

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

AUG 15 2005


STATE OF ILLINOIS
Pollution Control Board

County of Perry,)
)
Complainant,)
)
v.)
)
Charles Tilley,)
)
Respondent.)

06-04
County AC #: ~~PC-05-010~~

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Perry.



David Stanton
Perry County State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

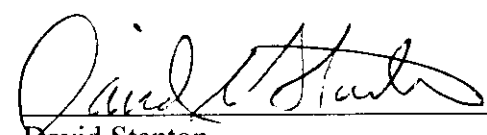
County of Perry,)
)
Complainant,)
)
v.)
)
Charles Tilley,)
)
Respondent.)

06-04
County AC #: PC-05-010

NOTICE OF FILING

TO: Charles Tilley
937 South Street
DuQuoin, IL 62832

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.



David Stanton
Perry County State's Attorney

August 12, 2005

Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274

THIS FILING IS SUBMITTED ON RECYCLED PAPER

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

RECEIVED
CLERK'S OFFICE
AUG 15 2005
STATE OF ILLINOIS
Pollution Control Board

County of Perry,)	
)	
Complainant,)	
)	
v.)	County AC #: PC-05-010 ⁰⁶⁻⁰⁴
)	
Charles Tilley,)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent is the present occupant and in control and possession of a facility located in the County of Perry, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1450105063. The facility is known to the Agency as the Chuck Tilley site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On August 1, 2005, Field Inspector, Jon Gregory, inspected the facility. A true and correct copy of the inspection report, along with a signed affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector Jon Gregory's direct observation during the course of his August 1, 2005 inspection of the above named facility, he has determined that the Respondent

has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

(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

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each violation specified above in paragraph 1, for a total of One Thousand Five Hundred Dollars (\$1,500.00). This is total of One Thousand Five Hundred Dollars (\$1,500.00) for this Citation. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the One Thousand Five Hundred Dollars (\$1,500.00) fine.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), 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, your check should be made payable to the Perry County's Treasurer Office and mailed to the attention of Bill Taylor, Perry County Treasurer, Perry County Government Building, P.O. Box 158, Pinckneyville, Illinois, 62274. Also, please

complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Perry County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must 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. A copy of the Petition for Review shall be filed with the Perry County State's Attorney office. **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.**

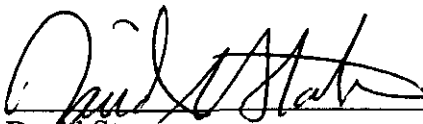
Your original Petition must be filed with the Clerk of the Board at:

The Honorable Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

A copy must also be sent to:

Office of the State's Attorney
David Stanton
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274

DATED: August 12, 2005



David Stanton
Perry County State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

AUG 15 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF PERRY)

Complainant,)

v.)

CHARLES TILLEY)

Respondent.)

AC#: *06-04*
~~PC-05-010~~

AFFIDAVIT

Affiant, Jon M. Gregory, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Perry County Solid Waste Management Department and has been so employed at all times pertinent hereto.

2. On August 1, 2005, between 8:43 a.m. and 8:55 a.m., Affiant conducted an inspection of a disposal site operated by Charles Tilley, located in Perry County, Illinois, and known as the Chuck Tilley Site by the Perry County Solid Waste Management Department. Said site has been assigned site code number 1450105063 by the Perry County Solid Waste Management Department.

3. Affiant inspected said Chuck 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 Chuck Tilley Site.

Jon M. Kugay

Subscribed and Sworn to before me

this 12 day of August, 2005

Debra Heck
Notary Public



REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

AUG 15 2005

STATE OF ILLINOIS
Pollution Control Board

County of Perry,)
)
 Complainant,)
)
 v.) County AC #: ⁰⁶⁻⁰⁴PC-05-010
)
 Charles Tilley,)
)
 Respondent.)

FACILITY: Chuck Tilley Site
 COUNTY: Perry
 DATE OF INSPECTION: August 1, 2005
 SITE CODE: 1450105063
 CIVIL PENALTY: \$1,500.00

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Bill Taylor, Perry County Treasurer
 Perry County Government Building
 P.O. Box 158
 Pinckneyville, IL 62274

**Perry County Solid Waste Management Department
Narrative Inspection Report**

Site #: 1450105063

Date: 8/1/05

County: Perry

Inspector: Jon Gregory

Subject: Chuck Tilley Open Dump Site Inspection

General Remarks: On Monday, August 1, an open dump site inspection was conducted at the Chuck Tilley residence located at 937 East South Street in DuQuoin. The inspection was conducted as a follow up to an inspection that was conducted on March 28, 2005. The original inspection was conducted in response to a neighbor's complaint. Mr. Tilley has not proposed a Compliance Commitment Agreement (CCA) nor has he responded in any way since the March 28 inspection. In fact, I observed Mr. Tilley open burning copper wire and pieces of tire rubber on June 16, 2005. I advised Mr. Tilley during our June 16 conversation to submit a CCA to the Perry County Solid Waste Management Department or the IEPA and Mr. Tilley never has.

Upon arrival at the site, I knocked on the door at the mobile home residence of Chuck Tilley. There was no answer, and I proceeded to inspect the property. This particular piece of property is approximately one acre in area, with approximately half of the area covered with various open dumped items. This piece of property is very unsightly and within easy view from the public street. In the front (north) yard, there is a trailer loaded with metal panels of some sort which are fully exposed to the elements and covered with rust (Photo 001). Also in plain view in the front yard is an old crane rig without license plates (Photos 014 & 015), a car with no license plates (Photos 015 & 016), and an old bass boat that is apparently serving as a dumpster with expired license stickers on the trailer and boat. I observed several random items dumped in the uncovered boat including a used tire and a television set (Photos 017-019). I observed used tires littered throughout the property. There are approximately 200 used tires open dumped on this piece of property (Photos 001-008, 018-019). I observed several pieces of junk equipment such as lawn mowers (Photos 004 & 005), a bulldozer (Photo 008), and an old tractor (Photo 013) that are unprotected from the elements and covered with rust. On the south side of the property, I observed two trailers full of uncovered rusted scrap metal (Photos 009 & 010), as well as an unlicensed pickup truck full of scrap metal (Photo 012). I also observed two heavy duty trucks that do not useable as they have no license plates and scrap metal piled on them (Photo 011).

This entire piece of property was observed to be littered with open dumped waste and is very unsightly. The inspection took place between 8:43 a.m. and 8:55 a.m. The weather was clear and sunny with the temperature in the 80's.

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

County: Perry LPC#: 1450105063 Region: 7 - Marion
 Location/Site Name: DuQuoin / Chuck Tilley
 Date: 08/01/2005 Time: From 8:43am To 8:55am Previous Inspection Date: 06/16/2005
 Inspector(s): Jon Gregory Weather: clear, sunny, temp. in the 80's
 No. of Photos Taken: # 19 Est. Amt. of Waste: _____ yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

Chuck Tilley
937 South Street
DuQuoin, IL 62832

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 # 1450105063

Inspection Date: 08/01/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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"/>
OTHER REQUIREMENTS			
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"/>

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.



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: S
Photo by: Jon Gregory
Exposure #: 001
Comments:

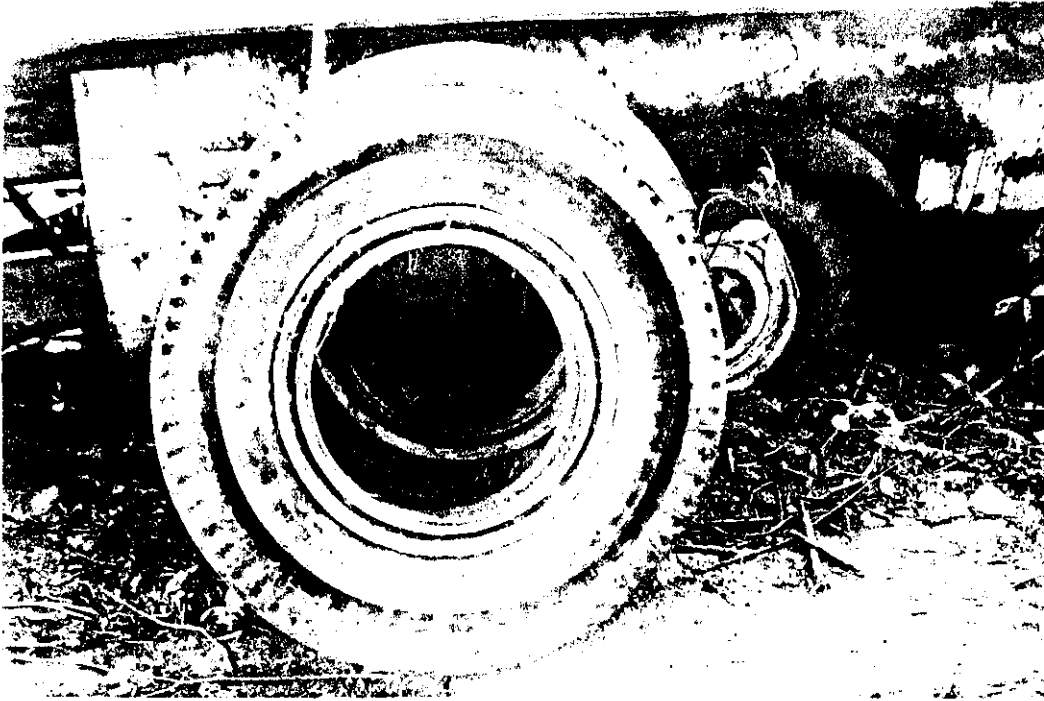


Date: 8/1/05
Time: 8:43am-8:55am
Direction: SE
Photo by: Jon Gregory
Exposure #: 002
Comments:

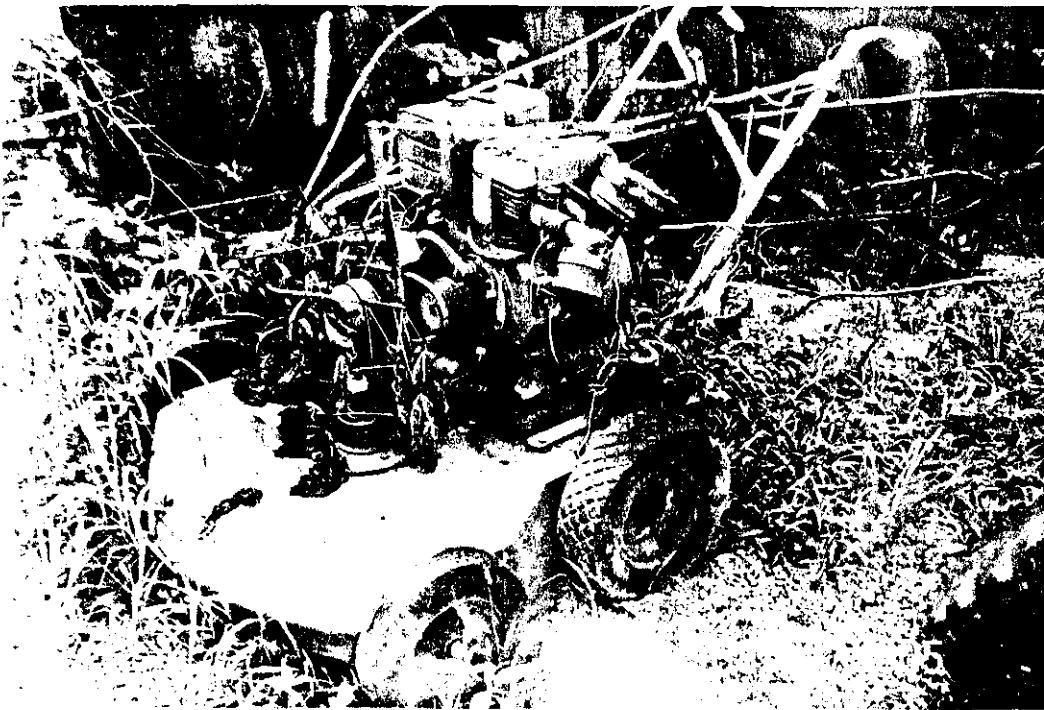
File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: E
Photo by: Jon Gregory
Exposure #: 003
Comments:

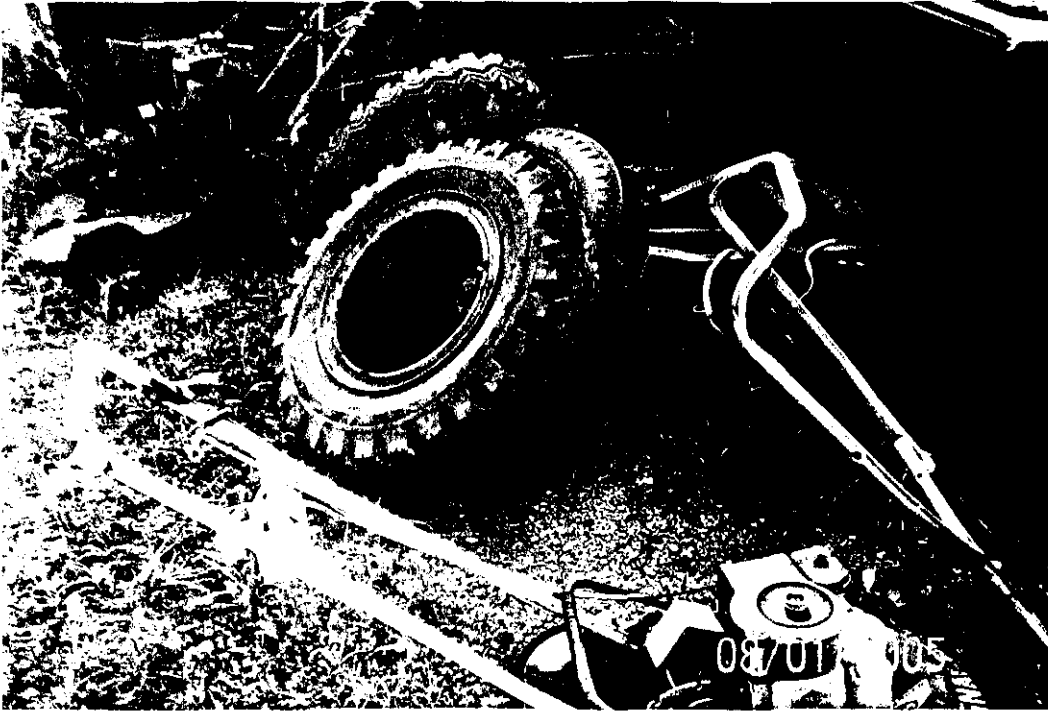


Date: 8/1/05
Time: 8:43am-8:55am
Direction: E
Photo by: Jon Gregory
Exposure #: 004
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: E
Photo by: Jon Gregory
Exposure #: 005
Comments:

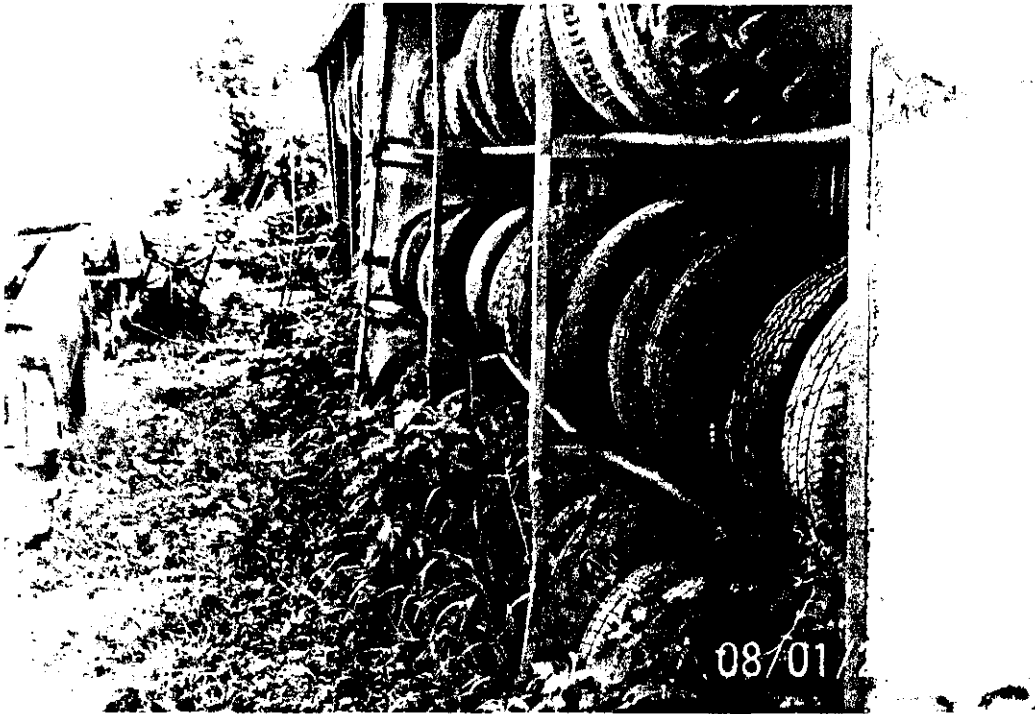


Date: 8/1/05
Time: 8:43am-8:55am
Direction: S
Photo by: Jon Gregory
Exposure #: 006
Comments:

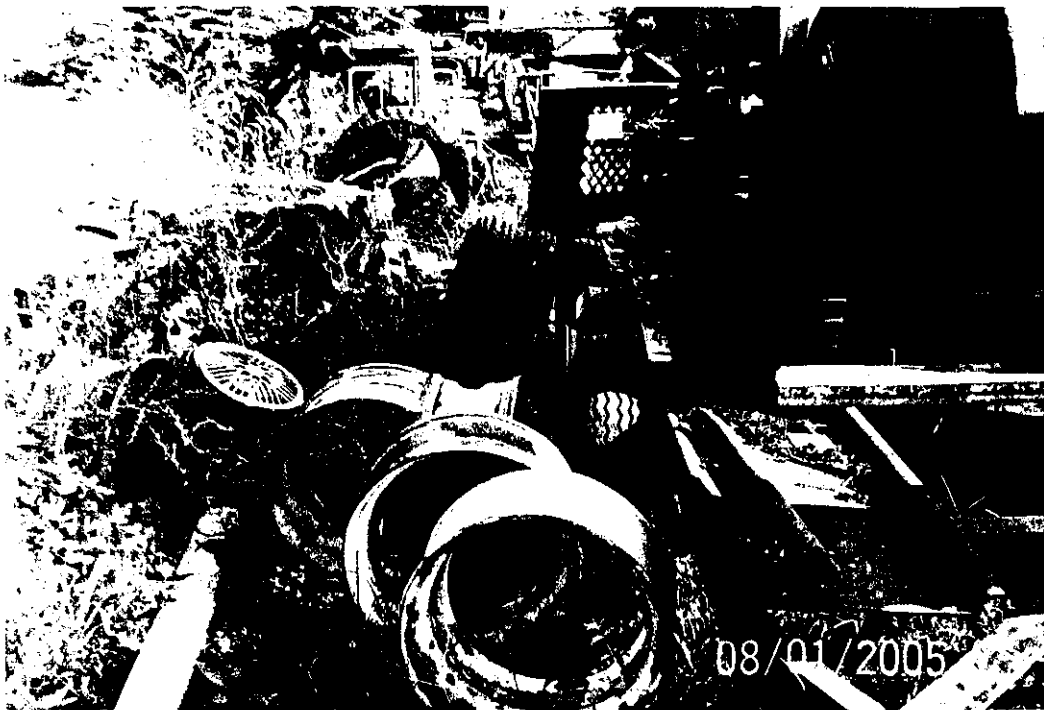
File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: NE
Photo by: Jon Gregory
Exposure #: 007
Comments:



Date: 8/1/05
Time: 8:43am-8:55am
Direction: N
Photo by: Jon Gregory
Exposure #: 008
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: N
Photo by: Jon Gregory
Exposure #: 009
Comments:



Date: 8/1/05
Time: 8:43am-8:55am
Direction: NW
Photo by: Jon Gregory
Exposure #: 010
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: S
Photo by: Jon Gregory
Exposure #: 011
Comments:



Date: 8/1/05
Time: 8:43am-8:55am
Direction: N
Photo by: Jon Gregory
Exposure #: 012
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: NW
Photo by: Jon Gregory
Exposure #: 013
Comments:



Date: 8/1/05
Time: 8:43am-8:55am
Direction: N
Photo by: Jon Gregory
Exposure #: 014
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: SE
Photo by: Jon Gregory
Exposure #: 015
Comments:

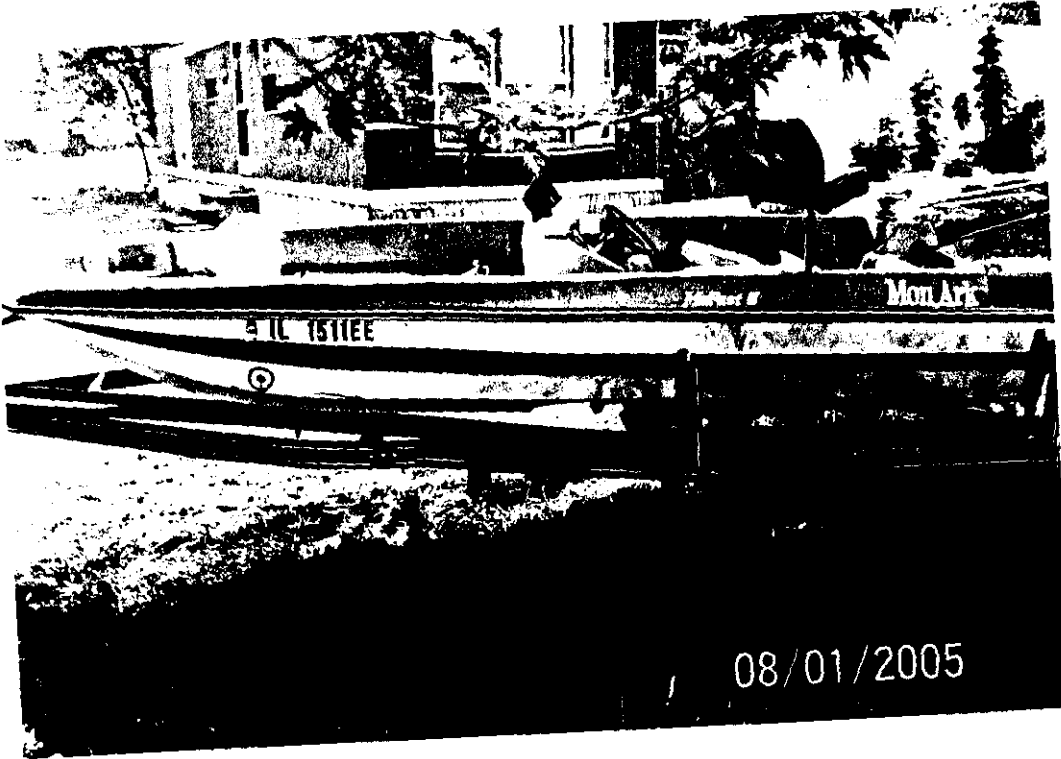


Date: 8/1/05
Time: 8:43am-8:55am
Direction: S
Photo by: Jon Gregory
Exposure #: 016
Comments:

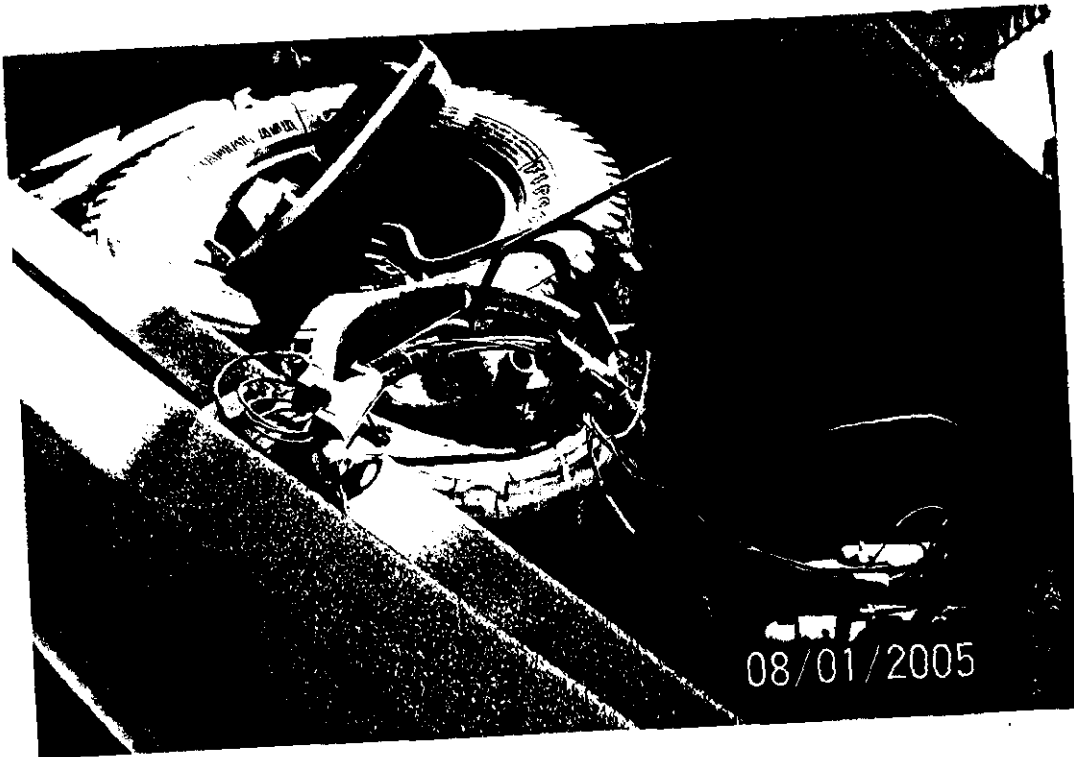
File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: E
Photo by: Jon Gregory
Exposure #: 017
Comments:



Date: 8/1/05
Time: 8:43am-8:55am
Direction: E
Photo by: Jon Gregory
Exposure #: 018
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05
Time: 8:43am-8:55am
Direction: NE
Photo by: Jon Gregory
Exposure #: 019
Comments:

Date:
Time:
Direction:
Photo by:
Exposure #:
Comments:

File Names: 1450105063-08012005--[Exp. #].jpg