

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

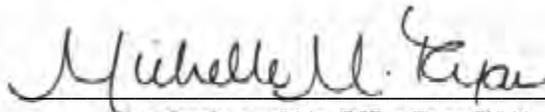
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2024-
)	
v.)	(IEPA No. 137-23-AC)
)	
H & S RECYCLING LLC)	
)	
)	
Respondent.)	
)	

NOTICE OF FILING

To: H & S Recycling LLC
c/o Kyle Hood
1854 North Melrose Road
West York, IL 62478-2314

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: September 11, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2024-
)	
v.)	(IEPA No. 137-23-AC)
)	
H & S RECYCLING LLC)	
)	
)	
)	
Respondent.)	

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 H & S Recycling LLC is the present operator of a property located at 15803 E. Angling Road, West Union, Clark County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Union/Hefner-H&S Recycling LLC.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0238135005.
3. That Respondent has operated said facility at all times pertinent hereto.

4. That on August 15, 2023, Dawn Smith of the Illinois Environmental Protection Agency's Champaign Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on September 11, 2023, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7944 to H&S Recycling LLC.

VIOLATIONS

Based upon direct observations made by Dawn Smith during the course of her August 15, 2023 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) (2022).
- (2) That Respondent 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 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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), Respondent is 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 Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than **November 20, 2023**, 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 (2022), 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) (2022), if Respondent fails 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, 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 (2022). If Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.



John J. Kim, Director
Illinois Environmental Protection Agency

9/17/23

Date

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.)	
)	(IEPA No. 137-23-AC)
H & S RECYCLING LLC)	
)	
)	
Respondent.)	

FACILITY: West Union/Hefner-H & S Recycling LLC SITE CODE NO.: 0238135005

COUNTY: Clark CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: August 15, 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	0238135005	Evaluation Date	8/15/2023
USEPA Id		Region	Champaign
Site Name	Hefner-H&S Recycling	County	Clark
Address	15803 E. Angling Rd.	Phone	
City/State/Zip	West Union, IL 62477	EJ Status	No
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	11:45AM-12:30PM
Weather Conditions	Partly cloudy
Temperature	73 Fahrenheit
Photos Taken	Yes, 4
Amount of Waste	~25 Cubic Yards

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Connor Hefner
15803 E. Angling Rd.
West Union, IL 62477

Operator

H&S Recycling
Attn: Hood Kyle
4588 N. 2000 St.
West Union, IL 62477

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Dawn Smith	IEPA FOS Primary Inspector	(217) 278-3199

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Hood, Kyle	217-264-9788	
Hood, Bill		

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

I conducted an open dump inspection at the above reference site on August 15, 2023. During the inspection, open dumping and open burning of a building demolition debris was found.

Evaluation Narrative

Background:

This property is a residential property located at 15803 E. Angling Rd., West Union, IL which consists of a house and the burning demolition debris of a building. According to the Clark County Assessor's Office, the owner of the property is Connor Hefner.

Bill Hood and Kyle Hood were operating as contractors to demolish the building at 15803 E. Angling Rd., West Union, IL. Their business name is H & S Recycling LLC. Mr. Kyle Hood is one of the owners of the business and the registered agent. The business is located at 4588 N. 2000 St. West Union 62477. H & S Recycling LLC was registered with the Secretary of State Office on May 28, 2021.

Previous IEPA contacts

On October 20, 2022, Michael Mullins, IEPA/FOS conducted a complaint inspection at 4588 N. 2000 St. West Union 62477 where the H & S Recycling business is currently located. Violations were cited for not having an Industrial Stormwater Permit and plan, and for having 50 waste tires without rims and collecting water. An Administrative Citation Warning Notice (ACWN) was sent on November 20, 2022, with a January 12, 2023, deadline for the cleanup of the used and waste tires. The ACWN also required immediately contacting the IEPA Bureau of Water to apply for an Industrial Stormwater Permit for the facility. As of August 18, 2023, no application for the Industrial Stormwater Permit has been received by the agency.

On February 15, 2022, I completed an initial complaint inspection at Mr. Hood's residence which found open dumping and burying trash and demolition debris from a barn in the yard. An Administrative Citation Warning Notice was sent on March 3, 2022, with a May 4, 2022, deadline for cleanup.

On July 21, 2022, a reinspection at Mr. Hood's residence found open dumping of lumber scraps. A Continuing Violations Letter was sent on August 5, 2022, with an October 10, 2022, deadline for cleanup.

On November 3, 2022, a reinspection at Mr. Hood's residence found open dumping of garbage and a burn pile with metal remnants. A Continuing Violations Letter was sent on November 14, 2022, with a January 20, 2023, deadline for cleanup.

Current Inspection:

I was on my way to a reinspection of the Kyle Hood residence in Crawford County when I noticed open burning of a demolished building near the road on my route. I stopped and spoke with Mr. Bill Hood, one of the men working at the burn site, who said that only wood was burnt and he had no idea that even burning the dimensional lumber was a violation. Mr. Kyle Hood, Bill Hood's son, joined the conversation and offered to put out the fire with dirt after I mentioned getting the fire department to put out the fire. Mr. Kyle Hood was the same person I was going to meet for the reinspection on his home property.

While Mr. Kyle Hood was putting out the fire, I got pictures of the burning debris from the building which included lumber, insulation, siding, some shingles, painted brick, and other miscellaneous demolition debris. After most of the burning demolition debris was mostly put out, I spoke to Mr. Hood and explained that since he had prior dealings with the EPA, he may incur a fine, but the decision was not in my hands. After our conversation, Mr. Bill Hood took over dealing with the fire and Mr. Kyle Hood and I traveled to his home where I conducted the scheduled reinspection.

Demolition debris may not be open dumped or burned but must be disposed of at a permitted landfill. Only landscape waste from the property it is generated from may be burned, and only if there are no other local laws against it.

Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
New	8/15/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	8/15/2023	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	8/15/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	8/15/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	8/15/2023	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
New	8/15/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	8/15/2023	9(c)	Cause or allow open burning

Attachment Listing

Type	Description
NONE	

Site Diagram



Digital Photographs



Bureau Id: 0238135005
Photo No.: 1
Photo Date: 8/15/2023
Photo Time: 12:01:15 PM
Direction: North
Taken By: Dawn Smith

Site overview of burning demolition debris of a building



Bureau Id: 0238135005
Photo No.: 2
Photo Date: 8/15/2023
Photo Time: 12:01:27 PM
Direction: North
Taken By: Dawn Smith

Burning building demolition debris includes shingles and insulation



Bureau Id: 0238135005
Photo No.: 3
Photo Date: 8/15/2023
Photo Time: 12:09:06 PM
Direction: East
Taken By: Dawn Smith

Burning building demolition debris including lumber, siding, and painted brick



Bureau Id: 0238135005
Photo No.: 4
Photo Date: 8/15/2023
Photo Time: 12:09:26 PM
Direction: East
Taken By: Dawn Smith

Burning building demolition debris including insulation, painted brick, and lumber



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.

H & S Recycling,
Respondent

AFFIDAVIT

Affiant, Dawn Smith, 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 August 15, 2023, between 11:45AM and 12:30PM, Affiant conducted an inspection of the site in Clark County, Illinois, known as Hefner-H&S Recycling, located at 15803 E Angling Rd., West Union, IL 62477, and designated Bureau of Land Site # 0238135005.
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 22 day of August

Dawn Smith

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

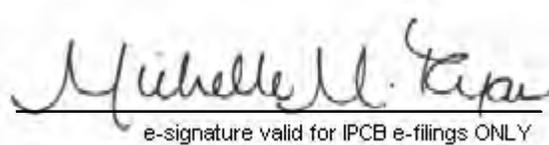
PROOF OF SERVICE

I hereby certify that I did on the 11th day of September, 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: H & S Recycling LLC
c/o Kyle Hood
1854 North Melrose Road
West York, IL 62478-2314

and the original via electronic filing on September 11, 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
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544