

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
)
Complainant,) AC 2024-
)
v.) (IEPA No. 129-23-AC)
)
LESLIE MANDRELL and THOMAS)
FANN d/b/a FANN TREE SERVICE)
)
Respondents.)
)

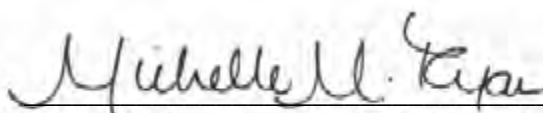
NOTICE OF FILING

To: Leslie Mandrell
11333 Cedar Grove Road
Marion, IL 62959

Thomas Fann d/b/a Fann Tree Service
11333 Cedar Grove Road
Marion, IL 62959

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: August 17, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2024-
)	
v.)	(IEPA No. 129-23-AC)
)	
LESLIE MANDRELL AND THOMAS)	
FANN d/b/a FANN TREE SERVICE)	
)	
)	
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 Leslie Mandrell is the present owner and Thomas Fann d/b/a Fann Tree Service is the present operator of a property located at 11333 Cedar Grove Road, Marion, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Marion/Mandrell, Leslie.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1998625021.

3. That Respondents have owned and operated said facility at all times pertinent hereto.

4. That on June 21, 2023, Gage Shepard of the Illinois Environmental Protection Agency's 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 August 17, 2023, Illinois EPA sent this Administrative Citation via Certified Mail No. 7017 2680 0001 0214 7040 to Leslie Mandrell, and via Certified Mail No. 7015 0640 0005 6905 7937 to Thomas Fann d/b/a Fann Tree Service.

VIOLATIONS

Based upon direct observations made by Gage Shepard during the course of his June 21, 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), Respondents are 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 **September 25, 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, Respondents 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: 8/17/23

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 2024-
v.)
LESLIE MANDRELL AND THOMAS) (IEPA No. 129-23-AC)
FANN d/b/a FANN TREE SERVICE)
Respondents.)

FACILITY: Marion/Mandrell, Leslie

SITE CODE NO.: 1998625021

COUNTY: Williamson

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: June 21, 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	1998625021	Evaluation Date	6/21/2023
USEPA Id	N/A	Region	Marion
Site Name	Mandrell, Leslie	County	Williamson
Address	11333 Cedar Grove Rd.	Phone	618-964-5153
City/State/Zip	Marion, IL 62959	EJ Status	None
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	12:38-12:45
Weather Conditions	Partly Cloudy
Temperature	81° F
Photos Taken	Yes (4)
Amount of Waste	~10 Cubic Yards
Complaint Id	6416

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Leslie Mandrell
11333 Cedar Grove Rd.
Marion, IL 62959

Operator

Thomas Fann dba Fann Tree Service
11333 Cedar Grove Rd.
Marion, IL 62959

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Gage Shepard	IEPA FOS Primary Inspector	(618) 993-7256

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
N/A	N/A	N/A

Executive Summary

I (Gage Shepard) conducted a solid waste open dump inspection at the Mandrell, Leslie site on June 21, 2023. This site is located at 11333 Cedar Grove Road in Marion, Illinois. This inspection was conducted in response to complaint 6416. The complaint alleged that landscape waste, from Fann Tree Service, was continuing to be hauled from off-site and burned. The Illinois Environmental Protection Agency (Illinois EPA) inspected this site on July 21, 2022, resulting in the issuance of Violation Notice Letters VN L-2022-00215 and VN L-2022-00216 on August 9, 2022. A Notice of Compliance Commitment Agreement Non-Issuance letter (NNI) was issued on November 14, 2022. The Illinois EPA did not receive responses to the August 9, 2022 Violation Notices or the November 14, 2022 NNI. The site was most recently inspected

Electronic Filing: Received, Clerk's Office 08/17/2023 **AC 2024-1**

on March 13, 2023 where apparent violations were resolved. Alleged violations were observed during the June 21, 2023 inspection.

Evaluation Narrative

This site is a residential lot with buildings. The parcel identification number associated with the property is 06-02-400-019. Williamson County Tax Assessor has the owner listed as Leslie Mandrell, with a billing address at 11333 Cedar Grove Road, Marion, Illinois 62959.

I arrived on-site at 12:38 p.m. and could see smoke from the burn pile. I knocked on the door of the residence and no one answered. I proceeded to walk and photograph the site. Four (4) photographs were taken during the June 21, 2023 inspection. Numerous piles of logs were observed along the west side of the property (photos 1, 2). Large logs were observed smoldering in a burn pit that was partially dug into the ground (photos 3, 4).

<i>Summary of Apparent Violation(s)</i>			
Status	Date	Violation	Narrative
New	6/21/2023	21(a)	Cause or allow open dumping
New	6/21/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	6/21/2023	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	6/21/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	6/21/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	6/21/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	6/21/2023	9(c)	Cause or allow open burning

Site Diagram



Digital Photographs



Bureau Id: 1998625021
Photo No.: 1
Photo Date: 6/21/2023
Photo Time: 12:42:01 PM
Direction: Northwest
Taken By: Gage Shepard

Piles of logs and landscape waste.



Bureau Id: 1998625021
Photo No.: 2
Photo Date: 6/21/2023
Photo Time: 12:42:21 PM
Direction: Southwest
Taken By: Gage Shepard

More piles of landscape waste.



Bureau Id: 1998625021
Photo No.: 3
Photo Date: 6/21/2023
Photo Time: 12:42:35 PM
Direction: Southwest
Taken By: Gage Shepard

Burn pile of landscape waste.



Bureau Id: 1998625021
Photo No.: 4
Photo Date: 6/21/2023
Photo Time: 12:42:52 PM
Direction: Southwest
Taken By: Gage Shepard

Smoldering landscape waste.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

vs.

Leslie Mandrell,
Respondent

AFFIDAVIT

Affiant, Gage Shepard, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On June 21, 2023, between 12:38 p.m. and 12:45 p.m., Affiant conducted an inspection of the site in Williamson County, Illinois, known as Mandrell, Leslie, located at 11333 Cedar Grove Road Marion, Illinois 62959, and designated Bureau of Land Site # 1998625021.
3. Affiant inspected said site by an on-site inspection, which included walking the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report 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 site.

Subscribed and Sworn to before me
this 20th day of July,

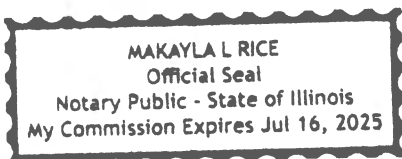

Gage Shepard


Notary Public

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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IN THE MATTER OF:

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vs.

Thomas Fann dba Fann Tree Service,
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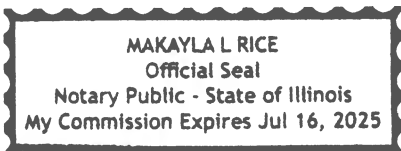
Gage Shepard

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PROOF OF SERVICE

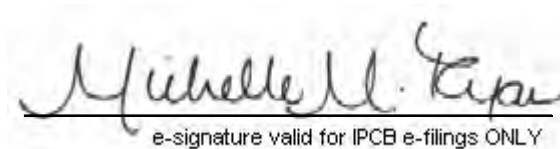
I hereby certify that I did on the 17th day of August, 2023, serve with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Leslie Mandrell
11333 Cedar Grove Road
Marion, IL 62959

Thomas Fann d/b/a Fann Tree Service
11333 Cedar Grove Road
Marion, IL 62959

and the original via electronic filing on June 17, 2023

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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P.O. Box 19276
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