



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

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CLERK'S OFFICE

JUL 01 2013

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

June 26, 2013

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

Ac 14-1

 ORIGINAL

Re: Illinois Environmental Protection Agency v. Wanda L. Clark
IEPA File No. 147-13-AC; 0658050001—Hamilton 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

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ADMINISTRATIVE CITATION

JUL 01 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 WANDA L. CLARK,)
)
 Respondent.)

AC 14-1

(IEPA No. 147-13-AC)

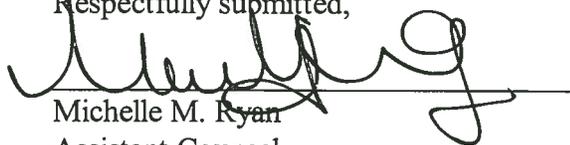
NOTICE OF FILING

To: Wanda L. Clark
Route 1, Box 14
Macedonia, IL 62860

Bonan, Bonan & Roland LLC
P.O. Box 309
McLeansboro, IL 62859

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: June 26, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
WANDA L. CLARK,))
))
))
))
))
Respondent.)

AC 14-1
(IEPA No. 147-13-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 Wanda L. Clark is the current owner ("Respondent") of a facility located at the intersection of State Route 14 and Macedonia Road, Macedonia, Hamilton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Macedonia/Clark, Wanda L.
2. That said facility is designated with Site Code No. 0658050001.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on May 30, 2013, Garrison Gross 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 6-26-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5928.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his May 30, 2013 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 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).

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 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 August 5, 2013, 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.

Lisa Bonnett by SOP

Date:

6/21/2013

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

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JUL 01 2013

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
WANDA L. CLARK,)
Respondent.)

AC 14-1
(IEPA No. 147-13-AC)

FACILITY: Macedonia/Clark, Wanda L.
SITE CODE NO.: 0658050001
COUNTY: Hamilton
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: May 30, 2013

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.

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JUL 01 2013

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

Ac 14-1

AFFIDAVIT

I, Garrison Gross, 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 May 30, 2013, between 8:15 A.M. and 8:20 A.M., Affiant conducted an inspection of the Wanda L. Clark site in Hamilton County, Illinois, known as Macedonia / Clark, Wanda L. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0658050001 the Agency.

3. Affiant inspected said Macedonia / Clark, Wanda L. site by an off-site inspection. Photographs were taken of the site.

4. As a result of the material actions 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 Macedonia / Clark, Wanda L. site.

FURTHER AFFIANT SAYETH NOT.

/s/ *Garrison Gross*

Subscribed and Sworn to before
me this *6th* day of *June*, 2013.

Gail Stricklin
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Hamilton LPC#: 065805002 Region: 7 - Marion
 Location/Site Name: Macedonia / Clark, Wanda L.
 Date: 05/30/2013 Time: From 8:15 A.M. To 8:20 A.M. Previous Inspection Date: 01/26/2013
 Inspector(s): Garrison Gross Weather: Mostly cloudy skies, 79°F, windy
 No. of Photos Taken: # 8 Est. Amt. of Waste: 25 yds³ Samples Taken: Yes # _____ No
 Interviewed: Conducted from offsite Complaint #: N/A

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

Wanda L. Clark
 Route 1, Box 14
 Macedonia, Illinois 62860
 618-728-4428

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

LPC # 0658050002

Inspection Date: 05/30/2013

	(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 type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0658050002 – Hamilton County
Site Name: Macedonia / Clark, Wanda L.
Date of Inspection: May 30, 2013
Inspectors: Garrison Gross

Subject: Open Dump Site Inspection at Wanda L. Clark Property

General Remarks: An Open Dump Site Inspection was conducted on Thursday, May 30, 2013, at property owned by Wanda L. Clark. The property is located at the intersection of State Route 14 and Macedonia Road, Macedonia, Illinois, 62860. Garrison Gross representing the Illinois EPA Bureau of Land conducted the inspection. The inspection was performed as a follow-up to three previous inspections. The last inspection was conducted on January 26, 2012. Weather conditions at the time of the inspection were mostly cloudy skies, 79° F, and windy.

Inspection Findings: The inspection began at approximately 8:15 A.M. and was conducted from offsite. Wastes were within public view and the site was observed from Macedonia Road and (photos 001-005) Illinois Route 14 (photos 006 and 007). Wastes observed included but were not limited to: carpeting, furniture, plastic buckets, cardboard boxes, dimensional lumber, household electronics (television and computer monitor) and a toilet. Some of the waste items were overgrown in tall vegetation. A small amount of waste was scattered around the residence. Most of the waste items were piled near the ~6 cubic yard dumpster. Approximately 25 cubic yards of waste were observed at the site. The inspection ended at approximately 8:20 A.M.

Additional Remarks: Information obtained from the Supervisor of Assessment's Office in Hamilton County indicated that tax bills are being mailed to Wanda L. Clark, Route 1, Box 14, Macedonia, Illinois 62860. The property is referred to as parcel 02-018-014-01 and contains approximately 1.09 acres. Records show the property was deeded to Marlene Clark and Marcella Kane in 2002, however; Wanda Clark retains a life estate.

Summary of Apparent Violations:

21(a)
21(d)(1)
21(d)(2)
21(e)
21(p)(1)
21(p)(7)
812.101(a)



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

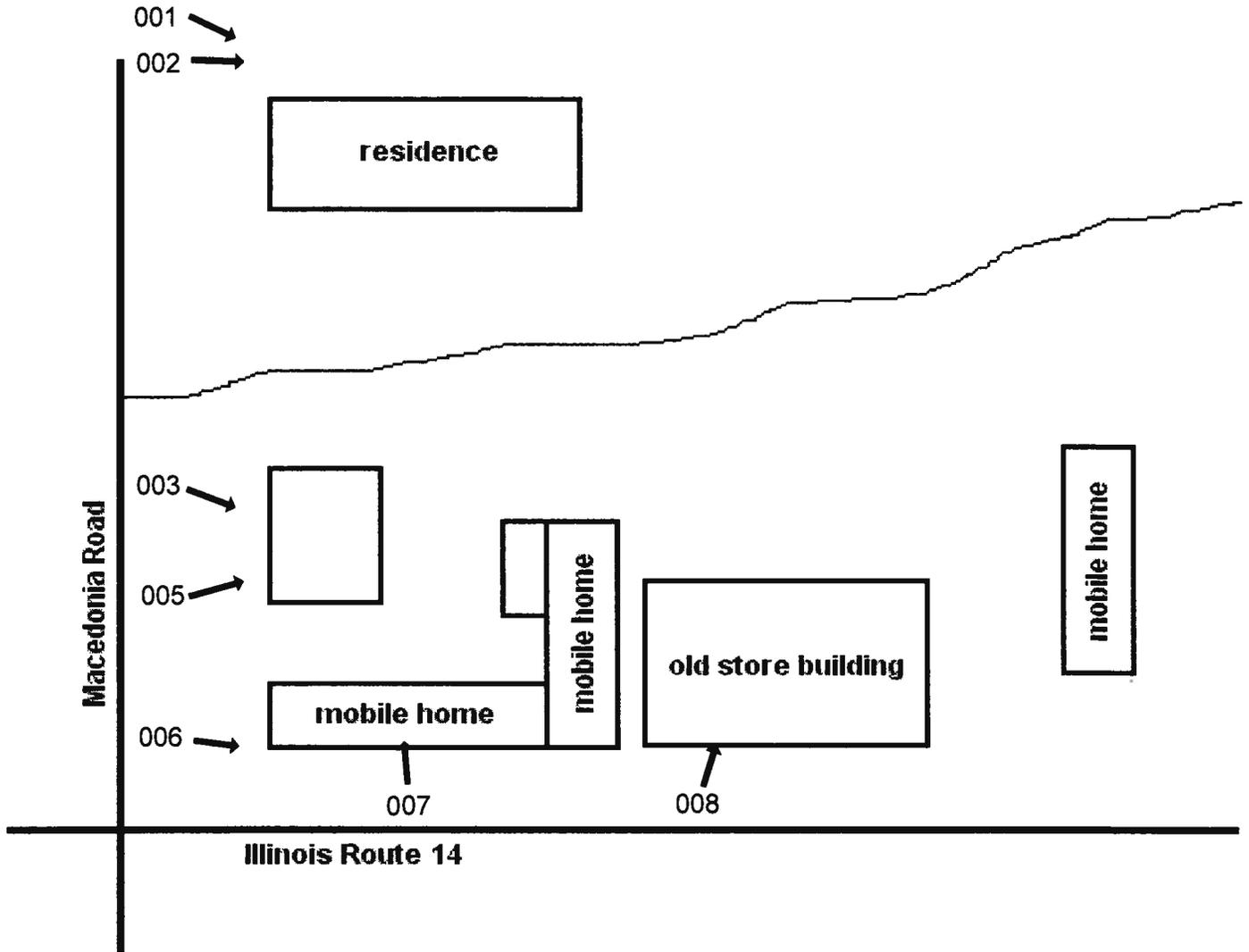
Date: May 30, 2013

BOL ID #: 0658050001 – Hamilton County

Site Name: Macedonia / Clark, Wanda L.

Inspector: Garrison Gross

Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 05/30/2013
Time: 8:17 A.M.
Direction: southeast
Photo by: Garrison Gross
Exposure #: 001
Comments: offsite
photograph of waste
around residence



Date: 05/30/2013
Time: 8:17 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 002
Comments: offsite
photograph of waste
around residence

File Name: 0658050002~05302013-[001-007].jpg



DIGITAL PHOTOGRAPHS



Date: 05/30/2013
Time: 8:17 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 003
Comments: offsite
photograph of waste
around dumpster



Date: 05/30/2013
Time: 8:17 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 004
Comments: offsite
photograph of waste
around dumpster

File Name: 0658050002~05302013-[001-007].jpg



DIGITAL PHOTOGRAPHS



Date: 05/30/2013
Time: 8:17 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 005
Comments: offsite
photograph of household
electronics



Date: 05/30/2013
Time: 8:18 A.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 006
Comments: offsite
photograph

File Name: 0658050002~05302013-[001-007].jpg



DIGITAL PHOTOGRAPHS



**Date: 05/30/2013
Time: 8:18 A.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 007
Comments: offsite
photograph**

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JUL 01 2013

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

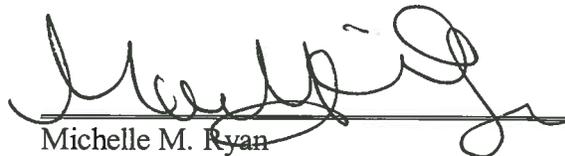
I hereby certify that I did on the 26th day of June 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Wanda L. Clark
Route 1, Box 14
Macedonia, IL 62860

Bonan, Bonan & Roland LLC
P.O. Box 309
McLeansboro, IL 62859

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

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