



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

RECEIVED
CLERK'S OFFICE

SEP 18 2014

STATE OF ILLINOIS
Pollution Control Board

AC 15-10



ORIGINAL

September 16, 2014

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 Angela Trost
IEPA File No. 307-14-AC; 1050605092

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

SEP 18 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 ANGELA TROST,)
)
 Respondent.)

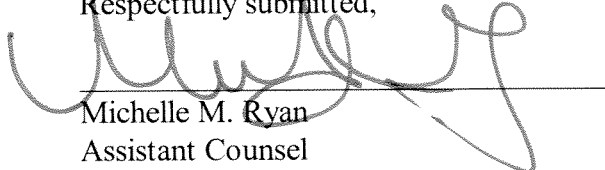
AC 15-10
 (IEPA No. 307-14-AC)

NOTICE OF FILING

To: Angela Trost
 17595 N. 1750 East Road
 Pontiac, IL 61764

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: September 16, 2014

RECEIVED
CLERK'S OFFICE

SEP 18 2014

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 ANGELA TROST,)
)
)
 Respondent.)

AC 15-10
 (IEPA No. 307-14-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 (2014).

FACTS

1. That Karen Trost is the current owner ("Respondent") of a facility located at 17595 N 1750 East Road, Illinois Rte. 116, Livingston County, Pontiac, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Pontiac/Trost.

2. That said facility is designated with Site Code No. 1050605092.

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

4. That on August 18, 2014, 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 9-16-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 9576.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his August 18, 2014 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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 October 31, 2014, 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 (2014), 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) (2014), 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 (2014). 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 ^{KSP}

Date:

9-12-14

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

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SEP 18 2014

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 ANGELA TROST,)
)
)
 Respondent.)

AC 15-10
 (IEPA No. 307-14-AC)

FACILITY: Pontiac/Trost
 SITE CODE NO.: 1050605092
 COUNTY: Livingston
 CIVIL PENALTY: \$1,500.00
 DATE OF INSPECTION: August 18, 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.

STATE OF ILLINOIS)
) SS
COUNTY OF EDGAR)

AFFIDAVIT

I, Dustin Burger, 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 August 18, 2014, between 11:00 and 11:05 A.M., Affiant conducted an inspection of the open dump in Livingston County, Illinois, known as Pontiac/Trost, Illinois Environmental Protection Agency Site No. 1050605092.

3. Affiant inspected said Pontiac/Trost open dump site by an on-site inspection, which included walking and photographing the site.

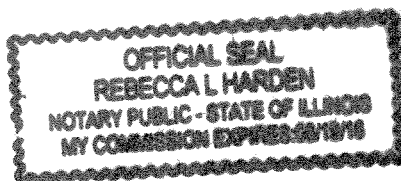
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Pontiac/Trost open dump.

FURTHER AFFIANT SAYETH NOT.

Dustin Burger

Subscribed and Sworn to before
me this 29 day of August, 2014

Rebecca L Harden
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Livingston LPC#: 1050605092 Region: 4 - Champaign
 Location/Site Name: Pontiac/Trost Asphalt and Paving
 Date: 08/18/2014 Time: From 1100 To 1105 Previous Inspection Date: 06/16/2014
 Inspector(s): Dustin Burger Weather: Overcast, dry 80s
 No. of Photos Taken: # 2 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # No
 Interviewed: No one present Complaint #: C14-105-CH
 Latitude: N40.88270 Longitude: W-88.59576 Collection Point Description: Center of Site - error 24ft
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin 76s

Responsible Party Mailing Address(es) and Phone Number(s): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Angela Trost 17595 N 1750 East Road Pontiac, Illinois 61764 815/844-3611 </div>	<div style="border: 1px solid black; height: 80px; margin-top: 5px;"></div>
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	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 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	<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 # 1050605092

Inspection Date: 08/14/2014

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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"/>
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 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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1050605092--Livingston County
Pontiac/Trost Asphalt and Paving
FOS File
August 18, 2014 Inspection
Inspector: Dustin Burger
Complaint No. C14-105-CH
GIS Info: N 40.88270 W88.59576

Narrative Inspection Report

I conducted an open dump reinspection at the above referenced site on August 16, 2014 at 11:00 A.M. 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). I did not speak with anyone, during the short inspection. The weather was mostly cloudy and dry, with temperatures in the 70s.

History

Champaign FOS received a complaint in June of 2003 alleging Tim Trost, owner of Trost Asphalt and Paving, was dumping garbage and reclaimed asphalt pavement into a stream next to his house located at 17595 N 1750 East Road (Illinois Rte. 116). During the July 2003 inspection, Mr. Trost admitted he had been dumping old asphalt along the edge of the stream where the stream had washed out the bank. He said he knew you could use concrete for rip-rap, and thought asphalt could also be used. He was very amiable and said he would remove the material as soon as possible. An ACWN was sent on August 19, 2003 with a September 30, 2003 clean-up deadline. We later agreed the RAP could be covered with soil and remain in place. A February 26, 2009 reinspection found Mr. Trost had been burning general refuse, including furniture, and household refuse. Trost said he was bankrupt and did not have garbage service. An ACWN was sent on March 31, 2009. An August 5, 2009 inspection found the former burn pile had been removed .

June 16, 2014 Inspection

Champaign FOS received a complaint alleging Trost had accumulated large totes of chemicals, and two of the containers might contain sewage.

When I arrived at the site, a woman who identified herself as Angela Trost came out of the house. I explained the nature of the complaint to her. Mrs. Trost said her husband died in January of 2014, and he left some material at the property. She said there were formerly 14 totes at the site, but all were new and received empty. She said her husband made spray equipment for the asphalt coating industry in the garage. The equipment

would attach to the empty totes when it was sold. She removed all but 5 of the totes. Three were still empty. The remaining two contained water that was used to test the spray equipment. No chemicals were used in the process.

We checked out the inside of the garage, where I saw a complete CNC plasma cutting table and an assembled stainless steel small sprayer unit. Mrs. Trost said she had no idea what her husband did or how the equipment worked.

Outside the garage I noted a pile of solid waste had been dumped. The pile contained boxes, hoses, and wood. Mrs. Trost said it was material from cleaning out the garage. I informed her that the waste needed to be removed to a permitted landfill. She asked if she could add it to her regular twice weekly trash service. I replied that that would be fine as long as the waste was removed in 60 days. She said she thought she could get it removed in that time.

An ACWN was sent on June 25, 2014 with an August 15, 2014 deadline for clean-up.

August 18, 2014 Reinspection

A reinspection was conducted on August 18, 2014. When I arrived I drove along the neighboring field to where the dump was located behind the garage. A pile of refuse was still present. It was composed of cardboard boxes, carpet, wood, and hoses. It did not appear as if any of the material had been removed since my last inspection. The total amount in the pile was approximately 8-10 cubic yards of material.

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 stored and 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.**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605092—Livingston County
Pontiac/Trost
FOS File

DATE August 18, 2014
TIME 11:00 A.M.
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILENAME
1050605092~08182014-001.jpg
COMMENTS:



DATE August 18, 2014
TIME 11:00 A.M.
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILENAME
1050605092~08182014-002.jpg
COMMENTS:



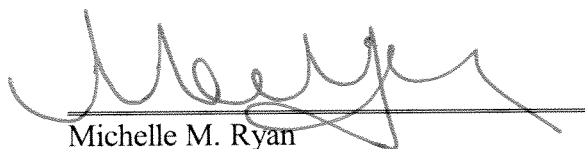
PROOF OF SERVICE

I hereby certify that I did on the 16th day of September 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: Angela Trost
17595 N. 1750 East Road
Pontiac, IL 61764

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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