

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, ) AC 2019-  
 )  
v. ) (IEPA No. 180-18-AC)  
 )  
TYLER FERGUSON, BRADON FINCH )  
CARL LEE, and JAMES HILTON )  
 )  
 )  
 )  
Respondents. )

**NOTICE OF FILING**

To: Tyler Ferguson  
500 E. Breckenridge  
Blandinsville, IL 61420

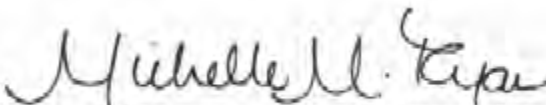
Bradon Finch  
7865 State Route 9  
Sciota, IL 61475-8357

Carl Lee  
P.O. Box 346  
La Harpe, IL 61450

James Hilton  
401 E. 3<sup>rd</sup> Avenue  
La Harpe, IL 61450

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: January 2, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION | ) |                      |
| AGENCY,                           | ) |                      |
|                                   | ) |                      |
| Complainant,                      | ) | AC 2019-             |
|                                   | ) |                      |
| v.                                | ) | (IEPA No. 180-18-AC) |
|                                   | ) |                      |
| TYLER FERGUSON, BRADON FINCH,     | ) |                      |
| CARL LEE, and JAMES HILTON        | ) |                      |
|                                   | ) |                      |
|                                   | ) |                      |
|                                   | ) |                      |
| 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 Tyler Ferguson (Respondent) is the present owner of, and Bradon Finch, Carl Lee, and James Hilton (Respondents) presently operate a property located at 406 East Archer Avenue, La Harp, Hancock County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as La Harp/Ferguson Tyler A 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. 0670455016.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on November 8, 2018, Robert J. Wagner of the Illinois Environmental Protection Agency's 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 January 2, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7017 2680 0001 0214 6753 to Tyler Ferguson, Certified Mail No. 7017 2680 0001 0214 6760 to Bradon Finch, Certified Mail No. 7017 2680 0001 0214 6999 to Carl Lee, and Certified Mail No. 7017 2680 0001 0214 6982 to James Hilton.

#### VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his November 8, 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 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) (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 11, 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.

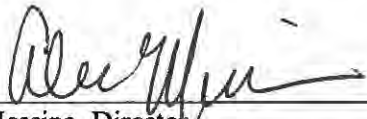
When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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: 12/31/18

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-  
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v. )  
) (IEPA No. 180-18-AC)  
TYLER FERGUSON, BRADON FINCH, )  
CARL LEE, and JAMES HILTON )  
)  
)  
)  
)  
)  
Respondents. )

FACILITY: La Harpe/Ferguson Tyler A SITE CODE NO.: 0678020001

COUNTY: Hancock CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: November 8, 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**

|                            |                    |                   |              |
|----------------------------|--------------------|-------------------|--------------|
| <b>BOL ID:</b>             | 0670455016         | <b>Region:</b>    | Peoria       |
| <b>USEPA ID:</b>           | Not Applicable     | <b>County:</b>    | Hancock      |
| <b>Site Name:</b>          | Ferguson Tyler A   | <b>Phone:</b>     | 217-659-7838 |
| <b>Address:</b>            | 406 E Archer Ave   | <b>Latitude:</b>  | 40.58474     |
| <b>City/State/Zip:</b>     | La Harpe, IL 61450 | <b>Longitude:</b> | -90.96439    |
| <b>Permit No(s):</b>       | None               |                   |              |
| <b>Regulated As:</b>       | Open Dump          |                   |              |
| <b>Operational Status:</b> | Active             |                   |              |

| <b>Owner</b>   | <b>Operator</b>   |
|--|---|
| Ferguson Tyler A<br>Tyler Ferguson<br>500 E Breckenridge St<br>Blandinsville, IL 61450 | Ferguson Tyler A<br>James Hilton<br>401 E 3rd Ave<br>La Harpe, IL 61450 |

**Evaluation Details**

|                                 |                      |
|---------------------------------|----------------------|
| <b>Evaluation Type</b>          | Open Dump Inspection |
| <b>Evaluation Date</b>          | 11/8/2018            |
| <b>Inspector(s)</b>             | Wagner, Robert       |
| <b>Person(s) Interviewed</b>    | None                 |
| <b>Previous Inspection Date</b> | 11/06/2017           |

**Observations**

|  |              |
|--|--------------|
| <b>Time</b>                                | 1115 to 1130 |
| <b>Weather Conditions (Description)</b>    | Wet, Muddy   |
| <b>Temperature (°F)</b>                    | 35           |
| <b>Samples Collected (Yes/No)</b>          | No           |
| <b>Number of Samples Collected (Count)</b> | 0            |
| <b>Photos Taken (Yes/No)</b>               | Yes          |
| <b>Amount of Waste (Cubic Yards)</b>       | 1232         |
| <b>Number of Tires (Count)</b>             | 1            |

**Executive Summary**

On November 8, 2018, I (Robert J. Wagner) re-inspected property owned by Tyler Ferguson from 1115 to 1130. The property is located at 400 E. Archer, La Harpe, Illinois, GPS coordinates 40.58474, -90.96439. For this report the property will be referred to as the Ferguson Property. The purpose of the re-inspection was to check the compliance status of the Ferguson Property. Tyler Ferguson, Carl Lee, James Hilton, and Bradon Finch were sent Open Dump Administrative Citation Warning Notices (ACWN) for open dumping at the Ferguson Property. Violations were observed again during the inspection.

**Evaluation Narrative**

On February 28, 2018, Open Dump Administrative Citation Warning Notices (ACWNs) were sent to Tyler Ferguson, Carl Lee, James Hilton, and Bradon Finch. Mr. Lee, Mr. Hilton, and Mr. Finch responded to the ACWN but did not agree to clean up the open dump at the Ferguson Property. Mr. Ferguson responded to the ACWN by saying that he was giving Mr. Finch and Mr. Hilton until May 12, 2018 to clean up the property. However, Mr. Ferguson did not say that if Mr. Finch or Mr. Hilton failed to clean up the property by May 12, 2018 that he would clean up the property.

I arrived at the Ferguson Property at 1115. I walked and photographed the property. Photographs 1, 2 and 3 show the top part of the open dump fill area. This part of the fill area was overgrown with vegetation. It appeared that more demolition and construction debris had been brought from offsite and dumped on the property since the November 6, 2017 inspection.

Photographs 4 and 5 show chunks of concrete with metal debris protruding from them. The chunks of concrete were soot stained and had small pieces of charred debris laying on top of them. Photographs 6, 7, 8, 9, 10, 11, and 16 show the north slope of the fill area. The north slope had what appeared to be vinyl siding, drywall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs was obscured by the dead vegetation on the slope. See attached site sketch.

Photographs 12, 13, and 15 show the area north of the open dump fill area. This area is part of the drainage system for the City of La Harpe's storm water runoff management system. The photographs show a television, a used tire, and plastic debris deposited next to a flowing stream.

Photograph 14 shows the north slope of the fill area. I departed the site at 1130.

I have been unsuccessful in contacting all parties involved in the open dumping.

**Summary of Apparent Violation(s)**

| Status     | Date Cited | Violation | Narrative   |
|------------|------------|-----------|---|
| New        | 11/8/2018  | 55(a)(1)  | Cause or allow open dumping of any used or waste tire   |
| Continuing | 11/6/2017  | 12(a)     | Cause, threaten or allow water pollution in Illinois  |
| Continuing | 11/6/2017  | 12(d)     | Create a water pollution hazard   |
| Continuing | 11/6/2017  | 21(a)     | Cause or allow open dumping   |
| Continuing | 11/6/2017  | 21(d)(1)  | Conduct a waste-storage, waste-treatment, or waste-disposal operation without a permit  |
| Continuing | 11/6/2017  | 21(d)(2)  | Conduct Waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Pollution Control Board |
| Continuing | 11/6/2017  | 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 1/8/2019 \*\*AC 2019-016\*\*

|            |           |            |   |
|------------|-----------|------------|---|
| Continuing | 11/6/2017 | 21(p)(1)   | Cause or allow open dumping of any waste in a manner which results in litter  |
| Continuing | 11/6/2017 | 21(p)(7)   | Cause or allow open dumping of any waste in a manner which results in deposition of general construction or demolition debris |
| Continuing | 11/6/2017 | 812.101(a) | No application submitted for permit to develop and operate landfill   |

**Attachment Listing**

| ID             | Type | Description |
|----------------|------|-------------|
| No Attachments |      |             |

Digital Photographs



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 1  
Photo Date: 11/8/2018  
Photo Time: 11:16:51  
Direction: north  
Taken By: Robert Wagner

Photograph 1 shows the top part of the open dump fill area. This part of the fill area was overgrown with vegetation. It appeared that more demolition and construction debris had been dumped on the property. Evidence of Open Burning was observed on the property.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 2  
Photo Date: 11/8/2018  
Photo Time: 11:16:57  
Direction: north  
Taken By: Robert Wagner

Photograph 2 shows the top part of the open dump fill area. This part of the fill area was overgrown with vegetation. It appeared that more demolition and construction debris had been dumped on the property. Evidence of Open Burning was observed on the property.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 3  
Photo Date: 11/8/2018  
Photo Time: 11:17:02  
Direction: northeast  
Taken By: Robert Wagner

Photograph 3 shows the top part of the open dump fill area. This part of the fill area was overgrown with vegetation. It appeared that more demolition and construction debris had been dumped on the property. Evidence of Open Burning was observed on the property.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 4  
Photo Date: 11/8/2018  
Photo Time: 11:17:38  
Direction: west  
Taken By: Robert Wagner

Photograph 4 shows chunks of concrete with metal debris protruding from them. The chunks of concrete were soot stained and had small pieces of charred debris laying on top of them.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 5  
Photo Date: 11/8/2018  
Photo Time: 11:17:55  
Direction: south  
Taken By: Robert Wagner

Photograph 5 shows chunks of concrete with metal debris protruding from them. The chunks of concrete were soot stained and had small pieces of charred debris laying on top of them.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 6  
Photo Date: 11/8/2018  
Photo Time: 11:18:38  
Direction: southeast  
Taken By: Robert Wagner

Photograph 6 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 7  
Photo Date: 11/8/2018  
Photo Time: 11:19:01  
Direction: southeast  
Taken By: Robert Wagner

Photograph 7 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 8  
Photo Date: 11/8/2018  
Photo Time: 11:19:37  
Direction: southeast  
Taken By: Robert Wagner

Photograph 8 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 9  
Photo Date: 11/8/2018  
Photo Time: 11:19:48  
Direction: southeast  
Taken By: Robert Wagner

Photograph 9 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 10  
Photo Date: 11/8/2018  
Photo Time: 11:20:44  
Direction: southeast  
Taken By: Robert Wagner

Photograph 10 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 11  
Photo Date: 11/8/2018  
Photo Time: 11:20:50  
Direction: southwest  
Taken By: Robert Wagner

Photograph 11 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 12  
Photo Date: 11/8/2018  
Photo Time: 11:21:24  
Direction: northeast  
Taken By: Robert Wagner

Photograph 12 shows the area north of the open dump fill area. This area is part of the drainage system for the City of La Harpe's storm water runoff management plan. The photographs show a television, a used tire, and plastic debris deposited next to a running stream.



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 13  
Photo Date: 11/8/2018  
Photo Time: 11:21:29  
Direction: northeast  
Taken By: Robert Wagner

Photograph 13 shows the area north of the open dump fill area. This area is part of the drainage system for the City of La Harpe's storm water runoff management plan. The photographs show a television, a used tire, and plastic debris deposited next to a running stream



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 14  
Photo Date: 11/8/2018  
Photo Time: 11:21:35  
Direction: southwest  
Taken By: Robert Wagner

Photograph 14 shows the north slope of the fill area.





Site: Ferguson Tyler A  
(0670455016)  
Hancock County

Photo ID: 15  
Photo Date: 11/8/2018  
Photo Time: 11:21:58  
Direction: southwest  
Taken By: Robert Wagner

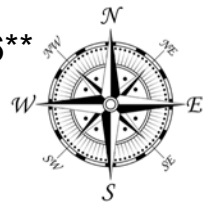
Photograph 15 shows the area north of the open dump fill area. This area is part of the drainage system for the City of La Harpe's storm water runoff management plan. The photographs show a television, a used tire, and plastic debris deposited next to a running stream



Site: Ferguson Tyler A  
(0670455016)  
Hancock County

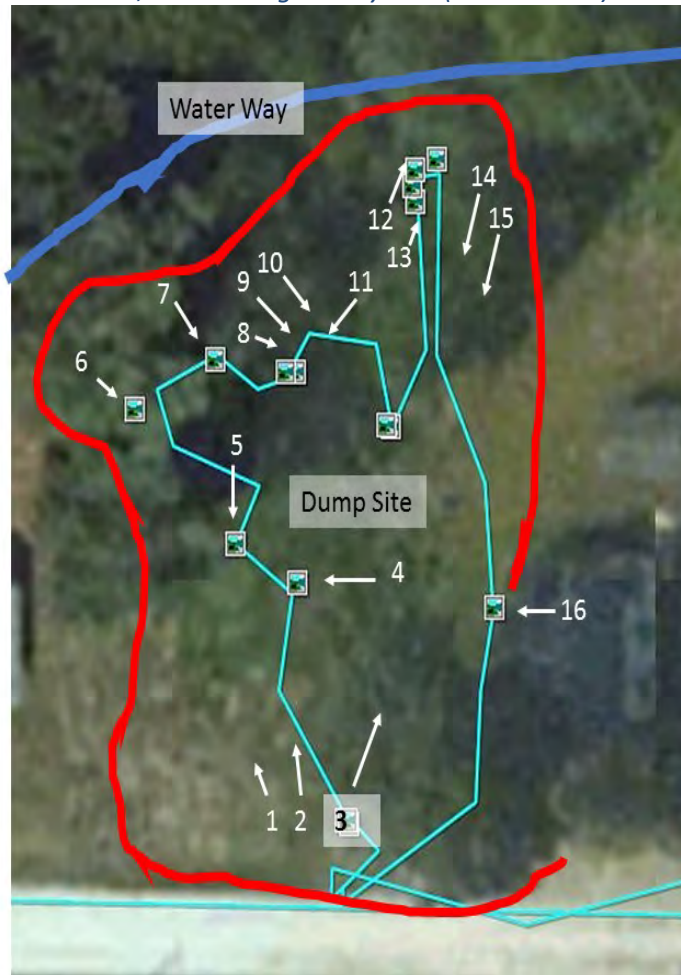
Photo ID: 16  
Photo Date: 11/8/2018  
Photo Time: 11:22:51  
Direction: west  
Taken By: Robert Wagner

Photograph 16 shows the north slope of the fill area. The north slope had what appeared to be vinyl siding, dry wall, chunks of concrete, red brick, processed wood, plastic containers, and insulation protruding from it. The debris in the photographs were obscured by the dead vegetation on the slope.



Site Diagram(s)

Site Diagram 1: November 8, 2018 • Ferguson Tyler A (0670455016) • Hancock County



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF )

)  
)  
)  
)  
)  
)  
)  
)  
)

IEPA DOCKET NO.

RESPONDENT )

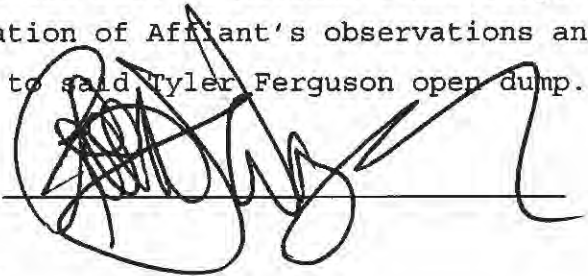
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

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 November 8, 2018, between 11:15 AM and 11:30 AM, Affiant conducted an inspection of the open dump in Hancock County, Illinois, known as Tyler Ferguson, Illinois Environmental Protection Agency Site No. 0670455016.

3. Affiant inspected said Tyler Ferguson 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 Tyler Ferguson open dump.



Subscribed and Sworn to before me this 27 day of November

*Christina M Hayes*  
Notary Public



**PROOF OF SERVICE**

I hereby certify that I did on the 2<sup>nd</sup> day of January, 2019, 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: Tyler Ferguson  
500 E. Breckenridge  
Blandinsville, IL 61420


Bradon Finch  
7865 State Route 9  
Sciota, IL 61475-8357

Carl Lee  
P.O. Box 346  
La Harpe, IL 61450

James Hilton  
401 E. 3<sup>rd</sup> Avenue  
La Harpe, IL 61450

and the original via electronic filing on January 2, 2019

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



Michelle M. Ryan  
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