



Jay Scott
State's Attorney
Macon County, Illinois

253 East Wood Street, 4th Floor
Decatur, Illinois 62523
Phone: (217) 424-1400
Fax: (217) 424-1402

Writer's Direct Email: mbaggett@sa-macon-il.us



Dated: May 14, 2018

Mr. Don Brown, Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

Re: County of Macon v. Edward Gunning
Administrative Citation: ACL-2018-MC-004
MCEMD File No. AC2018-004: LPC1150155432 – Macon County

Dear Mr. Brown:

Attached for electronic filing with the Illinois Pollution Control Board, please find the Administrative Citation Package, including 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.

On this date, a copy of the Administrative Citation Package was sent to the Respondent 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,


Michael Baggett
Assistant State's Attorney

Enclosures

Cc: Laurie Rasmus, Macon County Environmental Management Dept.
Jeff Turner, IEPA Champaign Regional Office
James Jennings, IEPA
FOS File

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

MACON COUNTY)
 ENVIRONMENTAL MGT. DEPT.,)
)
 Complainant,)
)
 v.)
)
 EDWARD GUNNING,)
)
 Respondent.)

Administrative Citation: ACL-2018-MC-004
(MCEMD No. 2018-004: LPC1150155432)

NOTICE OF FILING

To: Edward Gunning
112 E Cerro Gordo St.
Decatur, IL 62526

PLEASE TAKE NOTICE that on this date I electronically filed 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.

Dated: 5/14/18

Respectfully submitted,


 Michael Baggett, Asst. State's Attorney

Macon County State's Attorney's Office
Macon County Courthouse
253 E. Wood Street
Decatur, IL 62523-1496
217/424-1400

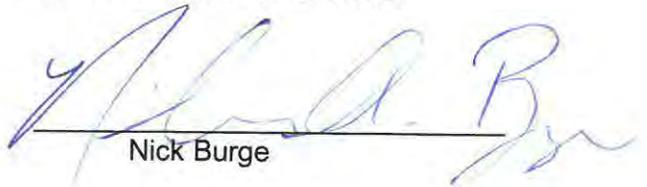
AFFIDAVIT

MACON COUNTY)
ENVIRONMENTAL MANAGEMENT DEPT.,)
Complainant,)
v.)
EDWARD GUNNING,)
Respondent.)

Administrative Citation: ACL-2018-MC-004
(MCEMD No. 2018-004: LPC1150155432)

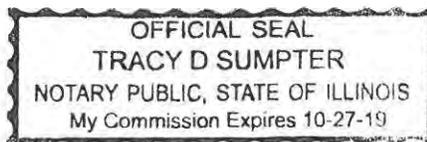
Affiant, Nick Burge, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Macon County Environmental Management Department and has been so employed at all times pertinent hereto.
2. On April 26, 2018 between 2:25 p.m. and 2:40 p.m., Affiant conducted an inspection of a property operated by Euroclydon, Inc. located in Macon County, Illinois and known as South Wheatland Twp/Forward in Faith Evangelistic Ministries by the Illinois Environmental Protection Agency. Said site has been assigned Site Code No. 11580155432.
3. Affiant inspected said property 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 Checklist form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to the facility.


Nick Burge

Subscribed and Sworn to before me
this 9th of May 2018.


Notary Public



NOTICE OF FILING
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

MACON COUNTY)	
ENVIRONMENTAL MGT. DEPT.,)	
)	
Complainant,)	Administrative Citation: ACL-2018-MC-004
)	(MCEMD No. 2018-004: LPC1150155432)
v.)	
)	
EDWARD GUNNING,)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Macon County Environmental Management Department, a delegated county of the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1.

FACTS

1. That on April 26, 2018, Nick Burge of the Macon County Environmental Management Department inspected the above-referenced facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Nick Burge during the course of his inspection of the above-referenced facility, the Macon County Environmental Management Department has determined that Respondent violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed 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).
- (2) That Respondent caused or allowed open dumping of waste in a manner resulting in deposition of General Construction or Demolition Debris as defined in Section 3.160(a), a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4), 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 Hundred 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 June 29, 2018, 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, and if the Illinois Pollution Control Board issues a finding of violation(s) as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Macon County Environmental Management Department and the Illinois Pollution Control

Board. Those hearing costs shall be assessed in addition to the statutory civil penalty of One Thousand Five Hundred Dollars (\$1,500.00).

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1), 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 a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) Macon County Environmental Management Department and mailed to Macon County Environmental Management Department, 141 South Main Street, Room 408, Decatur, Illinois 62523.

(2) 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 payments, Respondent shall complete and return the enclosed Remittance Forms to ensure proper documentation of payments.

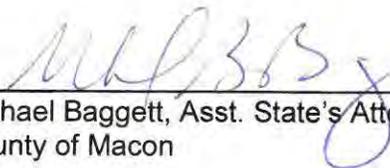
If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Macon County State's Attorney 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. 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 Macon County State's Attorney at 253 East Wood Street, Decatur, Illinois 62523. 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

5/14/18



Michael Baggett, Asst. State's Attorney
County of Macon

REMITTANCE FORM - COUNTY

MACON COUNTY)
 ENVIRONMENTAL MANAGEMENT DEPT.,)
)
 Complainant,)
)
 v.)
)
 EDWARD GUNNING,)
)
 Respondent.)

Administrative Citation: ACL-2018-MC-004
(MCEMD No. 2018-004: LPC1150155432)

FACILITY: S. Wheatland Twp/Forward in Faith Land Pollution Control No.: 1150155432

COUNTY: Macon CIVIL PENALTY: \$1,500

DATE OF INSPECTION: April 26, 2018

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 Macon County Environmental Management Department, 141 South Main Street, Room 408, Decatur, Illinois 62523.

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REMITTANCE FORM - STATE

MACON COUNTY)
 ENVIRONMENTAL MANAGEMENT DEPT.,)
)
 Complainant,)
)
 v.)
)
 EDWARD GUNNING,)
)
 Respondent.)

Administrative Citation: ACL-2018-MC-004
(MCEMD No. 2018-004: LPC1150155432)

FACILITY: S. Wheatland Twp/Forward in Faith Land Pollution Control No.: 1150155432

COUNTY: Macon CIVIL PENALTY: \$1,500

DATE OF INSPECTION: April 26, 2018

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, IL 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATION CITATION

MACON COUNTY)	
ENVIRONMENTAL MANAGEMENT DEPT.,)	
)	
Complainant,)	Administrative Citation: ACL-2018-MC-004
)	(MCEMD No. 2018-004: LPC1150155432)
v.)	
)	
EDWARD GUNNING,)	
)	
Respondent.)	

AFFADAVIT OF SERVICE

I, the undersigned, on oath [or affirmation] state that I have served on the date of May 14, 2018, a true and correct Copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, AND OPEN DUMP INSPECTION CHECKLIST upon the following persons by Certified Mail # 7007 0220 0001 1331²⁴⁹⁰, Return Receipts Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box:

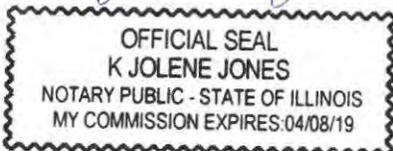
To: Edward Gunning
112 E. Cerro Gordo St.
Decatur, IL 62526



Laurie Rasmus, Director
Macon County Environmental Management
141 S. Main St., Room 408
Decatur, IL 62523
217/425-4505

Subscribed and Sworn to before me
this 14th of MAY 2018.

K Jolene Jones
Notary Public



CLERK OF COURT
COURT HOUSE
100 N. 3rd St.
COLUMBUS, OH 43215
614.464.2222
www.courtsohio.gov

Electronic Illinois Environmental Protection Agency 18-015 **
Open Dump Inspection Checklist

County: Macon BOL #: 1150155432 Region: 4 - Champaign
 Site Name: South Wheatland Twp / Forward in Faith Evangelistic Ministries
 Site Address: 2180 South Shores Drive City: Decatur
 Inspector: Nick Burge Interviewed: N/A
 Date: April 26, 2018 Current Est. 30 yds³
 Complaint #: 20180307 Waste Amt. _____

Responsible Party	Euroclydon, Inc.	Euroclydon, Inc.
Mailing Address(es)	Mark Tyus	Edward Gunning
and Phone Number(s):	936 W. Tuttle St. Decatur, IL 62522	112 E. Cerro Gordo St. Decatur IL, 62523

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	
9(c)	Cause or allow open burning	
12(a)	Cause, threaten, or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping	C
21(d)	Conduct any waste-storage, waste-treatment, or waste- disposal operation:	
	(1) Without a permit	
	(2) In violation of any regulations or standards adopted by the Board	C
21(e)	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	C
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	C
	(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 general construction or demolition debris as defined at §3.160(a) or clean construction or demolition debris as defined at §3.160(b)	C
55(a)	No person shall	
	(1) Cause or allow open dumping of any used or waste tire	
	(2) Cause or allow open burning of any used or waste tire	

55(k)	No person shall	
(1)	Cause or allow water to accumulate in used or waste tires	
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Electronic Products Recycling and Reuse Act (415 ILCS 150) Requirements		
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	
95(d)	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
35 Illinois Administrative Code Subtitle G Requirements		
722.111	Hazardous waste determination	
808.121	Special waste determination	
809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
Other Requirements		
Apparent violation of: <input type="checkbox"/> PCB order <input type="checkbox"/> Circuit Court order		
Case Number ; Order entered on		
Other		

Notes

1. Key to Status: V=Violated; C=Continuing violation from previous evaluation; V/C=Newly violated and continuing from previous evaluation; V/R=Violated and resolved during same inspection; R=Resolved violation; NA=Not applicable at the time of the inspection; NE=Not evaluated at the time of the inspection
2. The provisions of §§21(o)–(p) and §55(k) of the Environmental Protection Act are enforceable either by administrative citation under §31.1 or by complaint under §31. Violations of the Electronic Products Recycling and Reuse Act are enforceable by administrative citation under §20(k) or referral to the Attorney General pursuant to §20(a).
3. This inspection was conducted in accordance with §§4(c)–(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)) and §20(a) of the Electronic Products Recycling and Reuse Act (415 ILCS 150/20(a)).

LPC #1150155432 - Macon County

Site/Locations: South Wheatland / Forward in Faith Evangelistic Ministries

FOS File

Inspector(s): Nick Burge

Inspection Date: April 26, 2018

Geographical data: 39.80503, -88.92584 (file)

Inspection Report Narrative

This site was inspected on April 26, 2018 between 2:25 p.m. and 2:40 p.m. by Nick Burge (author of this report), representing the Macon County Environmental Management Department (MCEMD). Weather conditions at the time of the inspection consisted of sunny skies, northwest winds at approximately 10 miles per hour and a temperature in the mid-sixties. Three photographs were recorded. No samples were collected. No persons were interviewed.

General Information/Site History/Property Ownership

This rural, commercial business property of approximately twelve and a half acres is addressed as 2180 South Shores Drive, Decatur in the South Wheatland Township of Macon County and is assigned parcel number 17-12-25-377-019.

According to the Macon County Assessor's records, the property is owned by Forward in Faith Evangelistic Ministries. On November 27, 2017 Euroclydon, Inc. acquired a demolition permit from the Macon County Planning & Zoning Department in order to demolish the church that was on the property. Jennifer Gunter, Director of the Macon County Planning & Zoning Department, conducted an inspection on December 27, 2017 at which time she reportedly observed that the church had been demolished but debris had been left on-site.

According to the Secretary of State's Corporation File Detail Report, Euroclydon, Inc. is an active domestic BCA corporation. Edward E. Gunning is listed as the corporation's agent and Mark Tyus is the president of the corporation.

An initial inspection on March 08, 2018 was conducted in response to a complaint. Apparent violations were observed during the initial inspection, resulting in the issuance of an administrative citation warning notice to Euroclydon, Inc. on March 15, 2018.

This inspection on April 26, 2018 was conducted to determine the site's compliance with the Act and Regulations.

Inspection Findings

Upon arrival, I exited the vehicle and took a photograph of the mailbox on the property that showed the address of the property as 2180 South Shores Drive (photo 01). I then viewed the southeast corner of the property where the building had reportedly been demolished (photo 02). As during my previous inspection, the soil in the area appeared to have been recently disturbed and litter was present over the area.

I then continued to the northeast margin of the soil disturbed area, observing what appeared to be the same large accumulation of waste that I had observed during my previous inspection. Again, the accumulation of waste spanned approximately twenty feet east to west, fifteen feet north to south and was no more than six feet high. The accumulation of waste, which appeared as though it had been disposed of on-site, primarily appeared to consist of construction and demolition debris and soil (photo 03). Waste items observed included dimensional lumber, plastic pieces, corrugated pipe sections, metal pipe or frame pieces, drywall pieces, cement blocks, a utility pole and woody landscape waste.

Following my observations, I concluded the inspection and drove from the property.

Summary

It appeared as though construction and demolition debris from the demolition of the church building had been pushed into an accumulation and left for disposal. Euroclydon, Inc. was reportedly the contractor for the demolition of the church building that had been on the site.

Summary of Apparent Violations

The following apparent violations, which were observed during the initial inspection on March 08, 2018 were once again observed.

Environmental Protection Act 415 ILCS 5/1 et seq. (formerly Ill Rev. Stat. Ch. 111 ½, 1001 et seq.) {hereinafter referred to as the "Act"} and **35 Illinois Administrative Code.** (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]

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 because evidence of open dumping of waste was observed during the inspection.

Pursuant to Section 21(d)(2) of the Act, 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) is alleged because evidence that waste was disposed of and/or stored in a way that violates regulations and standards adopted by the Board was observed during the inspection.

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 there under.

A violation of Section 21(e) is alleged because evidence that waste was disposed of and/or stored in a manner that does not meet the requirements of the Act was observed during the inspection.

Pursuant to Section 21(p)(1) of the Act, no person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...litter.

A violation of Section 21(p)(1) is alleged because evidence that open dumping of waste was caused or allowed to occur and resulted in litter deposition on site was observed during the inspection.

Pursuant to Section 21(p)(7) of the Act, no person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...clean construction and/or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged because evidence that the open dumping of waste was caused or allowed to occur and resulted in the deposition of clean construction and/or demolition debris on site was observed during the inspection.

1150155432 - Macon County
Site: South Wheatland Twp. / Forward in Faith Evangelistic Ministries
FOS File
Inspector(s): Nick Burge
Inspection Date: April 26, 2018

Aerial photo is 2016 file photo.
Annotations may not be to scale.
Arrows denote direction of photos.
Printed on recycled paper.

& TAMMI

N

1 inch = 134 feet

OLADIPUPO OLUWATOSIN & TAMMI

DUCLAIRE TRUSTEES

RATHJE DAVID W & TERRI
RATHJE DAVID W & TERRI

BRANDON DAVID E JR & KELLY S

FORWARD IN FAITH EVANGELISTIC MINISTRIES

Private Lane

HARBECK WILLIAM H & VICKY L

HUFF WILLIAM R

Private Driveway

GRAHAM CHARLES E

BORGIE STEPHEN M

SOUTH SHORES DR

E GROVE RD

LAKELAND RD

MILLER BART F & LISA

BRYSON CHARLES E & DANIELLE

ENGEL GEHRIG R & BONNIE L

MCCLELLAND THERESA L & GREG

BARGER STEPHEN T & LINDA C

MCKENZIE DAKOTA
ANDERSON ANDREW J

REVIS MICHAEL
REVIS MICHAEL & LINDA

TRIMBY JEFF L & ANNETTE K

KINCAID CHAS O



Inspection Photographs

Site: 1150155432

County: Macon

Site Name: South Wheatland Twp. / Forward
in Faith Evangelistic Ministries

Date: April 26, 2018

Time: 2:25 p.m. - 2:40 p.m.

Photographer: Nick Burge

Photograph: 01

Direction of subject: W

Comments:



Site: 1150155432

County: Macon

Site Name: South Wheatland Twp. /
Forward in Faith Evangelistic Ministries

Date: April 26, 2018

Time: 2:25 p.m. - 2:40 p.m.

Photographer: Nick Burge

Photograph: 02

Direction of subject: NNE

Comments:



Site: 1150155432

County: Macon

Site Name: South Wheatland Twp. / Forward in Faith Evangelistic Ministries

Date: April 26, 2018

Time: 2:25 p.m. - 2:40 p.m.

Photographer: Nick Burge

Photograph: 03

Direction of subject: SSE

Comments:

