

ILLINOIS POLLUTION CONTROL BOARD
April 17, 2014

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 14-37
)	(IEPA No. 41-14-AC)
GERALD CAIN and REYNOLDS SERVICE)	(Administrative Citation)
CO., INC.,)	
)	
Respondents.)	

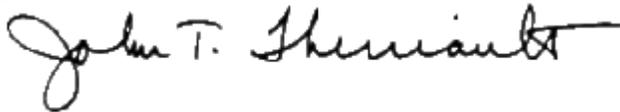
ORDER OF THE BOARD (by D. Glosser):

On February 19, 2014, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Gerald Cain (Cain) and Reynolds Service Co., Inc. (Reynolds Service) (collectively respondents). *See* 415 ILCS 5/31.1(c) (2012); 35 Ill. Adm. Code 101.300(b), 108.202(c). Cain is the current property owner, and Reynolds Service is the current operator of a facility that is the subject of this administrative citation, located at 2875 Route 146 West in Jonesboro, Union County. The property is commonly known to the Agency as the “Ware/Cain-Reynolds Equipment Co., LLC-Reynolds Service Co. Inc.” site and is designated with Site Code No. 1818645005. The Agency alleged that on January 3, 2014, respondents violated Section 21(p)(1), (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) and (p)(7) (2012)) causing or allowing the open dumping of waste in a manner resulting in litter, open burning and deposition of general construction or demolition debris.

On March 24, 2014, Reynolds Service filed a petition for review. However, on March 26, 2014, the Agency filed a motion with the Board to withdraw the administrative citation as to Reynolds Service. On April 11, 2014, the Agency also filed a motion with the Board to withdraw the administrative citation as to Cain. The Board grants both of the Agency’s motions to withdraw, dismisses the administrative citation as to both Reynolds Service and Cain, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 17, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

FEB 19 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 GERALD CAIN and REYNOLDS SERVICE CO., INC.)
)
)
)
 Respondents.)

AC 14-37
(IEPA No. 41-14-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 (2010).

FACTS

1. That Gerald Cain is the current property owner and Reynolds Service Co., Inc. is the current operator ("Respondents") of a facility located at the following legal description:

89.92 Acres, Twp. 12S, RNG 2W, SEC 18, Part of SE SW SW NW NW SW,
Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Ware/Cain-Reynolds Equipment Co., LLC-Reynolds Service Co. Inc.

- 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 January 3, 2014 Sheila Williams 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 2-11-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2973 9989 - Coir.
7012 0470 0001 2973 9972 - Reynolds
VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of the January 3, 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) (2010).
- (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) (2010).
- (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) (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 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 March 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 (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 ^{WSP}

Date:

2-11-14

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
FEB 19 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
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CO., INC.)
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AC 14-37
(IEPA No. 41-14-AC)

FACILITY: Ware/Cain-Reynolds Equipment Co., LLC-Reynolds Service Co. Inc.
SITE CODE NO.: 1818645005
COUNTY: Union
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: January 3, 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.