

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

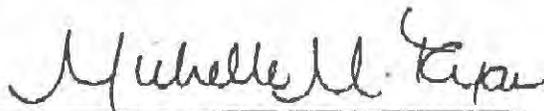
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2018-
	)	
v.	)	(IEPA No. 31-18-AC)
	)	
GEORGE W. POE	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: George W. Poe  
209 S. Oppyville Road  
Watseka, IL 60970-7910

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: March 20, 2018



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2018-
	)	
v.	)	(IEPA No. 31-18-AC)
	)	
GEORGE W. POE,	)	
	)	
	)	
	)	
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 (2016).

FACTS

1. That George W. Poe (Respondent) is the present owner and operator of a facility located at 209 South Oppyville Road, Watseka, Iroquois County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Watseka/Poe, George W.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0758080008.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on January 31, 2018, Jennifer O'Hearn of the Illinois Environmental Protection Agency's Champaign 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 March 20, 2018 Illinois EPA sent this Administrative Citation [via Certified Mail No. 7007 3020 0002 3214 4272 /for hand delivery].

VIOLATIONS

Based upon direct observations made by Jennifer O'Hearn during the course of her January 31, 2018 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) (2016).
- (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) (2016).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2016), 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 Three Thousand Dollars (\$3,000.00). 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 May 7, 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 (2016), 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.

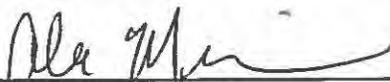
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2016), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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 (2016). 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: 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,	)	AC 2018-
	)	
v.	)	(IEPA No. 31-18-AC)
	)	
GEORGE W. POE,	)	
	)	
	)	
	)	
Respondent.	)	

FACILITY:	Watseka/Poe, George W.	SITE CODE NO.:	0758080008
COUNTY:	Iroquois	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	January 31, 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>	0758080008	<b>Region:</b>	Champaign
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	Iroquois
<b>Site Name:</b>	Poe, George W	<b>Phone:</b>	708-475-5132
<b>Address:</b>	209 S Oppyville Rd	<b>Latitude:</b>	40.77077
<b>City/State/Zip:</b>	Watseka, IL 60970	<b>Longitude:</b>	-87.76798
<b>Permit No(s):</b>	None		

Owner	Operator
George W. Poe 209 S. Oppyville Rd. Watseka, Illinois 60970	George W. Poe 209 S. Oppyville Rd. Watseka, Illinois 60970

**Inspection Details**

<b>Inspection Type</b>	Open Dump Inspection
<b>Inspection Date</b>	1/31/2018
<b>Inspector(s)</b>	O'Hearn, Jennifer
<b>Person(s) Interviewed</b>	Danielle Jeter; George Poe
<b>Previous Inspection Date</b>	1/22/2016
<b>Reference Complaint ID</b>	313

**Observations**

<b>Time</b>	11:30-11:50AM
<b>Weather Conditions (Description)</b>	Cloudy, winds out of SW at 10-20 mph
<b>Temperature (°F)</b>	39
<b>Samples Collected (Yes/No)</b>	N
<b>Number of Samples Collected (Count)</b>	NA
<b>Photos Taken (Yes/No)</b>	Y
<b>Number of Tires (Count)</b>	NA
<b>Amount of Waste (Cubic Yards)</b>	8

## Executive Summary

On January 31, 2018, I conducted an open dump inspection at the Poe, George W. site with the address of 209 S. Oppyville Road, Watseka, Illinois located in Crescent Township. The site is a residential property. I conducted the inspection in response to citizen complaint #313 regarding open dumping and open burning of renovation debris including paint cans and other materials from the former office of Iroquois County Health Department, located at 114 N. Third Street, Watseka, Illinois. I interviewed George Poe, the property owner and Danielle Jeter, the individual leasing the business property from Mr. Poe. Apparent violations were observed at the 209 S. Oppyville Road location.

## Inspection Narrative

### Site history:

The original inspection was conducted on April 1, 2015 as a result of a complaint regarding open burning of waste. Open burning of waste was observed and an Administrative Citation Warning Notice dated May 26, 2015 was sent. A follow-up inspection on September 24, 2015 was conducted and new waste was placed in the old burn location, but had not been burned yet. Some charred material remained under the new waste placed on the pile. A follow-up inspection on January 22, 2016 revealed that a small amount of waste remained so violations were dropped.

I knocked at the door and spoke with George Poe. I then continued with the inspection. I viewed a dumpster on the property (photo 1). I walked toward the rear of the property and viewed a burn pile with a charred area on the ground around it. The burn area and pile contained charred dimensional lumber, a charred apparent microwave oven, charred mattress springs, rusty mattress springs, ash, a melted black substance, a broken dinner plate, a charred glass bottle, charred aluminum beverage cans, a plastic beverage bottle, a charred metal cupcake pan, a charred branch, charred plywood, a rusty charred metal baking pan, charred upholstery springs, a metal chair, charred concrete, a charred pallet, a charred rusty metal bucket, charred material, a charred painted metal electrical device with wiring visible, a charred computer tower, apparent paint can lid, dimensional lumber, charred and melted material, other charred metal, charred metal cans, a rusty tin can, charred wiring, charred painted metal pipe, charred tin cans, a charred metal frame, a rusty charred metal chair, a rusty charred metal walker in pieces, a melted plastic bottle, a rusty charred tin can, other charred rusty metal, a metal lamp stand, other charred rusty metal, a charred melted black substance, charred particle board, charred melted plastic bottle, charred aerosol can, insulation, broken glass bottle neck, etc. (photos 2-8). As I was leaving the site, I viewed the burn pile from the front of the property (photo 9).

I then went to the 114 N. Third Street property in Watseka. I drove around behind the building and observed no signs of renovation in the parking lot. At the front entrance, I viewed a renovation permit for a business property owned by George Poe (photo 10). I viewed a sign for the business coming to the location (photo 11). I looked inside the window of the business (photo 12). While I was at the property, the person renting the building from Mr. Poe, Danielle Jeter, arrived and introduced herself.

Interview-George Poe, owner and resident of 209 S. Oppyville Road, Watseka and owner and lessor of 114 N. Third Street, Watseka

Mr. Poe said that he got a recliner on Craig's list that had bugs in it so she burned it. He said he also burned a table. He said that it was all personal stuff. He said that there are receipts from the renovation of the Health Department. He said that he owns the building, but the lessors are renovating the

property and have dumpsters for the renovation waste. He said that a recycler is coming for the metal. I said the only thing safe to burn onsite is landscape waste since he has received a warning.

Interview- Danielle Jeter, Lessee of 114 N. Third Street

I explained that there was a concern that renovation waste from the property had been taken to Mr. Poe's property to be burned. Ms. Jeter and a man accompanying her, said that they had gotten at least three dumpsters, two twenty cubic yard dumpsters and a third that was the biggest the disposal company offered. Ms. Jeter and the man thought the largest was a 30-cubic yard dumpster and wanted to make sure all of the renovation waste would fit. They said they could get me receipts if I needed. She said that she would never ask her landlord to burn waste for her. I asked for Danielle's phone number, 708/261-4039, in case I needed to contact her. The man expressed concern that she would need to get back to work, so I said that we were done with the interview.

**Summary of Apparent Violation(s)**

Status	Date	Violation	Narrative
New	1/31/2018	9(a)	No Narrative Provided
New	1/31/2018	9(c)	No Narrative Provided
New	1/31/2018	21(a)	No Narrative Provided
New	1/31/2018	21(e)	No Narrative Provided
New	1/31/2018	21(p)(1)	No Narrative Provided
New	1/31/2018	21(p)(3)	No Narrative Provided

**Attachment Listing**

ID	Type	Description
2	Miscellaneous	BOA Complaint Form

Digital Photographs



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 1  
Photo Date: 1/31/2018  
Photo Time: 11:35:22  
Direction: NW  
Taken By: Jennifer O'Hearn

View of dumpster on the property.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 2  
Photo Date: 1/31/2018  
Photo Time: 11:35:57  
Direction: NW  
Taken By: Jennifer O'Hearn

View of burn pile with charred area on the ground around it. Burn area contained charred dimensional lumber, charred tin can, charred apparent microwave oven, charred mattress springs, rusty mattress springs, ash, melted black substance, broken dinner plate, etc.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 3  
Photo Date: 1/31/2018  
Photo Time: 11:37:19  
Direction: NW  
Taken By: Jennifer O'Hearn

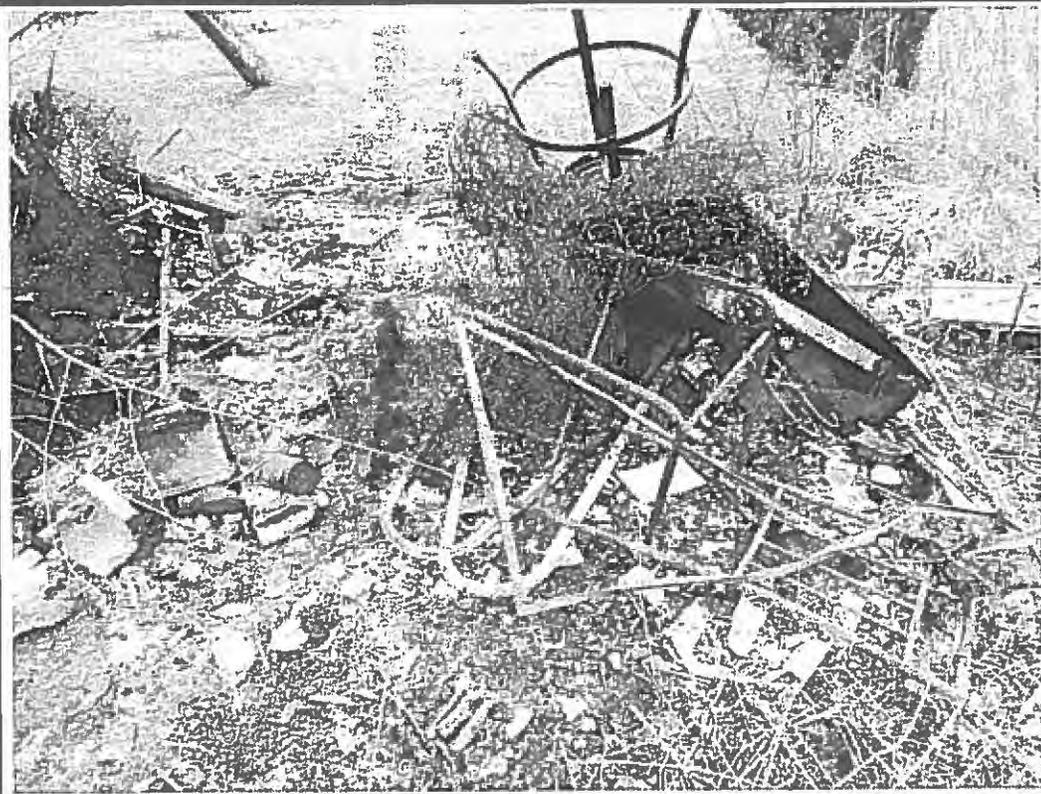
View of rusty charred metal, rusty mattress springs and charred mattress springs as in photo 2, charred glass bottle, charred aluminum beverage cans, plastic beverage bottle, charred metal cupcake pan, charred branch, charred tin can, charred plywood, rusty charred metal baking pan, charred upholstery springs, metal chair, charred concrete,



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 4  
Photo Date: 1/31/2018  
Photo Time: 11:38:22  
Direction: SW  
Taken By: Jennifer O'Hearn

View of charred painted metal device with wiring visible, charred computer tower, charred pallet, apparent paint can lid, dimensional lumber, charred and melted material, charred metal, plastic beverage bottle, charred metal cans, apparent charred particle board, rusty tin can, charred wiring, charred painted metal pipe, ash, charred tin cans,



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 5  
Photo Date: 1/31/2018  
Photo Time: 11:39:01  
Direction: SW  
Taken By: Jennifer O'Hearn

Rusty charred metal chair, rusty charred metal walker, melted plastic bottle, rusty charred tin can, other charred rusty metal, metal lamp stand, ash, charred material, etc.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 6  
Photo Date: 1/31/2018  
Photo Time: 11:39:26  
Direction: SE  
Taken By: Jennifer O'Hearn

Charred and rusty mattress springs, charred computer tower, charred pallet, charred dimensional lumber, charred melted black substance, charred particle board, charred melted plastic bottle, other plastic bottle, charred rusty tin can, etc. much of waste as visible in other pictures.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 7  
Photo Date: 1/31/2018  
Photo Time: 11:41:33  
Direction: NW  
Taken By: Jennifer O'Hearn

View of charred tin cans,  
charred dimensional lumber,  
charred material, ash, charred  
aerosol can, insulation, etc.  
charred area on ground.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 8  
Photo Date: 1/31/2018  
Photo Time: 11:41:58  
Direction: NW  
Taken By: Jennifer O'Hearn

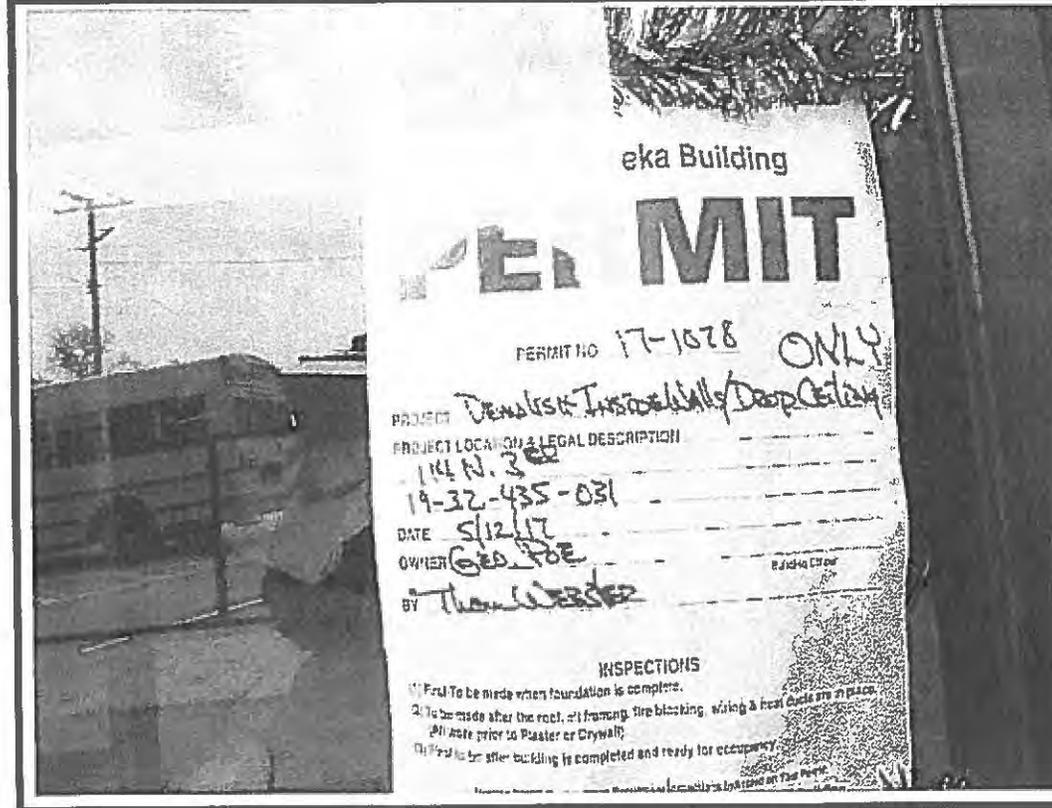
Close up view of insulation,  
charred material, ash, broken  
glass bottle neck, apparent  
broken dinner plate, rusty  
metal, etc.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 9  
Photo Date: 1/31/2018  
Photo Time: 11:43:38  
Direction: SW  
Taken By: Jennifer O'Hearn

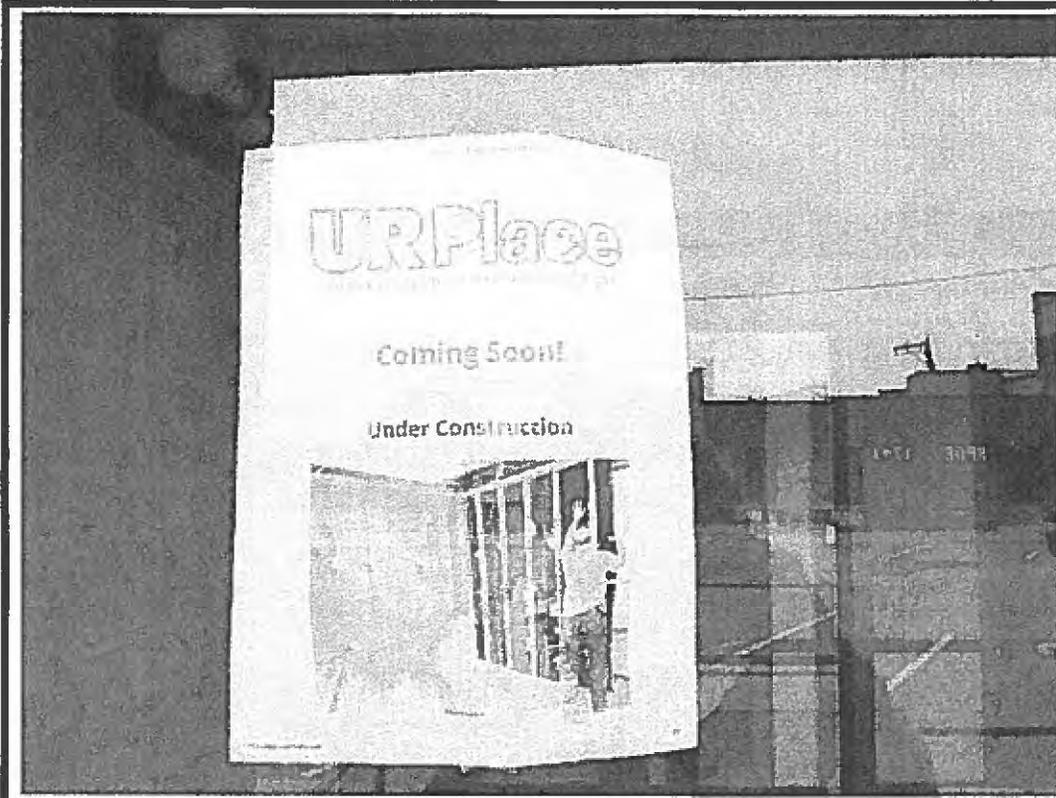
View of burn pile from front of property.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 10  
Photo Date: 1/31/2018  
Photo Time: 12:06:32  
Direction: NE  
Taken By: Jennifer O'Hearn

View of permit for business owned by George Poe.



Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 11  
Photo Date: 1/31/2018  
Photo Time: 12:07:03  
Direction: NE  
Taken By: Jennifer O'Hearn

View of sign for business coming to location at 114 N. Third Street, Watseka, Illinois.

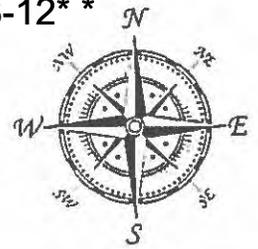


Site: Poe, George W  
(0758080008)  
Iroquois County

Photo ID: 12  
Photo Date: 1/31/2018  
Photo Time: 12:07:43  
Direction: NE  
Taken By: Jennifer O'Hearn

View inside window of business.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



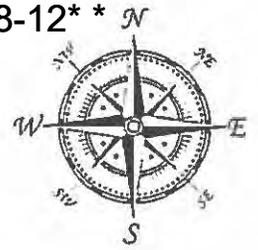
Site Diagram(s)

Inspection Date: January 31, 2018 0758080008 - Poe, George W Iroquois County

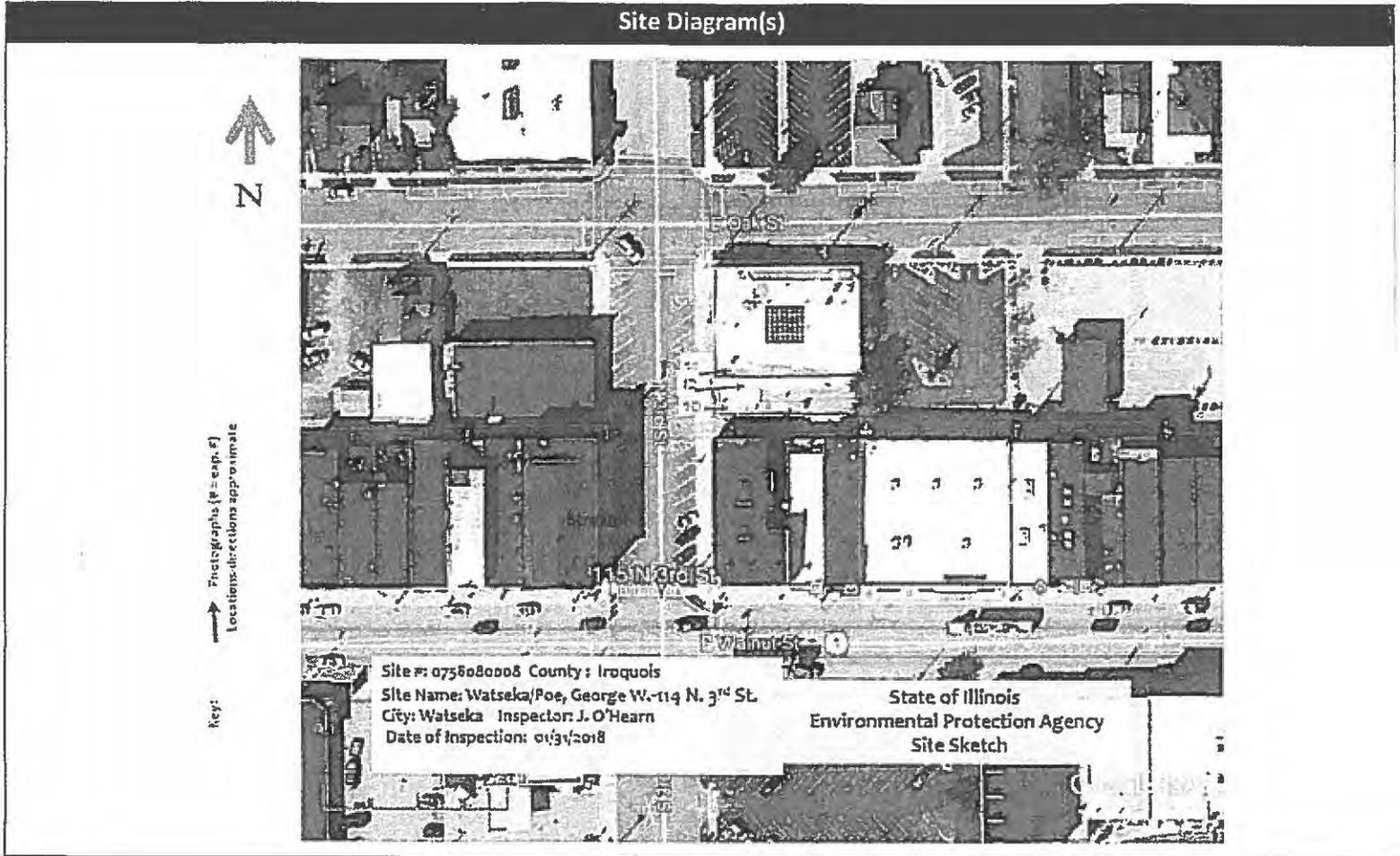


Inspection Date: January 31, 2018 0758080008 - Poe, George W Iroquois County

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Site Diagram(s)





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
595 S. State, Elgin, IL 60123 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 4-500, Chicago, IL 60601

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF IROQUOIS )

AFFIDAVIT

I, Jennifer O'Hearn, 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 January 31, 2018, between 11:30AM and 11:50AM, Affiant conducted an inspection of the open dump in Iroquois County, Illinois, known as Watseka/Poe, George W, Illinois Environmental Protection Agency Site No. 0758080008.

3. Affiant inspected said Watseka/Poe, George W 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 Watseka/Poe, George W open dump.

FURTHER AFFIANT SAYETH NOT.

*Jennifer O'Hearn*

Subscribed and Sworn to before me this *14* day of *February*, *2018*

*Rebecca L Harden*  
Notary Public





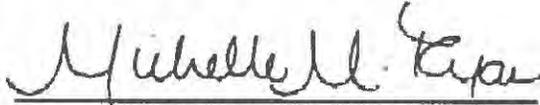
**PROOF OF SERVICE**

I hereby certify that I did on the 20<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: George W. Poe  
209 S. Oppyville Road  
Watseka, IL 60970-7910

and the original via electronic filing on March 20, 2018

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

