

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

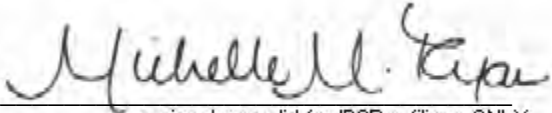
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 174-18-AC)
)	
BRIAN O'NEIL and TAMMY O'NEIL)	
)	
)	
Respondents.)	
)	

NOTICE OF FILING

To: Brian O'Neil and Tammy O'Neil
1196 CR 2400 E
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 28, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 174-18-AC)
)	
BRIAN O'NEIL and TAMMY O'NEIL)	
)	
)	
Respondents.)	

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 Brian and Tammy O'Neal are the present owners of a property located at 1196 CR 2400 E, St. Joseph, Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as O'Neil Brian.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0198233006.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on October 31, 2018, Dustin Burger 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.

5. That on November 28, 2018, Illinois EPA sent this Administrative Citation via Certified Mail No. 7017 2680 0001 0214 6746.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his October 31, 2018 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2016), Respondents are 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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than February 4, 2019, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2016), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2016), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' 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 Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2016). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.



Alec Messina, Director
Illinois Environmental Protection Agency

Date: 11/20/18

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. 174-18-AC)
BRIAN O'NEIL and TAMMY O'NEIL)
)
)
Respondents.)

FACILITY: St. Joseph/O'Neil Brian SITE CODE NO.: 0198233006

COUNTY: Champaign CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: October 31, 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:	0198233006	Region:	Champaign
USEPA ID:	Not Applicable	County:	Champaign
Site Name:	O'Neil Brian	Phone:	217-582-2819
Address:	1196 CR 2400 E	Latitude:	Not Available
City/State/Zip:	St Joseph, IL 61873	Longitude:	Not Available
Permit No(s):	Solid Waste: 0198233006		
Regulated As:			
Operational Status:			

Owner	Operator
O'Neil Brian 1196 CR 2400 E St Joseph, IL 61873	O'Neil Brian 1196 CR 2400 E St Joseph, IL 61873

Evaluation Details

Evaluation Type	Open Dump Inspection
Evaluation Date	10/31/2018
Inspector(s)	Burger, Dustin
Person(s) Interviewed	St. Joseph Fire; Brian O'Neil
Previous Inspection Date	No Prior Inspection
Reference Complaint ID	902

Observations

Time	10:20-10:30
Weather Conditions (Description)	Overcast, wet with recent rain, slight breeze from north
Temperature (°F)	52
Photos Taken (Yes/No)	Seven (7)
Amount of Waste (Cubic Yards)	25 (burning had occurred)

Executive Summary

This site is a private residence and paving business that was first inspected on December 4, 2017 in response to an open burning complaint (#240). The inspection found open dumping and open burning violations. An ACWN was sent on December 14, 2017 citing violations for open burning metal buckets, plastic buckets of toilet sanitizer, plastic, and household trash. The site was inspected again on October 31, 2018 in response to a second complaint. The inspection found a still smoldering pile of waste paint cans, wood, metal, and plastic.

Evaluation Narrative

Champaign BOL/FOS received a complaint (#902) on October 30, 2018 regarding open dumping and open burning of trade waste at 1196 2400 East Road, St. Joseph, Illinois. The complainant said wastes from the owner’s paving company had been dumped and burned at the residence.

The site is located northeast of Sidney, Illinois in a rural area. The property consists of a large, new home, and parking area for various vehicles used in the paving business. The property information indicated Brian O’Neil as the taxpayer on the property with a mail address of 1714 Raymond Drive, Ogden, IL 61859. The deed for the property lists Tammy O’Neil as the property owner.

I called the Homer Fire Department on October 30, 2018 to see if they responded to the fire. The Chief said the property is in their district, but right on the border between the Sidney, St. Joseph, and Homer Districts. He gave me the number of the St. Joseph Fire Chief. I spoke to Chief Reese from St. Joseph, who said he department did respond to a fire at the address but did not put out the fire they found.

When I arrived, I drove around the circle drive to the east side of the house where vehicles are parked. When I arrived, I could see a still smoldering burn pile in plain sight. The pile was approximately 15 feet long, 8 feet wide, and 4.5 feet high. The base of the pile looked like it was composed of dirt and ground asphalt. There were dozens of five-gallon buckets on top of the pile. Several contained the remains of paint. The pile also contains metal posts, circular wire brushes, plastic, a green hose, a tire rim, cardboard, wood, and aerosol cans. I took six photos of the pile.

The rear door to the house had a doorbell and camera system. I rang the doorbell, but no one answered. I then took one photo of the Brian O’Neils’ Better Paving logo on a truck since it included contact phone numbers.

When I returned to the office, I called the first number on the truck and asked for Brian O’Neil. A woman answered and identified herself as Brian’s wife. I explained I received a complaint and heard the fire department had been out to their house in response to a waste fire. She said she was unaware of any burning or fire response but would have her husband call me.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
New	10/31/2018	9(a)	Cause, threaten or allow air pollution in Illinois
New	10/31/2018	9(c)	Cause or allow open burning
Continuing	12/4/2017	21(a)	Cause or allow open dumping
Continuing	12/4/2017	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act

Electronic Filing: Received, Clerk's Office 12/4/2018 **AC 2019-013**

Continuing	12/4/2017	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	12/4/2017	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 2
Photo Date: 10/31/2018
Photo Time: 10:20:50
Direction: East
Taken By: Dustin Burger

Burn pile photo



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 3
Photo Date: 10/31/2018
Photo Time: 10:20:57
Direction: ESE
Taken By: Dustin Burger

Burn pile photo



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 4
Photo Date: 10/31/2018
Photo Time: 10:21:01
Direction: ESE
Taken By: Dustin Burger

Burn pile photo



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 5
Photo Date: 10/31/2018
Photo Time: 10:21:17
Direction: ENE
Taken By: Dustin Burger

Burn pile photo



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 6
Photo Date: 10/31/2018
Photo Time: 10:21:48
Direction: West
Taken By: Dustin Burger

East side of burn pile



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 7
Photo Date: 10/31/2018
Photo Time: 10:22:06
Direction: South
Taken By: Dustin Burger

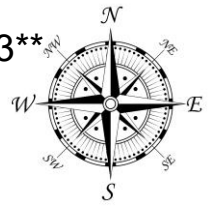
Paint bucket with paint center
north side of pile



Site: O'Neil Brian (0198233006)
Champaign County

Photo ID: 8
Photo Date: 10/31/2018
Photo Time: 10:24:26
Direction: East
Taken By: Dustin Burger

Truck with business logo and
phone numbers



Site Diagram(s)

Site Diagram 1: October 31, 2018 • O'Neil Brian (0198233006) • Champaign County



STATE OF ILLINOIS)
) SS
COUNTY OF Champaign)

AFFIDAVIT

I, Dustin Burger, being first duly sworn upon oath, depose and state 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 31, 2018, between 10:20 and 10:30 A.M., Affiant conducted an inspection of the open dump in Champaign County, Illinois, known as St. Joseph/O'Neil, Illinois Environmental Protection Agency Site No. 0198233006.

3. Affiant inspected said St. Joseph/O'Neil 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 St. Joseph/O'Neil open dump.

FURTHER AFFIANT SAYETH NOT.

Dustin Burger

Subscribed and Sworn to before
me this 8 day of November, 2018

Rebecca L Harden
Notary Public



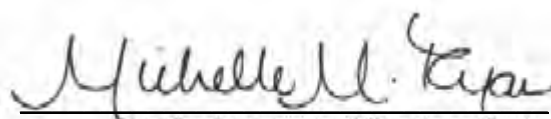
PROOF OF SERVICE

I hereby certify that I did on the 28th day of November, 2018, serve by Certified Mail, Return Receipt Requested, with postage thereon 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: Brian O'Neil and Tammy O'Neil
1196 CR 2400 E
St. Joseph, IL 61873

and the original via electronic filing on November 28, 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