



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

JUN 28 2013

STATE OF ILLINOIS
Pollution Control Board

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

June 26, 2013

AC 13-60

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. James Harris
IEPA File No. 126-13-AC; 0958120001—Knox County

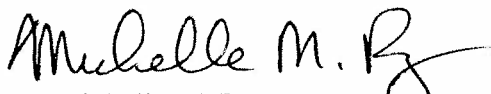
Dear Mr. Therriault:

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 *by JCR*

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

JUN 28 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES HARRIS,)
)
Respondent.)

AC 13-60
(IEPA No. 126-13-AC)

NOTICE OF FILING

To: James Harris
184 Duffield Avenue
Galesburg, IL 61401

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

Michelle M. Ryan
Assistant Counsel *by JLR*

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

Dated: June 26, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUN 28 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES HARRIS,)
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)
Respondent.)

AC 13-60
(IEPA No. 126-13-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 James Harris is the current owner and operator ("Respondent") of a facility located at the dead end of Market Street in Knoxville where the street ends at Haw Creek, Knox County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Harris Property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0958120001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on May 7, 2013, Gene Figge of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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 6-26-2013 Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5874.

VIOLATIONS

Based upon direct observations made by Gene Figge during the course of his May 7, 2013 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) (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 waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2010).
- (4) 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

On October 6, 2011, the Board found James Harris in violation of Sections, 21(p)1, 21(p)3, 21(p)4, 21(p)5, 21(p)7 and 55(k)(1) of the Act in AC 11-27.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1), 21(p)(3), 21(p)(4) and 21(p)(7) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation, for a total of Twelve Thousand Dollars (\$12,000.00). 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 July 15, 2013, 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 (2010), 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 Three Thousand Dollar (\$3,000.00) 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 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 (2010). 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 *sr SOP*

Lisa Bonnett, Director
Illinois Environmental Protection Agency

Date: 6/19/2013

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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JUN 28 2013
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES HARRIS,)
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)
Respondent.)

AC 13-60
(IEPA No. 126-13-AC)

FACILITY: Harris Property
SITE CODE NO.: 0958120001
COUNTY: Knox
CIVIL PENALTY: \$12,000.00
DATE OF INSPECTION: May 7, 2013

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JUN 28 2013
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)
)
)
James D. Harris)
)
)
)
)
)
)
RESPONDENT)

AC13-60

IEPA DOCKET NO.

Affiant, R. Eugene Figge, 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 Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On May 7, 2013, between 9:00 a.m. and 10:00 a.m., Affiant conducted an inspection of the open dump in Knox County, Illinois, known as Harris Property, Illinois Environmental Protection Agency Site No. 0958120001.

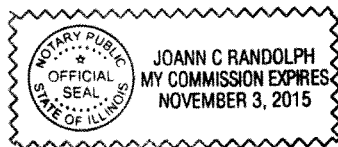
3. Affiant inspected said Harris Property open dump site by an on-site inspection, which included walking and photographing the site.

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 Harris Property open dump.

R. Eugene Figge

Subscribed and Sworn to before me this 9th day of May, 2013

Joann C. Randolph
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Knox LPC#: 0958120001 Region: 3 - Peoria
 Location/Site Name: Orange Twp./Harris Property
 Date: 05/07/2013 Time: From 9:00 am To 10:00 am Previous Inspection Date: 11/23/2011
 Inspector(s): Gene Figge Weather: Sunny 70 F
 No. of Photos Taken: # 17 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # _____ No
 Interviewed: No One On Site Complaint #: C-2013-022-P & C-2013-027-P
 Latitude: 40.88509 Longitude: -90.28649 Collection Point Description: Site Entrance - Lane
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 James Harris
 184 Duffield Avenue
 Galesburg, Illinois 61401
 309-343-7709

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 STATE OF ILLINOIS
 Pollution Control Board**

	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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 AND REGULATIONS	<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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(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 checked="" type="checkbox"/>

LPC # 0958120001

Inspection Date: 05/07/2013

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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
22.	807.201	CAUSING OR ALLOWING THE DEVELOPMENT OF A NEW SOLID WASTE MANAGEMENT SITE WITHOUT A DEVELOPMENT PERMIT ISSUED BY THE AGENCY, OR ALLOWING MODIFICATION OF AN EXISTING SITE WITHOUT A DEVELOPMENT PERMIT ISSUED BY THE AGENCY	<input checked="" type="checkbox"/>
23.	807.202(a)	CAUSING OR ALLOWING THE USE OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT AN OPERATING PERMIT ISSUED BY THE AGENCY	<input checked="" type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- The provisions of subsection (p) of Section 21, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney

General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Narrative

On May 7, 2013, I conducted an inspection from 9:00 a.m. until 10:00 a.m. at the Harris Property. I conducted the inspection in response to citizen complaints C-2013-022-P and C-2013-027-P of open dumping and open burning. The facility had previously been inspected by the Agency on November 23, 2011.

The property is owned and operated by James Harris and is located at the dead end of Market Street in Knoxville where the street ends at Haw Creek. The dump area is located on the west side of the street down a farm lane. There is a pole building present on the property as well as the farm lane. Litter was observed at the entrance of the property. See photographs 1 through 4.

As I proceeded west down the lane I observed an accumulation of general refuse that started near the entrance and continued for approximately 300 yards. The area was approximately 50 yards wide located between the farm lane and the creek. See photographs 1 through 17. Evidence of open burning was observed in multiple areas near the entrance to the property. See photographs 2, 5, and 6.

Continuing to the west down the farm lane I observed multiple accumulations of general construction and demolition debris. See photographs 7, 9, and 10. White goods were mixed in with the waste throughout the dump site. See photographs 4, 6, 9, and 16. On the west end of the lane general construction and demolition debris had been deposited in the back waters of Haw Creek. See photographs 13 and 14. Several other areas of open burning were observed on the west end of the lane. See photographs 15 through 17.

The following apparent violations were observed during the inspection:

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the discharge or emission of contaminates into the environment so as to cause air pollution in Illinois.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm

will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the open burning of refuse.**

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the discharge of contaminants into the environment so as to cause water pollution in Illinois.**

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **James Harris as owner and operator deposited contaminants upon the land in such a manner as to create a water pollution hazard.**

5. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the open dumping of waste.**

6. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **James Harris as owner and operator**

conducted waste disposal and waste storage operations without a permit granted by the Agency.

7. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act..

A violation of Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **James Harris as owner and operator conducted waste disposal and waste storage operations in violation of regulations adopted by the Illinois Pollution Control Board.**

8. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **James Harris as owner and operator disposed and stored waste at a site which did not meet the requirements of the Act and regulations thereunder.**

9. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the open dumping of waste in a manner which resulted in litter.**

10. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **James Harris as owner and operator**

caused and/or allowed the open dumping of waste in a manner which resulted in open burning.

11. Pursuant to Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in deposition of waste in standing or flowing waters.

A violation of Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the deposition of waste in standing.**

12. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall in violation of subdivision (a) of this Section, cause or allow the 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).

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the deposition General Construction or Demolition Debris as defined in Section 3.160(a).**

13. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Evidence indicating James Harris as owner and operator developed and operated a landfill without submitting an application for a permit was observed during the inspection.**

14. Pursuant to 35 Ill. Adm. Code Section 807.201, subject to such exemption as expressly provided in Section 21(e) (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e)) of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

A violation of 35 Ill. Adm. Code 807.201 is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the development of a new solid waste management site without a Development Permit issued by the Agency.**

0958120001 -- Knox County
Harris Property
FOS
Inspection Date: May 7, 2013
Prepared By: Gene Figge
Page 5

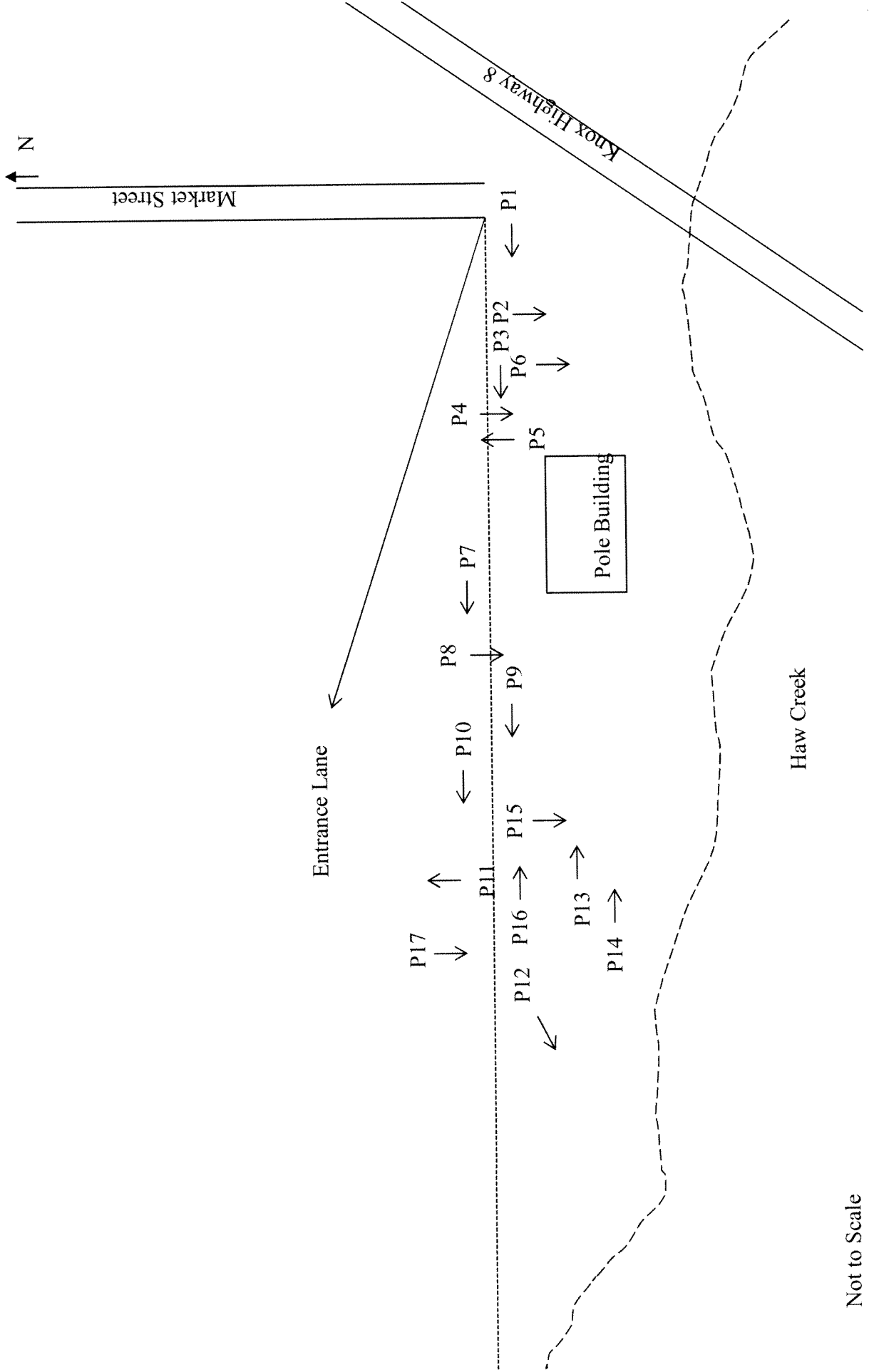
15. Pursuant to 35 Ill. Adm. Code Section 807.202(a), New Solid Waste Management Sites subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1982, ch. 111 1/2, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

A violation of 35 Ill. Adm. Code 807.202(a) is alleged for the following reason: **James Harris as owner and operator caused and/or allowed the operation of a new solid waste management site without an Operating Permit issued by the Agency.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge
Date of Inspection: May 7, 2013
Site Name: Harris Property

LPC #: 0958120001
County: Knox
Time: 9:00 am - 10:00 am



Not to Scale



DATE: May 7, 2013

TIME: 9:29 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0958120001~05072013-001.jpg

COMMENTS: Construction and
demolition debris and general
refuse.



DATE: May 7, 2013

TIME: 9:30 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0958120001~05072013-002.jpg

COMMENTS: Open burning.





DATE: May 7, 2013

TIME: 9:30 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0958120001~05072013-003.jpg

COMMENTS: General refuse.



DATE: May 7, 2013

TIME: 9:30 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0958120001~05072013-004.jpg

COMMENTS: Construction and
demolition debris and general
refuse.





DATE: May 7, 2013

TIME: 9:30 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0958120001~05072013-005.jpg

COMMENTS: Open burning.



DATE: May 7, 2013

TIME: 9:30 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0958120001~05072013-006.jpg

COMMENTS: White goods and
general refuse.



DOCUMENT FILE NAME:
0958120001~05072013.doc



DATE: May 7, 2013

TIME: 9:31 a.m.

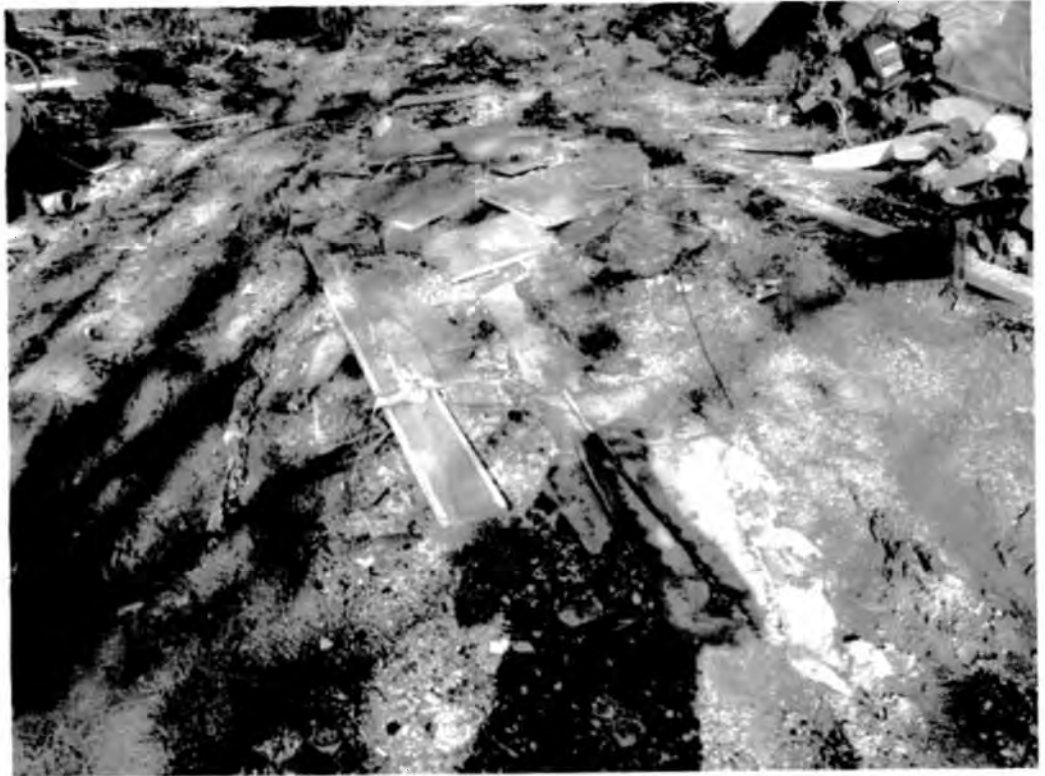
PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0958120001~05072013-007.jpg

COMMENTS: Construction and
demolition debris.



DATE: May 7, 2013

TIME: 9:33 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0958120001~05072013-008.jpg

COMMENTS: General refuse.



DOCUMENT FILE NAME:
0958120001~05072013.doc



DATE: May 7, 2013

TIME: 9:33

PHOTOGRAPHED BY:

Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0958120001~05072013-009.jpg

COMMENTS: White goods and
construction and demolition debris.



DATE: May 7, 2013

TIME: 9:33 a.m.

PHOTOGRAPHED BY:

Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0958120001~05072013-010.jpg

COMMENTS: Construction and
demolition debris.



DOCUMENT FILE NAME:
0958120001~05072013.doc



DATE: May 7, 2013

TIME: 9:34 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0958120001~05072013-011.jpg

COMMENTS: Open burning.



DATE: May 7, 2013

TIME: 9:34 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0958120001~05072013-012.jpg

COMMENTS: General refuse.





DATE: May 7, 2013

TIME: 9:34 a.m.

PHOTOGRAPHED BY:

Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0958120001~05072013-013.jpg

COMMENTS: Waste deposited in
water.



DATE: May 7, 2013

TIME: 9:35 a.m.

PHOTOGRAPHED BY:

Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0958120001~05072013-014.jpg

COMMENTS: Waste deposited in
water.



DOCUMENT FILE NAME:
0958120001~05072013.doc



DATE: May 7, 2013

TIME: 9:38 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0958120001~05072013-015.jpg

COMMENTS: Open burning.



DATE: May 7, 2013

TIME: 9:38 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0958120001~05072013-016.jpg

COMMENTS: Open burning.





DATE: May 7, 2013

TIME: 9:38 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0958120001~05072013-017.jpg

COMMENTS: Open burning.



PROOF OF SERVICE


I hereby certify that I did on the 26th day of June 2013, 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: James D. Harris
184 Duffield Avenue
Galesburg, IL 61401

RECEIVED
CLERK'S OFFICE
JUN 28 2013
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
by JLR

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