BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Complainant,) AC 2017- 5	
v.) (IEPA No. 141-16-A	AC)
KENNY MAUPIN		
Respondent.)	CLERK'S DEFICE
	NOTICE OF FILING	SEP 2 0 2016
To: Kenny Maupin 14036 State Highway Cairo, IL 62914	37 ORIGINAL	STATE OF ILLINOIS Pollution Control Board

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, 2016

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	
PROTECTION AGENCY,	

Complainant,

٧.

KENNY MAUPIN,

Respondent.

AC 2017- 🕽

(IEPA No. 141-16-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 Kenny Maupin ("Respondent") is the present owner of a facility located at the juncture of Jefferson Avenue and 2nd street in Cairo, Alexander County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Cairo/Maupin-Manker.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0030055075.

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

4. That on July 28, 2016, Sheila Williams of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on Super 16,206 Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 0001 0863 2529.

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her July 28, 2016 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 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), 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 <u>Three Thousand Dollars (\$3,000.00)</u>. 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 17, 2016, 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.

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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.

SC

Date:

9-15-16

Alec Messina, Acting Director Illinois Environmental Protection Agency

Prepared by:

Dawn A. Hollis, 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

AC

(IEPA No. 141-16-AC)



STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

v.

KENNY MAUPIN

Respondent.

FACILITY:	Maupin/Manker	SITE CODE NO .:	0030055075
COUNTY:	Alexander	CIVIL PENALTY:	\$3,000.00
DATE OF IN	SPECTION: July 28 2	2016	

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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COUNTY OF ALEXANDER

) SS



STATE OF ILLINOIS Pollution Control Board

AFFIDAVIT

I, Sheila Williams, 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 28, 2016, between 12:06 P.M. and 12:26 P.M., Affiant conducted an inspection of the open dump in Alexander County, Illinois, known as Cairo/Maupin-Manker, Illinois Environmental Protection Agency Site No. 0030055075.

3. Affiant inspected said Cairo/Maupin-Manker 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 Cairo/Maupin-Manker open dump. FURTHER AFFIANT SAYETH NOT.

Aprila Villia

Subscribed and Sworn to before

me this 18th day of August, 2016 Will Stricklin



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Alexander	LPC#: 0030055075 Region: 7 - Marion			
Location/S	Site Name:	Cairo/Maupin-Manker			
Date:	7/28/2016	Time: From 12:06 PM To 12:26 PM Previous Inspection Date: 10/29/20	15		
Inspector(s): S. Will	iams Weather: sunny, 80° F.			
No. of Pho	otos Taken: #	17 Est. Amt. of Waste: 360 yds ³ Samples Taken: Yes # No			
Interviewe	d:	Complaint #: 14-073			
Latitude:	36.996519	Longitude: -89.164347 Collection Point Description: Site Entrance			
(Example:	Lat.: 41.26493	Long.: -89.38294) Collection Method: Map Interpolation			
Responsib Mailing Ad and Phone		Kenny Maupin RECEIVED 14036 State Hwy. 37 CLERK'S OFFICE Cairo, IL 62914 SEP 2 0 2016 STATE OF ILLINOIS STATE OF ILLINOIS Pollution Control Board Rebecca Manker formerly of	nington Ave.		
	SECTION	DESCRIPTION			
		LLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS			
2.	9(c)	CAUSE OR ALLOW OPEN BURNING			
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS			
4.	12(d)	CREATE A WATER POLLUTION HAZARD			
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING			
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:			
	(1)	Without a Permit	\boxtimes		
L	(2)	In Violation of Any Regulations or Standards Adopted by the Board			
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			
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	\boxtimes		
	(2)	Scavenging			
	(3)	Open Burning			
	(4)	Deposition of Waste in Standing or Flowing Waters			
	(5)	Proliferation of Disease Vectors			
	(6)	Standing or Flowing Liquid Discharge from the Dump Site			
	(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)			

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

 BRUCE RAUNER, GOVERNOR

 ALEC MESSINA, ACTING DIRECTOR

NARRATIVE INSPECTION REPORT

Date: July 28, 2016 Inspector: Sheila Williams Site Code: 0030055075 County: Alexander Site Name: Cairo/Maupin - Manker Time: 12:06 P.M. – 12:26 P.M.

GENERAL REMARKS

On July 28, 2016, I conducted an inspection at the Cairo/Maupin-Manker site which is located at the juncture of Jefferson Avenue and 2nd Street in Cairo. The previous inspection was conducted on October 29, 2015 at which time approximately 30 cubic yards of waste were observed to be open dumped. It is apparent additional waste brought to the site has increased this amount by about 330 cubic yards. Apparent violations pertain to open dumping resulting in litter and the deposition of construction/demolition debris; and conducting waste operations without a permit. No one else was present during the inspection.

The observed waste was present to the west of the building. A dumpster with "MOSLEY" spray painted on it as well as other waste was easily seen from Jefferson Avenue (photo 001). A GMC Jimmy SUV with a license plate sticker that expired February of 2015 is shown in photos 002 and 003. Multiple yellow bags were present (photos 001, 003-007, 010, and 011). A dark substance could be seen through some of the yellow bags (photo 003, 005-007). Photo 003 depicts a very dark stain on the ground that appears to have originated from several yellow bags. The following phrases were hand written on some of the yellow bags: "CAPT BUCK LAY 7-5-16", "OILY RAGS BOAT 87", "XLG BOAT 87", and "OILY TRASH…JACKY O'NEAL" (photos 004, 005, 007). Photo 008 shows a trailer with no license plate, a bucket holding water, a plastic bag containing a pillow and other debris. Photo 014 was taken of a box with a label that read: "TO: ACL TRANSPORTATION SERVICES, M/V DAVE EVANS, 14614 OHIO RIVER LEVEE RD, CAIRO, IL, 62914. Other wastes included, but were not limited to, cardboard, pallets, large filters, a variety of plastics, plywood, mattress/box springs, plastic barrels – one labeled "AQUACLEAN"-construction/demolition debris, and general refuse.

4302 N. Main St., Rodeford, IL 61103 (815)987-7760 595 S. Stote, Bgin, IL 60123 (847)608-3131 2125 S. First St., Champeign, IL 61820 (217)278-5800 2009 Mall St., Calinsville, IL 62234 (618)346-5120 The aerial photograph is historical in nature and not necessarily an accurate depiction of wastes at the site at the time of the inspection.

Cairo/Maupin - Manker #0030055075 – Alexander County Not to Scale / Locations are Approximate 7/28/2016





DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:08 P.M. Direction: northeast Photo by: S. Williams Exposure #: 001 Comments: dumpster with "MOSLEY" spray painted on it, and view of debris from street

Date: 7/28/2016 Time: 12:09 P.M. Direction: northwest Photo by: S. Williams Exposure #: 002 Comments: tag on plate expired February 2015

0030055075~07282016.docx

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DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:09 P.M. Direction: northwest Photo by: S. Williams Exposure #: 003 Comments: yellow bags appear to be leaking a dark liquid substance

Date: 7/28/2016 Time: 12:10 P.M. Direction: northeast Photo by: S. Williams Exposure #: 004 Comments: yellow bag with "CAPT BUCK LAY 7-5-16 hand written on it, plastics, cardboard, and general refuse



DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:12 P.M. Direction: southeast Photo by: S. Williams Exposure #: 005 Comments: one yellow bag has "OILY RAGS BOAT 87" hand written on it and another "XLG BOAT 87", concrete was darkened with apparent oil

Date: 7/28/2016 Time: 12:14 P.M. Direction: east Photo by: S. Williams Exposure #: 006 Comments: hole in yellow bag



DIGITAL PHOTOGRAPHS



Date: 7/28/2016 Time: 12:14 P.M. Direction: northwest Photo by: S. Williams Exposure #: 007 Comments: yellow bag has "OILY TRASH...JACKY O'NEAL" hand written on it



Stab .

Date: 7/28/2016 Time: 12:16 P.M. Direction: southwest Photo by: S. Williams Exposure #: 008 Comments: trailer with no plates, bucket holding water, a plastic bag containing a pillow and other debris

0030055075~07282016.docx

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Illinois Environmental Protection Agency Bureau of Land Division of Land Pollution Control

LPC #0030055075 – Alexander County Cairo/Maupin - Manker FOS File

DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:16 P.M. Direction: northwest Photo by: S. Williams Exposure #: 009 Comments: drum labeled "AQUACLEAN", general refuse, and wood spool, pallets, and wood pieces

Date: 7/28/2016 Time: 12:17 P.M. Direction: southeast Photo by: S. Williams Exposure #: 010 Comments: pile of plastic bags, cardboard, pallets appears to be leaking a dark substance onto the concrete



DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:18 P.M. Direction: northeast Photo by: S. Williams Exposure #: 011 Comments: industrial size filters, yellow bags, mattress, pallets, and cardboard

Date: 7/28/2016 Time: 12:18 P.M. Direction: northwest Photo by: S. Williams Exposure #: 012 Comments: pallets and plastics

0030055075~07282016.docx

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DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:18 P.M. Direction: northeast Photo by: S. Williams Exposure #: 013 Comments: large hose, cardboard, plywood, and plastics

Date: 7/28/2016 Time: 12:20 P.M. Direction: northeast Photo by: S. Williams Exposure #: 014 Comments: label on cardboard reads "TO: ACL TRANSPORTATION SERVICES M/V DAVE EVANS 14614 OHIO RIVER LEVEE RD CAIRO IL 62914

0030055075~07282016.docx

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DIGITAL PHOTOGRAPHS



File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:21 P.M. Direction: southeast Photo by: S. Williams Exposure #: 015 Comments: construction/ demolition debris and dimensional lumber



Date: 7/28/2016 Time: 12:22 P.M. Direction: northwest Photo by: S. Williams Exposure #: 016 Comments: two box springs, cardboard, plastic bags, plastic drums, pallets, and general refuse



DIGITAL PHOTOGRAPHS

File Names: 0030055075~07282016 [001-017].jpg

Date: 7/28/2016 Time: 12:52 P.M. Direction: northeast Photo by: S. Williams Exposure #: 017 Comments: the door to 710 Washington in Cairo is boarded up



PROOF OF SERVICE

I hereby certify that I did on the 16th day of September 2016, 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: Kenny Maupin 14036 State Highway 37 Cairo, IL 62914 SEP 2 0 2016

STATE OF ILLINOIS Pollution Control Board

and the original and three (3) 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

lichelle M. Ryan Assistant Counsel

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

 BRUCE RAUNER, GOVERNOR

 ALEC MESSINA, ACTING DIRECTOR

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

September 16, 2016

CLERK'S OFFICE SEP 20 2016

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

STATE OF ILLINOIS Pollution Control Board

Re: <u>Illinois Environmental Protection Agency v Kenny Maupin</u> IEPA File No. 141-16-AC; 0030055075

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and three 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

4302 N. Main St., Rodeford, IL 61103 (815)987-7760 595 S. Stote, Bejin, IL 60123 (847)608-3131 2125 S. First St., Champaign, IL 61820 (217)278-5800 2009 Mall St., Collinsville, IL 62234 (618)346-5120 9511 Horrison St., Des Plaines, IL 60016 (847)294-4000 412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200 100 W. Randolph, Suite 10-300, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER