

**RECEIVED**  
CLERK'S OFFICE

JUL 22 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-09

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

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CLERK'S OFFICE

**JUL 22 2004**

**STATE OF ILLINOIS**  
**Pollution Control Board**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
BILL COLLINS, )  
 )  
Respondents. )

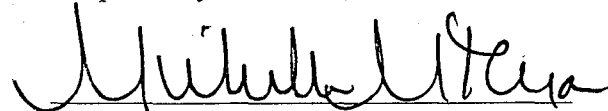
AC 05-09  
(IEPA No. 346-04-AC)

NOTICE OF FILING

To: Bill Collins  
10603 Bencie Lane  
West Frankfort, IL 62896

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  
Special Assistant Attorney General

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

Dated: July 20, 2004

RECEIVED  
CLERK'S OFFICE

JUL 22 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

BILL COLLINS,

Respondent.

AC 05-09  
(IEPA No. 346-04-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 (2002).

FACTS

1. That Bill Collins ("Respondent") is the present operator of a facility located at the southwest corner of an agricultural field west of Mainline Road, West Frankfort, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Frankfort/Collins, Bill #2.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0558045009.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on June 9, 2004, Kent Johnson 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.

## VIOLATIONS

Based upon direct observations made by Kent Johnson during the course of his June 9, 2004 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) (2002).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 August 16, 2002, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano

Renee Cipriano, Director *by wce*  
Illinois Environmental Protection Agency

Date: 7/20/04

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

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC
	)	
v.	)	(IEPA No. 346-04-AC)
	)	
BILL COLLINS,	)	
	)	
	)	
	)	
Respondent.	)	

FACILITY:	West Frankfort/Collins, Bill #2	SITE CODE NO.:	0558045009
COUNTY:	Franklin	CIVIL PENALTY:	\$1,500.00
DATE OF INSPECTION:	June 9, 2004		

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )

Complainant, )

v. )

BILL COLLINS )

Respondent. )

IEPA DOCKET NO. 346-04-AC

AFFIDAVIT

Affiant, Kent Johnson, 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 June 9, 2004, between 1:35 P.M. and 2:03 P.M., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Franklin County, Illinois, and known as the Bill Collins # 2 site by the Illinois Environmental Protection Agency. Said site has assigned site code number 0558045009.

3. Affiant inspected said Bill Collins # 2 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 Bill Collins # 2 site.

*Kent B. Johnson*

Subscribed and Sworn to before me  
this 6<sup>th</sup> day of July, 2004.

*Ronald E. Morse*  
Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Franklin                      LPC#: 0558045009                      Region: 7 - Marion  
 Location/Site Name: West Frankfort/Collins, Bill # 2  
 Date: 06/09/2004    Time: From 1:35 PM    To 2:03 PM    Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): K. Johnson, R. Mileur                      Weather: Partly cloudy, warm, dry, slight breeze  
 No. of Photos Taken: # 6    Est. Amt. of Waste: 25 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: B. Brock, equip. oper.; B. Collins, owner    Complaint #: C-04-143-M

Responsible Party Mailing Address(es) and Phone Number(s):	Bill Collins 10603 Bencie Lane West Frankfort, IL 62896 618/937-2271
---	---

	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)	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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<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 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 # 0558045009

Inspection Date: 06/09/2004

	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

*Kent A. Johnson*

Signature of Inspector(s)

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 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

LPC # 0558045009 — Franklin County  
West Frankfort/Collins, Bill # 2  
Inspector K. Johnson  
June 9, 2004  
FOS File

### Complaint Investigation Report Narrative

This unpermitted site was inspected on June 9, 2004 by this author and Robert Mileur representing the Agency. The inspection was conducted in response to a complaint alleging the open dumping of solid waste including roofing shingles and used/waste tires. The inspection was conducted from approximately 1:35 to 2:03 P.M., and six photos were taken during that time. Weather at the time of the inspection was partly cloudy and warm with dry soil and a slight breeze. Mr. Bob Brock, equipment operator, and Mr. Bill Collins, property owner, were interviewed during this inspection. No samples were taken during this inspection.

### General Remarks/Inspection Findings

This site is located at the southwest corner of an agricultural field west of Mainline Road, West Frankfort. Mainline Road runs west from Industrial Park Road/Ken Gray Boulevard, which are situated on the west side of West Frankfort, north of Route 149. According to information provided by Mr. Collins, he has owned this site for approximately seven years. The mailing address for Bill Collins is 10603 Bencie Lane, West Frankfort, IL 62896; his phone number is 618/937-2271, and his cell phone number is 618/927-0487. The equipment operator interviewed during this inspection is Bob Brock, General Delivery, Logan, IL 62856; Mr. Brock's phone number is 618/435-3324. According to Mr. Brock, he was hired by Mr. Collins to clear a road south through the property along an old railroad right-of-way. In exchange for this service, Mr. Collins allowed him to cut and sell trees from the impacted area.

Upon our arrival in the area, Inspector Mileur and I saw a bulldozer from Mainline Road, and proceeded along a dirt field road to that area. Once there, I introduced myself to a man who identified himself as Bob Brock. I explained to Mr. Brock why I was there, and asked him if there was waste dumped and/or buried on the property. Mr. Brock said that there were some shingles in the way where he was clearing, so he had pushed them to the side. He was adamant that he did not bury anything, nor had he been told to bury anything by Mr. Collins, the property owner.

I asked Mr. Brock when he was hired to clear the area, and he said that he had been talking to Mr. Collins "since last year". Mr. Brock said that he had to go home and weld a line for his bulldozer (Komatsu model # D65E), and he got ready to get into a truck. Prior to his departure, I told him that I would like to look at the property. He offered to walk with me, and escorted me to an area near the north end where demolition debris and tires were located. After we looked at

these areas initially, Mr. Brock left the site while Inspector Mileur and I walked the rest of the distance south along the newly developed access. No other areas were noted.

As we returned to the vehicle, photos were taken of three separate areas. The largest pile of demolition debris was located east of the access road {Photos 002-003}, and was estimated at 18' long, 10' wide, and 2' deep. Across the access road to the west was a smaller pile of demolition debris {Photo 001}, estimated at 3' by 10' and ½' of waste visible. There was some evidence that dirt had covered some waste {Photo 004}, as demolition debris was protruding from the edge of the access road on the west side. In addition, 8-10 used/waste tires were observed toward the north end of the access road on the west side {Photos 005-006}.

After taking photos, we got into the vehicle and began to leave, meeting Mr. Collins as he drove into the site. I explained the situation to Mr. Collins, and he asked what he needed to do to resolve the situation. I informed Mr. Collins that he should remove all of the waste to proper facilities, and that receipts should be kept to document proper disposal. I explained the general course of action with regard to enforcement for open dumping sites, and Mr. Collins acknowledged the information. Before leaving, I reminded Mr. Collins that I would need to go back to his other site in the near future (LPC # 0558040007). He said that he nearly had it "all cleaned up", as he had acquired 20,000 square feet of inside storage at the old American Fiber-lite facility near Marion, Illinois (LPC # 1990555038). I told Mr. Collins that I would call him to schedule an inspection at his other facility.

### Summary of Inspection Findings

Based on the fact that waste from off-site, including demolition debris and used/waste tires, have been open dumped at this site, the following apparent violations are being cited at this time.

Violations of Sections 21(a), 21(p)(1), 21(p)(7), and 55(a)(1) are being cited because waste, including demolition debris and used/waste tires, have been open dumped resulting in litter at this site.

Violations of Sections 21(d)(1) and 812.101(a) are being cited because from off-site has been brought to this facility, which does not have a permit to receive waste. This is apparent due to the fact that no buildings have apparently existed on this property, and there is no apparent reason for tires to be generated at this site, which contains neither a residence nor a business.

Violations of Sections 21(d)(2) and 21(e) are being cited because violations of the [Illinois] Environmental Protection Act and Board regulations were observed at the time of the inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

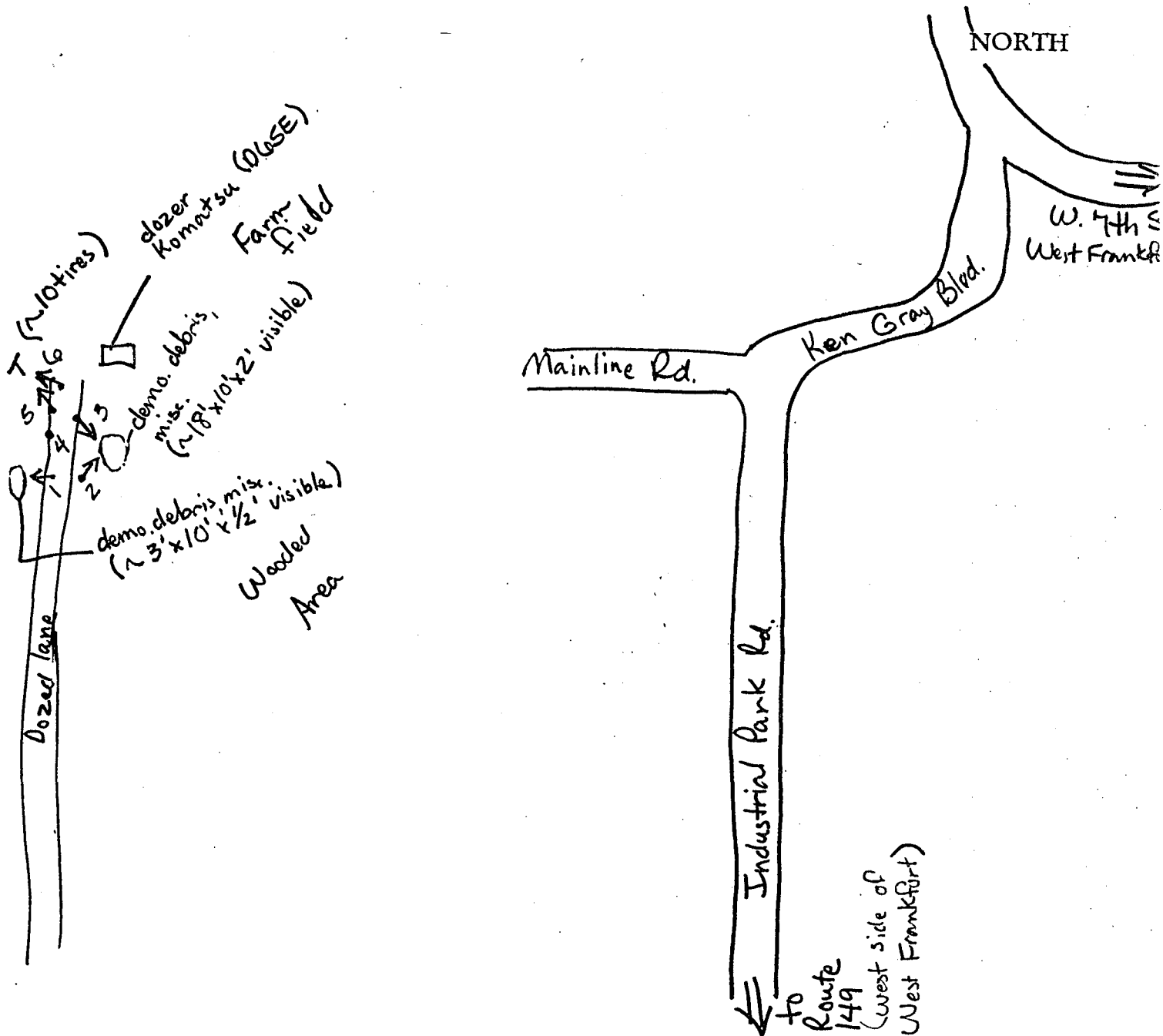
Inspection Date: June 9, 2004

Inspector: K. Johnson

LPC #: 055 804 5009

County: Franklin

Site Name: West Frankfort/Bill Collins # 2



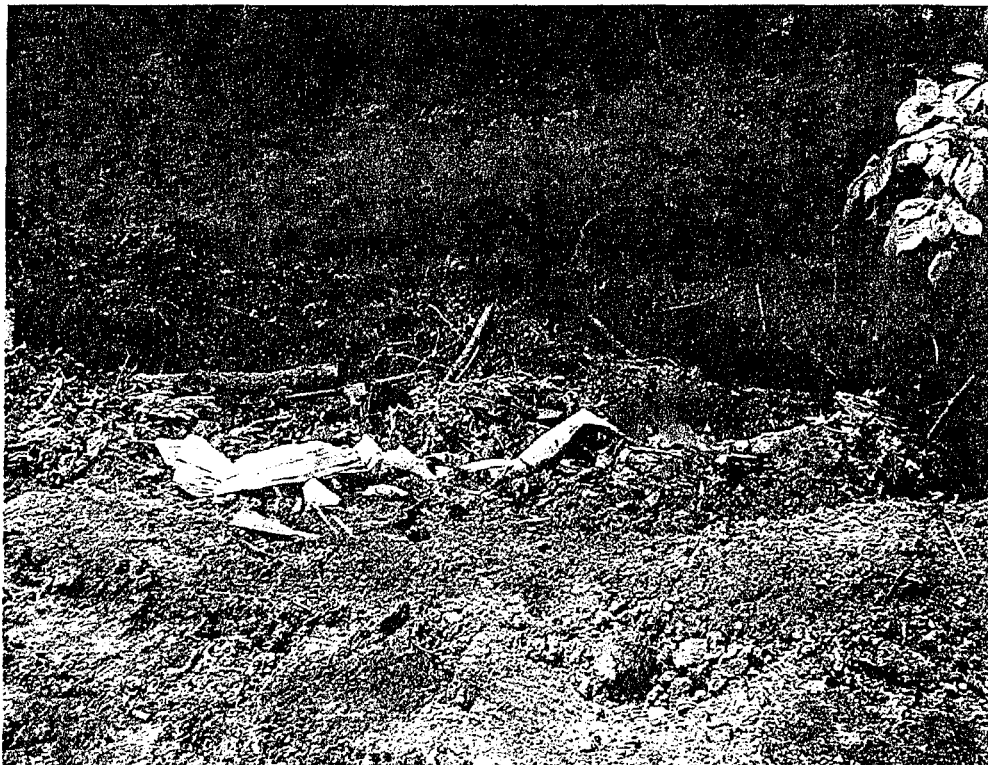
Site sketch is not to scale.

↗: Denotes photo location + direction

LPC # 0558045009 — Franklin County  
West Frankfort/Collins, Bill # 2  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 6/9/04  
**TIME:** 1:57 PM  
**DIRECTION:** West  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-001  
**COMMENTS:**



**DATE:** 6/9/04  
**TIME:** 1:58 PM  
**DIRECTION:** Northeast  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-002  
**COMMENTS:**



LPC # 0558045009 — Franklin County  
West Frankfort/Collins, Bill # 2  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 6/9/04  
**TIME:** 1:58 PM  
**DIRECTION:** Southeast  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-003  
**COMMENTS:**



**DATE:** 6/9/04  
**TIME:** 1:58 PM  
**DIRECTION:** Down  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-004  
**COMMENTS:**



LPC # 0558045009 — Franklin County  
West Frankfort/Collins, Bill # 2  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 6/9/04  
**TIME:** 1:59 PM  
**DIRECTION:** Northwest  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-005  
**COMMENTS:**



**DATE:** 6/9/04  
**TIME:** 2:00 PM  
**DIRECTION:** West-  
northwest  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0558045009~06092004-006  
**COMMENTS:**





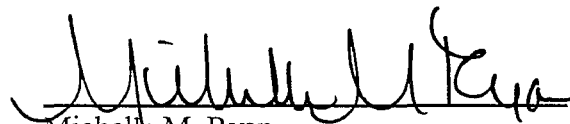
**PROOF OF SERVICE**

I hereby certify that I did on the 20th day of July 2004, 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: Bill Collins  
10603 Bencie Lane  
West Frankfort, IL 62896

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



Michelle M. Ryan  
Special Assistant Attorney General

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