



# 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



ORIGINAL

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CLERK'S OFFICE

JAN 29 2014

STATE OF ILLINOIS  
Pollution Control Board

January 27, 2014

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

AC 14-32

Re: Illinois Environmental Protection Agency v Maria L. Tilley  
IEPA File No12-14-AC; 1450105063—Perry 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,

Scott B. Sievers  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 29 2014

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

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)  
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)  
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)  
)  
)

Complainant,

v.

MARIA L. TILLEY,

Respondent.

AC

14-32

(IEPA No. 12-14-AC)

**NOTICE OF FILING**

To: Maria L. Tilley (Carvalho)  
415 East North Street  
Du Quoin, IL 62832

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 TIRE STORAGE SITE INSPECTION CHECKLIST.

Respectfully submitted,

---

Scott B. Sievers  
Assistant Counsel

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

Dated: January 27, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

JAN 29 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 MARIA L. TILLEY, )  
 )  
 )  
 Respondent. )

AC 14-32  
 (IEPA No. 12-14-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 (2012).

FACTS

1. That Maria L. Tilley is the current owner ("Respondent") of a facility located at 935-943 East South Street, DuQuoin, Perry County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as DuQuoin/Carvalho-Tilley.
2. That said facility is designated with Site Code No. 1450105063.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 8, 2014, Garrison Gross 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 1-27-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2973 9736.



## VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his January 8, 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) (2012).
  
- (2) 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

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2012), 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 Three Thousand Dollars (\$3,000.00). 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 April 1, 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 (2012), 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) (2012), 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 (2012). 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 

Date:

1-22-14

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

REMITTANCE FORM

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JAN 29 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
MARIA L. TILLEY, )  
 )  
Respondent. )

AC 14-32  
(IEPA No. 12-14-AC)

FACILITY: DuQuoin/Carvalho-Tilley  
SITE CODE NO.: 1450105063  
COUNTY: Perry  
CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: January 8, 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.

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF WILLIAMSON    )

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STATE OF ILLINOIS  
Pollution Control Board

**AFFIDAVIT**

I, Garrison Gross, 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 January 8, 2014, between 2:20 P.M. and 2:30 P.M., Affiant conducted an inspection of the Maria L. Carvalho a/k/a Maria L. Tilley site in Perry County, Illinois, known as DuQuoin / Carvalho-Tilley by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1450155063 by the Agency.

3. Affiant inspected said DuQuoin / Carvalho-Tilley 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 DuQuoin / Carvalho-Tilley.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before  
me this 14<sup>th</sup> day of January, 2014

Gail Stricklin  
Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Perry LPC#: 1450105063 Region: 7 - Marion  
 Location/Site Name: DuQuoin / Carvalho-Tilley  
 Date: 01/08/2014 Time: From 2:20 P.M. To 2:30 P.M. Previous Inspection Date: 11/05/2012  
 Inspector: Garrison Gross Weather: overcast skies, snow cover, 33°F, light breeze  
 No. of Photos Taken: # 7 Est. Amt. of Waste: 240 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: no one at the site Complaint #: N/A

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

Maria L. Tilley  
 415 East North Street  
 DuQuoin, Illinois 62832

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 JAN 29 2014  
 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 type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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)	<b>CAUSE OR ALLOW OPEN DUMPING</b>	<input checked="" type="checkbox"/>
6.	21(d)	<b>CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:</b>	
	(1)	<b>Without a Permit</b>	<input checked="" type="checkbox"/>
	(2)	<b>In Violation of Any Regulations or Standards Adopted by the Board</b>	<input checked="" type="checkbox"/>
7.	21(e)	<b>DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT</b>	<input checked="" type="checkbox"/>
8.	21(p)	<b>CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:</b>	
	(1)	<b>Litter</b>	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input 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 # 1450105063

Inspection Date: 11/05/2012

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
<b>OTHER REQUIREMENTS</b>			
15.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.





*State of Illinois*  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Narrative Inspection Report**

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**Site #:** 1450105063 – Perry County  
**Site Name:** DuQuoin / Carvalho-Tilley  
**Date of Inspection:** January 8, 2014  
**Inspector:** Garrison Gross

**Subject:** Open Dump Site Inspection at Maria L. Carvalho a/k/a Maria L. Tilley Site

**General Remarks:** An Open Dump Site Inspection was conducted on January 8, 2014, at property owned by Maria L. Carvalho a/k/a Maria L. Tilley. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The property is located at 935-943 East South Street, in DuQuoin, Illinois 62832. The inspection was performed as a follow-up to a previous inspection conducted on November 5, 2012. Weather conditions at the time of the inspection were overcast skies, 33° F, with a light breeze. Surface conditions were snow covered and frozen.

**Inspection Findings:** The inspection began at approximately 2:20 P.M. It was apparent that some waste items had been removed from the site. Two (2) waste mobile homes remained at the site (photos 001 and 002). The mobile homes were considered to be waste because they were not habitable in their current condition, missing doors and windows, were unlevelled, and did not appear to be connected to utilities. Woody vegetation was growing up around the waste mobile homes.

Two (2) waste vehicles remained at the site: truck cab and bed (photo 003). The vehicles were considered waste due to condition (missing essential parts), overgrowth in vegetation, no license plates and/or expired registration.

Other waste items were still observed around the inside fenced lot including but not limited to: used / waste tires, construction / demolition debris (PVC pipe, metal siding and a garage door) and what appeared to be old farm equipment (photos 004-007). Approximately 240 cubic yards of waste remain at the site. The inspection ended at approximately 2:30 P.M.

**Additional Remarks:** Information concerning property ownership / control was obtained through tax records from the Supervisor of Assessment's Office in Perry County. The tax bill is mailed to Maria Luisa Carvalho, 415 East North Street, DuQuoin, Illinois 62832. The property is referred to as parcel 2-61-1050-080 (Lots 70-73). Maria L. Carvalho is married to Charles T. Tilley and uses the name Maria L. Tilley and Maria C. Tilley. Based on Agency records a Maria C. Tilley lives at 415 East North Street, DuQuoin, Illinois 62832.

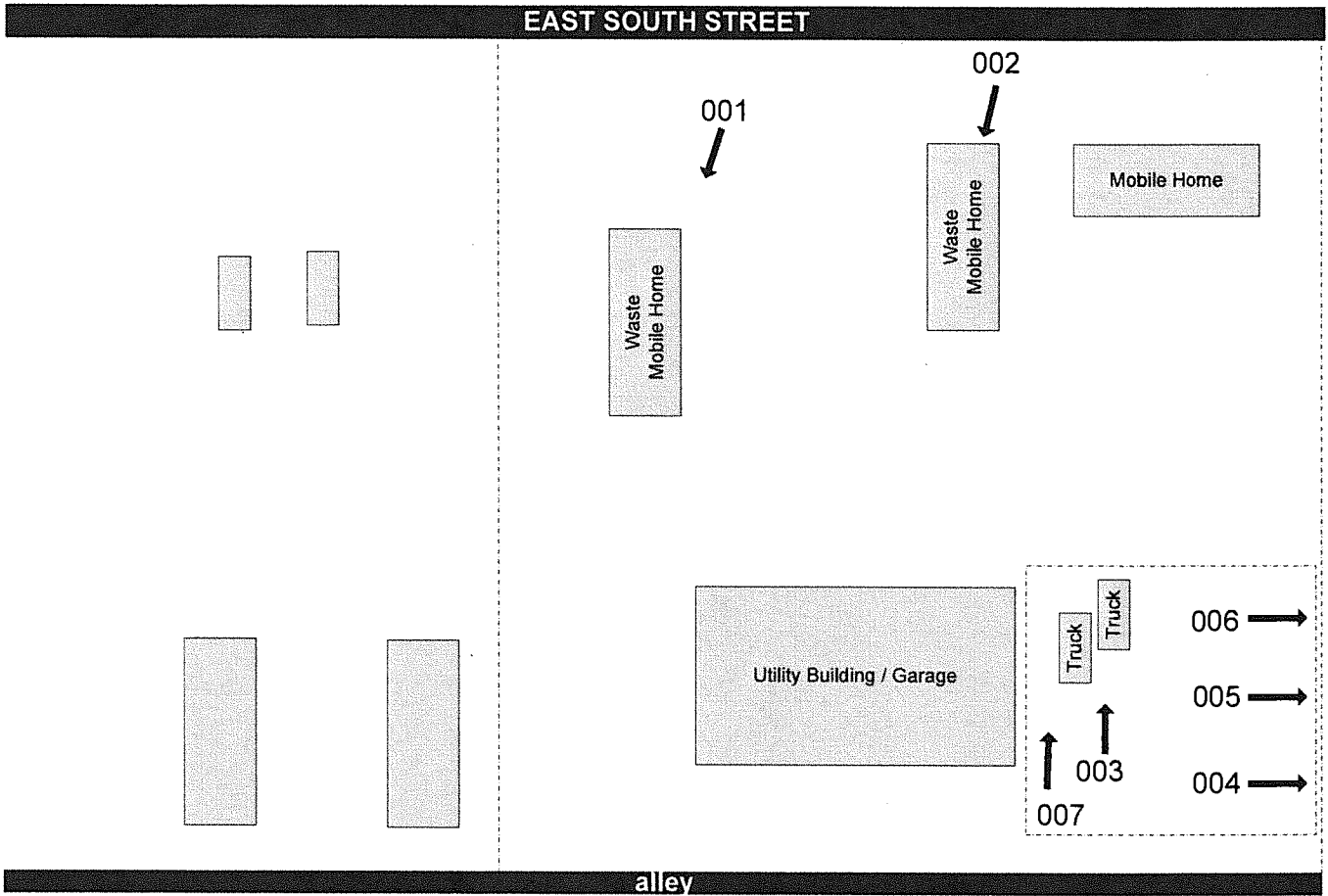
**Summary of Apparent Violations:**

21(a)  
21(d)(1)  
21(d)(2)  
21(e)  
21(p)(1)  
21(p)(7)  
812.101(a)



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

Date: January 8, 2014  
BOL ID #: 1450105063 – Perry County  
Site Name: DuQuoin / Carvalho-Tilley  
Inspector: Garrison Gross  
Not Drawn to Scale: All Locations Are Approximate







**DIGITAL PHOTOGRAPHS**



**Date:** 01/08/2014  
**Time:** 2:23 P.M.  
**Direction:** southwest  
**Photo by:** Garrison Gross  
**Exposure #:** 001  
**Comments:** waste mobile home (overgrown in woody vegetation, missing water tank door and end windows)



**Date:** 01/08/2014  
**Time:** 2:23 P.M.  
**Direction:** south  
**Photo by:** Garrison Gross  
**Exposure #:** 002  
**Comments:** waste mobile home (unleveled, no steps and end and front windows open)

**File Names:** 1450105063~01082014-[001-007].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 01/08/2014  
**Time:** 2:26 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 003  
**Comments:** waste vehicles  
and metal tanks



**Date:** 01/08/2014  
**Time:** 2:26 P.M.  
**Direction:** east  
**Photo by:** Garrison Gross  
**Exposure #:** 004  
**Comments:** construction/  
demolition debris  
(dimensional lumber and  
tin)

**File Names:** 1450105063~01082014-[001-007].jpg





## DIGITAL PHOTOGRAPHS



Date: 01/08/2014  
Time: 2:26 P.M.  
Direction: east  
Photo by: Garrison Gross  
Exposure #: 005  
Comments: old farm  
equipment



Date: 01/08/2014  
Time: 2:27 P.M.  
Direction: east  
Photo by: Garrison Gross  
Exposure #: 006  
Comments: construction/  
demolition debris  
(dimensional lumber /  
deck)

File Names: 1450105063~01082014-[001-007].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 01/08/2014  
**Time:** 2:27 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 007  
**Comments:** construction /  
demolition debris (PVC  
pipe and tin)



**PROOF OF SERVICE**

I hereby certify that I did on the 27th day of January 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: Maria L. Tilley (Carvalho)  
415 East North Street  
Du Quoin, IL 62832

RECEIVED  
CLERK'S OFFICE

JAN 29 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



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Scott B. Sievers  
Assistant Counsel

Illinois Environmental Protection Agency  
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