

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

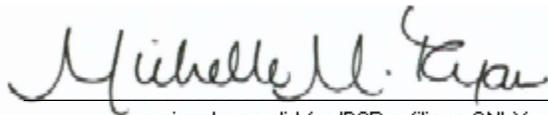
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 70-23-AC)
)	
ROME and SOKPHEAP KEITH)	
)	
)	
Respondents.)	
)	

NOTICE OF FILING

To: Rome and Sokpheap Keith
P.O. Box 66
Monmouth, IA 52309

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: May 18, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 70-23-AC)
)	
ROME and SOKPHEAP KEITH)	
)	
)	
)	
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 (2022).

FACTS

1. That Rome and Sokpheap Keith are the present owners and Rome Keith is the present operator of a property located at 908 Madison Street, Keithsburg, Mercer County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Keithsburg/Keith Rome.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1310155011.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on March 23, 2023, Caleb Froidcoeur 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 May 18, 2023, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2969 5049 to Rome and Sokpheap Keith.

VIOLATIONS

Based upon direct observations made by Caleb Froidcoeur during the course of his March 23, 2023 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) (2022).
- (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) (2022).
- (3) 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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 **June 27, 2023**, 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 (2022), 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) (2022), 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 (2022). 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.



John J. Kim, Director
Illinois Environmental Protection Agency

Date: 5/17/23

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 2023-
)	
v.)	
)	(IEPA No. 70-23-AC)
ROME and SOKPHEAP KEITH)	
)	
)	
Respondents.)	

FACILITY: Keithsburg/Keith Rome	SITE CODE NO.:	1310155011
COUNTY: Mercer	CIVIL PENALTY:	\$4,500.00
DATE OF INSPECTION: March 23, 2023		

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

Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID	1310155011	Evaluation Date	3/23/2023
USEPA Id		Region	Peoria
Site Name	Keith Rome	County	Mercer
Address	908 Madison St	Phone	
City/State/Zip	Keithsburg, IL 61442	EJ Status	None
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	1053-115
Weather Conditions	Cloudy, northerly wind at 10 mph
Temperature	40 Fahrenheit
Photos Taken	17
Samples Collected	No
Complaint Id	6144

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Rome & Sokpheap Keith
 PO Box 66
 Monmouth, IA 52309

Operator

Rome Keith
 908 Madison St
 Keithsburg, IL 61442

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Caleb Froidcoeur	IEPA FOS Primary Inspector	(309) 671-4720

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
No one interviewed		

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
NONE					

Active Enforcement Orders

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NONE					

Executive Summary

On March 23, 2023, I (Caleb Froidcoeur, BOL/FOS – Peoria) investigated citizen's complaint 6144 at 908 Madison St., Keithsburg, Illinois. The complainant alleged that the City of Keithsburg was allowing the property owner, Mr. Rome Keith, to burn and demolish his house. The complainant mentioned that there are some buildings in Keithsburg that are more than 100 years old, and asbestos may be a legitimate concern at this property. According to records found at the Mercer County Office of the Recorder, the site's PIN is 13-13-26-116-001, and it is a residential property owned by Rome and Sokheap Keith. The most recent deed was recorded on December 17, 2020 (document number 2020-400943). The investigation took place from 10:53 a.m. – 11:15 a.m. Apparent violations were observed.

Evaluation Narrative

Prior to the inspection, I contacted the complainant to ask questions and gather additional information regarding the site. The complainant explained that the resident burned the house, and the fire department was not using it for practice. The complainant mentioned that to the best of his knowledge, a person named Rome Keith owns the property.

I arrived at the site at 10:53 a.m. No one was present on-site at the time of the inspection, despite the burn pile actively smoldering, so I commenced the inspection. I immediately observed a large burn pile (see photographs 1, 2, 4-14, and 17) containing a mixture of general construction and demolition debris (GCDD), municipal solid waste, and suspected asbestos (see photograph 6). During the inspection, I observed a nearby tree that was charred several feet high (see photographs 15 and 16). This likely indicates that the building was burned before it was demolished. At 11:15 a.m., I concluded the inspection and departed the property. Apparent violations were observed.

Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
New	3/28/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	3/28/2023	9(c)	Cause or allow open burning
New	3/28/2023	21(a)	Cause or allow open dumping
New	3/28/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	3/28/2023	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
New	3/28/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	3/28/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	3/28/2023	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris

Site Diagram



Digital Photographs



Bureau Id: 1310155011
Photo No.: 2
Photo Date: 3/23/2023
Photo Time: 10:59:30 AM
Direction: W
Taken By: Caleb Froidcoeur

The remains of a house the appears to have been burned.



Bureau Id: 1310155011
Photo No.: 3
Photo Date: 3/23/2023
Photo Time: 11:00:57 AM
Direction: SE
Taken By: Caleb Froidcoeur

The remains of a house the appears to have been burned.



Bureau Id: 1310155011
Photo No.: 4
Photo Date: 3/23/2023
Photo Time: 11:01:01 AM
Direction: SE
Taken By: Caleb Froidcoeur

An overview of the current site conditions.



Bureau Id: 1310155011
Photo No.: 5
Photo Date: 3/23/2023
Photo Time: 11:01:52 AM
Direction: SW
Taken By: Caleb Froidcoeur

A burn pile containing GCDD and miscellaneous waste.



Bureau Id: 1310155011
Photo No.: 6
Photo Date: 3/23/2023
Photo Time: 11:01:57 AM
Direction: SW
Taken By: Caleb Froidcoeur

A burn pile containing GCDD and miscellaneous waste.



Bureau Id: 1310155011
Photo No.: 7
Photo Date: 3/23/2023
Photo Time: 11:03:26 AM
Direction: SW
Taken By: Caleb Froidcoeur

Burned insulation, suspected asbestos.



Bureau Id: 1310155011
Photo No.: 8
Photo Date: 3/23/2023
Photo Time: 11:03:56 AM
Direction: SE
Taken By: Caleb Froidcoeur

A burn pile containing GCDD and miscellaneous waste.



Bureau Id: 1310155011
Photo No.: 9
Photo Date: 3/23/2023
Photo Time: 11:04:24 AM
Direction: S
Taken By: Caleb Froidcoeur

Burned pipes and insulation.



Bureau Id: 1310155011
Photo No.: 10
Photo Date: 3/23/2023
Photo Time: 11:04:51 AM
Direction: S
Taken By: Caleb Froidcoeur

Shingles in the burn pile.



Bureau Id: 1310155011
Photo No.: 11
Photo Date: 3/23/2023
Photo Time: 11:05:19 AM
Direction: SE
Taken By: Caleb Froidcoeur

Glass and tiles in the burn pile.



Bureau Id: 1310155011
Photo No.: 12
Photo Date: 3/23/2023
Photo Time: 11:05:58 AM
Direction: E
Taken By: Caleb Froidcoeur

Burned GCDD and municipal solid waste
in the burn pile.



Bureau Id: 1310155011
Photo No.: 13
Photo Date: 3/23/2023
Photo Time: 11:07:17 AM
Direction: E
Taken By: Caleb Froidcoeur

Charred waste in the burn pile.



Bureau Id: 1310155011
Photo No.: 14
Photo Date: 3/23/2023
Photo Time: 11:07:53 AM
Direction: N
Taken By: Caleb Froidcoeur

An unidentifiable waste that appears to be an electronic device.



Bureau Id: 1310155011
Photo No.: 15
Photo Date: 3/23/2023
Photo Time: 11:09:02 AM
Direction: NW
Taken By: Caleb Froidcoeur

Smoke from the smoldering burn pile.



Bureau Id: 1310155011
Photo No.: 16
Photo Date: 3/23/2023
Photo Time: 11:09:50 AM
Direction: SW
Taken By: Caleb Froidcoeur

A nearby tree that was charred from the fire. Based on the height of the charring, it appears the building was not demolished before being burned.



Bureau Id: 1310155011
Photo No.: 17
Photo Date: 3/23/2023
Photo Time: 11:10:09 AM
Direction: SW
Taken By: Caleb Froidcoeur

A nearby tree that was charred from the fire. Based on the height of the charring, it appears the building was not demolished before being burned.



Bureau Id: 1310155011

Photo No.: 18

Photo Date: 3/23/2023

Photo Time: 11:11:39 AM

Direction: SW

Taken By: Caleb Froidcoeur

Burned insulation found in the burn pile.

PROOF OF SERVICE

I hereby certify that I did on the 18th day of May, 2023, serve 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: Rome and Sokpheap Keith
P.O. Box 66
Monmouth, IA 52309

and the original via electronic filing on May 18, 2023

To: Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605



Michelle M. Ryan

e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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