit an application for a permit to develop and operate a landfill.

Digital Photographs



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 1
Photo Date: 10/18/2017
Photo Time: 11:37:05
Direction: N

Waste tires.



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 2
Photo Date: 10/18/2017
Photo Time: 11:37:28
Direction: Down

Waste tires holding water.



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 3
Photo Date: 10/18/2017
Photo Time: 11:37:58
Direction: NW

Waste tires stored improperly-
exposed to weather, drums of
oil.



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 4
Photo Date: 10/18/2017
Photo Time: 11:38:05
Direction: W

Drum of oil remaining with
spillage, waste tires on rims.



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 5
Photo Date: 10/18/2017
Photo Time: 11:38:27
Direction: SW

Miscellaneous waste in
overgrown vegetation,
electrical breaker box and
wiring on ground.



Site: Obermark Dale
(1270155037)
Massac County

Photo ID: 6
Photo Date: 10/18/2017
Photo Time: 11:40:23
Direction: SE

Unmarked drum holding
unknown liquid in poor
condition and a puncture hole
approximately 1/3 up from
bottom.

Satellite Imagery and Site Diagram(s)



FILENAME	Map Key	POSITION
Site Map October 18, 2017	All locations are approximate/Not drawn to scale Photo/Direction Down...	12 70155037 - Massac County Metropolis/Obermark Dale



Attachment Listing

ID	Type	Description
Not Designated	Receipt	Receipt for 22 tires for disposal

STATE OF ILLINOIS)
) SS
COUNTY OF Massac)

AFFIDAVIT

I, Maggie Stevenson, 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 18, 2017, between 11:30 and 11:50 AM, Affiant conducted an inspection of the open dump in Massac County, Illinois, known as Obermark Dale, Illinois Environmental Protection Agency Site No. 1270155037;
3. Affiant inspected said Obermark Dale 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 Obermark Dale site.

FURTHER AFFIANT SAYETH NOT.

X Maggie Stevenson
 Maggie Stevenson
 Field Inspector/Investigator

Subscribed and Sworn to before
me this 21st day of October, 2017.

Gail Stricklin
 Notary Public



PROOF OF SERVICE

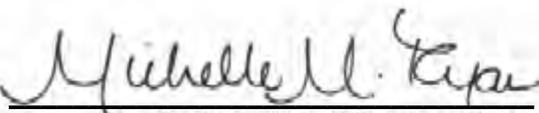
I hereby certify that I did on the 8th day of December, 2017, serve by Certified Mail, Return Receipt Requested, with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Dale Obermark
6843 Midway Road
Metropolis, IL 62960

Richard Kruger
Kruger, Henry & Hunter, Attorneys at Law
P.O. Box 568
110 West 5th Street
Metropolis, IL 62960

and the original via electronic filing on December 8, 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

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