



# 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

John J. Kim, Interim Director

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

RECEIVED  
CLERK'S OFFICE  
JUN 15 2012  
STATE OF ILLINOIS  
Pollution Control Board

June 12, 2012

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

AC12-56

ORIGINAL  
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Donald E. Gulley  
IEPA File No. 135-12-AC; 0818085006—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*  
Michelle M. Ryan  
Assistant Counsel  
by *JGR*

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUN 15 2012

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DONALD E. GULLEY, )  
 )  
 Respondent. )

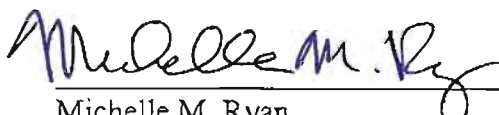
AC 12-56  
 (IEPA No. 135-12-AC)

NOTICE OF FILING

To: Donald E. Gulley  
 P.O. Box 2267  
 Mt. Vernon, IL 62864

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  
 by JCR

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

Dated: June 12, 2012

RECEIVED  
CLERK'S OFFICE

JUN 15 2012

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
DONALD E. GULLEY, )  
 )  
 )  
 )  
 )  
Respondent. )

AC 12-56  
(IEPA No. 135-12-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 (2010).

FACTS

1. That Donald E. Gulley is the current owner ("Respondent") of a facility located at 229 Liebengood Lane, Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Vernon/Gulley-Jolly-Trimmi.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818085006.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on April 23, 2012, 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 6-12-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1183.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his April 23, 2012 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) (2010).
  
- (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) (2010).
  
- (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) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 July 1, 2012, 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 (2010), 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) (2010), 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 (2010). 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.

  
John J. Kim, Interim Director  
Illinois Environmental Protection Agency

Date: 6/11/12

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

RECEIVED  
CLERK'S OFFICE

JUN 15 2012

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, ) )  
) )  
v. ) )  
) )  
DONALD E. GULLEY, ) )  
) )  
) )  
) )  
) )  
Respondent. ) )

AC 12-56  
(IEPA No. 135-12-AC)

FACILITY: Mt. Vernon/Gulley-Jolly-Trim

SITE CODE NO.: 0818085006

COUNTY: Jefferson

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: April 23, 2012

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.

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF WILLIAMSON )

RECEIVED  
CLERK'S OFFICE  
JUN 15 2012  
STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state 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 23, 2012, between 9:45 a.m. and 9:55 a.m., Affiant conducted an inspection of the Donald E. Gulley, Sheila O. Jolly, *et al* property in Jefferson County, Illinois, known as Mt. Vernon / Gulley-Jolly-Trim, by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818085006 by the Agency.
  3. Affiant inspected said Mt. Vernon / Gulley-Jolly-Trim 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. Vernon / Gulley-Jolly-Trim site.
- FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before  
me this 17<sup>th</sup> day of May 2012

Gail Stricklin  
Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

CLERK'S OFFICE

JUN 15 2012

STATE OF ILLINOIS  
 Pollution Control Board

County: Jefferson LPC#: 0818085006 Region: 7th District  
 Location/Site Name: Mt. Vernon / Gulley-Jolly-Trim  
 Date: 04/23/2012 Time: From 9:45 a.m. To 9:55 a.m. Previous Inspection Date: N/A  
 Inspector(s): Garrison Gross Weather: clear skies, 48°F, light breeze  
 No. of Photos Taken: # 5 Est. Amt. of Waste: 15 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: no one was at the site Complaint #: C-12-030

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

Donald E. Gulley & Sheila O. Jolly, etal  
 P.O. Box 2267  
 Mt. Vernon, Illinois 62864

Raymond Trimm  
 8031 N. Cherryville Lane  
 Mt. Vernon, Illinois 62864

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 # 0818085006

Inspection Date: 04/23/2012

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<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

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.



*State of Illinois*  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Narrative Inspection Report**

---

**Site #:** 0818085006 – Jefferson County

**Site Name:** Mt. Vernon / Gulley-Jolly-Trimmm

**Date of Inspection:** April 23, 2012

**Inspector:** Garrison Gross

**Subject:** Open Dumping / Open Burning Site Inspection at Gulley-Jolly-Trimmm Property

**General Remarks:** An Open Dumping / Open Burning Site Inspection was conducted on Monday, April 23, 2012, at property owned by Donald E. Gulley & Sheila O. Jolly. The property is operated by Raymond H. Trimm. Garrison Gross, representing the Illinois EPA Bureau of Land, conducted the inspection. The property is located at ~8375 Cherryville Lane, approximately 2.0 miles northeast Waltonville, Illinois. The inspection was performed as a follow up to a telephone complaint alleging open dumping and open burning at the site. Weather conditions at the time of the inspection were clear skies, 48° F, with a light breeze. Surface conditions were dry.

**Inspection Findings:** The inspection began at approximately 9:45 a.m. Evidence of open dumping and open burning was visible from the road. I entered the site and continued the inspection by walking and photographing the site. A mobile home was located at the site but it was uninhabited. White goods, bath tub, and toilets were observed in the front yard (photo 001). Waste items including windows and a door were located south of the mobile home (photo 002). It appeared that the mobile home was being remodeled.

**Area A:** A circular area where open burning had occurred was observed behind the mobile home. The area measured approximately 20 feet in diameter. Wastes observed included but were not limited to: ash, partially burned dimensional lumber, paneling, insulation, metal, and household items (photos 003). Evidence that used / waste tires had been burned at the site was also observed (photo 005). Pieces of steel belting were observed in the ash and debris.

**Area B:** Another circular area where open burning had occurred was located southwest of the mobile home. This area measured approximately 10 feet in diameter. Wastes observed included but were not limited to: ash, glass, metal cans, domicile wastes and a toilet (photo 004).

Approximately 15 cubic yards of waste and debris were observed at the site. The inspection ended at approximately 9:55 a.m.

**Additional Remarks:** I proceeded to 8031 N. Cherryville Lane (BOL # 0818085005 - Mt. Vernon / Chastain-Trimmm) and conducted an Open Dumping / Open Burning Site Inspection at that address. I spoke to Raymond Trimm. He informed me that he would be moving to the Gully site in a couple of weeks. He said he was purchasing the property via contract for deed from Donald Gulley. He told me that he was remodeling the mobile home and had burned trash and demolition debris at the site. I informed him that the debris and ash from both sites should be cleaned up and hauled to a permitted landfill or transfer station. I told him that receipts would need to be submitted to document compliance. I informed him that the Agency would be sending a letter in the near future.

**0818085006 – Jefferson County  
Mt. Vernon / Gulley-Jolly-Trimmm  
April 23, 2012**

Information concerning property ownership / control was obtained through tax records from the Supervisor of Assessment's Office in Jefferson County. Donald E. Gulley & Sheila O. Jolly, etal, P.O. Box 2267, Mt. Vernon, Illinois 62864 were listed as the owners. The property is referred to as parcel 10-21-400-012 containing 9.14 acres.

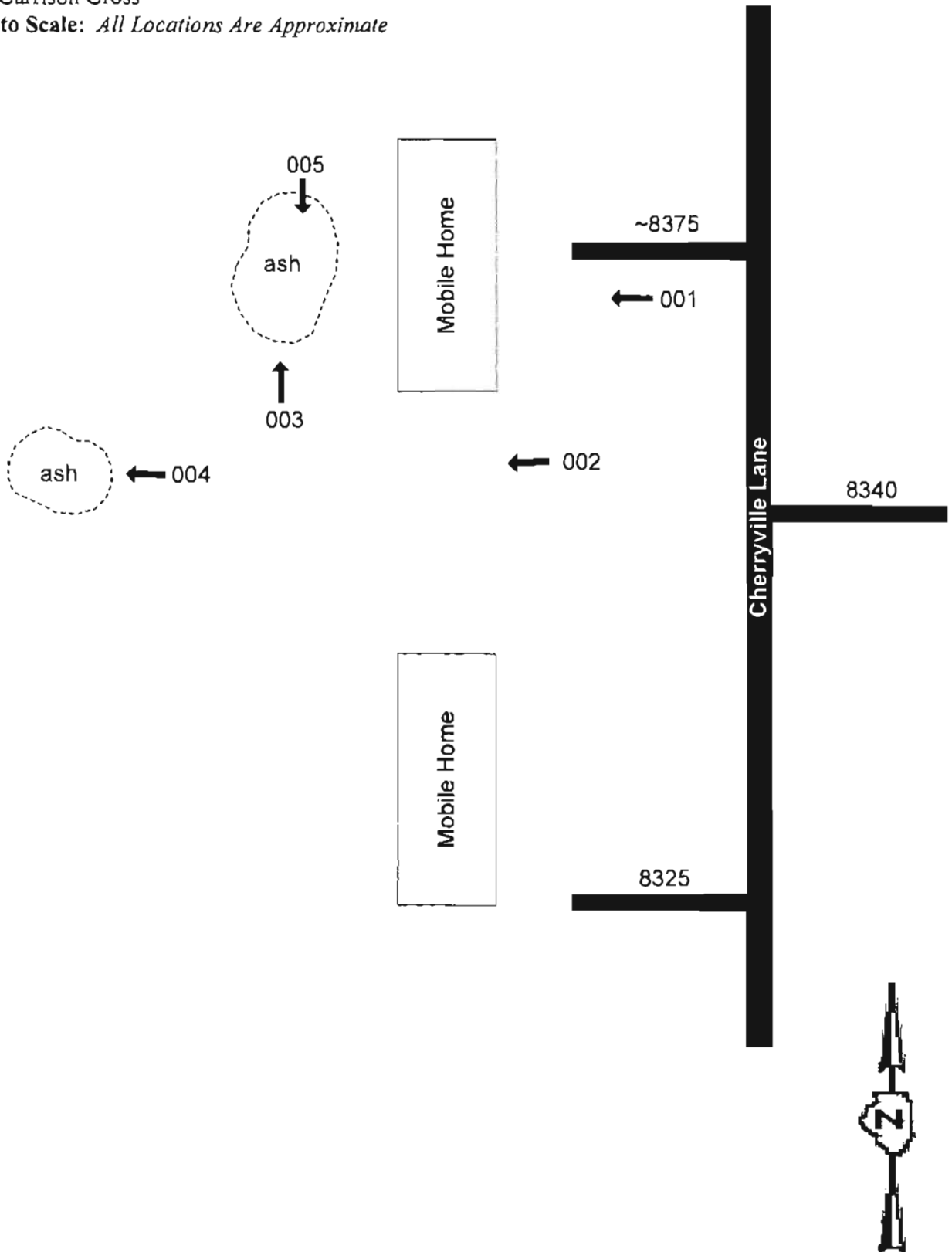
**Summary of Apparent Violations:**

9(a)	21(d)(2)	21(p)(7)
9(c)	21(e)	55(a)(1)
21(a)	21(p)(1)	55(a)(2)
21(d)(1)	21(p)(3)	812.101(a)



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Inspection Site Sketch

Date: April 23, 2012  
BOL ID #: 0818085006 – Jefferson County  
Site Name: Mt. Vernon / Gulley-Jolly-Trim  
Inspector: Garrison Gross  
Not Drawn to Scale: All Locations Are Approximate





## DIGITAL PHOTOGRAPHS



Date: 04/23/2012  
Time: 9:48 a.m.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 001  
Comments: white goods  
and house hold items in  
front yard



Date: 04/23/2012  
Time: 9:49 a.m.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 002  
Comments: waste items in  
side yard

File Names: 0818085006~04232012-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 04/23/2012  
Time: 9:49 a.m.  
Direction: north  
Photo by: Garrison Gross  
Exposure #: 003  
Comments: evidence of  
open dumping and open  
burning

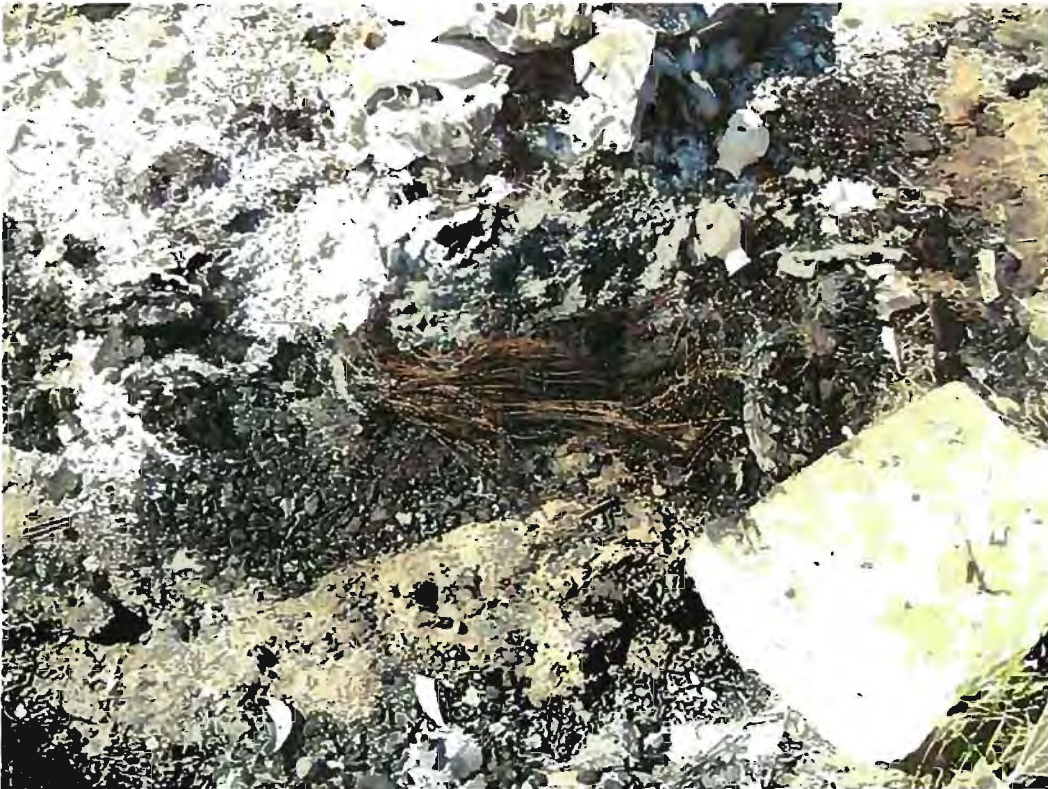


Date: 04/23/2012  
Time: 9:50 a.m.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 004  
Comments: evidence of  
open dumping and open  
burning

File Names: 0818085006-04232012-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 04/23/2012  
Time: 9:51 a.m.  
Direction: south  
Photo by: Garrison Gross  
Exposure #: 005  
Comments: evidence of  
open dumping and open  
burning of used / waste  
tires



RECEIVED  
CLERK'S OFFICE  
JUN 15 2012  
STATE OF ILLINOIS  
Pollution Control Board

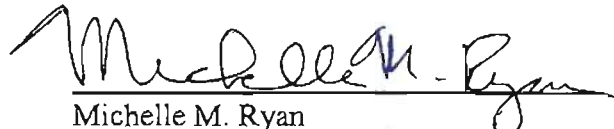
**PROOF OF SERVICE**

I hereby certify that I did on the 12th day of June 2012, 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: Donald E. Gulley  
P.O. Box 2267  
Mt. Vernon, IL 62864

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

  
Michelle M. Ryan  
Assistant Counsel  
by JCR

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