



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

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

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CLERK'S OFFICE

OCT - 2 2015

September 30, 2015

STATE OF ILLINOIS  
Pollution Control Board

AC 16-2

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

ORIGINAL

Re: Illinois Environmental Protection Agency v Dan Pitney  
IEPA File No. 306-15-AC; 2010306760

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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OCT - 2 2015

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

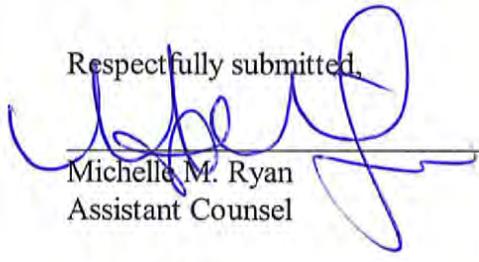
ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DAN PITNEY, )  
 )  
 Respondent. )

AC 16-2  
 (IEPA No. 306-15-AC)

NOTICE OF FILING

To: Dan Pitney  
 1431 Camp Elwood  
 Rockford, IL 61109

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 30, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DAN PITNEY, )  
 )  
 )  
 Respondent. )

AC 16-2  
 (IEPA No. 306-15-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 Dan Pitney is the current operator ("Respondent") of a facility located on Camp Elmwood Road, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Olbrich.
2. That said facility is designated with Site Code No. 2010306760
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on August 20, 2015, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 9-30-15, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0476 0001 3000 6469.

## VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of the August 20, 2015 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).
  
- (2) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(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 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 October 30, 2015, 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.

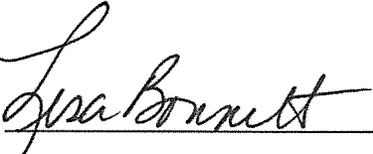
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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.

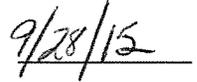
If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. 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.

  
\_\_\_\_\_

Date:

  
\_\_\_\_\_

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. )  
DAN PITNEY, )  
Respondent. )

AC 16-2  
(IEPA No. 306-15-AC)

FACILITY: Rockford/Olbrich  
SITE CODE NO.: 2010306760  
COUNTY: Winnebago  
CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: August 20, 2015

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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OCT - 2 2015

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

STATE OF ILLINOIS  
Pollution Control Board

AC16-2

IN THE MATTER OF: )  
 )  
 Dan Pitney, )  
 )  
 )  
 )  
 Respondent )

IEPA DOCKET NO.

Affiant, Donna Shehane, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 20, 2015 between 10:25 am and 10:35 am, Affiant conducted an inspection of the facility located 1431 Camp Elwood, Rockford, Illinois, 61109 located in Winnebago County, Illinois. Said site has been assigned site code number BOL # 2010306760 by the Agency.
3. Affiant inspected said 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 facility.

Donna Shehane  
Donna Shehane EPS III

Subscribed and Sworn to Before Me  
this 3<sup>rd</sup> day of September, 2015

Alberta Walker  
Notary Public





LPC # 2010306760

Inspection Date: 08/20/2015

|  |            |  |                                     |
|--|------------|--|-------------------------------------|
|  | (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 type="checkbox"/>            |
| 9.   | 55(a)      | <b>NO PERSON SHALL:</b>  |                                     |
|  | (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 type="checkbox"/>            |
| <b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS<br/>SUBTITLE G</b> |            |  |                                     |
| 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"/>            |
| <b>OTHER REQUIREMENTS</b>  |            |  |                                     |
| 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"/>            |
|  | 55(k)(1)   | (k) No person shall:<br>(1) 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 checked="" 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.

2010306760 – Winnebago County  
Rockford/Olbrich

NARRATIVE INSPECTION REPORT DOCUMENT

On August 20, 2015, I (Donna Shehane) conducted an inspection on property owned by Jake, Teresa, & Daniel Olbrich, located on Camp Elmwood Road in Rockford, IL according to Winnebago County records. Records also indicate a tax address of Dan Pitney at 3817 Cutty Sark Road, Cherry Valley, IL. The purpose of this inspection was to determine the facility's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and 35 Illinois Adm. Code Subtitle G. The weather at the time of this inspection was 63 °F, with WNW winds at 22 mph and cloudy skies.

This property has been the subject of enforcement letters previously (including an Administrative Citation Warning Notice) and several contacts/discussions with Mr. Dan Pitney who is operating the property.

I arrived at the facility at approximately 10:25 am to inspect the site. Photo # 1 was taken to the west/northwest of a dilapidated trailer on the property, with dumped metal debris in the weeds. Photo # 2 was taken of open-dumped shower enclosures which have been observed in this condition/location since October of 2014. Photo # 3 reveals a pile of dumped plywood/lumber on the ground. Photo # 4 was taken of open-dumped used or waste tires on the ground. These tires have been observed on site since at least October of 2014. I took a closer look at the tires and observed water accumulation in some of the tires (See photos # 5 and # 6).

The Jake, Teresa, and Daniel Olbrich property was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the [Illinois] Environmental Protection Act ("Act").
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.
4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 55(a)(1) of the Act.
7. Section 55(k)(1) of the Act.
8. Section 812.101(a) of 35 Illinois Administrative Code Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Google Maps

Chicago Rockford  
International Airport



Imagery ©2015 DigitalGlobe, U.S. Geological Survey, 100 ft  
 Survey, USDA Farm Service Agency, Map data ©2015 Google



*State of Illinois  
 Environmental Protection Agency  
 Site Sketch*

*Date: 8/20/15*

*County: Winnebago*

*Site Code: 2010306760*

*Inspector: Shehna*

*Site Name: Olbrich*

*Time: 10:25 - 10:35  
 am am*

*NOT TO SCALE  
 2010306760 ~ 082015 - 001 - 006*



## DIGITAL PHOTOGRAPHS

File Names: 2010306760~082015



Date: 08/20/2015  
Time: 10:29 am  
Direction: NW  
Photo by: Shehane  
Exposure #: 001  
Comments:  
dilapidated  
trailer and litter  
on the ground



Date: 08/20/2015  
Time: 10:29 am  
Direction: W  
Photo by: Shehane  
Exposure #: 002  
Comments:  
Shower enclosures  
on the ground  
since at least  
October 2014



## DIGITAL PHOTOGRAPHS

File Names: 2010306760~082015



Date: 08/20/2015  
Time: 10:29 am  
Direction: W  
Photo by: Shehane  
Exposure #: 003  
Comments:  
Dumped lumber



Date: 08/20/2015  
Time: 10:29 am  
Direction: SW  
Photo by: Shehane  
Exposure #: 004  
Comments: used or  
waste tires dumped  
on the ground



*DIGITAL PHOTOGRAPHS*

File Names: 2010306760~082015



Date: 08/20/2015  
Time: 10:30 am  
Direction: W  
Photo by: Shehane  
Exposure #: 005  
Comments: water  
accumulation in  
tire



Date: 08/20/2015  
Time: 10:30 am  
Direction: SW  
Photo by: Shehane  
Exposure #: 006  
Comments: water  
accumulation in  
tire

**PROOF OF SERVICE**

I hereby certify that I did on the 30th day of September 2015, 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: Dan Pitney  
1431 Camp Elwood  
Rockford, IL 61109

**RECEIVED**  
CLERK'S OFFICE

OCT -2 2015

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  
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