

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

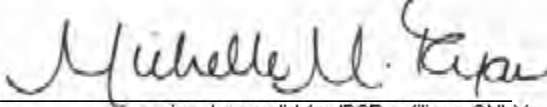
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 172-18-AC)
)	
DEAN KIBLER)	
)	
Respondent.)	

NOTICE OF FILING

To: Dean Kibler
101 N. Monroe Street
St. Joseph, IL 61873

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.

Respectfully submitted,


e-signature valid for IPCB e-filings ONLY

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: November 15, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 172-18-AC)
)	
DEAN KIBLER)	
)	
)	
Respondent.)	

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 (2016).

FACTS

1. That Dean Kibler is the present owner of a property located 101 N. Monroe Street, St. Joseph, Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as St. Joseph/Kibler, Dean.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0190905027.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on October 11, 2018, Curt White of the Illinois Environmental Protection Agency's Champaign 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.

VIOLATIONS

Based upon direct observations made by Curt White during the course of his October 11, 2018 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that the 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) (2016).
- (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) (2016).
- (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) (2016).
- (4) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2016).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2016), Respondent is jointly and severally subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than January 14, 2019, 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 (2016), 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.

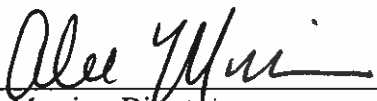
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2016), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, 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 (2016). If Respondent elects to contest this Administrative Citation, then Respondent shall file a 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.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 11/14/18

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

ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	
)	(IEPA No. 172-18-AC)
DEAN KIBLER)	
)	
)	
Respondent.)	

FACILITY:	St. Joseph/Kibler, Dean	SITE CODE NO.:	0190905027
COUNTY:	Champaign	CIVIL PENALTY:	\$6,000.00
DATE OF INSPECTION:	October 11, 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, Illinois 62794-9276.

Bureau of Land – Field Operations Section

Evaluation Report**General Facility Information**

BOL ID:	0190905027	Region:	Champaign
USEPA ID:	Not Applicable	County:	Champaign
Site Name:	Kibler, Dean	Phone:	Not Available
Address:	101 N. Monroe St	Latitude:	40.11275
City/State/Zip:	St Joseph, IL 61873	Longitude:	-88.04495
Permit No(s):	None		

Owner	Operator
Dean Kibler 101 N. Monroe St. St. Joseph, IL 61873	same

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	10/11/2018
Inspector(s)	White, Curt
Person(s) Interviewed	None
Previous Inspection Date	5/17/2018

Observations

Time	7:50 am
Weather Conditions (Description)	Sunny
Temperature (°F)	48°F
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	0
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	25
Number of Tires (Count)	20

Executive Summary

I reinspected this site on October 11, 2018. The weather conditions during the inspection were sunny and 48° F. No interviews were conducted during the inspection. The initial inspection was conducted as a result of a citizen complaint #213. Apparent violations were again observed.

This site is located at 101 N. Monroe St, St. Joseph, IL 61873, property ID No. 28-22-14-102-005. The owner of the property is Dean Kibler. The mailing address for Mr. Kibler is the same as the location. The ownership was determined by going to the Champaign County Supervisor of Assessments Office in Urbana, IL.

This inspection was conducted in accordance with Sections 4(c) and (d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine if the site is in compliance with the solid waste provisions of the Environmental Protection Act and regulations, as well as any solid waste permits the Illinois EPA has issued to the facility.

Evaluation Narrative

I arrived on the property at 7:50 am. There is a residence at the site. Nobody was present. I proceeded to the area previously inspected on May 17, 2018. I observed used tires and other litter in flowing water behind the residence (see photo 1). I observed a waste/burn pile that included wood, plastic, ash, and other litter (see photos 2 & 5). It appears more waste is being brought to the site. I observed furniture, televisions, computer monitors, wire and other litter scattered around the site (see photos 3, 4 & 6). I observed an estimated 20 used tires scattered around the site (see photos 7 & 9). I inspected the used tires for water accumulation and mosquito larvae. I observed water accumulation (see photo 8) and mosquito larvae. These used tires and other material at the site were being dumped haphazardly in weeds, not stored in such a way as to protect any future use and being kept unsightly and in an unsanitary manner. I left the site at 8:20 am.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	5/17/2018	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Continuing	5/17/2018	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	5/17/2018	9(c)	Cause or allow open burning
Continuing	5/17/2018	95(a)	Evidence of the mixing of Covered Electronic Device and waste was observed at the site.
Continuing	12/19/2017	21(a)	Cause or allow open dumping
Continuing	12/19/2017	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	12/19/2017	21(p)(4)	Cause or allow open dumping of any waste in a manner which results in deposition of waste in standing or flowing waters
Continuing	12/19/2017	55(a)(1)	Cause or allow open dumping of any used or waste tire
Continuing	12/19/2017	55(k)(1)	Cause or allow water to accumulate in used or waste tires

Attachment Listing

ID	Type	Description
1	Property Deed	Recorded Deed History

Digital Photographs



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 1
Photo Date: 10/11/2018
Photo Time: 07:54:46
Direction: North
Taken By: Curt White

Litter in flowing water.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 2
Photo Date: 10/11/2018
Photo Time: 07:56:51
Direction: South
Taken By: Curt White

Waste/burn pile.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 3
Photo Date: 10/11/2018
Photo Time: 07:57:11
Direction: East
Taken By: Curt White

CED's



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 4
Photo Date: 10/11/2018
Photo Time: 07:57:20
Direction: North
Taken By: Curt White

Wire.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 5
Photo Date: 10/11/2018
Photo Time: 07:57:25
Direction: North
Taken By: Curt White

Waste/burn pile and other
litter.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 6
Photo Date: 10/11/2018
Photo Time: 07:57:34
Direction: North
Taken By: Curt White

CED's



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 7
Photo Date: 10/11/2018
Photo Time: 07:57:45
Direction: North
Taken By: Curt White

Used tires.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 8
Photo Date: 10/11/2018
Photo Time: 07:57:52
Direction: North
Taken By: Curt White

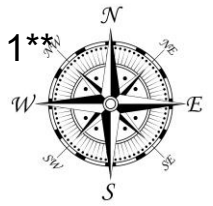
Water accumulation in used
tire.



Site: Kibler, Dean (0190905027)
Champaign County

Photo ID: 9
Photo Date: 10/11/2018
Photo Time: 07:58:57
Direction: North
Taken By: Curt White

Scattered used tires.



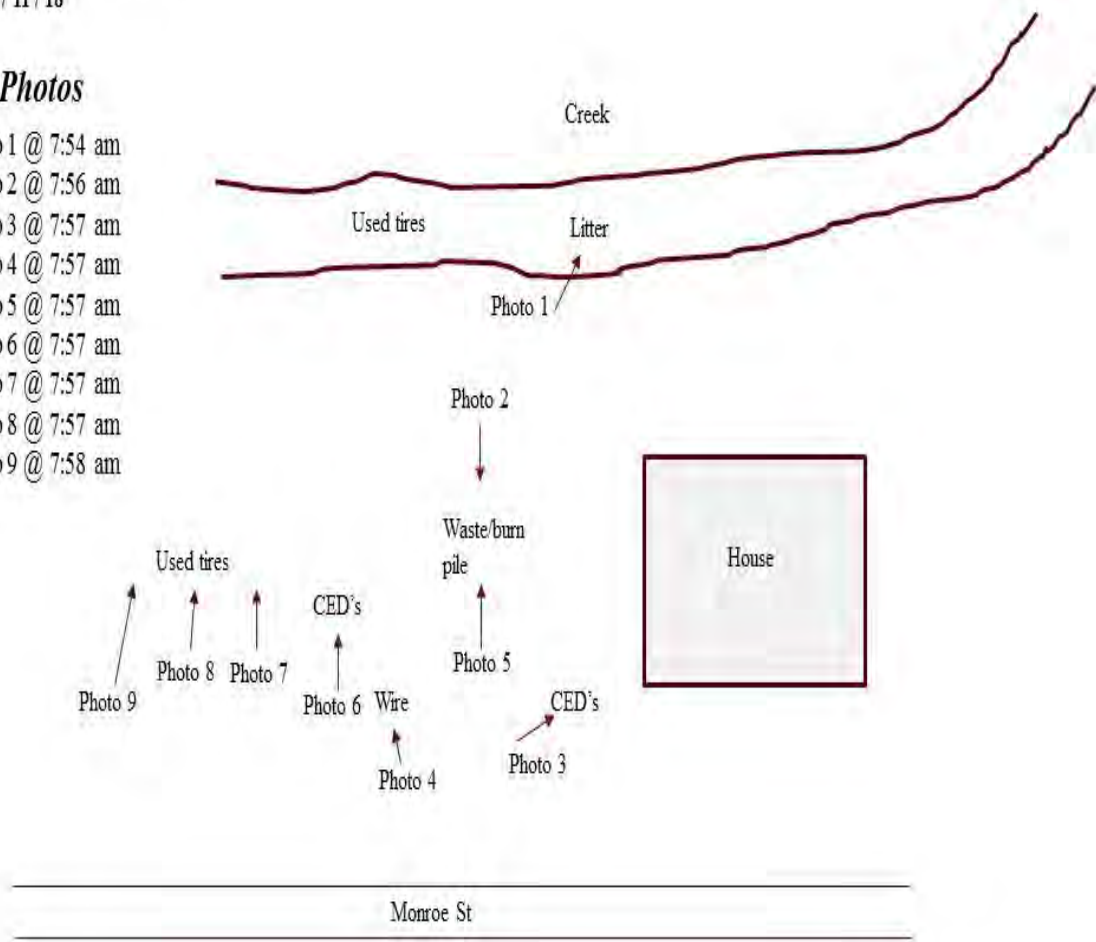
Site Diagram(s)

Site Diagram 1: October 11, 2018 • Kibler, Dean (0190905027) • Champaign County

LPC #0190905027-Champaign County
St. Joseph / Kibler, Dean
Insp. Date: 10 / 11 / 18

Site Photos

- 1. Photo 1 @ 7:54 am
- 2. Photo 2 @ 7:56 am
- 3. Photo 3 @ 7:57 am
- 4. Photo 4 @ 7:57 am
- 5. Photo 5 @ 7:57 am
- 6. Photo 6 @ 7:57 am
- 7. Photo 7 @ 7:57 am
- 8. Photo 8 @ 7:57 am
- 9. Photo 9 @ 7:58 am



Map not to Scale
Arrows indicated direction
and location of Photos

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
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Respondent)

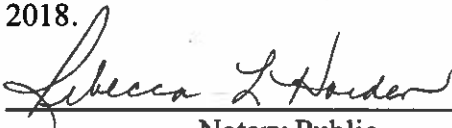
IEPA DOCKET NO.

Affiant, Curt White, 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 October 11, 2018, between 7:50 A.M. and 8:20 A.M., Affiant conducted an inspection of the site in Champaign County, Illinois, known as the St. Joseph / Kibler, Dean site, Illinois Environmental Protection Agency Site No. 0190905027.
3. Affiant inspected said Dean Kibler site by an on-site inspection, which included walking 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 the Dean Kibler site.



Subscribed and Sworn to before me
this 15th day of October,
2018.



Notary Public



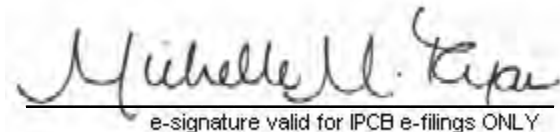
PROOF OF SERVICE

I hereby certify that I did on the 15th day of November 2018 serve by hand delivery a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Dean Kibler
101 N. Monroe Street
St. Joseph, IL 61873

and the original via electronic filing on November 15, 2018

To: Don Brown, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

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