

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RICHARD PAGEL, )  
 )  
Respondent. )

AC 11-20  
(IEPA No. 48-11-AC)  
**RECEIVED**  
CLERK'S OFFICE  
MAR 11 2011  
STATE OF ILLINOIS  
Pollution Control Board


ORIGINAL

NOTICE OF FILING

To: Richard Pagel  
1005 W. Beardsley Avenue  
Champaign, IL 61821

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  
Assistant Counsel

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

Dated: February 25, 2011

## 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).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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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 (2008).

FACTS

1. That Richard Pagel is the current owner ("Respondent") of a facility located at 2782 N 1500 East Road, near the Champaign/Piatt County line, Piatt County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mansfield/Pagel.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1478010004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 3, 2011, Dustin Burger of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign 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.

5. That on 2/25/11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 4265.

#### VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his January 3, 2011 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) (2008).
  
- (2) 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) (2008).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 Three Thousand Dollars (\$3,000.00). 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 March 16, 2011, 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 (2008), 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) (2008), 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 (2008). 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, Director  
Illinois Environmental Protection Agency

Date: 2/23/2011

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



REMITTANCE FORM

**RECEIVED**  
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STATE OF ILLINOIS  
Pollution Control Board

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AC 11-20  
(IEPA No. 48-11-AC)

ORIGINAL

FACILITY: Mansfield/Pagel

SITE CODE NO.: 1478010004

COUNTY: Piatt

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: January 3, 2011

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: Piatt LPC#: 1478010004 Region: 4 - Champaign  
 Location/Site Name: Mansfield/Pagel  
 Date: 01/03/2011 Time: From 11:30A To 11:40A Previous Inspection Date: 09/10/2010  
 Inspector(s): Dustin Burger Weather: Windy, 20s, clear  
 No. of Photos Taken: # 4 Est. Amt. of Waste: 60 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: No one present Complaint #: C10-119-CH  
 Latitude: N40.19667 Longitude: W-88.46800 Collection Point Description: Dump Location - error 40ft  
 (Example: Lat. 41.26493 Long. -89.38294) Collection Method: GPS - Garmin 76

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

Richard Pagel  
 1005 W. Beardsley Ave.  
 Champaign, IL 61821

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 ORIGINAL

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 # 1478010004

Inspection Date: 01/03/2011

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
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#1478010004—Piatt County  
Mansfield/Pagel  
FOS File  
January 3, 2011 Inspection  
Inspector: Dustin Burger  
Complaint No. C10-119-CH

**Narrative Inspection Report**

I conducted an open dump reinspection at the above referenced facility on January 3, 2011. The inspection lasted from approximately 11:30-11:40 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Four photos and no samples were taken. No one was present during the inspection.

Champaign FOS received a complaint from the Piatt County Health Department alleging a neighbor had seen Richard Pagel bring several truckloads of solid waste to the site and had dumped the material in a pit on his property. The property is located at 2782 N 1500 East Road, near the Champaign/Piatt County line. The site itself is a rural plot in the middle of agricultural fields. A house-trailer and barn are the only two buildings on the property.

An earlier inspection on February 24, 2010 found evidence of open dumping, and an ACWN was sent to 1008 Beardsley in Champaign, Illinois. I learned during this inspection while checking records at the courthouse that the first ACWN may have been sent to the wrong address. The correct address for Mr. Pagel obtained through the Piatt County Probation Department and confirmed through the Champaign County Assessor's office is 1005 Beardsley Ave., Champaign. The first ACWN was not returned to the Agency.

A second inspection on September 10, 2010 essentially found the site unchanged, with piles of construction debris and other waste found around the edge of an excavation. A second ACWN was sent to Pagel at the 1005 Beardsley address on September 28, 2010, with a December 1, 2010 compliance deadline.

## Reinspection

A third inspection on January 3, 2011 again found the site unchanged. Three piles of general construction debris including wood, shingles, and furniture were observed around an excavation (see photos 1-4). The surrounding vegetation had grown through some of the piles.

## Regulated Status

This site is regulated as an open dump.

## Apparent violations observed during this inspections:

1. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Wastes were observed open dumped at this site.**

2. Pursuant to Section 21(d)(1) of the Act , in relevant part, 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 conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Evidence that a waste-disposal operation was being operated without a permit was observed.**

3. 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 Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Evidence that a waste disposal operation was being conducted in violation of the regulations was observed.**

4. 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 there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Evidence that waste is being transported and disposed of at this site which does not meet the requirements of the Act or Regulations was observed.**

5. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

1. litter;
2. scavenging;
3. open burning;
4. deposition of waste in standing or flowing waters;
5. proliferation of disease vectors; or
6. standing or flowing liquid discharge from the dump site.
7. 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.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reason: **Evidence of open dumping with (1) litter (7) deposition of construction and demolition debris was observed during this inspection.**

*35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter 1: Pollution Control Board) [Regulations]*

6. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

*LPC#1478010004--Piana County  
Mansfield/Pagel*

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason:  
Evidence of the operation of a landfill was observed. **The site does not have a permit to operate a sanitary landfill.**



Dump  
Site



© 2010 Google  
Image Champaign County GIS Consortium

Google



Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #1478010004—Piatt County  
Mansfield/Pagel  
FOS File**

**DATE: January 3, 2011  
TIME: 11:30-11:40 AM  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~01032011-001.jpg  
COMMENTS:**



**DATE: January 3, 2011  
TIME: 11:30-11:40 AM  
DIRECTION: West  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~01032011-002.jpg  
COMMENTS:**







Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #1478010004—Platt County  
Mansfield/Pagel  
FOS File**

**DATE: January 3, 2011  
TIME: 11:30-11:40 AM  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~01032011-003.jpg  
COMMENTS:**



**DATE: January 3, 2011  
TIME: 11:30-11:40 AM  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~01032011-004.jpg  
COMMENTS:**





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #1478010004--Piatt County  
Mansfield/Pagel  
FOS File**

**DATE: September 10, 2010  
TIME: 10:30-10:50A.M.  
DIRECTION: Southwest  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~09102010-001.jpg  
COMMENTS:**



**DATE: September 10, 2010  
TIME: 10:30-10:50A.M.  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~09102010-002.jpg  
COMMENTS:**







**Illinois Environmental Protection Agency  
Bureau of Land**

## ***DIGITAL PHOTOGRAPHS***

**LPC #1478010004--Piatt County  
Mansfield/Pagel  
FOS File**

**DATE: September 10, 2010  
TIME: 10:30-10:50A.M.  
DIRECTION: South  
PHOTO by: Dustin Burger  
PHOTO FILE NAME:  
1478010004~09102010-003.jpg  
COMMENTS:**



**DATE: September 10, 2010  
TIME: 10:30-10:50A.M.  
DIRECTION: Northwest**



**PHOTO by: Dustin Burger**

**PHOTO FILE NAME:**

**1478010004~09102010-004.jpg**

**COMMENTS:**



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MAR 11 2011

STATE OF ILLINOIS  
Pollution Control Board

PROOF OF SERVICE

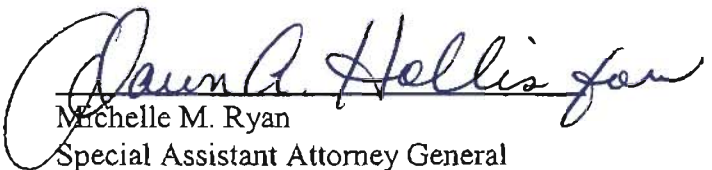
I hereby certify that I did on the 25<sup>th</sup> day of February 2011, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Richard Pagel  
1005 W. Beardsley Avenue  
Champaign, IL 61821

ORIGINAL

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by 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

  
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