

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, ) AC 2018-  
 )  
v. ) (IEPA No. 32-18-AC)  
 )  
DG PARTNERS LLC; an Illinois limited )  
liability company, CISSELL-MUELLER )  
CONSTRUCTION INC; a Missouri )  
corporation, and CLIFFORD M )  
KOLTZENBURG and CHRIS S )  
KOLTZENBURG, individually and d/b/a )  
K & N EXCAVATING )  
 )  
Respondents. )

**NOTICE OF FILING**

To: DG Partners LLC  
Registered Agent: SCW Registered Agent, Inc.  
8909 Ladue Road  
St. Louis, MO 63124

Clifford M. Koltzenburg  
116 Wabash Ave.  
Carthage, IL 62321

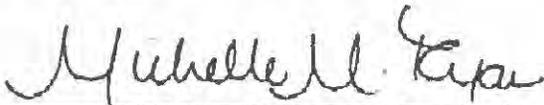
K & N Excavating  
2405 E US Highway 136  
Carthage, IL 62321

Cissell-Mueller Construction, Inc.  
Registered Agent: Duane A. Mueller  
530 Salt River Road  
St. Peters, MO 63376

Chris S. Koltzenburg  
2260 Coal Road  
Colchester, IL 62326

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

Electronic Filing: Received, Clerk's Office 3/19/2018 \* \* AC 2018-10 \* \*

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

Dated: March 15, 2018

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2018-
	)	
v.	)	(IEPA No. 32-18-AC)
	)	
DG PARTNERS LLC; an Illinois limited liability company, CISSELL-MUELLER CONSTRUCTION INC; a Missouri corporation, and CLIFFORD M KOLTZENBURG and CHRIS S KOLTZENBURG, individually and d/b/a K & N EXCAVATING	)	
	)	
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 Clifford M. Koltzenburg and Chris S. Koltzenburg (Respondents) are the present owners of, and K & N Excavating (Respondent) presently operates a property located southwest of the intersection of N. Co. Rd. 1700 and E. Co. Rd. 650, Carthage, Hancock County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Clifford/Christopher Koltzenburg property. DG Partners LLC (Respondent) and Cissell-Mueller Construction, Inc (Respondent) are waste generators.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0678020001.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on January 25, 2018, Robert J. Wagner 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.

5. That on March 15, 2018, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 2081 to DG Partners LLC via Certified Mail No. 7009 2820 0001 7496 2074 to Cissell-Mueller Construction, Inc. Certified Mail No. 7009 2820 0001 7496 2067 to Clifford M. Koltzenburg, Certified Mail No. 7012 0470 0001 3000 4229 to Chris S. Koltzenburg, and Certified Mail No. 7012 0470 0001 3000 4212 to K & N Excavating.

VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his January 25, 2018 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).
- (3) 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).

- (4) 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), Respondents are 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 Six Thousand Dollars (\$6,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than April 25, 2018, 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, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

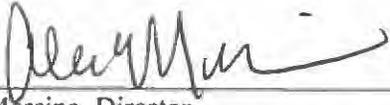
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If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due 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 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.



Alec Messina, Director  
Illinois Environmental Protection Agency

Date: 3/14/18

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, )  
 )  
 v. )  
 )  
 DG PARTNERS LLC; an Illinois limited liability )  
 company, CISSELL-MUELLER )  
 CONSTRUCTION INC; a Missouri corporation, )  
 and CLIFFORD M KOLTZENBURG and )  
 CHRIS S KOLTZENBURG, individually and )  
 d/b/a K & N EXCAVATING )  
 )  
 Respondents. )

AC 2018-  
  
 (IEPA No. 32-18-AC)

FACILITY: Clifford/Christopher Koltzenburg ) SITE CODE NO.: 0678020001  
 Property )  
 COUNTY: Hancock ) CIVIL PENALTY: \$6,000.00  
 DATE OF INSPECTION: January 25, 2018 )

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

<b>BOL ID:</b>	0678020001	<b>Region:</b>	Peoria
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Hancock
<b>Site Name:</b>	Koltzenburg Clifford/Christopher	<b>Phone:</b>	217-357-0870
<b>Address:</b>	N Cord 1700 E CR 650	<b>Latitude:</b>	40.29073
<b>City/State/Zip:</b>	Carthage, IL 62321	<b>Longitude:</b>	-91.17853
<b>Permit No(s):</b>	None		
<b>Regulated As:</b>	Open Dump		
<b>Operational Status:</b>	Active		

Owner	Operator
Koltzenburg Clifford/Christopher 2405 E Rte 136 Carthage, IL 62321	Koltzenburg Clifford/Christopher 2405 E Rte 136 Carthage, IL 62321

## Inspection Details

<b>Inspection Type</b>	Open Dump Inspection
<b>Inspection Date</b>	1/25/2018
<b>Inspector(s)</b>	Wagner, Robert
<b>Person(s) Interviewed</b>	None
<b>Previous Inspection Date</b>	5/19/2010
<b>Reference Complaint ID</b>	304

## Observations

<b>Time</b>	1155 to 1300
<b>Weather Conditions (Description)</b>	Sunny, Muddy
<b>Temperature (°F)</b>	51
<b>Samples Collected (Yes/No)</b>	No
<b>Number of Samples Collected (Count)</b>	NA
<b>Photos Taken (Yes/No)</b>	Yes
<b>Number of Tires (Count)</b>	1000
<b>Amount of Waste (Cubic Yards)</b>	555

**Executive Summary**

On January 25, 2018, this author (Robert J. Wagner) inspected property owned by Clifford M. Koltzenburg & Chris S. Koltzenburg from 11:55 AM to 1:00 PM. The property is located southwest of the intersection of N. Co. Rd. 1700 and E. Co. Rd. 650, Carthage, Illinois, GPS coordinates 40.29073 -91.17853. See attached property deed. The inspection was a result of citizen complaint 304. The complainant alleged that Clifford & Christopher Koltzenburg demolished the Hill-Dodge Bank located at 501-506 Main Street, Warsaw, Illinois and open dumped and open burned the demolition debris generated from the job at a gravel pit the Koltzenburgs own.

**Inspection Narrative**

For this report, the property will be referred to as the Clifford/Christopher Koltzenburgs Property.

While driving towards the Clifford/Christopher Koltzenburg Property on N. Co. Rd. 1700 this author could see plumes of gray smoke coming from the property. This author could see in plain view from the perimeter of the property that solid waste was being open burned in a burn pile on the property.

This author arrived at the Clifford/Christopher Koltzenburg Property at 11:55 AM. This author walked, photographed, and filmed a large pile of construction and demolition debris comingled with tires burning on the property. Photographs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 show the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches. Photograph 3 shows a dump truck that had K & N written on the passenger side door. Photographs 5 and 6 show approximately 1000 tires deposited on the property. Some of the tires had water pooled inside them. Photographs 7 and 9 show the charred remains of tire beads comingled in the burn pile. It appeared that this pile of solid waste was going to be pushed into Slater Creek. Slater Creek runs through the Clifford/Christopher Koltzenburg Property.

In conjunction with photographing the property this author took three film clips of the property. The three film clips depict what was photographed.

This author departed the site at 1:00 PM.

This author spoke to Clifford Koltzenburg, the property owner. Mr. Koltzenburg remembered this author from a previous incident in which K & N Excavating was cited by the Agency for open burning and open dumping at the company's headquarters property at 2405 E US Highway 136, Carthage, Illinois in 2008. K & N Excavating is operated by Mr. Koltzenburg and his brother Christopher Koltzenburg. Mr. Koltzenburg said that all the solid waste that this author photographed and filmed on his property came from a demolition job that K & N Excavating did in Warsaw, Illinois at the former Hill-Dodge Bank. The property is owned by DG Partners LLC DBA DG Partners Midwest LLC, Dollar General Corporation.

This author spoke to Jack from Cissell Mueller Construction Inc., St. Peters, Missouri. Jack said that Cissell Mueller Construction Inc. hired K & N Excavating to demolish the bank building in Warsaw, Illinois. Jack offered no further information. This author made Jack aware of the open burning and open dumping violations at the Clifford/Christopher Koltzenburg Property that are connected with the demolition of the bank building in Warsaw, Illinois.

**Summary of Apparent Violation(s)**

Status	Date	Violation	Narrative
New	1/25/2018	12(a)	The discharge of contaminants was caused, threatened, or allowed, so as to cause or tend to cause water pollution in Illinois.

Electronic Filing: Received, Clerk's Office 3/19/2018 \* \* AC 2018-10 \* \*

New	1/25/2018	12(d)	Contaminants were deposited upon the land in such place and manner so as to create a water pollution hazard.
New	1/25/2018	21(a)	Evidence of open dumping of waste was observed during the inspection.
New	1/25/2018	21(d)(1)	Waste was disposed without a permit granted by the Illinois EPA.
New	1/25/2018	21(d)(2)	A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.
New	1/25/2018	21(e)	Waste was disposed at this site which does not meet the requirements of the Act and regulations thereunder.
New	1/25/2018	21(p)(1)	The open dumping of waste was caused or allowed in a manner which resulted in litter.
New	1/25/2018	21(p)(3)	The open dumping of waste was caused or allowed in a manner which resulted in open burning.
New	1/25/2018	21(p)(7)	The open dumping of waste was caused or allowed in a manner which resulted in deposition of general or clean construction or demolition debris.
New	1/25/2018	55(a)(1)	Evidence of open dumping of used or waste tires was observed during the inspection.
New	1/25/2018	55(a)(2)	Evidence of open burning of used or waste tires was observed during the inspection.
New	1/25/2018	55(k)(1)	Evidence of pooled water inside of used or waste tires was observed during the inspection.
New	1/25/2018	9(a)	Evidence of open burning which would cause or tend to cause air pollution in Illinois was observed during the inspection.
New	1/25/2018	9(c)	Evidence of open burning was observed during the inspection.
New	1/25/2018	812.101	A waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.

Attachment Listing		
ID	Type	Description
2	Property Deed	Deed for Dollar General Property Koltzenburg
3	Property Deed	Deed Koltzenburg
4	Miscellaneous	Koltzenburg Affidavit

Digital Photographs



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 1  
Photo Date: 1/25/2018  
Photo Time: 11:57:37  
Direction: southeast  
Taken By: Rob Wagner

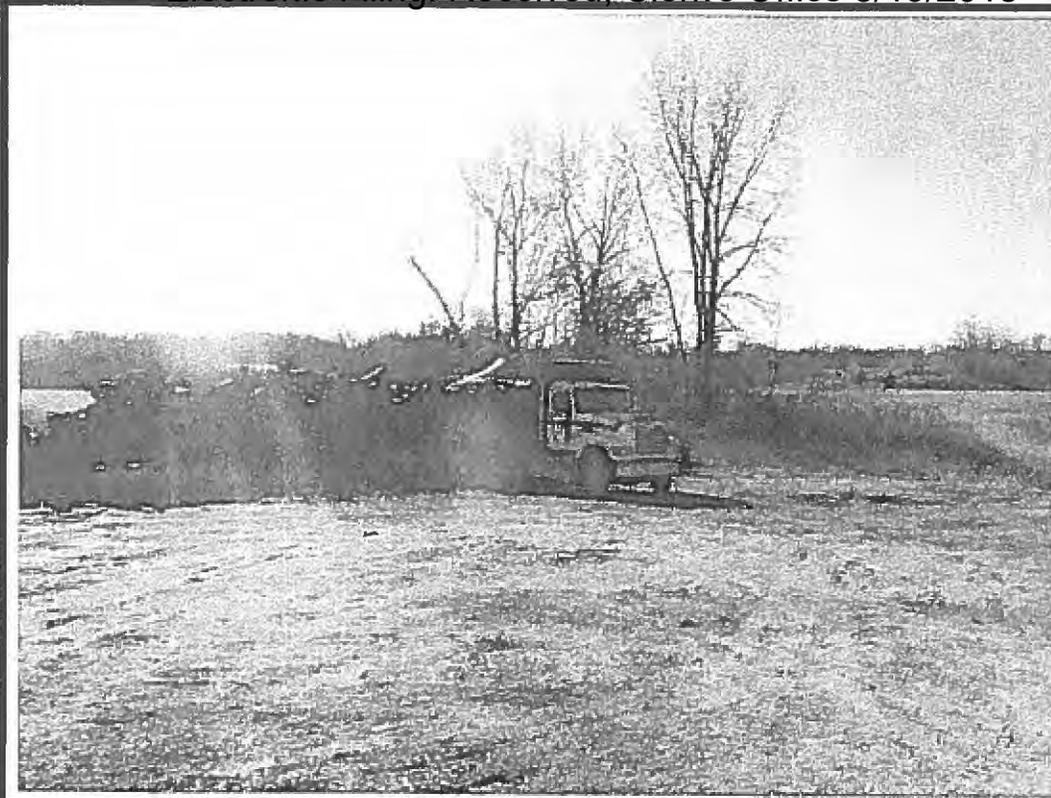
The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 2  
Photo Date: 1/25/2018  
Photo Time: 11:57:41  
Direction: south  
Taken By: Rob Wagner

The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 3  
Photo Date: 1/25/2018  
Photo Time: 11:57:45  
Direction: southwest  
Taken By: Rob Wagner

The photograph shows a dump truck that had K & N written on the passenger side door.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 4  
Photo Date: 1/25/2018  
Photo Time: 11:58:22  
Direction: southeast  
Taken By: Rob Wagner

The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 5  
Photo Date: 1/25/2018  
Photo Time: 11:58:40  
Direction: southeast  
Taken By: Rob Wagner

The photograph shows approximately 1000 tires deposited on the property.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 6  
Photo Date: 1/25/2018  
Photo Time: 11:59:38  
Direction: southwest  
Taken By: Rob Wagner

The photograph shows approximately 1000 tires deposited on the property.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 7  
Photo Date: 1/25/2018  
Photo Time: 11:59:41  
Direction: northwest  
Taken By: Rob Wagner

The photograph shows the charred remains of tire beads comingled in the burn pile.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 8  
Photo Date: 1/25/2018  
Photo Time: 11:59:44  
Direction: north  
Taken By: Rob Wagner

The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 9  
Photo Date: 1/25/2018  
Photo Time: 11:59:57  
Direction: northwest  
Taken By: Rob Wagner

The photograph shows the charred remains of tire beads comingled in the burn pile.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

Photo ID: 10  
Photo Date: 1/25/2018  
Photo Time: 12:00:54  
Direction: west  
Taken By: Rob Wagner

The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.



Site: Koltzenburg  
Clifford/Christopher  
(0678020001)  
Hancock County

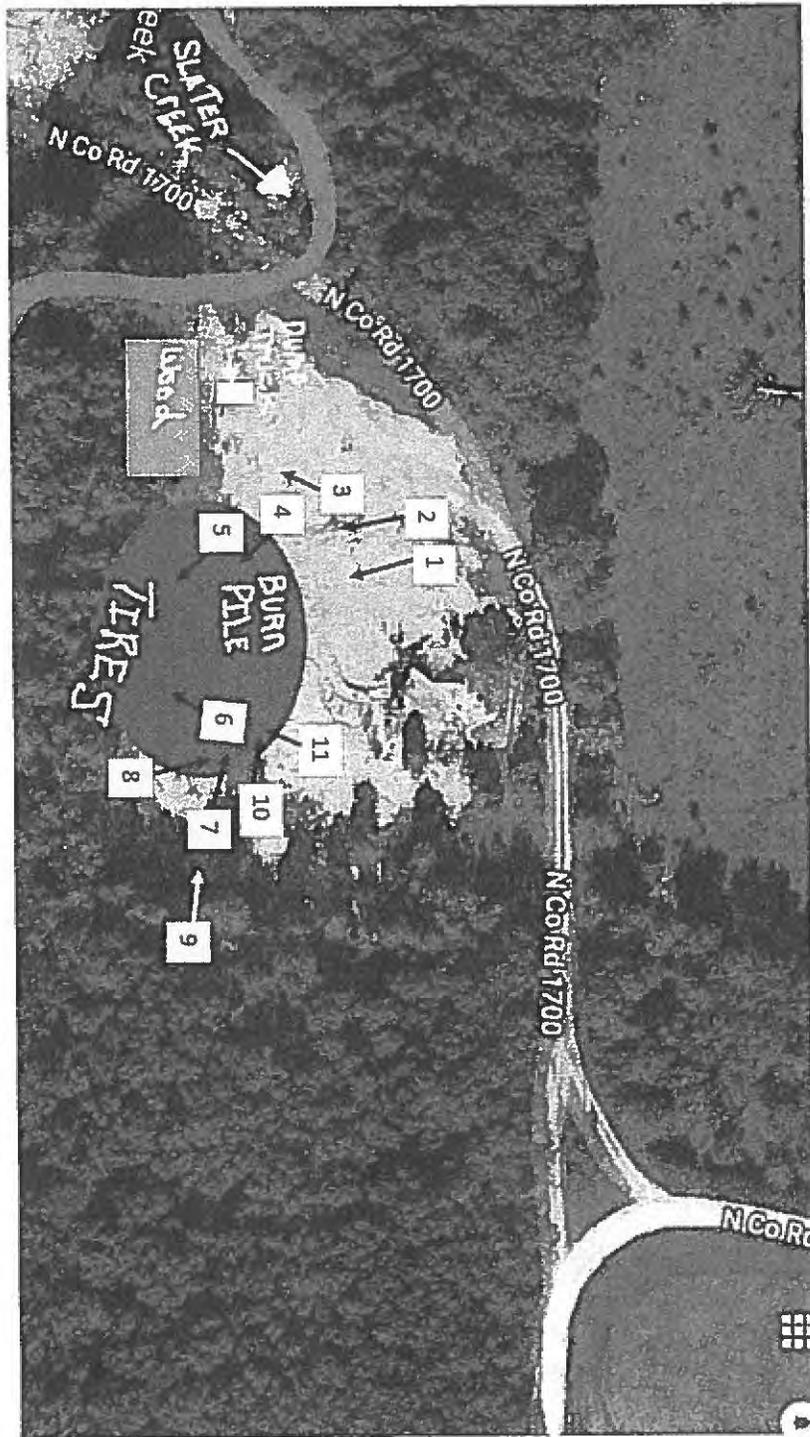
Photo ID: 11  
Photo Date: 1/25/2018  
Photo Time: 12:01:04  
Direction: southwest  
Taken By: Rob Wagner

The photograph shows the following solid waste items: chunks of concrete with no protruding metal bars, red brick, processed wood, electrical conduit, roofing debris, concrete block, metal debris, plastic debris, sewer pipe, tires, charred tire beads, and tree branches.

Site Diagram(s)

Inspection Date: January 25, 2018

0678020001 - Koltzenburg Clifford/Christopher Hancock County



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF

IEPA DOCKET NO.

RESPONDENT

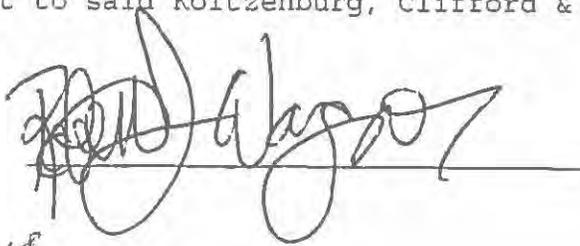
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

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

2. On January 25, 2018, between 11:55 AM and 1:00 PM, Affiant conducted an inspection of the open dump in Hancock County, Illinois, known as Koltzenburg, Clifford & Christopher, Illinois Environmental Protection Agency Site No. 0678020001.

3. Affiant inspected said Koltzenburg, Clifford & Christopher open dump site by an on-site inspection, which included walking, photographing, and filming 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 Koltzenburg, Clifford & Christopher open dump.



Subscribed and Sworn to before me this 2nd day of Feb, 2018

*Sharlette Walker*  
Notary Public



**PROOF OF SERVICE**

I hereby certify that I did on the 15<sup>th</sup> day of March, 2018, 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: DG Partners LLC  
Registered Agent: SCW Registered Agent, Inc.  
8909 Ladue Road  
St. Louis, MO 63124

Clifford M. Koltzenburg  
116 Wabash Ave.  
Carthage, IL 62321

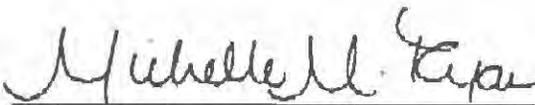
K & N Excavating  
2405 E US Highway 136  
Carthage, IL 62321

Cissell-Mueller Construction, Inc.  
Registered Agent: Duane A. Mueller  
530 Salt River Road  
St. Peters, MO 63376

Chris S. Koltzenburg  
2260 Coal Road  
Colchester, IL 62326

and the original via electronic filing on March 15, 2018

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



Michelle M. Ryan  
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