



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

March 9, 2011

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

RECEIVED
CLERK'S OFFICE
MAR 16 2011
STATE OF ILLINOIS
Pollution Control Board

AC11-22

ORIGINAL

Re: Illinois Environmental Protection Agency v. Kyle E. Pritchett
IEPA File No. 50-11-AC: 1850205035—Wabash County

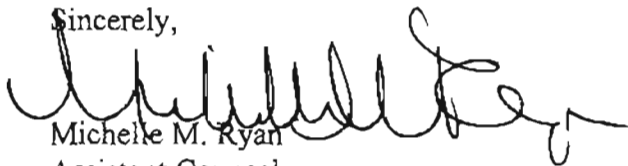
Dear Mr. Therriault:

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

MAR 16 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KYLE E. PRITCHETT,)
)
Respondent.)

AC 11-22
(IEPA No. 50-11-AC)

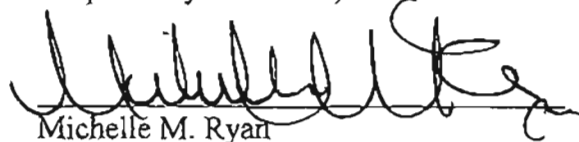
NOTICE OF FILING

ORIGINAL

To: Kyle E. Pritchett
411 1/2 West 1st Street
Mt. Carmel, Illinois 62863

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: March 9, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAR 16 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KYLE E. PRITCHETT,)
)
)
)
)
Respondent.)

AC 11-22
(IEPA No. 50-11-AC)

ORIGINAL

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 Kyle E. Pritchett is the current owner ("Respondent") of a facility located at 411 ½ West 1st Street, Mt. Carmel, Wabash County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Carmel/Pritchett, Kyle E.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1850205035.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 27, 2011, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 3-9-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 4394.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his January 27, 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).

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 One Thousand Five Hundred Dollars (\$1,500.00). 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 April 15, 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.

 Lisa Bonnett ^{BY SUP}

Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

Date: 3/8/2011

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
CLERK'S OFFICE**

MAR 16 2011

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KYLE E. PRITCHETT,)
)
)
)
Respondent.)

AC *11-22*
(IEPA No. 50-11-AC)

ORIGINAL

FACILITY: Mt. Carmel/Pritchett, Kyle E.

SITE CODE NO.: 1850205035

COUNTY: Wabash

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: January 27, 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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
MAR 16 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
vs.)
)
Kyle E. Pritchett)
)
)
Respondent.)

AC11-22
IEPA DOCKET NO.

ORIGINAL

AFFIDAVIT

Affiant, Garrison Gross, 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 Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On January 27, 2011, between 12:40 PM and 12:55 PM, Affiant conducted an inspection of a disposal site operated by Kyle E. Pritchett located in Wabash County, Illinois, and known as Mt. Carmel / Pritchett, Kyle E. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1850205035 by the Agency.

3. Affiant inspected said Mt. Carmel / Pritchett, Kyle E. site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Mt. Carmel / Pritchett, Kyle E.

Garrison Gross

Subscribed and Sworn to before me

this 22nd day of February 2011

Gail Stricklin
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

CLEAR'S OFFICE

MAR 16 2011

STATE OF ILLINOIS
 Pollution Control Board
 Region: 7 - Marion

County: Wabash LPC#: 1850205035
 Location/Site Name: Mt. Carmel / Pritchett, Kyle E.
 Date: 01/27/2011 Time: From 12:40 PM To 12:55 PM Previous Inspection Date: 06/21/2010
 Inspector(s): Garrison Gross & Phillip Fatka Weather: overcast skies, 33°F, light breeze
 No. of Photos Taken: # 15 Est. Amt. of Waste: 80 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one at the site Complaint #: C-10-080-M
 Latitude: N38.40344° Longitude: W087.76429° Collection Point Description: Site Entrance -
 (Example Lat. 41 26493 Long -89 38294) Collection Method: GPS - Garmin 76 S

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

Kyle E. Pritchett
 411 1/2 West 1st Street
 Mt. Carmel, Illinois 62863

ORIGINAL

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input 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 AND REGULATIONS	<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 # 1850205035

Inspection Date: 01/27/2011

	(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)	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	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 and subsection (k) of Section 55 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 1850205035 - Wabash County
Site Name: Mt. Carmel / Pritchett, Kyle E.
Date of Inspection: January 27, 2011
Inspector: Garrison Gross
GPS Coordinates: N38.40344° W087.76429°

Subject: Follow-up Open Dump Site Inspection at Kyle E. Pritchett Property

General Remarks: A follow-up Open Dump Site Inspection was conducted on Thursday, January 27, 2011, at the property of Kyle E. Pritchett. The inspection was conducted by Garrison Gross and Phillip Falke representing the Illinois EPA Bureau of Land. The inspection was performed as a follow up to a previous inspection conducted on June 21, 2010. The property is located at 411 ½ West 1st Street, Mt. Carmel, Illinois, 62863. Weather conditions at the time of the inspection were overcast skies, 33° F, with a light breeze. Surface conditions were partially frozen to muddy with some snow cover.

Inspection Findings: The inspection began at 12:40 PM. The Inspectors entered the site and attempted to make contact with the owner. No one answered the door. The Inspectors continued the inspection by walking and photographing the site. The Inspectors walked southeast along the driveway toward the red utility building. Waste items were located along the western property boundary fence (photo 001). Most of the items were overgrown in vegetation and did not appear to have been used for some time. Two large waste tires were observed (photo 002). The used / waste tires had accumulated water and ice (photo 003). A gray GM pickup truck and a blue Chevy pickup were observed (photo 004). Waste metal, lawn mowers, metal tanks and vehicle parts were observed (photo 005). White goods (appliances) were observed (photo 006). These items had been recently acquired. More used / waste tires were observed at the site (photo 007). The tires had been quartered but still accumulated water (photo 008). Waste lawn mowers and scattered debris were observed near the front of the utility building (photos 009 and 010). Two piles of domicile wastes, which were overgrown in vegetation, were observed at the site (photos 011 and 012). A waste vehicle and large rolls of insulation were observed at the site (photo 013). The insulation was not being protected from the elements. Haphazardly placed metal siding was observed at the site (photo 014). A large metal tank was observed at the site (photo 015). Approximately 80 cubic yards of waste remains at the site. It appeared that additional waste items had been hauled to the site. The inspection ended at approximately 12:55 PM.

Additional Comments: Mr. Pritchett failed to respond in writing to the ACWN and he has not provided receipts documenting the disposal of waste items from the site. A Continuing Violations letter was mailed to him following the June 21, 2010 inspection. He did not respond to that letter either. Agency records indicate that Mr. Pritchett participated in the June 6, 2006 county-wide tire cleanup. He is not eligible to participate in another Consensual Removal Agreement.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

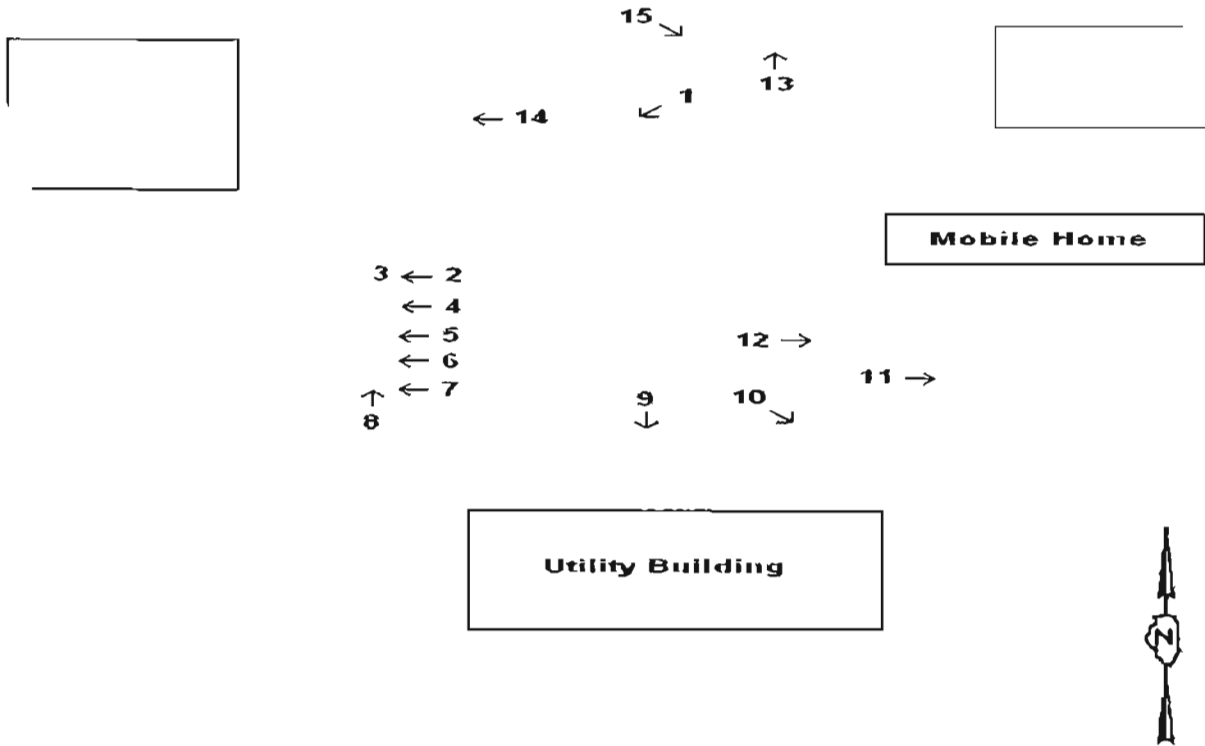
Date: January 27, 2011

Site #: 1850205035 – Wabash County

Site Name: Mt. Carmel / Pritchett, Kyle E.

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:45 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 001
Comments:



Date: 01/27/2011
Time: 12:46 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 002
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:46 PM
Direction: Down
Photo by: Garrison Gross
Exposure #: 003
Comments:



Date: 01/27/2011
Time: 12:46 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 004
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:47 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 005
Comments:



Date: 01/27/2011
Time: 12:47 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 006
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:47 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 007
Comments:



Date: 01/27/2011
Time: 12:47 PM
Direction: Northwest
Photo by: Garrison Gross
Exposure #: 008
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:48 PM
Direction: Southeast
Photo by: Garrison Gross
Exposure #: 009
Comments:



Date: 01/27/2011
Time: 12:48 PM
Direction: Southeast
Photo by: Garrison Gross
Exposure #: 010
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:48 PM
Direction: Northeast
Photo by: Garrison Gross
Exposure #: 011
Comments:



Date: 01/27/2011
Time: 12:49 PM
Direction: Northeast
Photo by: Garrison Gross
Exposure #: 012
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:50 PM
Direction: Northwest
Photo by: Garrison Gross
Exposure #: 013
Comments:



Date: 01/27/2011
Time: 12:50 PM
Direction: Southwest
Photo by: Garrison Gross
Exposure #: 014
Comments:

File Names: 1850205035-01272011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/27/2011
Time: 12:52 PM
Direction: Southeast
Photo by: Garrison Gross
Exposure #: 015
Comments:

PROOF OF SERVICE

I hereby certify that I did on the 9th day of March 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

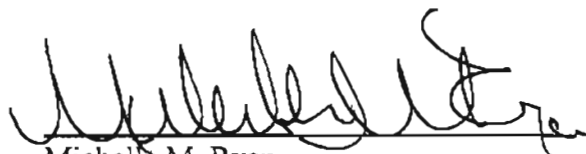
To: Kyle E. Pritchett
411 ½ West 1st Street
Mt. Carmel, Illinois 62863

RECEIVED
CLERK'S OFFICE
MAR 16 2011
STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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