



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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JUL 26 2007

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

ORIGINAL

AC 08-04

July 24, 2007

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Fred Honaker
IEPA File No. 204-07-AC; 1398015040—Champaign County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was given to an inspector from the Champaign Regional Office to be delivered to Respondent via hand delivery. As soon as I receive the affidavit of service, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

INFORMATIONAL NOTICE !!!

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).

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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JUL 26 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
FRED HONAKER,)
)
)
)
)
Respondent.)

AC 08-04
(IEPA No. 204-07-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 Fred Honaker ("Respondent") is the present owner of a facility located at the northwest corner of 800N and 1795E, in the town of Coles, Moultrie County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Coles/Baby Hueys Demolition.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1398015040.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on May 30, 2007, Deanna Carlock 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.

VIOLATIONS

Based upon direct observations made by Deanna Carlock during the course of her May 30, 2007 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) (2004).

- (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)(2004).

- (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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 30, 2007, 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 (2004), 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) (2004), 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 (2004). 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.

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

Date: 7/24/07

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

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REMITTANCE FORM

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JUL 26 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 FRED HONACKER,)
)
)
)
 Respondent.)

AC 08-4
 (IEPA No. 204-07-AC)

FACILITY: Coles/Baby Hueys Demolition
 COUNTY: Champaign
 DATE OF INSPECTION: May 30, 2007

SITE CODE NO.: 1398015040
 CIVIL PENALTY: \$4,500.00

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.

ORIGINAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

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JUL 26 2007
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Complainant,)

) AC

08-4

v.)

Fred Honaker,)

Respondent.)

Affiant, Deanna Carlock, being first duly sworn, voluntarily deposes and states as follows:

1. I am a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and have been so employed at all times pertinent hereto.
2. On May 30, 2007, between 10:50 a.m. and 11:00 a.m., Affiant conducted an inspection of the open dump in Moultrie County, Illinois, known as Coles/Baby Hueys Demolition open dump, Illinois Environmental Protection Agency Site No. LPC1398015040.
3. Affiant inspected said Coles/Baby Hueys Demolition open dump by an on-site inspection that included walking the site, and taking photographs.

FURTHER AFFIANT SAYETH NOT.

Deanna Carlock

SUBSCRIBED AND SWORN TO BEFORE ME

This 12 day of July, 2007

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Moultrie LPC#: 1398015040 Region: 4 - Champaign
 Location/Site Name: Coles/Baby Hueys Demolition
 Date: 05/30/2007 Time: From 10:50 am To 11:00 Previous Inspection Date: 09/13/2006
 Inspector(s): D. Carlock Weather: Sunny and about 80 degrees F.
 No. of Photos Taken: # 6 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # No
 Interviewed: Complaint #: C06-079-CH
 Latitude: 39.52072 Longitude: -88.4728 Collection Point Description: Main Gate - Garmin GPSMAP 76S
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - +/-28

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 Fred Honacker
 RR1 Box 94
 Mattoon, IL 61938
 217-273-8691

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STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" 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 # 1398015040

Inspection Date: 05/30/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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"/>

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 ♦ Field Operations Section ♦ Champaign

LPC# 1398015040--Moultrie County
Coles/Baby Hueys Demolition
FOS File
Inspector: Deanna Carlock
Inspection Date: 30 May 2007
#C04-079-CH

OPEN DUMP INSPECTION NARRATIVE

On May 30, 2007 from approximately 10:50 to 11:00 a.m., I inspected the above-referenced unpermitted site, located on the northwest corner of 800N and 1795E, in the town of Coles, Moultrie County. The purpose of the inspection was to determine whether the site had returned to compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Five photos were taken during the inspection. The weather was sunny and about 80° F. There was no one else present during the inspection.

Site History:

This site was inspected on June 8, 2006 in response to a citizen complaint. An Administrative Citation Warning Notice was sent to the owner, Fred Honaker, on August 4, 2006, requiring that the site be cleaned up. Mr. Honaker sometimes has a load of scrap metal or appliances sitting on the site, which he sells as scrap. He has stated that he does not bring in waste to the site, but stops there where he lives, in route to the scrap yard.

On September 13, 2006, the site was inspected and although most of the site had been cleaned up, there was still ashes and waste piled together with dirt and rocks on the north end.

Inspection Findings:

Over the weekend before this inspection, I was driving past this site and saw a fire burning on the north end of the site. I was on my own time and tired at the end of the day and did not stop. On Wednesday, May 30, 2007, I reinspected the property. No one was on the site. I walked to the northwest side of the site where I had seen the fire a few days before. There was a pile of partially burned siding; wood lumber, electrical wiring, a bicycle with the tires and plastic burned off, and ashes beneath (see Photos #2 & 3). A square tank, covered with lumber, contained additional ashes.

Summary of Apparent Violations:

Environmental Protection Act.(Act) 415 ILCS 5/1 et. seq.

- #1 Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.
A violation of this section is alleged because **evidence of open burning that would cause or tend to cause air pollution in Illinois was observed during the inspection.**
- #2 Pursuant to Section 9(c) of the Act, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of this section is alleged because **evidence of open burning of refuse was observed during the inspection.**

#3 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste. A violation of this section is alleged because **evidence of open dumping of waste was observed during the inspection.**

#4 Pursuant to Section 21(d)(1) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any condition imposed by such permit. A violation of this section is alleged because **waste was disposed without a permit granted by the Illinois EPA.**

#5 Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act. A violation of this section is alleged because **a waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

#6 Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder. A violation of this section is alleged because **waste was disposed at this site that does not meet the requirements of the Act.**

#7 Pursuant to Section 21(p)(1) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in litter. A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in litter.**

#8 Pursuant to Section 21(p)(3) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in open burning. A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in open burning.**

#9 Pursuant to Section 21(p)(7) of the Act, no person shall cause or allow the open dumping of any waste in a manner that results in the deposition of:
(i) general construction or demolition debris as defined in Section 3.78 of this Act; or
(ii) clean construction or demolition debris as defined in Section 3.78a of this Act. A violation of this section is alleged because waste **was open dumped at this site resulting in the deposition of general demolition debris.**

#10 Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Act, shall submit to the Agency an application for a permit to develop and operate a landfill. A violation of this section is alleged because **a waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**



DIGITAL PHOTOGRAPHS File Names: 1398015040~05302007-[Exp. #].jpg



Date: 5-30-07
Time: 9:53 a.m.
Direction: North
Photo by: D. Carlock
Exposure #: 001
Comments: West side of site towards burn pile to east of stacked boards. Tank under boards contains more ashes.



Date: 5-30-07
Time: 2:53 a.m.
Direction: Northeast
Photo by: D. Carlock
Exposure #: 002
Comments: Ashes, chair frames, metal attached to wood, weights, covered wiring.



DIGITAL PHOTOGRAPHS File Names: 1398015040~05302007-[Exp. #].jpg



Date: 5-30-07
Time: 9:54 a.m.
Direction: Northeast
Photo by: D.
Carlock
Exposure #: 003
Comments:
Close-up of #2.
Ashes, bicycles,



Date: 5-30-07
Time: 2:56 a.m.
Direction: East
Photo by: D.
Carlock
Exposure #: 004
Comments:
Building addition on
west side of home.



DIGITAL PHOTOGRAPHS File Names: 1398015040~05302007-[Exp. #].jpg



Date: 5-30-07
Time: 9:56 a.m.
Direction: East
Photo by: D.
Carlock
Exposure #: 005
Comments:
Front drive of site.

Illinois Environmental Protection Agency

LPC # 1398015040--Moultrie County
Coles/Baby Hueys Demolition
Insp. Date 30 May 2007

Site Map

Map not to Scale
Arrows indicated direction
and location of Photos

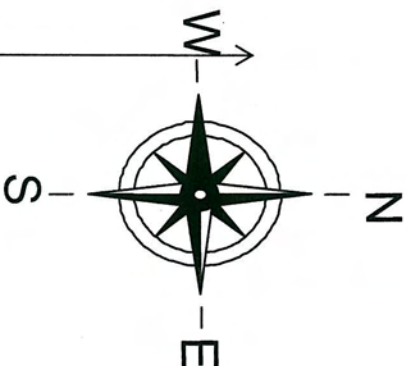
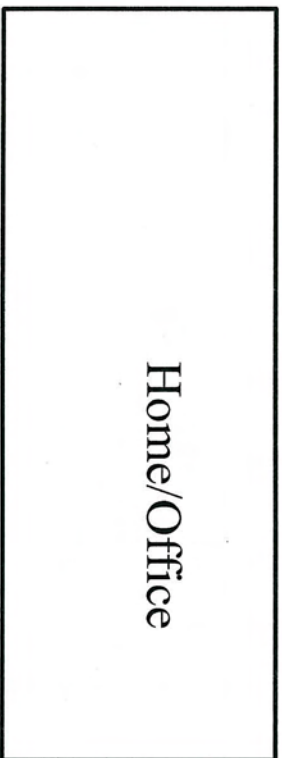


Photo #2 & 3

Photo #4 →

Photo #1 ↓

Photo #5 →



drive

1795E Road

Bruce-Coles Road (800N Road)



ORIGINAL

PROOF OF SERVICE

RECEIVED
CLERK'S OFFICE

JUL 26 2007

STATE OF ILLINOIS
Pollution Control Board

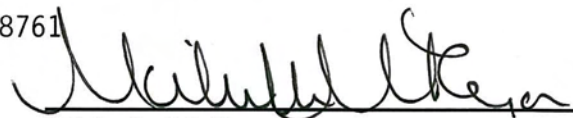
I hereby certify that I did on the 24th day of July, 2007 send by over night mail to the Champaign

Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled
ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for
hand delivery

To: Fred Honaker
RR 1 Box 94
Mattoon, IL 61938

and the original and nine (9) true and correct copies of the same foregoing instruments on the same
date by Certified Mail with postage thereon fully prepaid

To: John Therriault, Acting Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Cert # 7004 2510 0001 8587 8761



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