



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

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

RECEIVED
CLERK'S OFFICE

OCT 15 2014

STATE OF ILLINOIS
Pollution Control Board

October 10, 2014

AC15-16

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 Roger Kimmel
IEPA File No. 351-14-AC; 1658055009

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
Michelle M. Ryan
Assistant Counsel
by JRR

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

OCT 15 2014

STATE OF ILLINOIS
Pollution Control Board

AC 15-16

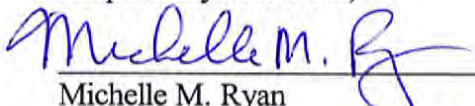
(IEPA No. 351-14-AC)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
ROGER KIMMEL,)
))
Respondent.)

NOTICE OF FILING

To: Roger Kimmel
165 Gandertown Road
Eldorado, IL 62930

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 by JGR

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

Dated: October 10, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
OCT 15 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
ROGER KIMMEL,)
Respondent.)

AC 15-16
(IEPA No. 351-14-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 (2014).

FACTS

1. That Roger Kimmel is the current owner ("Respondent") of a facility located at 2385 Ledford Road south of Harrisburg, Saline County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Harrisburg/Kimmel.

2. That said facility is designated with Site Code No. 1658055009.

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

4. That on September 25, 2014, Phillip Pierce-Savoie of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 10-10-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 5028.

VIOLATIONS

Based upon direct observations made by Phillip Pierce-Savoie during the course of his September 25, 2014 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).

- (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) (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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 December 5, 2014, 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.

Lisa Bonnett ^{KWB}

Date:

10-7-14

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

RECEIVED
CLERK'S OFFICE

OCT 15 2014

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
ROGER KIMMEL,)
Respondent.)

AC 15-16
(IEPA No. 351-14-AC)

FACILITY: Harrisburg/Kimmel
SITE CODE NO.: 1658055009
COUNTY: Saline
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: September 25, 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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 15 2014

STATE OF ILLINOIS
Pollution Control Board

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
)
 v.)
)
 Roger Kimmel)
)
 Respondent.)

AFFIDAVIT

Affiant, **Phillip Pierce-Savoie**, 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 September 25, 2014, between 10:00am and 10:10am, Affiant conducted an inspection of a disposal site operated by Roger Kimmel, located in Saline County, Illinois, and known as Harrisburg/Kimmel by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1658055009 by the Agency.

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

4. As a result of the material actions 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 open dump site.

Jill's Fred Savois

Subscribed and Sworn to before me

this 7th day of October, 2014

Gail Stricklin
Notary Public

(Initial Block)



LPC # 1658055009

Inspection Date: 09/25/2014

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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"/>
OTHER REQUIREMENTS			
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"/>
			<input 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.
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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1658055009

Date of Inspection: 9-25-14

County: Saline

Inspector: P. Pierce-Savoie

Site Name: Kimmel

GPS: 37.700871,-88.585199

General Remarks

This inspection was made as a follow-up to the April 10, 2014 inspection by this office. The site is located at 2385 Ledford Road south of Harrisburg, Illinois. The site was easily accessed by Ledford Road. Dan January of the Egyptian Health Department accompanied this inspector on the site inspection. No one answered when I knocked on the door of the camper trailer present at this site, and while it was fenced there was no gate or barrier to access. No one approached us during this inspection. The inspection began at approximately 10:00am and concluded around 10:10am. It was ~60°F and sunny at the time of the inspection, and the ground was dry. Ten (10) pictures were taken of the facility.

Upon approach to the site it was immediately noted that much of the previous wastes had been removed, but five (5) piles of General Construction and/or Demolition Debris (GC/DD) were still at the site. The smallest of these piles was approximately 2 yards by 2 yards by 1 yard, and the largest being approximately 3 yards by 3 yards by 1 yard. There was also an accumulation covered by ripped blue tarps held down with GC/DD that was approximately 4 yards by 4 yards. The only sign of open burning was a scorched stump surrounded by partially combusted GC/DD and general refuse and covered with unburned GC/DD. It was visually estimated that 50 cubic yards of waste remain at this site.

Records at the Saline County Assessor's Office showed that this property has a parcel number of 06-2-232-09, and is owned by Roger Kimmel of 165 Gandertown Road, Eldorado, IL.

Inspection Findings:

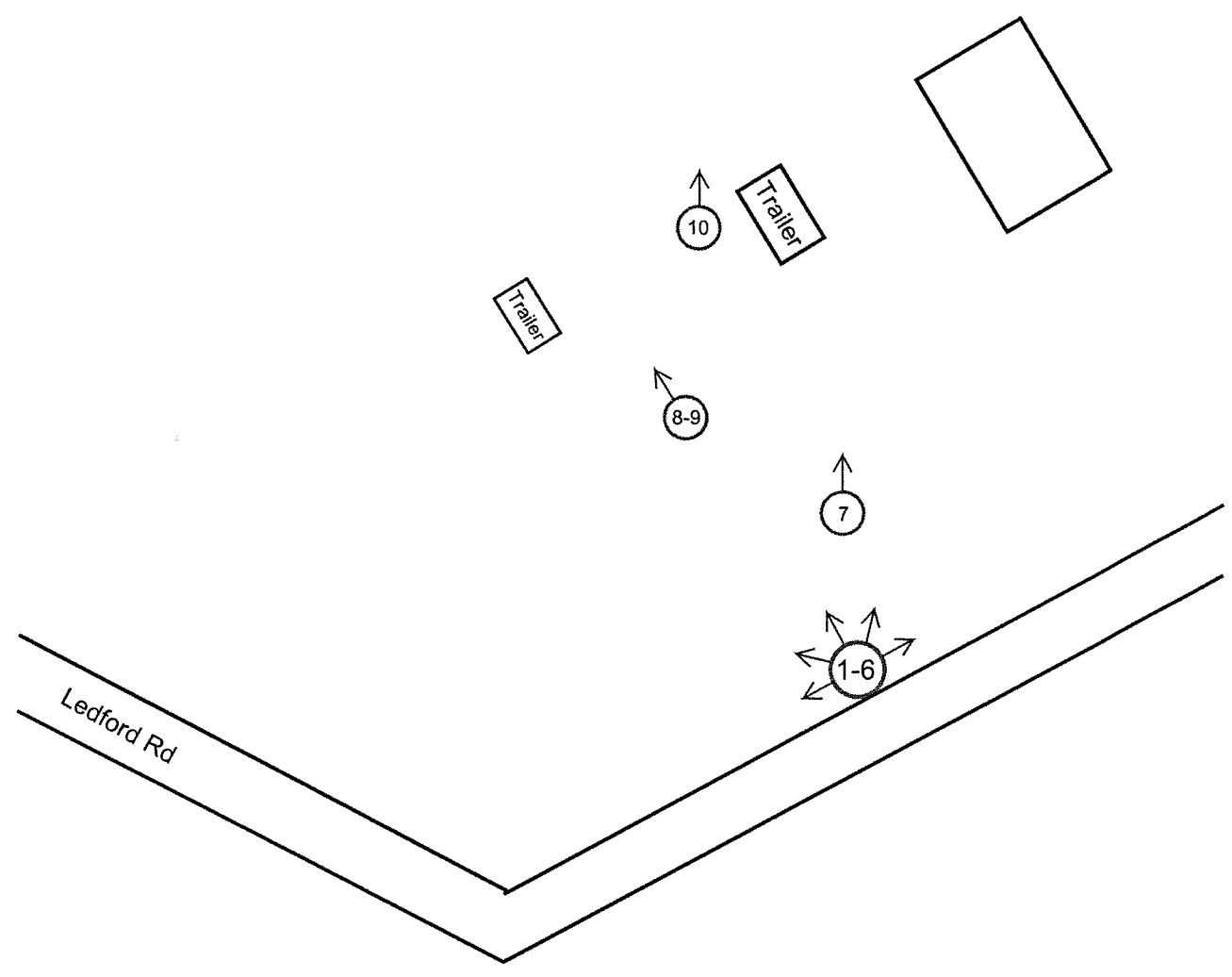
Open dumping of general refuse and General Construction and/or Demolition waste was observed at this site. Evidence of open burning was also observed.

Summary of Violations:

9(a)	21(d)(2)	21(p)(7)
9(c)	21(e)	55(a)(2)
21(a)	21(p)(1)	812.101(a)
21(d)(1)	21(p)(3)	

Not to scale
All locations approximate
→ Direction and number of photo
1658055009 - Saline County
Harrisburg/Kimmel
9-25-14

↑
N





DIGITAL PHOTOGRAPHS



Date: 9-25-14
Time: 9:56am
Direction: E
Photo by: P. Pierce-Savoie
Exposure #: 001
Comments: General
Construction and/or
Demolition Debris
(GC/DD)



Date: 9-25-14
Time: 9:56am
Direction: NE
Photo by: P. Pierce-Savoie
Exposure #: 002
Comments: GC/DD

File Names: 1658055009~09252014-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 9-25-14
Time: 9:46am
Direction: NE
Photo by: P. Pierce-Savoie
Exposure #: 003
Comments: GC/DD and
scrap metal.



Date: 9-25-14
Time: 9:56am
Direction: N
Photo by: P. Pierce-Savoie
Exposure #: 004
Comments: View of an
area where GC/DD
accumulations and a burn
pile had been previously
seen.

File Names: 1658055009~09252014-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 9-25-14
Time: 9:56am
Direction: N
Photo by: P. Pierce-Savoie
Exposure #: 005
Comments: GC/DD and wastes covered by a torn tarp.



Date: 9-25-14
Time: 9:57am
Direction: NE
Photo by: P. Pierce-Savoie
Exposure #: 006
Comments: Closer view of the wastes covered by a torn tarp.

File Names: 1658055009~09252014-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 9-25-14
Time: 9:57am
Direction: N
Photo by: P. Pierce-Savoie
Exposure #: 007
Comments: Disturbed soil with GC/DD emerging from it.



Date: 9-25-14
Time: 9:57am
Direction: NW
Photo by: P. Pierce-Savoie
Exposure #: 008
Comments: GC/DD (dimensional lumber) and domicile waste over and around a scorched stump and soil.

File Names: 1658055009~09252014-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 9-25-14
Time: 9:58am
Direction: NW
Photo by: P. Pierce-Savoie
Exposure #: 009
Comments: Concrete debris commingled with soil.



Date: 9-25-14
Time: 9:58am
Direction: N
Photo by: P. Pierce-Savoie
Exposure #: 010
Comments: Refuse including GC/DD, scrap metal, and general refuse can be seen under the clothesline.

File Names: 1658055009~09252014-[Exp. #].jpg

PROOF OF SERVICE

I hereby certify that I did on the 10th day of October 2014, 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: Roger Kimmel
165 Gandertown Road
Eldorado, IL 62930



RECEIVED
CLERK'S OFFICE

OCT 15 2014

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
Springfield, Illinois 62794-9276
(217) 782-5544