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FEB 09 2007

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC07-40

**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 James R. Thompson 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.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 09 2007

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

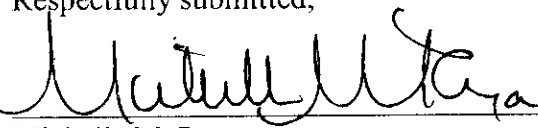
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
GLEN I. SUTTLES and ELIZABETH J. )  
SUTTLES, )  
) )  
Respondents. )

AC **07-40**  
(IEPA No. 26-07-AC)

NOTICE OF FILING

To: Glen I. Suttles and Elizabeth J. Suttles  
391 West Tremont Street  
Waverly, Illinois 62692

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: February 7, 2006

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
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v. )  
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GLEN I. AND ELIZABETH J. SUTTLES, )  
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Respondents. )

AC **07-40**  
(IEPA No. 26-07-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 (2004).

FACTS

1. That Glen I. and Elizabeth J. Suttles ("Respondents") are the present owners and operators of a facility located at 393 West Elm Street, Waverly, Morgan County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Waverly/Suttles.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1378675002.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on December 18, 2006, Paul Eisenbrandt of the Illinois Environmental Protection Agency's Springfield 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 Paul Eisenbrandt during the course of his December 18, 2006 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) (2004).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondents are 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 (\$1,5000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 15, 2007, 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 (2004), 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) (2004), 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 Respondents 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 (2004). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

Douglas P. Scott  
Douglas P. Scott, Director *by me*  
Illinois Environmental Protection Agency

Date: 2/6/07

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

**RECEIVED**  
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FEB 09 2007  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

v. )

GLEN I. AND ELIZABETH J. SUTTLES, )

Respondents. )

AC **07-40**  
(IEPA No. 26-07-AC)

FACILITY: Waverly/Suttles                      SITE CODE NO.: 1378675002  
COUNTY: Morgan                                      CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: December 18, 2006

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 Open Dump Inspection Checklist

County: Morgan LPC#: 1378675002 Region: 5 - Springfield  
 Location/Site Name: Waverly/Suttles  
 Date: 12.18.2006 Time: From 10:15 am To 10:40 am Previous Inspection Date: 05.10.2005  
 Inspector(s): Paul Eisenbrandt Weather: ~40°F and Sunny  
 No. of Photos Taken: # 5 Est. Amt. of Waste: 10 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No  X  
 Interviewed: \_\_\_\_\_ Complaint #: C-04-077-C

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

Glen & Jane Suttles  
 391 W. Tremont St.  
 Waverly, Illinois 62692  
 217.435.5491

SECTION	DESCRIPTION	VIO
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	
3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4. 12(d)	CREATE A WATER POLLUTION HAZARD	
5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6. 21(d)	<b>CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:</b>	
(1)	Without a Permit	X
(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7. 21(e)	<b>DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS</b>	X
8. 21(p)	<b>CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:</b>	
(1)	Litter	X
(2)	Scavenging	
(3)	Open Burning	
(4)	Deposition of Waste in Standing or Flowing Waters	
(5)	Proliferation of Disease Vectors	
(6)	Standing or Flowing Liquid Discharge from the Dump Site	



Inspection Date: December 18, 2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<b>X</b>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	

**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 MEMORANDUM

**DATE:** January 2, 2007

**TO:** DLPC / Division File

**FROM:** Paul Eisenbrandt, DLPC/FOS Springfield Region

**SUBJECT:** LPC #1378675002 – Morgan County  
Waverly/Suttles  
C-04-077-C  
FOS File

**INSPECTION DATE:** December 18, 2006

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of a December 18, 2006 complaint investigation of the above referenced site. The initial complaint alleged the owner was collecting junk and lumber purchased from auctions at the site. The original inspection, pursuant to the complaint, was conducted on May 19, 2004. The second and third inspections were conducted on January 10, 2005 and May 10, 2005, respectively. This fourth inspection took place from about 10:15 am to 10:54 am, and five digital photographs were taken. The weather was sunny and approximately 40°F. No one was interviewed at the time of the inspection.

Photograph 1 is a street elevation view of the respondent's warehouse. The pole building and property is used to store miscellaneous items purchased at auctions. This area contains some stacked and somewhat sorted materials along with other miscellaneous debris. The amount of miscellaneous debris staged in front of the building (south side) has decreased since the May 19, 2004, January 10, 2005, and May 10, 2005 inspections. On the May 19, 2004 inspection, approximately a 50 ft by 50 ft area was used for material storage. On the January 10, 2005 inspection, approximately a 30 ft by 30 ft area was used for material storage. On the May 10, 2005 inspection, the staging materials decreased to an approximate 15 ft by 20 ft area. On this December 18, 2006 inspection it appears the area covered by miscellaneous debris has remained the same, but the amount of debris has become less. Mr. Suttles was making progress in decreasing the amount of debris; however it appears that he is bringing in new items again. Waste not previously described was observed, mainly scrap lumber. The estimated amount of waste is now 10 cubic yards. The property is maintained and all of the items stored outside of the building are on asphalt or gravel. The rest of the site is free of litter and debris.

Photographs 2, 3, 4, and 5 are of the exterior staging area. A stack of cut 2x4's and OSB board were observed beneath a white tarpaulin. Tarps also covered a television, another pile of scrap wood, and a wood crate holding firewood. A wooden picnic table, a wooden bench, a broken wood ladder, a fireplace grate, a section of black metal railing, a TV antenna, a metal rack, a wire rack, a shower rod, a plastic pan, an extension cord, a light bulb, a Christmas tree stand, a gas cylinder, a throw rug, a broom, sawhorses, metal stakes, PVC pipe, vehicle floor mats, jack

stands, cyclone fencing, phone cord, metal springs, conduit, rebar, white dry erase boards, scrap metal, paneling, plywood, fiber board, particle board, dimensional lumber, wood pallets, a white simulated six panel interior door, a stack of beige siding, and a 55 gallon drum containing an election sign, landscape waste, rotten lumber, and plastic were observed exposed to the weather. The Illinois EPA inspector noticed the area smelled like damp deteriorating lumber.

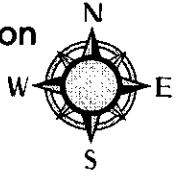
The debris and unusable wastes must be disposed at an Illinois EPA permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center. Any useable tires must be stored inside or covered to prevent the accumulation of water. Used or waste tires must be removed to an Illinois EPA registered used tire storage or used tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Loads of more than 20 tires must be hauled by an Illinois EPA registered used tire transporter. In addition, the open burning of waste material is prohibited.

The apparent violations noted as a result of this inspection are checked on the attached checklist. Although Mr. Suttles has not responded to any of the Illinois EPA letters, he is making progress and has cleaned up approximately eighty-five percent of this site. A site sketch and digital photographs accompany this narrative.

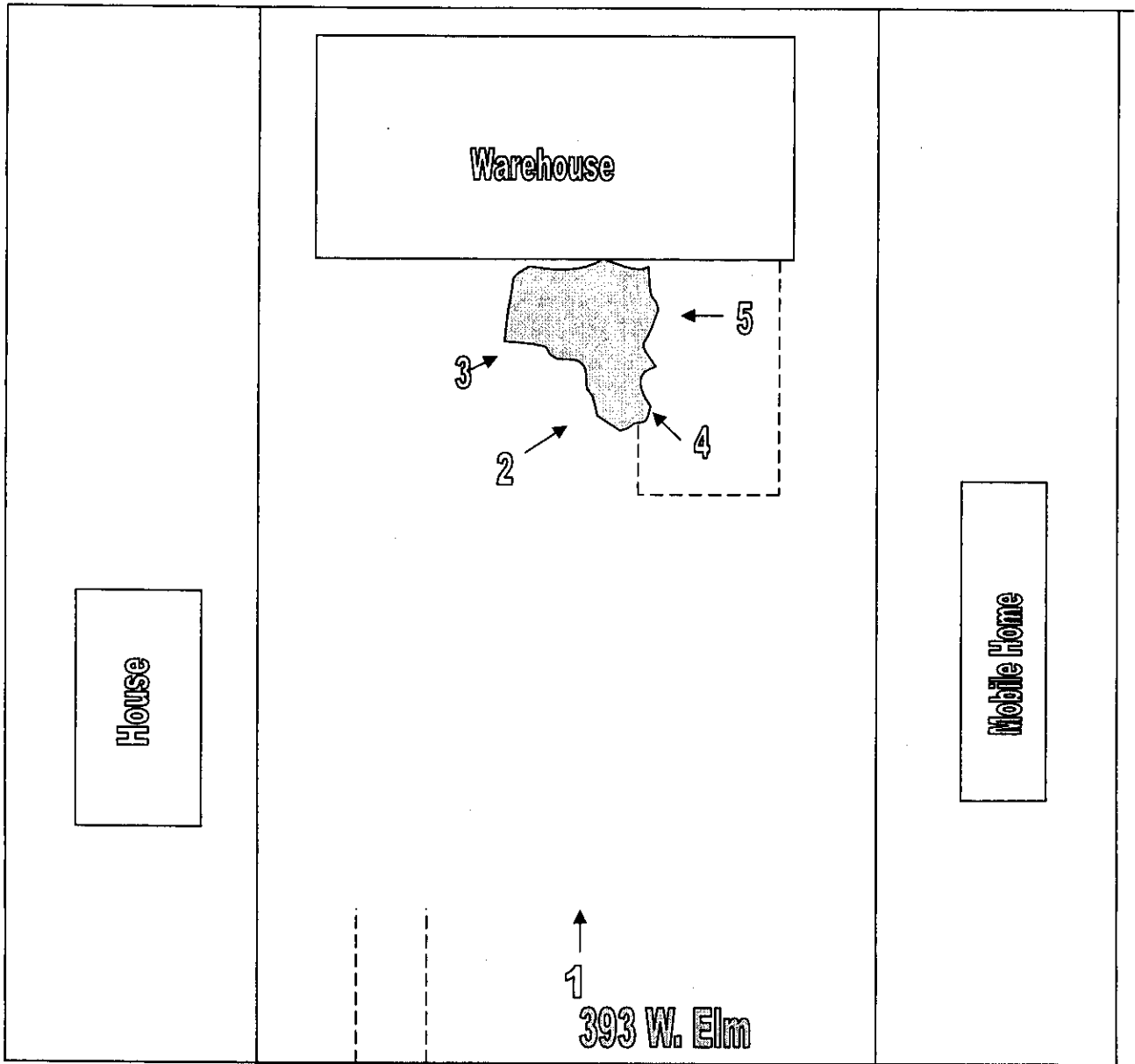
cc: DLPC/FOS Springfield Region



December 18, 2006 Inspection



# SITE SKETCH



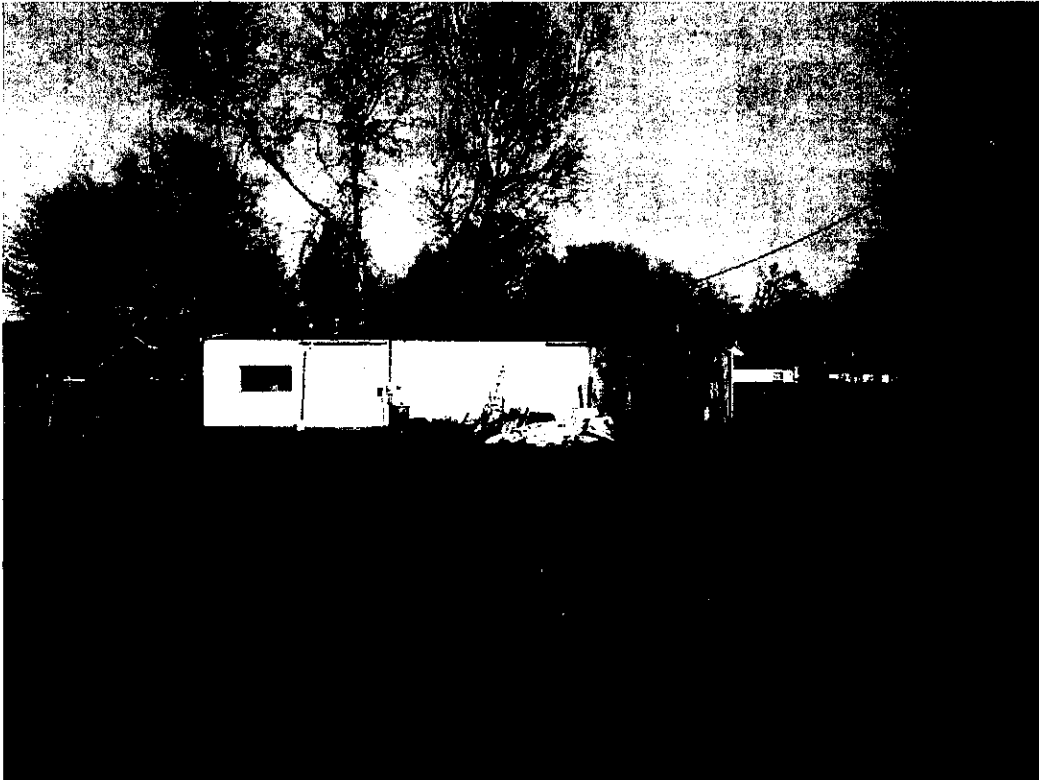
Measurements Approximate

Direction of Photo ➔

Not to Scale



## DIGITAL PHOTOGRAPHS



**Date:** December 18, 2006  
**Time:** 10:21 AM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 001  
**Comments:** Street view of the warehouse, the debris in front of the warehouse, and the property.



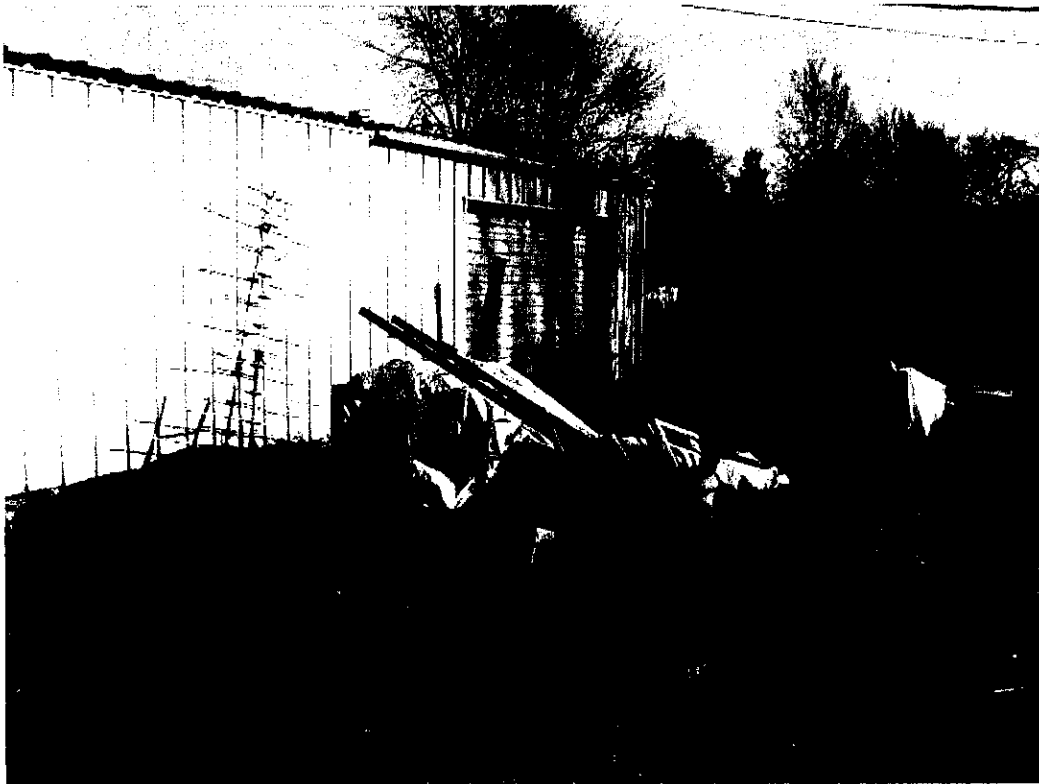
**Date:** December 18, 2006  
**Time:** 10:21 AM  
**Direction:** NE  
**Photo by:** Eisenbrandt  
**Exposure #:** 002  
**Comments:** A stack of wood pallets, a white tarp covering a stack of 2x4's and OSB board, a picnic table, saw horses, a pile of cut firewood, dimension lumber, phone cord, a broom, scrap metal, and a wire rack were observed.

Photograph Names: 1378675002~12182006-[Exp. #].jpg

File Name: 1378675002~12182006 .doc



## DIGITAL PHOTOGRAPHS



**Date:** December 18, 2006  
**Time:** 10:21 AM  
**Direction:** NE  
**Photo by:** Eisenbrandt  
**Exposure #:** 003  
**Comments:** A plastic pan, a metal rack, an extension cord, a light bulb, saw blades, metal springs, a throw rug, a shower rod, a fireplace grate, rigid conduit, a section of black railing, jack stands, a wood bench, a stack of beige siding, a TV antenna, a piece of PVC pipe, rebar sections, and a white tarp covering a wood crate holding firewood were observed.



**Date:** December 18, 2006  
**Time:** 10:31 AM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 004  
**Comments:** Scraps of fiber board, paneling, plywood, particle board, and dimensional lumber, as well as a tree stand, two dry erase boards, a white simulated six-panel interior door, and a white tarp covering scrap wood were observed.

Photograph Names: 1378675002~12182006-[Exp. #].jpg

File Name: 1378675002~12182006 .doc



## DIGITAL PHOTOGRAPHS



**Date:** December 18, 2006  
**Time:** 10:34 AM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 005  
**Comments:** A metal rack, a TV (under a white tarpaulin), PVC pipe, scrap iron, rigid conduit, rebar, metal stakes, cyclone fencing, a gas cylinder, vehicle floor mats, and a broken wood ladder were observed.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

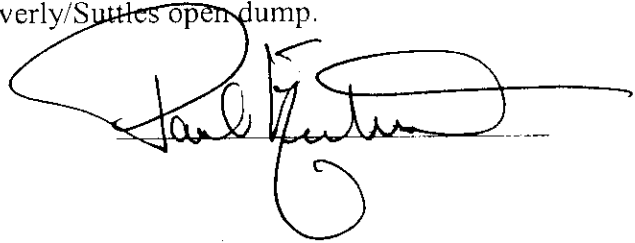
AFFIDAVIT

IN THE MATTER OF: )  
)  
Illinois Environmental )  
Protection Agency )  
)  
vs. )  
)  
Glen and Elizabeth Suttles )  
)  
Respondent. )

IEPA DOCKET NO.

Affiant, Paul Eisenbrandt, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 18, 2006 between 10:15 AM and 10:40 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Morgan County, Illinois, and known as Waverly/Suttles by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1378675002 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Waverly/Suttles open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 Waverly/Suttles open dump.



Subscribed and Sworn To before me  
This 18 day of January, 2007

Charlene K. Powell

Notary Public

OFFICIAL SEAL  
CHARLENE K. POWELL  
NOTARY PUBLIC STATE OF ILLINOIS  
COMMISSION EXPIRES 12/31/2008



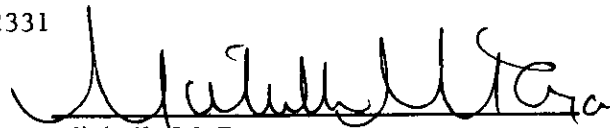
**PROOF OF SERVICE**

I hereby certify that I did on the 7th day of February 2007, 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: Glen I. Suttles and Elizabeth J. Suttles  
391 West Tremont Street  
Waverly, Illinois 62692  
Cert# 7004 2510 0001 8588 2348

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  
Cert# 7004 2510 0001 8588 2331



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