



# 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) 814-6028  
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

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AUG 12 2013

STATE OF ILLINOIS  
Pollution Control Board

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

August 7, 2013

AC 14-10



ORIGINAL

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

Re: Illinois Environmental Protection Agency v. Daniel Dawson  
IEPA File No.169-13-AC: 1138250009—McLean 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  
ADMINISTRATIVE CITATION

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AUG 12 2013

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
DANIEL DAWSON, )  
Respondent. )

AC 14-10  
(IEPA No. 169-13-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 Daniel Dawson is the current owner and operator ("Respondent") of a facility located at 13358 E. 75 N Road, Heyworth, McLean County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Heyworth/Dawson.

2. That said facility is designated with Site Code No. 1138250009.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on July 2, 2013, Dustin Burger of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign 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 8-6-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 6451.

## VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his July 2, 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 September 16, 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 *sr Sor*

Date:

7/29/2013

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

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STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DANIEL DAWSON, )  
 )  
 )  
 )  
 )  
 )  
 Respondent. )

AC 14-10  
 (IEPA No. 169-13-AC)

FACILITY: Heyworth/Dawson  
 SITE CODE NO.: 1138250009  
 COUNTY: McLean  
 CIVIL PENALTY: \$3,000.00  
 DATE OF INSPECTION: July 2, 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.

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: McLean      LPC#: 1138250009      Region: 4 - Champaign  
 Location/Site Name: Heyworth/Dawson, Daniel  
 Date: 07/02/2013    Time: From 10:10A    To 10:25A    Previous Inspection Date: 4/8/2013  
 Inspector(s): Dustin Burger      Weather: Pt. Cloudy, dry, 70s  
 No. of Photos Taken: # 6    Est. Amt. of Waste: 10 yds<sup>3</sup>    Samples Taken: Yes #      No   
 Interviewed: No one home at time of visit      Complaint #: C13-093-CH  
 Latitude: N40.29453    Longitude: W-89.0010    Collection Point Description: Dump Location -  
 (Example: Lat.: 41.26493      Long.: -89.38294)      Collection Method: - Googlemaps

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

Daniel Dawson  
 13358 E 75 N Road  
 Heyworth, IL 61745  
 309/473-2164

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**STATE OF ILLINOIS**  
**Pollution Control Board**

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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 AND REGULATIONS	<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 # 1138250009

Inspection Date: 07/02/2013

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input 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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
16.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**Informational Notes**

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- The provisions of subsection (p) of Section 21 and subsection (k) of Section 55 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1138250009—McLean County  
Heyworth/Dawson  
FOS File  
July 2, 2013 Inspection  
Inspector: Dustin Burger

**Narrative Inspection Report**

I conducted an open dump reinspection at the above referenced facility on July 2, 2013. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Six photos and no samples were taken. No one was at home during the inspection.

Champaign FOS received a complaint alleging Dan Dawson was bringing furniture from his business to be burned and dumped at his residential property located at 13358 E 75 North Road, Heyworth, Illinois. The property is a residence with metal outbuilding.

April 8, 2013 Inspection

During the April 8, 2013 inspection, I knocked at the door. Mrs. Daniel Dawson answered. I explained the nature of the complaint. Mrs. Dawson said she was not aware of any burn pile, but her husband does all the work outside. She said they do not bring furniture back from their business, as their furniture store closed over a year ago.

I asked if I could check and see if there was any burning and she replied I could. I walked into the back yard and found a fairly large burn pile northeast of the metal shed. The pile contained a toilet, mattress springs, drywall, wood, plastic buckets, and fiberglass insulation I could not tell whether the material came from on-site or off-site.

An ACWN was sent on April 24, 2013, with a clean-up deadline of July 1, 2013. No response was received.

July 2, 2013 Reinspection

I conducted a reinspection of the site on July 2, 2013. When I arrived, I knocked at the door, but received no response. I walked northeast from the house to the dump site, which is noticeable in an aerial view on googlemaps. It appeared as if nothing had been done at the dump area since my last inspection. No new wastes had been added, and no additional burning had taken place. No wastes had been removed. I observed burned

vinyl siding (photo 5), paint cans, a toilet, burned mattresses (photo 2, 4), ashes, metal, and the bead from several burned tires (photo 2).

### **Regulated Status**

The site is regulated as an open dump.

### **Apparent violations are resolved during this inspection:**

Since no additional open burned has been conducted since the previous inspection, the following violations have been resolved: **Section 9(a), 9(c), 21(p)(3).**

### **Apparent violations observed during this inspection:**

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

#1 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **evidence of open dumping of waste was observed during the inspection.**

#2 Pursuant to Section 21(e) of the Act, 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) is alleged for the following reason: **waste was disposed of at this site which does not meet the requirements of the Act and of regulations and standards thereunder.**

#3 Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in litter.

A violation of Section 21(p)(1) is alleged for the following reason: **waste was open dumped at this site resulting in litter.**

#4 Pursuant to Section 21(p)(7) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in deposition of general construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: **waste was open dumped at this site resulting in deposition of general construction and demolition debris.**



Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1138250009—McLean County  
Heyworth/Dawson, Daniel  
FOS File

DATE: July 2, 2013  
TIME: 10:10A-10:25A  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1138250009~07022013-001.jpg  
COMMENTS:



DATE: July 2, 2013  
TIME: 10:10A-10:25A  
DIRECTION: West  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1138250009~07022013-002.jpg  
COMMENTS: Burned paint cans and  
tire bead





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1138250009–McLean County  
Heyworth/Dawson, Daniel  
FOS File

DATE July 2, 2013  
TIME 10:10A-10:25A  
DIRECTION: Southwest  
PHOTO by: Dustin Burger  
PHOTO FILENAME  
1138250009~07022013-003.jpg  
COMMENTS:



DATE July 2, 2013  
TIME 10:10A-10:25A  
DIRECTION: North  
PHOTO by: Dustin Burger  
PHOTO FILENAME  
1138250009~07022013-004.jpg  
COMMENTS: Half burned mattress





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

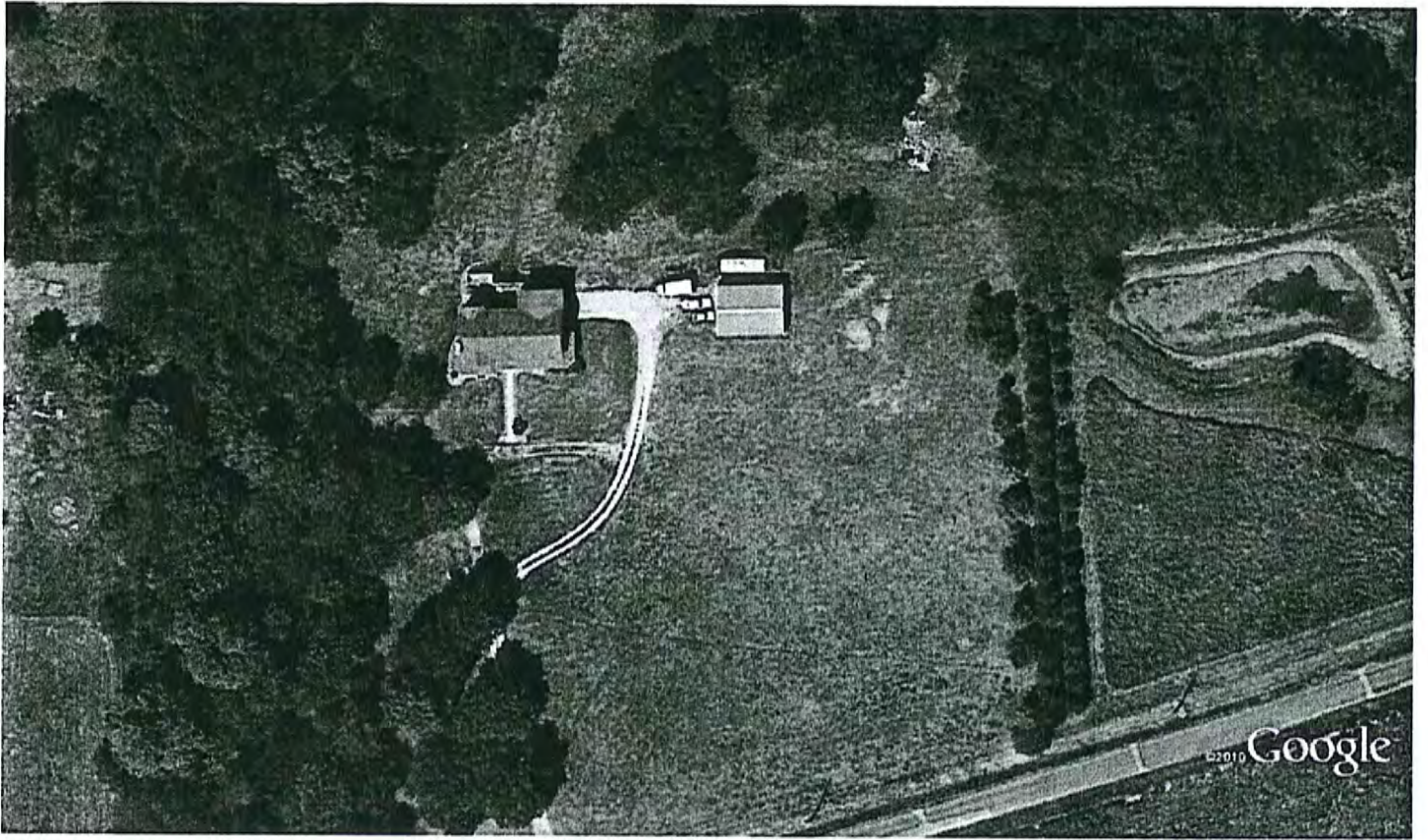
LPC #1138250009—McLean County  
Heyworth/Dawson, Daniel  
FOS File

DATE: July 2, 2013  
TIME: 10:10A-10:25A  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1138250009~07022013-005.jpg  
COMMENTS: Vinyl siding



DATE: July 2, 2013  
TIME: 10:10A-10:25A  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1138250009~07022013-006.jpg  
COMMENTS: Delivery van from defunct  
furniture business







ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

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AUG 12 2013

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
)  
)  
)  
Daniel Dawson., )  
)  
)  
Respondent )

IEPA DOCKET NO.

LC 14-10

Affiant, Dustin Burger, 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 July 2, 2013, between 10:10 A.M. and 10:250 A.M., Affiant conducted an inspection of the site in McLean County, Illinois, known as Heyworth/Dawson near Heyworth, Illinois, Illinois Environmental Protection Agency Site No. 1138250009.
3. Affiant inspected said Heyworth/Dawson site by an on-site inspection which included 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 the Heyworth/Dawson site.

Dustin Burger

Subscribed and Sworn to before me  
this 16 day of July,  
2013.

Rebecca L Harden  
Notary Public



**PROOF OF SERVICE**

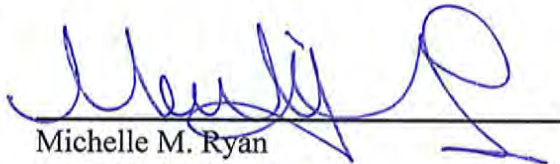
I hereby certify that I did on the 7th day of August 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Daniel Dawson  
13358E 75N Road  
Heyworth, IL 61745

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**CLERK'S OFFICE**  
**AUG 12 2013**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

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

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