

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 – (217) 782-2829 James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR ECEIVED CLERK'S OFFICE

DEC 1 1 2008

STATE OF ILLINOIS Pollution Control Board

December 8, 2008

TDD: (217) 782-9143

(217) 782-9817

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

Ac09-21

Re: <u>Illinois Environmental Protection Agency v. Steve Danielson</u> IEPA File No. 321-08-AC: 0118240001—Bureau County

Dear Mr. Therriault:

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 sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, 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

 ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760
 Des Plaines - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000

 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131
 PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463

 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462
 CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800

 COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

v.

STEVE DANIELSON,

Respondent.

AC 00

(IEPA No. 321-08-AC)

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STATE OF IL

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Pollution Control Board

NOTICE OF FILING

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Steve Danielson To: 13912 1675 East Street Princeton, IL 61356

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. Rvan

Assistant Counsel

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

Dated: December 8, 2008

THIS FILING SUBMITTED ON RECYCLED PAPER

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED CLERK'S OFFICE

DEC 1 1 2008

STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Complainant,
V.
STEVE DANIELSON,

AC 09-27

(IEPA No. 321-08-AC)

Respondent.

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 (2006).

<u>FACTS</u>

1. That Steve Danielson is the current owner ("Respondent") of a facility located at 13912 1675 East Street, Princeton, Bureau County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Wyanet Township/Danielson.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0118240001.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on October 16, 2008, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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. 5. That on <u>12-8-08</u>, Illinois EPA sent this Administrative Citation via Certified Mail No. <u>7054 8510 0001 8618 9316</u>.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her October 16, 2008 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 <u>One Thousand Five Hundred Dollars (\$1,500.00)</u>. 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 <u>January 15, 2009</u>, 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 (2006), 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) (2006), 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.

3

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 (2006). 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.

-les P. Scotte Douglas P. Scott. Director

Date: 12808

Illinois Environmental Protection Agency

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

ILLINOIS EN PROTECTIC	VIRONMENTAL N AGENCY,	<u>REMITTANCE FORM</u>))		RECEIVED CLERK'S OFFICE DEC 1 1 2008 STATE OF ILLINOIS Pollution Control Board
Complainant	,		AC 09-27	
٧.			(IEPA No. 321-08-	AC)
STEVE DAN	IELSON,))))		
Respondent.))		
FACILITY:	Wyanet Township	D/Danielson SITE	CODE NO.: 011	8240001
COUNTY:	Bureau	CIVIL PENA	LTY: \$1,500.00	
DATE OF INS	PECTION: Oc	tober 16, 2008		

DATE REMITTED:

SS/FEIN NUMBER:

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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.

DEC 1 1 2008 ILLINOIS ENVIRONMENTAL PROTECTION AGESCATE OF ILLINOIS Pollution Control Board **AFFIDAVIT IN THE MATTER OF:**)) **Steve Danielson**) A-109-27) IEPA DOCKET NO.)

Affiant, Donna Shehane, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
- 2. On October 16, 2008 between 10:52 a.m. and 11:15 a.m., Affiant conducted an inspection of an open dump, located in Bureau County, Illinois and known as Steven Danielson Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number BOL# 0118240001 by the Agency.
- Affiant inspected said site by an on-site inspection, which included walking and 3. 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 open dump.

Shehane

Donna Shehane EPS I

Respondent

Subscribed and Sworn to Before Me this <u>30</u> day of <u>Noumber</u>, 2008

Jensa &

1	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
1	"OFFICIAL SEAL"
	TERESA LABUNSKI
5	
è	My Commission Expires 01/10/11
1	908080688888888888888888888888888888888

RECEIVED CLERK'S OFFICE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Bureau	LPC#: 0118240001 Region: 1 - Rockfor	d				
Location/Site Name: 13912 1675 East Street Princeton, IL 61356-6870							
Date: 10/16/2008 Time: From 10:45 am To 11:20 am Previous Inspection Date: 08/15/2008							
Inspector(s	Inspector(s): Shehane, Newell Weather: 49 °F; North winds @ 6 mph						
No. of Pho	otos Taken: #	21 Est. Amt. of Waste: 500 yds ³ Samples Taken: Yes # No	\boxtimes				
Interviewee	d: Steve	Danielson Complaint #: C-08-074					
	41.55834	Longitude: -89.46843 Collection Point Description: -					
(Example: L	Lat.: 41.26493	Long.: -89.38294) Collection Method: - CLERK'S C	VED				
Responsib Mailing Ad and Phone		13912 1675 East Street Princeton, IL 61356 NUV 2 4 2008 Internation Contr	2008 LINOIS ol Board				
	SECTION	DESCRIPTION	VIOL				
<u></u>	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS					
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.	5. 21(a) CAUSE OR ALLOW OPEN DUMPING						
6.	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL						
	(1)	Without a Permit	\boxtimes				
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	\boxtimes				
7.	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY						
8.	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS						
	(1)	Litter	\boxtimes				
	(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					

LPC # 0118240001

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pectio	on Date: 1	0/16/2008	
	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		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	\square
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
		OTHER REQUIREMENTS	_
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.

0118240001 – Bureau County Wyanet Township/Steve Danielson

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NARRATIVE INSPECTION REPORT DOCUMENT

On October 16, 2008 I (Donna Shehane) conducted an inspection at 13912 1675 East Street in Princeton, Illinois. I was accompanied by Shaun Newell, also an inspector from the Illinois EPA Rockford regional office. The weather at the time of this inspection was 49 °F, with North winds at 6 mph. This inspection was conducted as a follow-up inspection. The property owner had received an Administrative Citation Warning Notice for an earlier April 14, 2008 inspection. The original deadline for cleanup of the property was set at June 6, 2008. Mr. Danielson then requested an extension to July 6, 2008 to complete the cleanup. Since receipts were submitted documenting the removal of waste materials from the site, an extension to July 6, 2008 was granted. On July 1, 2008, I receive a letter from Mr. Danielson asking for an additional 30-day extension to complete the cleanup. Mr. Danielson cited the unforeseen necessity of having to transport his son to summer school the first three weeks of June, again submitting additional receipts. An extension was granted to July 31, 2008. On July 15, 2008 I reinspected the Danielson property and found only a minimal amount of cleanup. On July 28, 2008, Mr. Danielson submitted a third request for deadline extension due to a storm hitting the area, resulting in additional storm cleanup work. I verbally told Mr. Danielson that I would be unavailable for another reinspection until returning from vacation the week of August 11, 2008. On August 15, 2008, I reinspected the Danielson property and found additional cleanup had been completed, but a majority remained. At this time, I advised Mr. Danielson that I would consult with my supervisor regarding the status of the property. On September 8, 2008, I spoke with Mr. Danielson regarding the decision to give him one additional month (to October 15, 2008) to complete the cleanup. I emphasized that he must stop continuing to separate out what he thought was recyclable from the other waste/garbage in the bags and simply throw all the bags into a dumpster for disposal in a landfill.

By letter dated October 14, 2008, Mr. Danielson requested another extension of time for cleanup due to required overtime at work, upcoming dental surgery, and other personal issues.

We arrived on site at approximately 10:45 am. Mr. Danielson was introduced to Mr. Shaun Newell. We began the inspection on the east side of 1675 East Street. Photo # 1, taken to the southeast shows an area strewn with bags of household garbage. Photo # 2 was taken to the west and shows additional litter and waste near the backyard of the residence. Photo # 3 depicts more bags of waste, with some recyclable material inside and garbage that has been separated into a garbage can. Photo # 4 shows food-contaminated waste on the ground.

Photo # 5 reveals clothing and miscellaneous debris such as paper dumped on the ground. Photo # 6 reveals additional refuse bags on the ground.

Photo # 7 was taken of lumber and wire strewn on the ground. Photo # 8 depicts a waste pile containing food containers, plastic, paper and miscellaneous debris. More bags of refuse and strewn litter can be seen in Photo # 9.

Photo # 10 shows metal scrap, lumber, a dog house, and other debris on site. Photo # 11, taken toward the north, reveals more waste littering the property, including a pile of corn cobs, metal, empty paint cans, and other debris. Mr. Danielson stated that the metal seen on the left side of the photo was going to be used for a project. I told Mr. Danielson to store the needed metal neatly inside a shed/garage for its future use.

Photo # 12 was taken of cardboard, paper, signs, and other debris strewn on the property. Photo # 13 shows cups, empty paint cans, cloth, cardboard, plastic, etc. littering the property. Photos # 14 and # 15 show additional bags of household waste and garbage stored on site and spilling out. Photo # 16 depicts more litter on the ground.

We proceeded to the rest of the property located on the west side of 1675 East Street. Photo # 17 was taken of more bags of household waste dumped on the property from offsite. Photo # 18 was taken toward the west of litter strewn on the ground including plastic, containers, and paper.

Photos # 19 and # 20 depict more dumped bags of household waste covering the ground in this forested area. Photo # 21 shows the litter trailing off farther into the woods.

We left the site at approximately 11:20 am. The Steve Danielson property was found to remain in apparent violation of the following during this inspection:

- 1. Section 21(a) of the Act: Cause Or Allow Open Dumping.
- Section 21(d)(1) of the Act: Conduct Any Waste-Storage, Waste-Treatment, Or Waste-Disposal Operation: Without A Permit
- 3. Section 21(d)(2) of the Act: Conduct Any Waste-Storage, Waste-Treatment, Or Waste-Disposal Operation: In Violation of Any Regulations or Standards Adopted by the Board.
- Section 21(e) of the Act: Dispose, Treat, Store, Or Abandon Any Waste, Or Transport Any Waste Into the State At/To Sites Not Meeting Requirements of the Act.
- Sections 21(p)(1) of the Act: 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
- Section 812.101(a) of the 35 Illinois Administrative Code Requirements Subtitle G: Failure To Submit An Application For A Permit To Develop And Operate A Landfill.

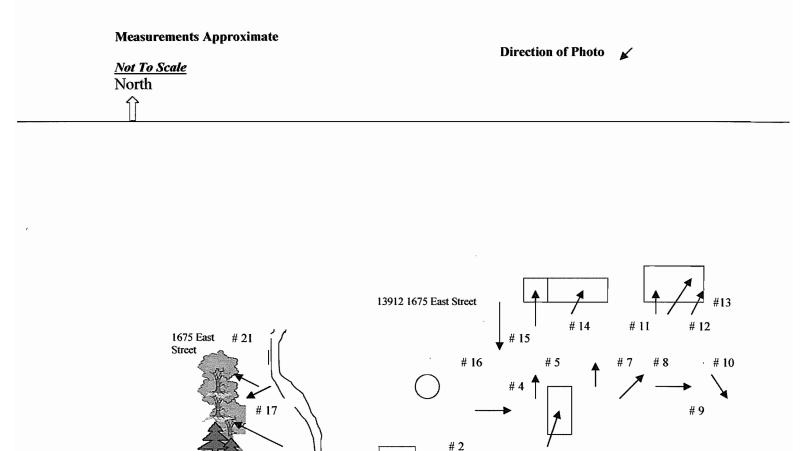
STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY <u>SITE SKETCH</u>

Date of Inspection: 10/16/2008 BOL ID No.: 0118240001 Site Name: Steve Danielson Inspector(s): Shehane, Newell County: Bureau Time: 10:45 am to 11:20 am

#6

#3

1

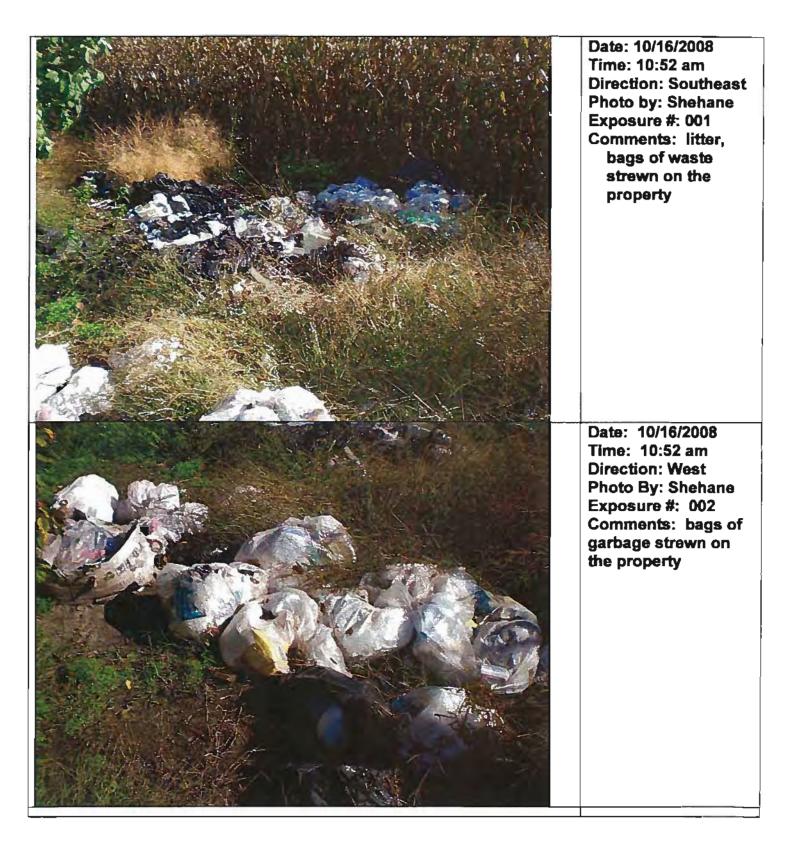




0118240001 — Bureau County Wyanet Township/Danielson FOS File

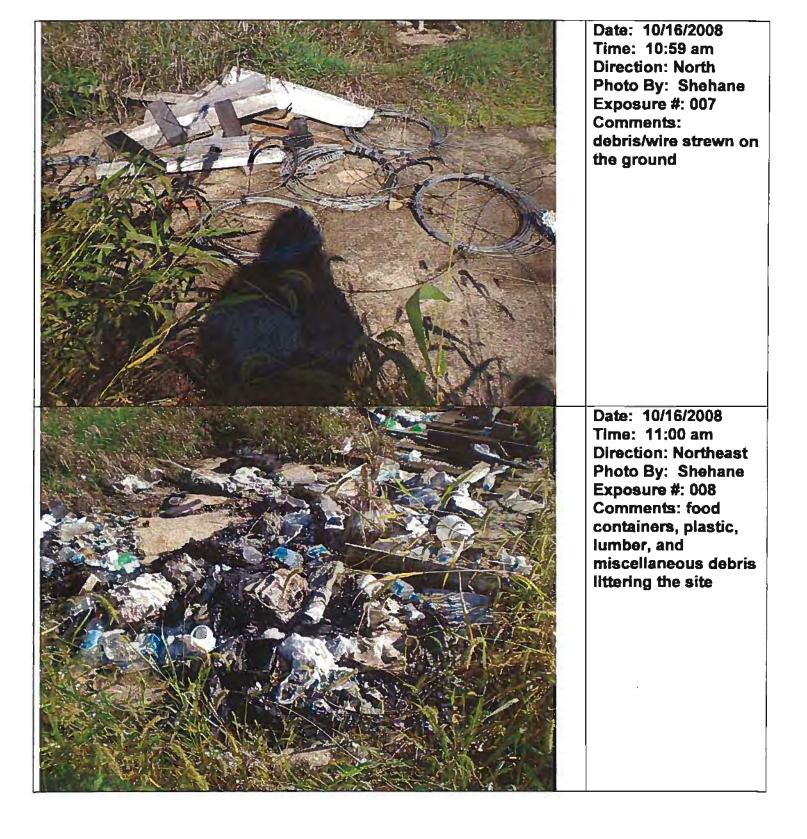
DIGITAL PHOTOGRAPHS

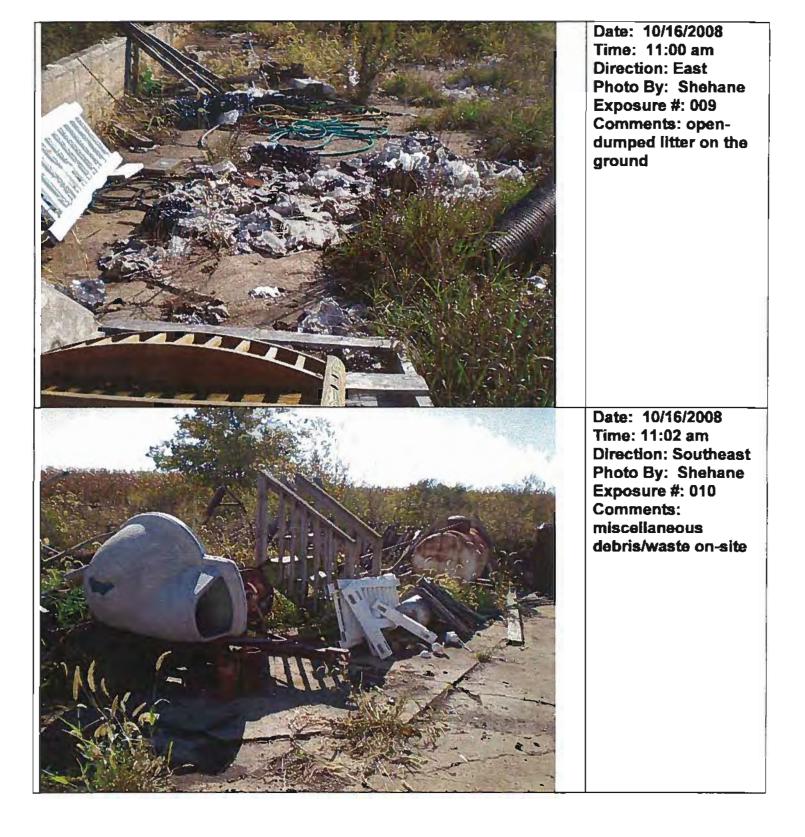
File Names: 0118240001~10/16/08

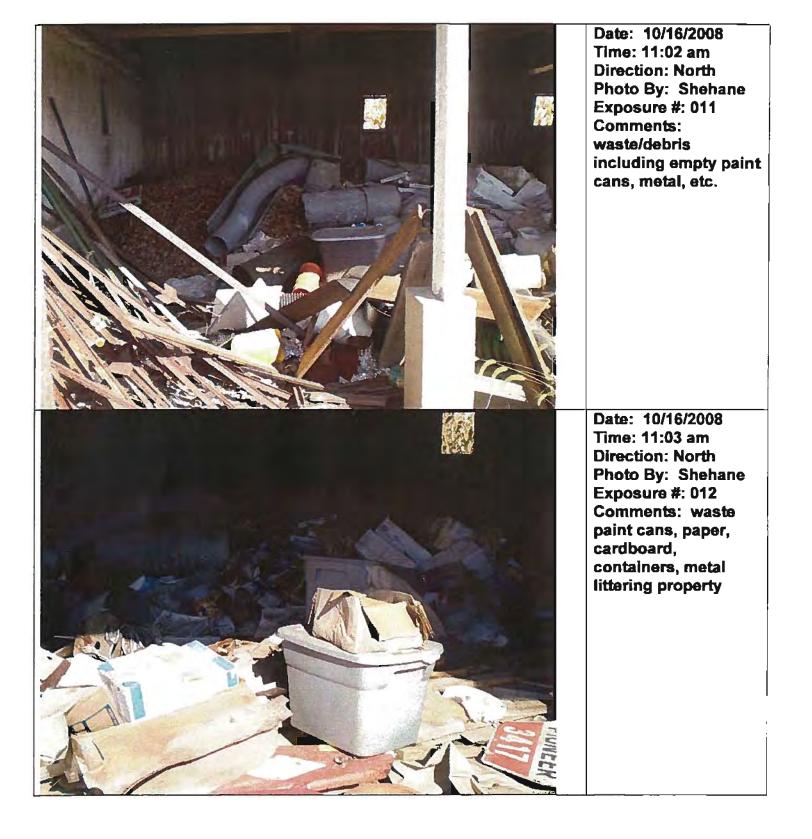




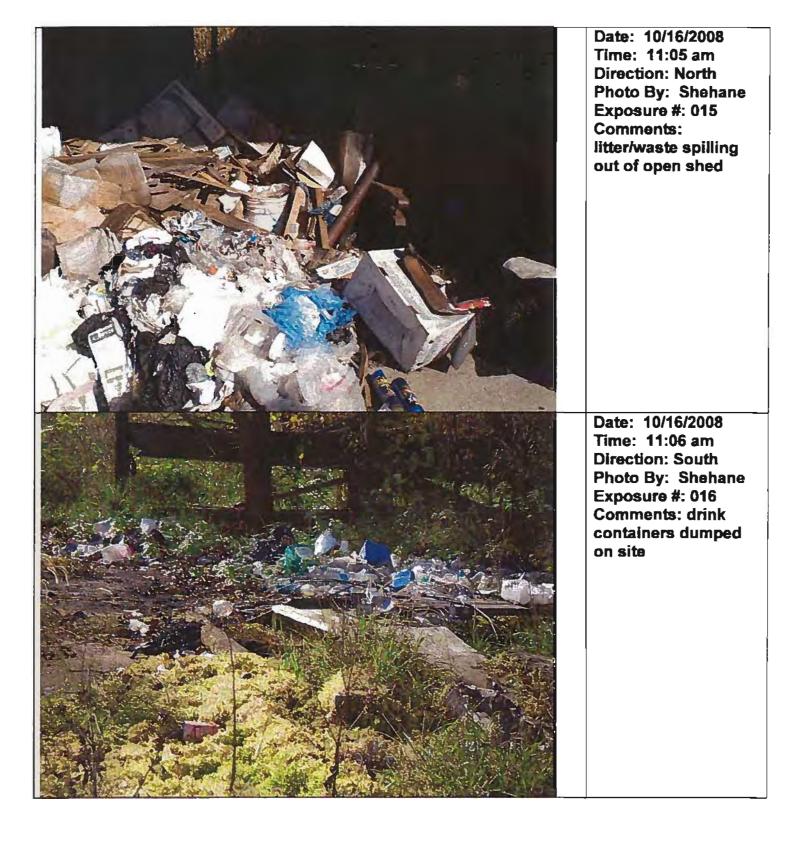












Date: 10/16/2008 Time: 11:12 am Direction: West Photo By: Shehane Exposure #: 017 Comments: bags of garbage on the ground
Date: 10/16/2008 Time: 11:13 am Direction: West Photo By: Shehane Exposure #: 018 Comments: food containers, plastic, paper, etc. littering the site





Date: 10/16/2008 Time: 11:15 am Direction: Northwest Photo By: Shehane Exposure #: 021 Comments: containers and litter going off into a forested area

ORIGINAL

PROOF OF SERVICE

I hereby certify that I did on the 8th day of December 2008, send by Certified Mini Bern

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: Steve Danielson 13912 1675 East Street Princeton, IL 61356

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

RECE

DEC 1 1 2008

Michelle M. Ryan Assistant Counsel

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

THIS FILING SUBMITTED ON RECYCLED PAPER