



# 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

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OCT 22 2013  
STATE OF ILLINOIS  
Pollution Control Board

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

October 15, 2013

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

AC14-22

ORIGINAL

Re: Illinois Environmental Protection Agency v Roger Ray  
IEPA File No. 261-13-AC; 1398065001—Moultrie County

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  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

ROGER RAY,

Respondent.

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AC

14-22

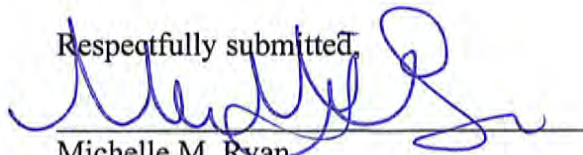
(IEPA No 261-13-AC)

NOTICE OF FILING

To: Roger Ray  
601 West Jefferson  
Sullivan, Illinois 61851

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

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

Dated: October 15, 2013



5. That on 10-15-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2973 8609.

#### VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of the September 4, 2013 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) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(3)(2010).
- (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) (2010).

#### CIVIL PENALTY

On June 17, 2004, the Board found Ray Rogers in violation of Section 21(p)(1) and 21(p)(3),

of the Act in AC 04-08. Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) and 21(p)(3) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each of those violations. Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 21(p)(7), for a total of Seven Thousand Five Hundred Dollars (\$7,500.00). 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 November 15, 2013, 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 (2010), 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 Seven Thousand Five Hundred Dollar (\$7,500.00) assessed statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), 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 (2010). 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, Director  
Illinois Environmental Protection Agency

Date: 10/11/13

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

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OCT 22 2013

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

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

AC *14-22*  
(IEPA No. 261-13-AC)

FACILITY: Kirksville/Ray, Roger  
SITE CODE NO.: 1398065001  
COUNTY: Moultrie  
CIVIL PENALTY: \$7,500.00  
DATE OF INSPECTION: September 4, 2013

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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF: )  
)  
)  
)  
)  
ROGER RAY )  
)  
)  
Respondent )

*AC14-22*

IEPA DOCKET NO.

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OCT 22 2013  
STATE OF ILLINOIS  
Pollution Control Board

Affiant, Dustin Burger, 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 4, 2013, between 11:20 A.M. and 11:30 A.M., Affiant conducted an inspection of the site in Moultrie County, Illinois, known as Kirksville/Ray near Kirksville, Illinois, Illinois Environmental Protection Agency Site No. 1398065001.

3. Affiant inspected said Kirksville/Ray site by an on-site inspection which included 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 the Kirksville/Ray site.

Dustin Burger

Subscribed and Sworn to before me  
this 10<sup>th</sup> day of September  
2013.

Rebecca L. Harden  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Moultrie LPC#: 1398065001 Region: 4 - Champaign  
 Location/Site Name: Kirksville/Ray, Roger  
 Date: 09/04/2013 Time: From 11:20A To 11:30A Previous Inspection Date: 10/16/2006  
 Inspector(s): Dustin Burger Weather: Clear, Dry, 80s  
 No. of Photos Taken: # 8 Est. Amt. of Waste: 5 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: No one present Complaint #: C14-017-CH  
 Latitude: N39.57037 Longitude: W-88.6702 Collection Point Description: - from inventory  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party  
Mailing Address(es)  
and Phone Number(s):

Roger Ray  
601 West Jefferson  
Sullivan, IL 61851  
217/782-8663

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STATE OF ILLINOIS  
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	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	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1398065001

Inspection Date: 09/04/2013

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
15.	815.201	<b>FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
16.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
17.	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 and subsection (k) of Section 55 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**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1398065001--Moultrie County  
Kirksville/Ray, Roger  
FOS File  
Inspector: Dustin Burger  
September 4, 2013 Inspection  
Complaint No. C14-017-CH

**Narrative Inspection Report**

I conducted a routine open dump inspection of the above referenced facility on September 4, 2013. The inspection lasted at approximately 11:20 to 11:30 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The weather was clear and dry, with temperatures in the 80s. Eight photos were taken during the visit.

Champaign FOS received a complaint alleging the open dumping and open burning of wastes brought from off site at a property owned by Mr. Roger Ray. The site is located on the southeast side of Kirksville and consists of an unoccupied house and garage. It is bordered by railroad tracks on the north, Kirksville Road on the west, and residences on the south and east.

**Background**

4/15/03	Initial inspection by Dustin Burger finds evidence of open dumping and open burning general construction and demolition debris.
5/23/03	Administrative Citation Warning Notice mailed with 7/1/03 deadline for clean-up
7/2/03	Complaint inspection By Deanna Carlock finds C&D material open dumped and open burned in an excavation.
7/5/03	Complaint inspection By Deanna Carlock finds additional C&D material open dumped and open burned in an excavation.
7/8/03	Complaint inspection By Deanna Carlock finds more C&D material open dumped and open burned in an excavation.
9/2/03	Administrative Citation Issued for \$4500
6/2/04	AC reduced to \$3000
10/6/06	Site reinspected and found to be RTC

**Current Inspection**

Champaign FOS investigated a new complaint alleging Mr. Ray was open dumping and open burning waste again, mainly at night and on weekends. When I arrived, I could see a pile of burned material from the road. The pile was approximately 12 feet across. It contained the burned remains of wood, bedsprings, metal, tin cans, aerosol cans, metal, paint cans, and drywall. The drywall did not burn well in the fire.

I called the Moultrie County Assessor's office and confirmed that Roger Ray is still the owner of record for the site.

### **Regulated Status**

The site is regulated as an open dump.

### **Apparent violations observed during this inspection:**

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

- #1 Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) is alleged for the following reason: **evidence of open burning of refuse, which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

- #2 Pursuant to Section 9(c) of the Act, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: **evidence of open burning of refuse was observed during the inspection.**

- #3 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 for the following reason: **evidence of open dumping of waste was observed during the inspection.**

- #4 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 thereunder.

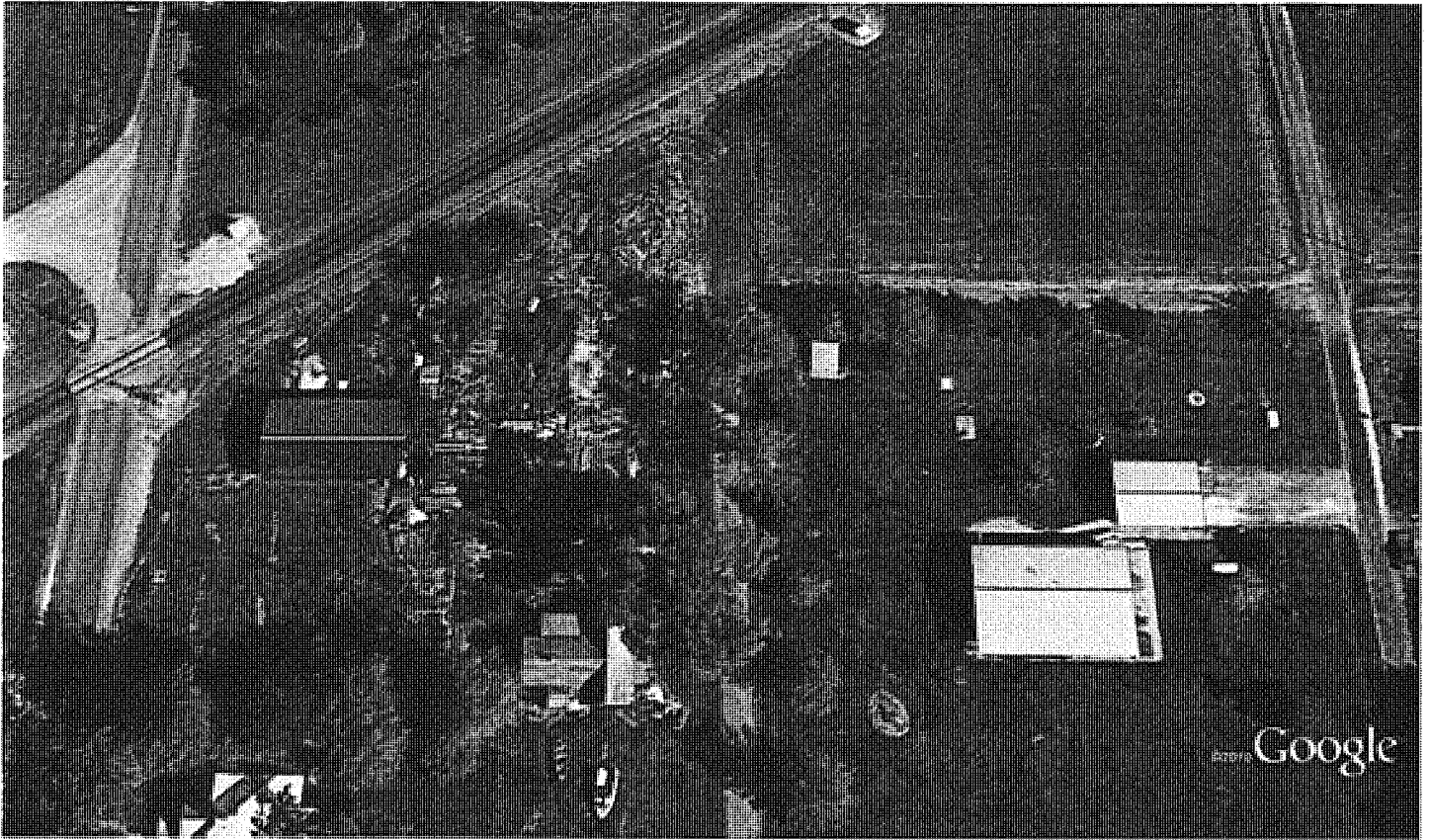
A violation of Section 21(e) is alleged for the following reason: **waste was disposed of at this site which does not meet the requirements of the Act and of regulations and standards thereunder.**

- #5 Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in litter.

A violation of Section 21(p)(1) is alleged for the following reason: **waste was open dumped at this site resulting in litter.**

- #6 Pursuant to Section 21(p)(7) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in deposition of general construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: **waste was open dumped at this site resulting in deposition of construction or demolition debris.**





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1398065001—Moultrie County  
Kirksville/Ray, Roger  
FOS File

DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-001.jpg  
COMMENTS: Burn pile



DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-002.jpg  
COMMENTS: Lumber, tin cans







Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1398065001—Moultrie County  
Kirksville/Ray, Roger  
FOS File

DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-003.jpg  
COMMENTS: drywall, lumber, lattice



DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-004.jpg  
COMMENTS:





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1398065001—Moultrie County  
Kirksville/Ray, Roger  
FOS File

DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-005.jpg  
COMMENTS:



DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-006.jpg  
COMMENTS: burned electronics





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #1398065001—Moultrie County  
Kirksville/Ray, Roger  
FOS File

DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-007.jpg  
COMMENTS: overview



DATE: September 4, 2013  
TIME: 11:20AM-11:30AM  
DIRECTION: East  
PHOTO by: Dustin Burger  
PHOTO FILENAME:  
1398065001~09042013-008.jpg  
COMMENTS: house on site.



**PROOF OF SERVICE**

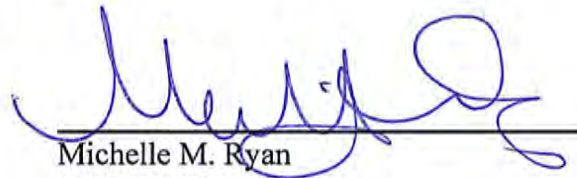
I hereby certify that I did on the 15th day of October 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Roger Ray  
601 West Jefferson  
Sullivan, Illinois 61851

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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  
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