



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

RECEIVED
CLERK'S OFFICE

JUL 02 2014

STATE OF ILLINOIS
Pollution Control Board

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

June 30, 2014

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

AC15-1

Re: Illinois Environmental Protection Agency v Dale White and Shawn & Amanda Depew
IEPA File No. 164-14-AC; 0818075006

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

RECEIVED
CLERK'S OFFICE
JUL 02 2014
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

DALE WHITE and SHAWN & AMANDA
DEPEW,)

Respondents.)

AC 15-1

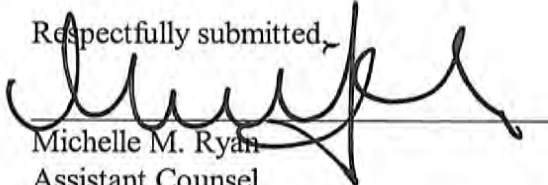
(IEPA No. 164-14-AC)

NOTICE OF FILING

To: Dale White
P.O. Box 7
Dahlgren, IL 62828

Shawn & Amanda Depew
21977 North Krupp Lane
Centralia, IL 62801

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 30, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUL 02 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 15-1
)	
v.)	(IEPA No. 164-14-AC)
)	
DALE WHITE and SHAWN & AMANDA DEPEW,)	
)	
)	
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 Dale White is the current property owner and Shawn and Amanda Depew are the current operators ("collectively Respondents") of a facility located at 21977 North Krupp Lane, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Centralia/Depew-White.
2. That said facility is designated with Site Code No. 1818645005.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on June 5, 2014 Maggie Stevenson of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 6-30-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 8654 - White
7012 0470 0001 3000 8630 - Depew
VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of the June 5, 2014 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 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) (2014).
- (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) (2014).
- (3) 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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 August 18, 2014, 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, 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 (2014). 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 by HP

Date:

6-27-14

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

RECEIVED
CLERK'S OFFICE

JUL 02 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 DALE WHITE and SHAWN & AMANDA)
 DEPEW,)
)
)
 Respondents.)

AC *15-1*
 (IEPA No. 164-14-AC)

FACILITY: Centralia/Depew-White
 SITE CODE NO.: 0818075006
 COUNTY: Jefferson
 CIVIL PENALTY: \$4,500.00
 DATE OF INSPECTION: June 5, 2014

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.

RECEIVED
CLERK'S OFFICE

JUL 02 2014

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF JEFFERSON)

AFFIDAVIT

I, Maggie Stevenson, 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 June 5, 2014, between 10:00 a.m. and 10:15 a.m., Affiant conducted an inspection of the open dump in Jefferson County, Illinois, known as Centralia/Depew-White, Illinois Environmental Protection Agency Site No. 0818075006.
3. Affiant inspected said Centralia/Depew-White 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 Centralia/Depew-White open dump.

FURTHER AFFIANT SAYETH NOT.

Maggie Stevenson

Subscribed and Sworn to before

me this 20th day of June, 2014

Gail Stricklin
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0818075006 Region: 7 - Marion

Location/Site Name: Centralia/Depew-White

Date: 06/05/2014 Time: From 10:00 To 10:15 Previous Inspection Date: 07/26/2012

Inspector(s): Maggie Stevenson Weather: 70 F, breezy, overcast

No. of Photos Taken: # 9 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No

Interviewed: Dakota Carter (minor child) Complaint #: C-03-091

Latitude: 38.265667 Longitude: -89.041397 Collection Point Description: Site Entrance - Driveway/Krupp Ln

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation - Google Earth

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

Dale White
P.O. Box 7
Dahlgren, IL 62828

RECEIVED
CLERK'S OFFICE
JUL 02 2014
STATE OF ILLINOIS
Pollution Control Board

Shawn & Amanda Depew
21977 North Krupp Lane
Centralia, IL 62801

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" 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 # 0818075006

Inspection Date: 06/05/2014

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<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.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0818075006

Date of Inspection: June 5, 2014

County: Jefferson

Inspector: Maggie Stevenson

Site Name: Centralia/Depew-White

General Remarks: This inspection was made as a follow-up to the July 26, 2012 inspection by Inspector Gross. The inspection began at approximately 10:00 a.m. and concluded around 10:15 a.m. Nine pictures were taken at the site. Waste consisted of, but not limited to, tires, construction demolition debris, charred metals, charred tire beads, and general refuse. Open burning had occurred at the site.

Inspection Findings: I knocked at the door of the mobile home and spoke with a young man less than 18 years of age. I explained that I was there to do a recheck for a previous open dumping inspection by Garrison Gross. I stated I needed to walk the property and take a few photographs for the inspection. I left him my business card.

I walked the property and found the same types of open dumping and open burning issues reported during the July 26, 2012 inspection. At least four waste tires were on site. The tires were on rim but at least one time was torn and able to hold water (photo 001). Evidence of open burning is shown in photos 005 through 009. The burn pile consisted of charred remains of tire beads, metals, furniture/mattresses/ box springs, tin cans, aerosol cans and miscellaneous waste. Open burning was taking place on the ground and in three metal burn barrels (photo 004) that were in poor condition. Waste had spilled from the burn barrels onto the ground.

Shingles and scrap dimensional lumber was also present on the site (photo 003). Weeds had grown around the waste, almost hiding it from view. The washing machine tub was also present on site (photo 001).


I returned to the mobile to inform the young man that I was leaving the site. I asked him if Shawn and Amanda had purchased the property from Mr. White and he said they had paid off the contract and now owned the property. I stated that Shawn and Amanda would be receiving a letter regarding the site.

Additional Remarks: Neither Mr. Dale White or Shawn and Amanda Depew responded to the August 13, 2012 ACWN. Neither party submitted receipts for the proper disposal of the waste documented during the July 26, 2012 complaint inspection. The responsible operators, Shawn and Amanda Depew, have not ceased open dumping and open burning as instructed in the August 13, 2012 corrective actions. The violations listed in the August 13, 2012 ACWN remain.

When I checked with Jefferson County tax assessor, the parcel 01-10-400-013, consisting of five acres, is still in Dale White's name but the tax bill is being sent to Shawn and Amanda Depew. The last documents on file are the deed showing ownership transfer from Thomas and Marshall Garrison II to Dale White on February 25, 2011. The assessor does not have a copy of the contract for deed between Dale White and Shawn and Amanda Depew on file.

Summary of Alleged Violations: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), 55(a)(2), 812.101(a).



FILENAME	DESCRIPTION	Map Key All locations are approximate/Not drawn to scale 
AC Site Map	LPC #0818075006 - Jefferson County Centralia/Depew-White 06/05/2014	





DIGITAL PHOTOGRAPHS



Date: 06/05/2014
Time: 10:09 a.m.
Direction: N
Photo by: M. Stevenson
Exposure #: 001
Comments: tires on rim
but not holding air,
washing machine tub.



Date: 06/05/2014
Time: 10:09 a.m.
Direction: W
Photo by: M. Stevenson
Exposure #: 002
Comments: metal parts in
an area of prior open
burning.

File Names: 0818075006~06052014-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: 06/05/2014
Time: 10:10 a.m.
Direction: S
Photo by: M. Stevenson
Exposure #: 003
Comments: shingles



Date: 06/05/2014
Time: 10:11 a.m.
Direction: SE
Photo by: M. Stevenson
Exposure #: 004
Comments: Burn barrels in poor condition, holes, trash on ground, aerosol cans, glass, tin cans, metals, household refuse.

File Names: 0818075006~06052014-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: 06/05/2014
Time: 10:12 a.m.
Direction: S
Photo by: M. Stevenson
Exposure #: 005
Comments: open burn pile with tire beads, aerosol cans, wires springs, misc.



Date: 06/05/2014
Time: 10:12 a.m.
Direction: S
Photo by: M. Stevenson
Exposure #: 006
Comments: charred tire beads

File Names: 0818075006~06052014-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: 06/05/2014
Time: 10:12 a.m.
Direction: S
Photo by: M. Stevenson
Exposure #: 007
Comments: charred
springs, tire beads



Date: 06/05/2014
Time: 10:13 a.m.
Direction: N
Photo by: M. Stevenson
Exposure #: 008
Comments: charred tire
beads, springs, aerosol
can, chunks of cement

File Names: 0818075006~06052014-001 through 009.jpg



DIGITAL PHOTOGRAPHS



**Date: 06/05/2014
Time: 10:13 a.m.
Direction: N
Photo by: M. Stevenson
Exposure #: 009
Comments: charred
aerosol cans, charred tire
beads, springs, cement ,
tin cans, plastic, misc.**

File Names: 0818075006~06052014-001 through 009.jpg

RECEIVED
CLERK'S OFFICE

JUL 02 2014

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE


I hereby certify that I did on the 30th day of June 2014, 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: Dale White
P.O. Box 7
Dahlgren, IL 62828

Shawn & Amanda Depew
21977 North Krupp Lane
Centralia, IL 62801

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