

RECEIVED
CLERK'S OFFICE

SEP 12 2005

STATE OF ILLINOIS
Pollution Control Board

AC06-07

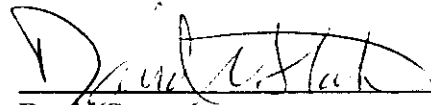
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Perry,)	
)	
Complainant,)	
)	
v.)	County AC #: PC-05-014
)	
Kevin Tilley,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Kevin Tilley
927 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

September 9, 2005

Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD SEP 12 2005

STATE OF ILLINOIS
Pollution Control Board

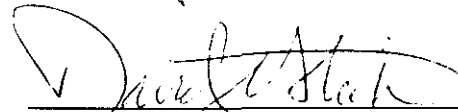
County of Perry,)
)
 Complainant,)
)
 v.)
)
 Kevin Tilley,)
)
 Respondent.)

County AC #: PC-05-014

Acad-09

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
ADMINISTRATIVE CITATION

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SEP 12 2005

STATE OF ILLINOIS
Pollution Control Board

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

County AC #: PC-05-014

Ac06-09

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 # 1450105064. The facility is known to the Agency as the Kevin Tilley site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On August 19, 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 19, 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.**

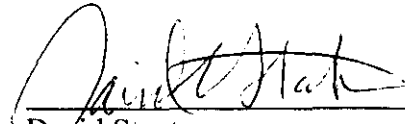
Your original Petition must be filed with the Clerk of the Board at:

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: September 9, 2005



David Stanton
Perry County State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)
)
 Complainant,)
)
) AC#: PC-05-014
 v.)
)
 KEVIN TILLEY)
)
 Respondent.)

AFFIDAVIT

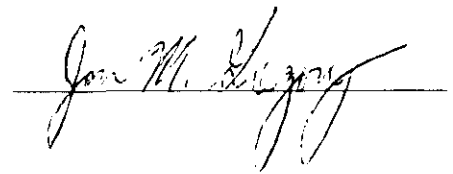
Affiant, Jon M. Gregory, being first duly sworn, voluntarily deposes and states as follows:

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 19, 2005**, between **8:10 a.m.** and **8:28 a.m.**, Affiant conducted an inspection of a disposal site operated by Kevin Tilley, located in Perry County, Illinois, and known as the Kevin Tilley Site by the Perry County Solid Waste Management Department. Said site has been assigned site code number 1450105064 by the Perry County Solid Waste Management Department.

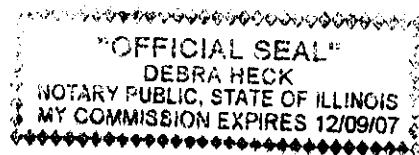
3. Affiant inspected said Kevin Tilley site by an on-site inspection which included walking and photographing the site.

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 Kevin Tilley Site.



Subscribed and Sworn to before me

this 9 day of September, 2005


Notary Public

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SEP 12 2005

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

County of Perry.)
)
 Complainant.)
)
 v.) County AC #: PC-05-014
)
 Kevin Tilley.)
)
 Respondent.)

Ac0609

FACILITY: Kevin Tilley Site
COUNTY: Perry
DATE OF INSPECTION: August 19, 2005
SITE CODE: 1450105064
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 #: 1450105064
2005**

Date: August 19,

County: Perry

Inspector: Jon Gregory

Subject: Kevin Tilley Open Dump Site Inspection

General Remarks: An open dump site inspection was conducted on Friday, August 19, 2005 on the property of Kevin Tilley. The property inspected is located at 923 South Street in DuQuoin. Perry County Assessor's records show that Kevin Tilley's mailing address is 927 South Street and located on an adjacent lot. The inspection was conducted as a follow up to a March 28, 2005 inspection. I began my inspection at 8:10 a.m. Weather conditions during the inspection were sunny and clear with the temperature in the low 80's.

From the public road (South Street), the entire lot was observed to be covered with various open dumped scrap metal items and junk cars (Photos 001-016) and the lot was very unsightly. The lot appeared to serve as a junk yard/auto salvage yard. As I walked the entire site, I observed nine junk vehicles (Photos 003-008, 011, & 012), five junk trailers, one of which is pictured in Photo 010, two junk boats (Photos 008, 009, & 012), and one uninhabited junk mobile home (Photos 001-003).

It is important to note that not any of the vehicles, trailers, or boats had valid license plates at the time of my inspection, and many had flat tires, signs that they had not been used recently. Also, not one of the vehicles or boats was being protected from the elements in any way, and all showed signs of rust. I also observed several tires open dumped on the ground (Photos 001, 002, 004, 007, 010, 013, & 014). In addition, I observed scrap metal and automobile parts open dumped on the ground (Photos 001, 002, 004, 013, 014, & 015). I concluded my inspection at 8:28 a.m.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Perry LPC#: 1450105064 Region: 7 - Marion
 Location/Site Name: DuQuoin / Kevin Tilley
 Date: 08/19/2005 Time: From 8:10 a.m. To 8:28 a.m. Previous Inspection Date: 03/28/2005
 Inspector(s): Jon Gregory Weather: sunny, clear, temp. in the low 80's
 No. of Photos Taken: # 16 Est. Amt. of Waste: _____ yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

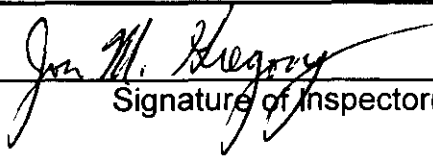
Kevin Tilley
 927 East South Street
 DuQuoin, IL 62832

	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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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 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 # 1450105064

Inspection Date: 08/19/2005

	(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 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"/>



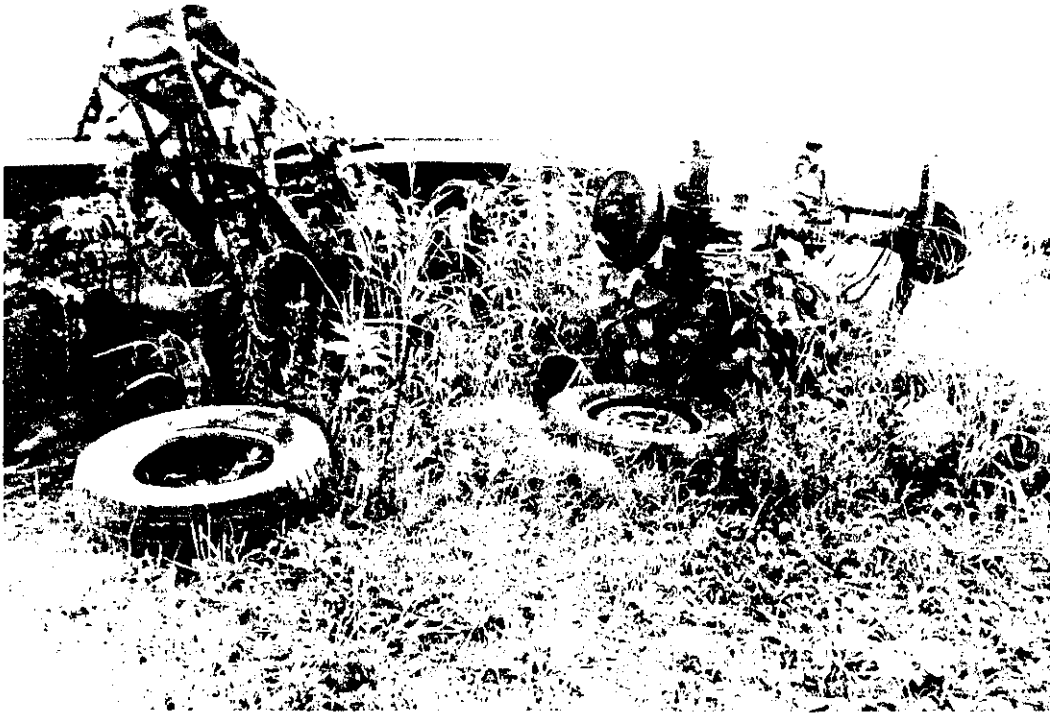
Signature of Inspector(s)

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: 8/19/05
Time: 8:10am-8:28am
Direction: E
Photo by: Jon Gregory
Exposure #: 001
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: E
Photo by: Jon Gregory
Exposure #: 002
Comments:

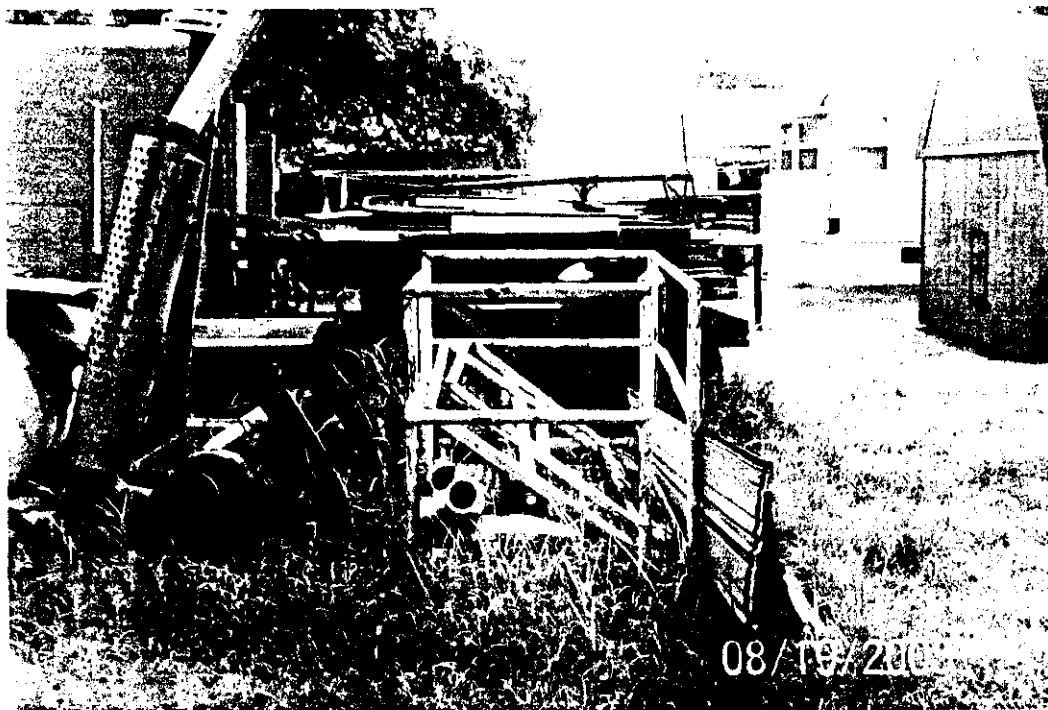
File Names: 1450105064-08192005~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: N
Photo by: Jon Gregory
Exposure #: 003
Comments:

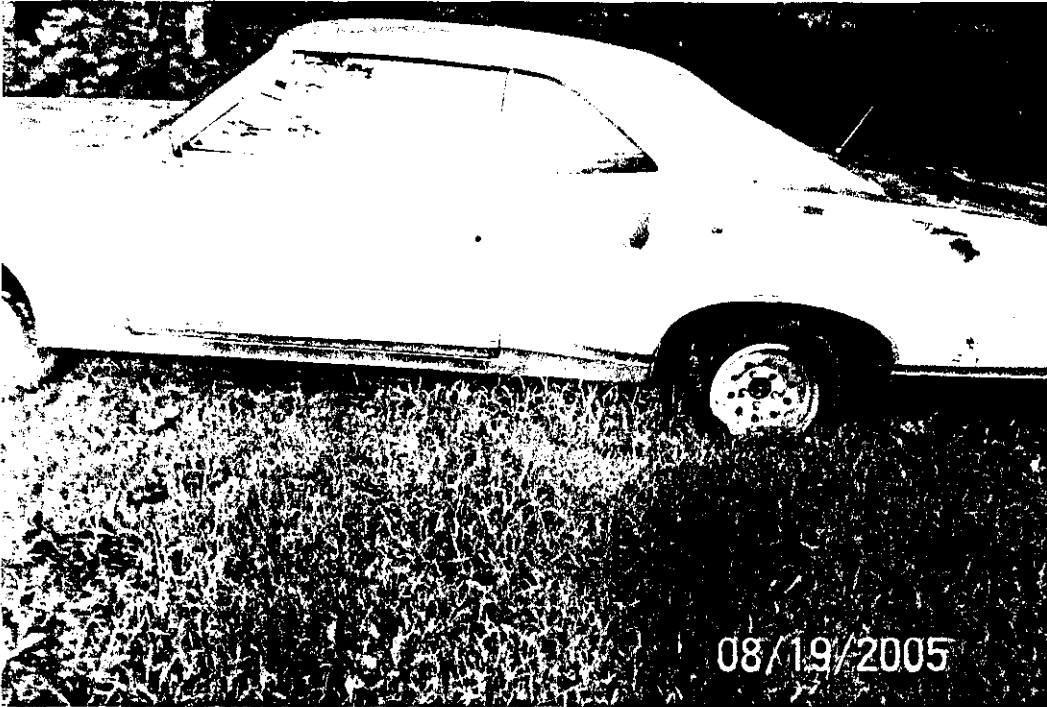


Date: 8/19/05
Time: 8:10am-8:28am
Direction: E
Photo by: Jon Gregory
Exposure #: 004
Comments:

File Names: 1450105064-08192005~[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: W
Photo by: Jon Gregory
Exposure #: 005
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: SW
Photo by: Jon Gregory
Exposure #: 006
Comments:

File Names: 1450105064-08192005~[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: SW
Photo by: Jon Gregory
Exposure #: 007
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: S
Photo by: Jon Gregory
Exposure #: 008
Comments:

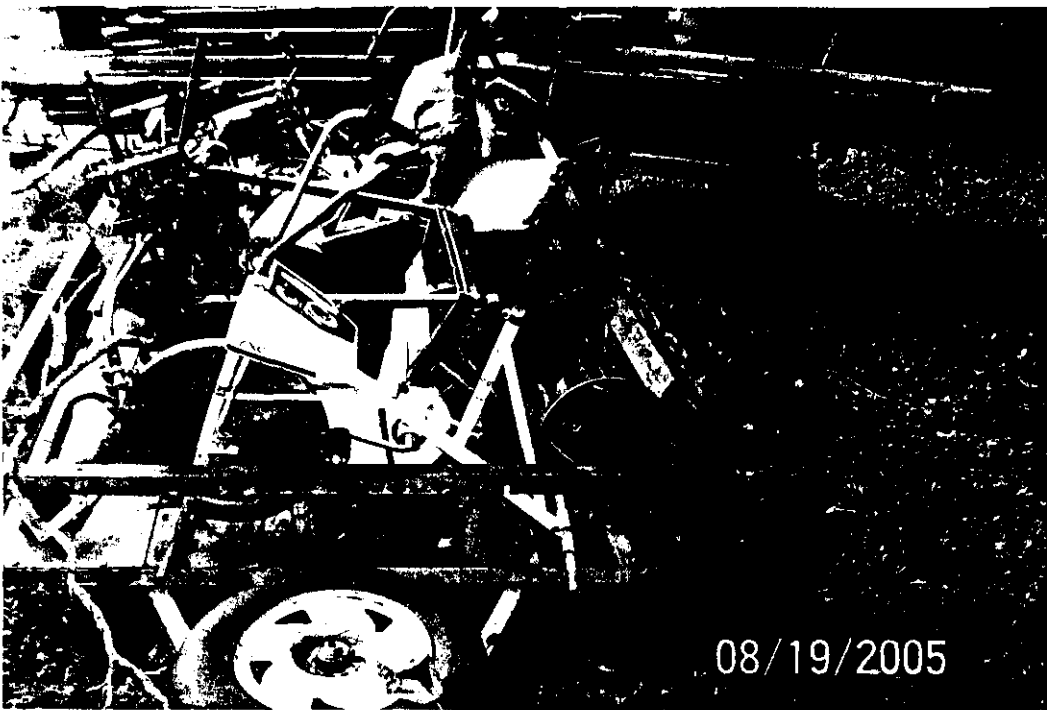
File Names: 1450105064-08192005~[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: SE
Photo by: Jon Gregory
Exposure #: 009
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: S
Photo by: Jon Gregory
Exposure #: 010
Comments:

File Names: 1450105064-08192005~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: SW
Photo by: Jon Gregory
Exposure #: 011
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: S
Photo by: Jon Gregory
Exposure #: 012
Comments:

File Names: 1450105064-08192005~-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: 8/19/05
Time: 8:10am-8:28am
Direction: E
Photo by: Jon Gregory
Exposure #: 015
Comments:



Date: 8/19/05
Time: 8:10am-8:28am
Direction: NE
Photo by: Jon Gregory
Exposure #: 016
Comments:

File Names: 1450105064-08192005--[Exp. #].jpg