



# 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

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

August 27, 2013

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

AC 14-14



ORIGINAL

RECEIVED  
CLERK'S OFFICE  
SEP 03 2013  
STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v. Flossie E. Hayes and Kevin E. Stine  
IEPA File No. 225-13-AC; 0250150004—Clay 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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SEP 03 2013

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

FLOSSIE E. HAYES and KEVIN E. STINE,

Respondents.

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AC

14-14

(IEPA No. 225-13-AC)

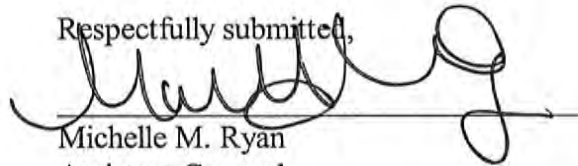
**NOTICE OF FILING**

To: Flossie E. Hayes  
505 Peacock Drive  
Farina, IL 62838

Kevin E. Stine  
303 South Clay Street  
Farina, IL 62838

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: August 27, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
SEP 03 2013  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
FLOSSIE E. HAYES and KEVIN E. STINE,	)	
	)	
	)	
	)	
	)	
Respondents.	)	

AC 14-14  
(IEPA No. 225-13-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 Flossie E. Hayes is the current owner and Kevin E. Stine is the current owner ("collectively Respondents") of a facility located at 109 Broadway Street, Iola, Clay County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Iola/Hayes-Stine.
2. That said facility is designated with Site Code No. 0250150004.
3. That Respondents have owned or operated said facility at all times pertinent hereto.
4. That on July 17, 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 8-27-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 00010862 2995 - Hayes  
7011 1150 0001 0862 2988 - Stine

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his July 17, 2013 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) (2010).
  
- (2) 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) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than September 30, 2013, 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 (2010), 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) (2010), 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, 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, Respondents 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 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 Respondents 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 (2010). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

 Lisa Bonnett is DP

Lisa Bonnett, Director  
Illinois Environmental Protection Agency

Date: 8/26/2013

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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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
FLOSSIE E. HAYES and KEVIN E. STINE, )  
Respondents. )

AC 14-14  
(IEPA No. 225-13-AC)

FACILITY: lola/Hayes-Stine  
SITE CODE NO.: 0250150004  
COUNTY: Clay  
CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: July 17, 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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CLERK'S OFFICE

SEP 03 2013

STATE OF ILLINOIS  
Pollution Control Board

Ac 14-14

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF WILLIAMSON )

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 July 17, 2013, between 8:50 A.M. and 8:55 A.M., Affiant conducted an inspection of the Flossie E. Hayes property in Clay County, Illinois, known as Iola / Hayes-Stine by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0250150004 by the Agency.

3. Affiant inspected said Iola / Hayes-Stine site by an on-site inspection, which included walking and photographing 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 Iola / Hayes-Stine site.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before  
me this 17<sup>th</sup> day of July, 2013.

Gail Stricklin  
Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Clay LPC#: 0250150004 Region: 7 - Marion  
 Location/Site Name: Iola / Hayes-Stine  
 Date: 07/17/2013 Time: From 8:50 A.M. To 8:55 A.M. Previous Inspection Date: 08/30/2012  
 Inspector(s): Garrison Gross Weather: clear skies, 86°F, light breeze  
 No. of Photos Taken: # 4 Est. Amt. of Waste: 150 yds<sup>3</sup> Samples Taken: Yes #  No   
 Interviewed: no one at the site Complaint #: C-12-076-M  
 Latitude: N38.834192° Longitude: W-88.628173° Collection Point Description: Burn Site  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Google Earth

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

Flossie E. Hayes  
505 Peacock Drive  
Farina, Illinois 62838

Kevin E. Stine  
303 South Clay Street  
Farina, Illinois 62838

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	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 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 # 0250150004

Inspection Date: 7/17/2013

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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)(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
15.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
16.	<b>OTHER:</b>		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<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**

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**Site #:** 0250150004 – Clay County

**Site Name:** Iola / Hayes-Stine

**Date of Inspection:** July 17, 2013

**Inspector:** Garrison Gross

**Subject:** Open Dump Site Inspection at Hayes-Stine Site

**General Remarks:** An Open Dump Site Inspection was conducted on Wednesday, July 17, 2013 at property owned by Flossie Hayes. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The property address is ~109 Broadway Street in Iola, Illinois. The inspection was a follow-up to a previous inspection conducted August 30, 2012. Weather conditions at the time of the inspection were clear skies, 86° F, with a light breeze. Surface conditions were dry.

**Inspection Findings:** The inspection began at approximately 8:50 A.M. The property was overgrown in tall grass (photo 001). I entered the property and continued the inspection by walking and photographing the site. A pit measuring approximately 50 feet long by 30 feet wide by 3 feet deep was observed. The pit contained partially burned demolition debris including but not limited to: bricks, concrete blocks, wood, metal, tile siding and ash (photos 002 and 004). Exterior tile siding was observed that appeared to be transite, a suspected asbestos containing material (photo 003). The pile contained approximately 150 cubic yards of material. The inspection ended at approximately 8:55 A.M.

**Additional Remarks:** Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment's Office in Clay County. Tax bills are mailed to Flossie Hayes, 505 Peacock Drive, Farina, Illinois 62838. The property is referred to as parcel # 01-34-401-005-0060 (Lots # 5 and 6, Block 3, Village of Iola).

**Summary of Apparent Violations:**

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



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

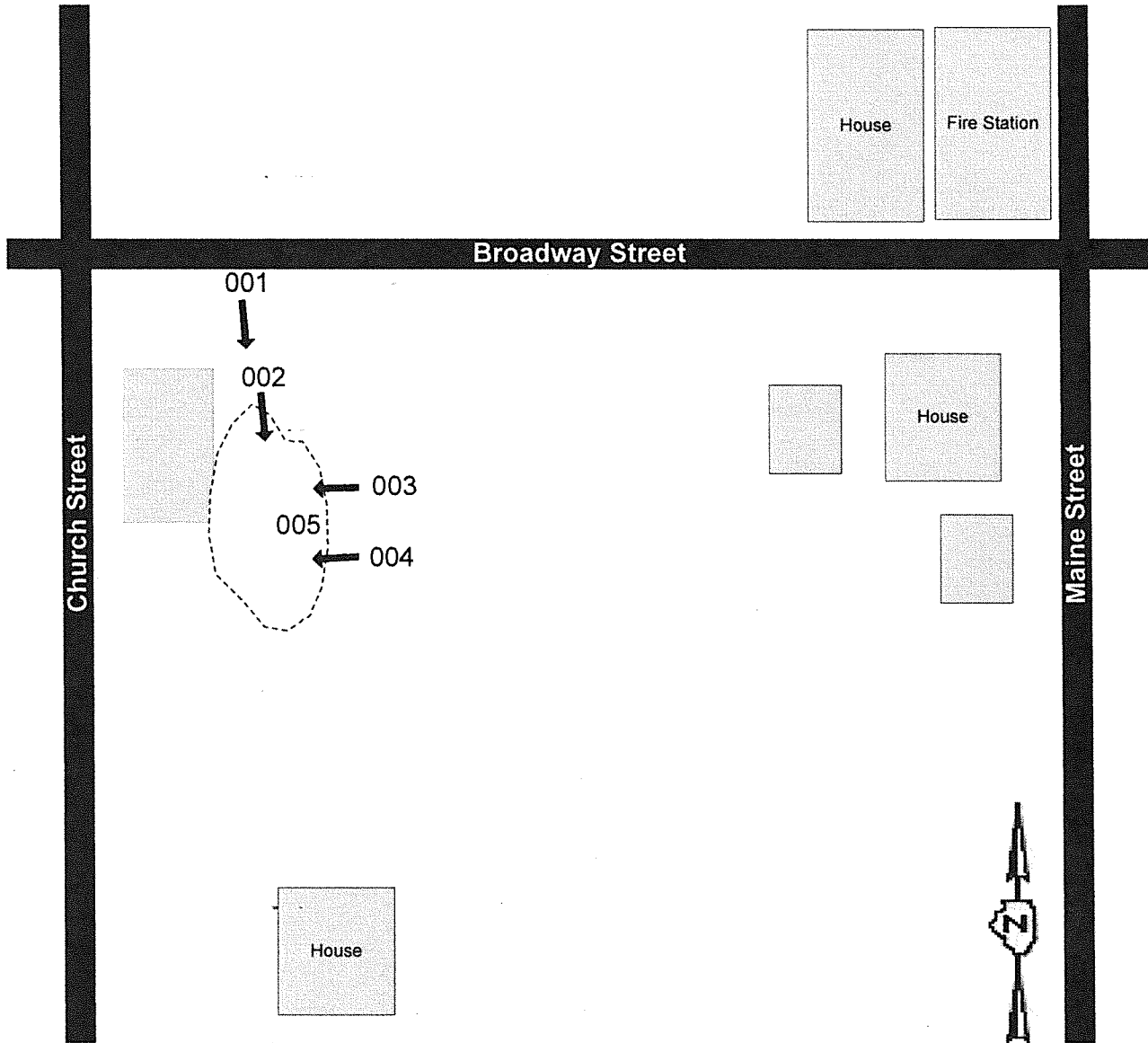
Date: August 30, 2012

BOL ID #: 0250150004 – Clay County

Site Name: Iola / Hayes-Stine

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





**DIGITAL PHOTOGRAPHS**



**Date: 07/17/2013**  
**Time: 8:50 A.M.**  
**Direction: south**  
**Photo by: Garrison Gross**  
**Exposure #: 001**  
**Comments: offsite photograph**



**Date: 07/17/2013**  
**Time: 8:51 A.M.**  
**Direction: south**  
**Photo by: Garrison Gross**  
**Exposure #: 002**  
**Comments: demolition debris**

**File Names: 0250150004~07172013-[001-004].jpg**



**DIGITAL PHOTOGRAPHS**



**Date:** 07/17/2013  
**Time:** 8:51 A.M.  
**Direction:** down  
**Photo by:** Garrison Gross  
**Exposure #:** 003  
**Comments:** suspected  
asbestos containing  
material



**Date:** 07/17/2013  
**Time:** 8:51 A.M.  
**Direction:** southwest  
**Photo by:** Garrison Gross  
**Exposure #:** 004  
**Comments:** demolition  
debris

**File Names:** 0250150004~07172013-[001-004].jpg

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STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

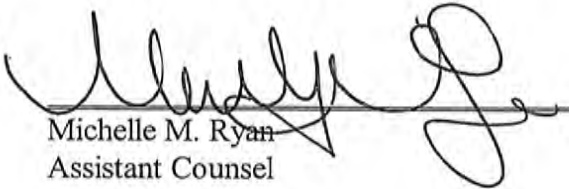
I hereby certify that I did on the 27th day of August 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Flossie E. Hayes  
505 Peacock Drive  
Farina, IL 62838

Kevin E. Stine  
303 South Clay Street  
Farina, IL 62838

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  
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