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MAY 05 2011
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DENNIS HECK and RAYMOND A. &)
DEANNA HARRIS,)
)
Respondents.)

AC 11-24
(IEPA No. 84-11-AC)

ORIGINAL

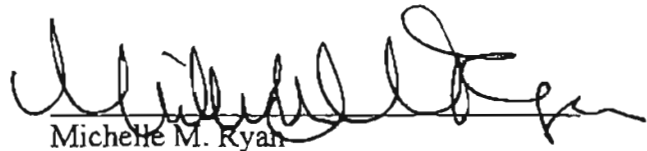
NOTICE OF FILING

To: Dennis Heck
12112 N Lighthouse Lane
Opdyke, IL 62872

Raymond A. and Deanna Harris
P.O. Box 225
Opdyke, IL 62872

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: May 2, 2011



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

May 2, 2011

John Therriault, 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. Dennis Heck and Raymond A. & Deanna Harris
IEPA File No. 84-11-AC: 0818155001—Jefferson 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
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 Raymond A. and Deanna Harris are the current owners and Dennis Heck is the current operator ("Respondents") of a facility located at 12112 North Lighthouse Lane, Opdyke, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Opdyke/Heck, Dennis.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818155001.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on March 29, 2011, Robert Mileur 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 5-2-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 1333.
^{Herk-}
7004 2510 0001 8619 1340
^{Harris-}

VIOLATIONS

Based upon direct observations made by Robert Mileur during the course of his March 29, 2011 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2008).
- (2) That Respondents 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), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 15, 2011, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2008), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, 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, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2008). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.



Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

Date: 4/22/2011

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

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Complainant,)
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v.)
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Heck, Dennis)
)
)
Respondent.)

IEPA DOCKET NO.

ORIGINAL

AFFIDAVIT

Affiant, Robert Mileur, 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 March 29, 2011, between 9:50 a.m. and 10:05 a.m., Affiant conducted an inspection of a disposal site operated by Dennis Heck, located in Jefferson County, Illinois, and known as Opdyke/Heck, Dennis by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818155001 by the Agency.
3. Affiant inspected said Opdyke/Heck, Dennis 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 Opdyke/Heck, Dennis.

Robert A. Milken

Subscribed and Sworn to before me

this 31st day of March, 2011

Ronald E. Morse

Notary Public

RAM:jkb/45461/03-31-11



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Robert A. Miller

Subscribed and Sworn to before me

this 31st day of March, 2011

Ronald E. Morse
Notary Public

RAM:jkb/45471/03-31-11



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

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County: Jefferson LPC#: 0818155001 Region: 7 **STATE OF ILLINOIS Pollution Control Board**

Location/Site Name: Opdyke/Heck, Dennis

Date: 03/29/2011 Time From 9:50am To 10:05am Previous Inspection Date 04/23/2006

Inspector(s): Robert Mileur Weather: Cloudy 38 degrees with a east wind

No. of Photos Taken: # 5 Est. Amt. of Waste: 70 yds³ Samples Taken: Yes # _____ No

Interviewed Dennis Heck Complaint #: C-10-199

Latitude: N38.30125 Longitude: W-88.7992 Collection Point Description: Dump Location -

Dump: Lat: 41.26493 Long.: -89.38294 Collection Method: Map Interpolation - No Sat. Signal

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

Dennis Heck
 12112 North Lighthouse Lane
 Obdyke, IL 62872

Raymond A. & Deanna Harris
 PO Box 225
 Opdyke, IL 62872

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 # 0818155001

Inspection Date: 03/29/2011

	(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 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
INSPECTION NARRATIVE

LPC# 0818155001 – Jefferson County
Obdyke/Heck, Dennis
Inspector(s): Robert Mileur
March 29, 2011
FOS File

Inspection Report Narrative

Robert Mileur representing the Agency inspected this site on March 29, 2011. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

The inspection was conducted as of a result of a complaint to this office and consisted of walking the site then briefly meeting with the property owner.

Inspection Findings

I arrived at the site located southeast of Mount Vernon at around 9:50am. Also meeting me at the site was Sarah Phelps from the Bureau of Air from the Collinsville office. There were apparent concerns over open burning so BOA sent Sarah out to investigate. This site had been investigated previously by Garrison Gross and Maggie Stevenson with a return to compliance letter sent by Mr. Gross on May 19, 2006. This author had been to site previously as well with Mr. Gross back in January 5, 2006. The initial inspection for this site was conducted by Doug Hayward on April 4, 1999. When we arrived at the site there was obvious evidence of open dumping located north of where Dennis Heck lives. I estimated that there was around 70 cubic yards of dumped demolition debris along with some household bagged waste mixed in. Some of the material was charred but it did not appear that it had been burned at that site. It looked like parts of a house that had been burned, demolished and then brought out to the site for disposal. It did not appear that the material was generated onsite. Previous photographs did not indicate that a structure was missing from the property. While Sarah Phelps and I were looking over the dumping area we were approached by an adult male who came out of a small camper trailer sitting south and east of the trash piles. He did not identify himself but he did say that the property that contains the dumped material is owned by Dennis Heck. After talking with the individual, Sarah Phelps decided to leave the site since there was no evidence of open burning so no air violations. I then walked over to the Heck's residence which is directly south of the dump site. Mr. Heck answered the door and I informed him about the reason for my visit and asked him if he had dumped the material and what he planned on doing with it. He stated that he did place the material there and was in the process of cleaning it up. I then informed him that all the

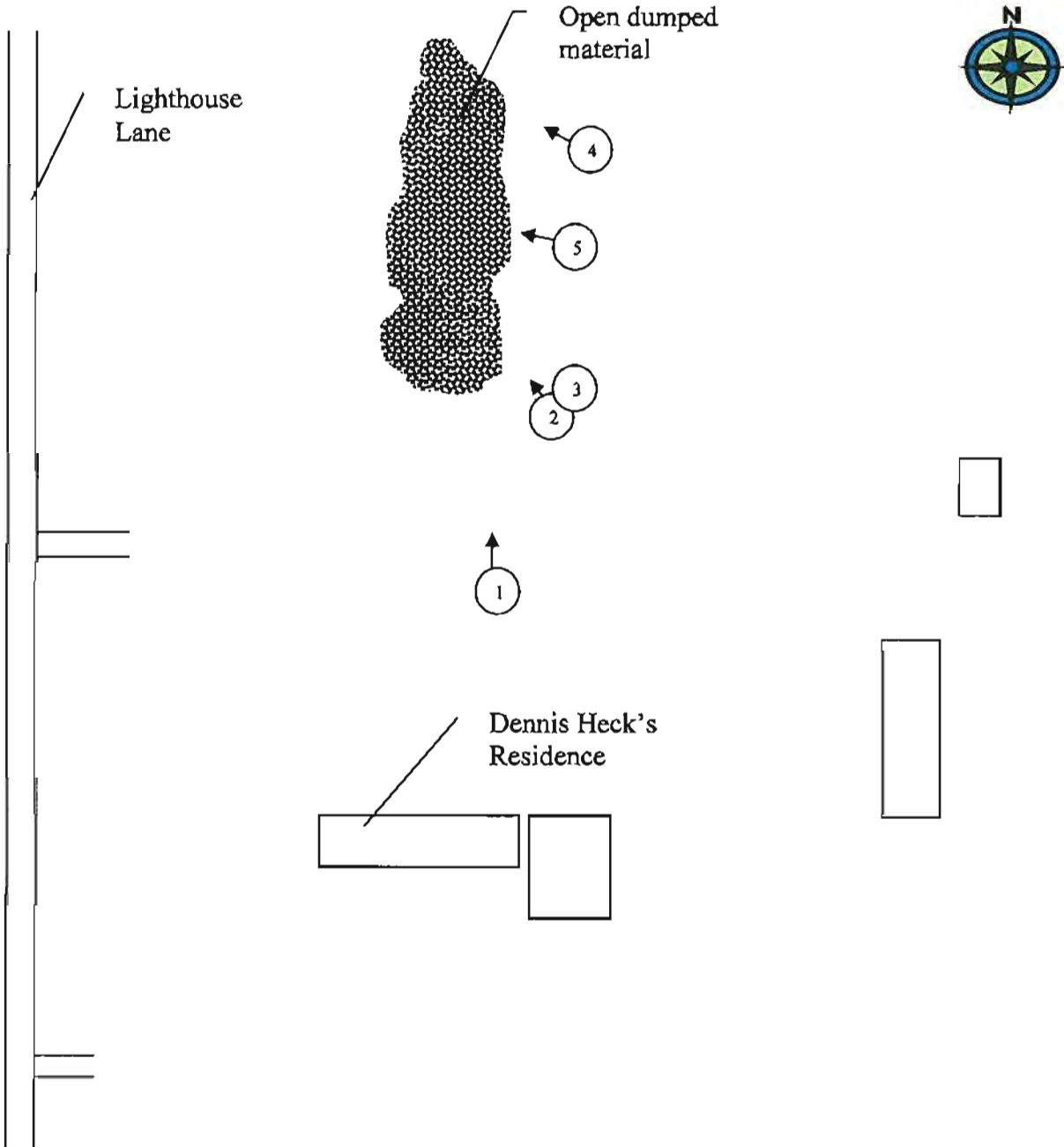
open dumped material needs to go to the landfill for disposal. He said okay and then I returned to my vehicle.

I later called the Jefferson County Supervisor of Assessments and the property in which Dennis Heck resides is still owned by Raymond A. and Deanna Harris of Mount Vernon.

I concluded my inspection at around 10:05am.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Site Sketch





DIGITAL PHOTOGRAPHS



Date: March 29, 2011
Time: 9:51am
Direction: North
Photo by: Robert Mileur
Exposure #: 001
Comments: View of waste pile on Dennis Heck property.



Date: March 29, 2011
Time: 9:52am
Direction: NW and down
Photo by: Robert Mileur
Exposure #: 002
Comments: South end of waste pile. There was some charred material in the pile indicating it came from a burned structure.

File Names: 0818155001~03292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 29, 2011
Time: 9:52am
Direction: NW
Photo by: Robert Mileur
Exposure #: 003
Comments: View of open dumped material containing charred lumber and general domicile waste.



Date: March 29, 2011
Time: 9:54am
Direction: NW
Photo by: Robert Mileur
Exposure #: 004
Comments: View of north end of waste pile. Contains demolition debris and furniture.

File Names: 0818155001~03292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 29, 2011
Time: 9:55am
Direction: NW
Photo by: Robert Mileur
Exposure #: 005
Comments: Demolition debris in waste pile along with some landscaping debris.

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MAY 05 2011

STATE OF ILLINOIS

PROOF OF SERVICE

I hereby certify that I did on the 2nd day of May 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

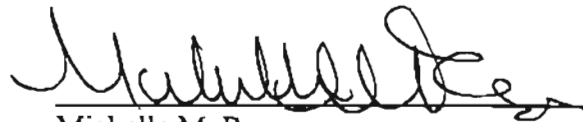
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Opdyke, IL 62872

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P.O. Box 225
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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
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100 West Randolph Street, Suite 11-500
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Assistant Counsel

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