



## Macon County State's Attorney's Office

Macon County Courthouse  
253 E. Wood St., Decatur, IL 62523  
Telephone: 217/424-1400 FAX: 217/424-1402

June 20, 2012

Mr. John Therriault, Asst. Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218

Re: County of Macon v. Dale Pugsley and Tracy Kater  
MCEMD File No. 1158015021: 2012-01

Dear Mr. Therriault:

Attached for electronic filing with the Illinois Pollution Control Board, please find the Administrative Citation Package, including 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.

On this date, a copy of the Administrative Citation Package was sent to the Respondent 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,

A handwritten signature in blue ink, appearing to read 'Michael Baggett', is written over the typed name.

Michael Baggett  
Assistant State's Attorney

Enclosures

Cc: Laurie Rasmus, Macon County Environmental Management Dept.  
Jeff Turner, IEPA Champaign Regional Office  
Ellen Robinson, IEPA  
FOS File

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

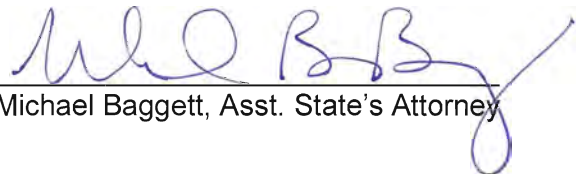
MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 1158015021: 2012-01)
v.	)	
	)	
DALE PUGSLEY and	)	
TRACY KATER,	)	
	)	
Respondents.	)	

NOTICE OF FILING

To: Mr. Dale Pugsley and Ms. Tracy Kater  
5534 Pleasant View Road  
Blue Mound, IL 62513

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,



Michael Baggett, Asst. State's Attorney

Macon County State's Attorney's Office  
Macon County Courthouse  
253 E. Wood Street  
Decatur, IL 62523-1496  
217/424-1400

Dated: June 20, 2012

COUNTY OF MACON

AFFIDAVIT

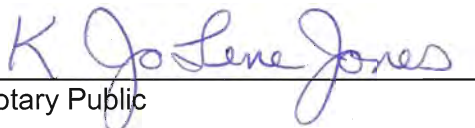
MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 1158015021: 2012-01)
v.	)	
	)	
DALE PUGSLEY and	)	
TRACY KATER,	)	
	)	
Respondents.	)	

Affiant, Laurie Rasmus, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Macon County Environmental Management Department and has been so employed at all times pertinent hereto.
2. On June 12, 2012 between 1:20 p.m. and 2:30 p.m., Affiant conducted an inspection of a property owned by Dale Pugsley and Tracy Kater located in Macon County, Illinois and known as Blue Mound Twp/Pugsley, Dale by the Illinois Environmental Protection Agency. Said site has been assigned Site Code No. 1158015021.
3. Affiant inspected said property by an on-site inspection which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Checklist form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to the facility.

  
 Laurie Rasmus

Subscribed and Sworn to before me this 19th of JUNE 2012.

  
 Notary Public



NOTICE OF FILING

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 1158015021: 2012-01)
v.	)	
	)	
DALE PUGSLEY and	)	
TRACY KATER,	)	
	)	
Respondents.	)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Macon County Environmental Management Department, a delegated county of the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1 (2008).

FACTS

1. That Respondents, Dale Pugsley and Tracy Kater, are the land owners of a property, located at 5534 Pleasant View Road, Macon County, Illinois and is designated as parcel 02-15-08-400-011 with an alternate parcel designation of 15-08-400-011.
2. That Respondents have owned and/or operated said property at all times pertinent hereto.
3. That on June 12, 2012, Laurie Rasmus of the Macon County Environmental Management Department inspected the above-referenced facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

4. That on June 20, 2012, Laurie Rasmus sent this Notice of Filing of the Administrative Citation via United States Postal Service certified mail 7007 0220 0001 2360.

#### VIOLATIONS

Based upon direct observations made by Laurie Rasmus during the course of her June 12, 2012 inspection of the above-referenced facility, the Macon County Environmental Management Department has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed 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); and
- (2) That Respondents caused or allowed 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) (2008); and
- (3) That Respondents caused or allowed open dumping of waste in a manner resulting in deposition of General Construction or Demolition Debris as defined in Section 3.160(a), a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2008); and

#### CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (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 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 August 31, 2012, 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(s) as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Macon County Environmental Management Department and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty of Four Thousand Five Hundred Dollars (\$4,500.00).

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 a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) Macon County Environmental Management Department and mailed to the attention of Debra Hughes-Garrett, Macon County Environmental Management Department, 141 South Main Street, Room 408, Decatur, Illinois 62523.

(2) 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 payments, Respondents shall complete and return the enclosed Remittance Forms to ensure proper documentation of payments.

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 Macon County State's Attorney 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 Macon County State's Attorney at 253 East Wood Street, Decatur, Illinois 62523. 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.

  
Michael Baggett, Asst. State's Attorney  
County of Macon

Date: June 20, 2012

Prepared by: Laurie Rasmus  
Macon County Environmental Management Department  
141 South Main Street, Room 408  
Decatur, IL 62523  
217/421-0291

REMITTANCE FORM

MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 1158015021: 2012-01)
v.	)	
	)	
DALE PUGSLEY and	)	
TRACY KATER,	)	
	)	
Respondents.	)	

FACILITY: Blue Mound Twp/Pugsley, Dale Land Pollution Control No.: 1158015021

COUNTY: Macon CIVIL PENALTY: \$2,250.00

DATE OF INSPECTION: May 12, 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 Macon County Environmental Management Department, Attn.: Debra Hughes-Garrett, 141 South Main Street, Room 408, Decatur, Illinois 62523.



REMITTANCE FORM

MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 1158015021: 2012-01)
v.	)	
	)	
DALE PUGSLEY and	)	
TRACY KATER,	)	
	)	
Respondents.	)	

FACILITY: Blue Mound Twp/Pugsley, Dale Land Pollution Control No.: 1158015021

COUNTY: Macon CIVIL PENALTY: \$2,250.00

DATE OF INSPECTION: May 12, 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, IL 62794.

*Electronic Filing - Received, Clerk's Office, 06/20/2012*  
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Macon LPC#: 1158015021 Region: 4 - Champaign  
 Location/Site Name: Blue Mound Twp/Pugsley, Dale  
 Date: 06/12/2012 Time: From 1:20 pm To 2:30 pm Previous Inspection Date: 08/02/2010  
 Inspector(s): Laurie Rasmus Weather: Clear, 83 F, N-NW 10-15 mph  
 No. of Photos Taken: # 32 Est. Amt. of Waste: 30 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Dale Pugsley Complaint #: 20120612  
 Latitude: 39.76130 Longitude: -89.10488 Collection Point Description: Dump Location - +/- 13' (file)  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: - Garmin 60 CS on 3/26/2010

Responsible Party Mailing Address(es) and Phone Number(s):  Mr. Dale Pugsley & Tracy Kater 5534 Pleasant View Rd. Blue Mound, IL 62513 217/454-7262	Site:  6357 S. Lincoln Memorial Dr. Blue Mound, IL 62513
--	---

	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 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 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 # 1158015021

Inspection Date: 06/12/2012

	(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"/>
<b>9.</b>	<b>55(a)</b>	<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>10.</b>	<b>55(k)</b>	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
<b>11.</b>	<b>812.101(a)</b>	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
<b>12.</b>	<b>722.111</b>	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>13.</b>	<b>808.121</b>	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>14.</b>	<b>809.302(a)</b>	<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>15.</b>	<b>815.201</b>	<b>FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
<b>16.</b>		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
<b>17.</b>	<b>OTHER:</b>		<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.

**LPC #1158015021 - Macon County**

**Site/Locations:** Blue Mound Twp/ Pugsley

**FOS File**

**Inspector(s):** Laurie Rasmus

**Inspection Date:** June 12, 2012

Geographical data: 39.76130, -89.10488, +/-13' (file)

**Inspection Report Narrative**

This site was inspected on June 12, 2012 between 1:20 p.m. and 2:30 p.m. by Laurie Rasmus (author of this report), representing the Macon County Environmental Management Department (MCEMD). Weather conditions at the time of the inspection were clear skies, north to northwest winds of ten and fifteen miles per hour and an air temperature near 83 degrees Fahrenheit. Thirty-two photographs were recorded. No samples were collected. Upon arrival no persons were on site. The South Macon Fire Protection District (SMFPD) was called to the site and arrived during the inspection.

**General Information/Site History**

This property is zoned agricultural and is approximately 1.45 acres in the Blue Mound Township of Macon County. The property is addressed as 6357 South Lincoln Memorial Parkway, Blue Mound and designated as parcel 15-08-400-011. This inspection was conducted in response to a complaint of open burning.

In 2010 this site was first inspected on March 26, 2010 which resulted in the issuance of an Administrative Citation Warning Notice to Dale Pugsley on April 06, 2010. A follow-up inspection on May 21, 2010 resulted in an Administrative Citation being issued to Mr. Pugsley on June 29, 2010. An inspection on August 02, 2012 noted that previous violations had been corrected and no new violations were observed. A Motion to Dismiss the Administrative Citation was filed with the Illinois Pollution Control Board on August 03, 2012.

**Property Ownership**

According to the Macon County Recorder's and Assessor's Offices records, the property is owned by Dale Pugsley and Tracy Kater.

**Inspection Findings**

As I was driving south on Lincoln Memorial Parkway and was approximately one mile north of the property, I saw gray smoke rising and floating to the east. Upon arrival, it was evident that the smoke was being generated from a fire that was inside of

a roll-off container that was on the property. I parked along the east side of Lincoln Memorial Parkway, adjacent to the northeast corner of the property so as to avoid the gray smoke which was being pushed east and south by the wind.

From Lincoln Memorial Parkway, I recorded two photos so as to document the entrance of the property (photos 01-02). From this vantage point, I observed that the air had a foul odor and smoke was visible. I then walked west along the northern boundary of the property, finding a trailer without license plates that was marked with "PLEASANT VIEW GENERAL CONTRACTING" (photo 03). An accumulation of metal siding was loosely stacked on the ground in the area (photo 04).

Towards the center of the property, the source of the smoke was present, an active fire that was projecting above the interior space of a roll-off container, which was of a capacity of approximately thirty cubic yards. In order to be upwind of the gray smoke and heat of the orange flames, I observed the container from points that were primarily northwest of the container (photos 04-08). The roll-off container appeared to be damaged by fire and was mottled with black, gray and blue. The door of the container was facing west and was in the closed position. At this time, I was neither able to be in close proximity of the container nor view the contents inside of the container due to the smoke and intense heat that was generated by the fire.

While observing the container from the northwest, I telephoned Macon County Dispatch and reported the fire as a possible illegal burn. As I was waiting for the fire department to arrive, I walked farther to the west and observed that a fuel tank and a drum were lying on the ground (photo 09). From this vantage point, I observed that the fire protruding from the interior of the roll-off container continued to generate orange flames and dark gray smoke (photo 10). I then walked back east along the northern boundary of the property, observing that an open trailer was parked near where I had earlier observed the stacks of metal siding (photo 11). The trailer had an Illinois license plate of 248 920 ST (photo 12).

I then continued walking east along the northern boundary of the property to the road to wait for the fire department. Three persons from the South Macon Fire Protection District arrived in two fire trucks at 1:56 p.m. After the fire trucks turned into the driveway and as I was walking back to the west along the northern boundary of the property, I was approached by a person who in referring to the fire said, "There was three or four times I heard it exploded." The person voiced concern about the safety of the responders due to the explosions. I told the person that I would inform the firefighters of such.

When I had reached the vantage point of the area northwest of the roll-off container, the firefighters were spraying water into the roll-off container (photos 13 & 14). One of the firefighters, who told me his name was Ed Aukamp, walked to where I was standing. I told Mr. Aukamp that I was informed that explosions from the fire were heard. I answered Mr. Aukamp's questions regarding the name of the property owner and address of the property.

Following our conversation, Mr. Aukamp returned to the fire truck that was being utilized and moved the truck closer to the roll-off container (photo 15). Firefighter Stuart applied water to the fire in the roll-off container from the top of the fire truck while Firefighter Crawford sprayed water from a second hose over the north rim of the container (photos 16-17).

As the fire was being extinguished, I observed that an accumulation of waste that appeared to be open dumped was present on the ground in an area northwest of the roll-off container (photo 18). The waste accumulation was no higher than six feet above grade at its highest point and was approximately twenty feet east-west by fifteen feet north-south. The accumulation of waste appeared to primarily consist of treated and untreated dimensional lumber. A number of pieces of the lumber contained protruding nails. Other items observed in the waste accumulation included a length of PVC pipe, a pallet, sheet metal that appeared to be adhered to lumber, an aluminum beverage can, a plastic bottle of the type that contains a fuel additive, and a wadded sheet of what appeared to be a tarp of synthetic material (photo 11).

To the south in an area southwest of the roll-off container was another accumulation of waste materials that appeared to be open dumped on the area of overgrown vegetation (photo 20, 29-30). The accumulation was approximately fifteen feet in diameter and appeared to be no more than six feet above grade at its highest point. The accumulation of waste appeared to consist of drywall pieces that appeared to be torn-out and then disposed. Other waste items observed in the waste accumulation included cardboard that appeared to be weathered and a number of lengths of vinyl siding and vinyl trim pieces.

Once the fire was controlled, I walked toward the roll-off container, observing that fragments of waste including drywall, plastic, dimensional lumber and vinyl siding were littered on the ground adjacent to the north side of the roll-off container (photo 21). I then photographed the interior of the roll-off container with my camera above the rim of the container at a height of approximately five feet above the surrounding grade (photos 22-24). Smoke and steam was rising from the waste that was in the container. Waste items observed in the container included ash, fragment of charred dimensional lumber, fragments of drywall that appeared to be burned, charred metal springs that appeared to be from automotive upholstery or furniture, fragments of charred cardboard, a section of charred corrugated building panel, fragments of sheeting that appeared to be charred roof shingles that had melted together, and vinyl siding pieces that appeared to be charred and partially melted. For an alternative view, I climbed onto the fire truck and recorded additional photographs of the roll-off container and its contents (photos 25-28).

As the firemen were putting away their equipment, I walked around to the south side of the roll-off container (photos 29-30). The fireman then drove from the property as I walked east along the lane on the south side of the property. On a concrete pad, it appeared as though a number of waste items had been abandoned including a fuel tank of the type used for propane, a gas tank of the type used by welders and a fertilizer cart (photo 31). A trough was also present on the pad.

I then diverted from the lane to the northeast to photograph a truck that was parked on the property with a front Illinois license plate of 32 288 S (photo 32). After continuing to the northeast, I returned to the area of my vehicle and concluded the inspection.

### **Post-Inspection Findings**

On June 12, 2012 after returning to my office, I listened to a voicemail that was time stamped at 12:48 p.m. The caller said that Dale Pugsley had a dumpster on his

property near Blue Mound and that the contents of the dumpster were burning. The caller said, "As I'm going by, I heard it explode three or four times." On June 14, 2012, I called the telephone number that was stamped on the voicemail and recorded a message that I received the complaint and would like a return call.

On June 14, 2012 at 11:08 a.m., I telephoned the number that I had on file for Dale Pugsley. I asked the person who answered my call if he was Dale Pugsley and the caller affirmed that he was. I then identified myself and explained that I had received two complaints regarding open burning on his property. I further explained that I conducted an inspection and had summoned the fire department to extinguish the blaze. Mr. Pugsley then volunteered, "I don't know who set it off." As he continued to talk about the fire, Mr. Pugsley then said, "My guy did it." Mr. Pugsley continued to say, "They were cleaning up because somebody dumped a bunch of building materials there." Mr. Pugsley then said that he thought that only one of his employees was on site that day. I asked for the employee's name and Mr. Pugsley replied, "Doug Hite." He then added, "I think he was the only one there." Mr. Pugsley then volunteered, "I did tell him to burn the sucklers." I asked for further details as to the meaning of his directive to his employee(s). Mr. Pugsley explained that he had directed that the over-grown vegetation be cut and burned. I then asked Mr. Pugsley to identify who owned the roll-off container that had the burning waste. Mr. Pugsley replied, "Pugsley Container." I asked how long he had the container. Mr. Pugsley said, "I've had it a year or so," and added, "I keep it there all the time." We then ended our conversation.

Following the telephone conversation, I was away from my desk until 11:43 a.m. Upon returning, I listened to a voice mail that had been received on my desk line. The entire message was: "Yeah, Laurie. This is Dale Pugsley. I checked with Doug Hite. He said that he did not start that fire. Thank you. If you get a chance, return my call, please."

I then immediately returned Mr. Pugsley's call. Mr. Pugsley explained that he had telephoned Doug Hite following our earlier telephone conversation and was told by Mr. Hite that the work of burning the saplings and grading the site was never completed. Mr. Pugsley continued to say that he had not verified the work had or had not been completed saying, "I haven't been over there," explaining that he had a significant health issue. Mr. Pugsley in referring to Mr. Hite said, "He thinks Alan did it and he's the one calling it in." I asked Mr. Pugsley for Mr. Hite's telephone number. Mr. Pugsley replied that he did not have the number immediately available but would ask Mr. Hite to telephone me. We then ended the conversation.

On June 18, 2012 I met with Phillip Pugsley at his place of business for Pugsley Container and Decatur Recycled Asphalt Shingles in regards to a non-related matter. I told Mr. Phillip Pugsley that I inspected Dale Pugsley's property in response to a complaint of open burning and that the contents of roll-off container were observed to be burning. I explained that Dale Pugsley had told me that the the roll-off container was owned by Pugsley Container. Mr. Phillip Pugsley said, "I had sold him a dumpster" and explained that he had traded the container in exchange for some sheet metal or some other item. We then directed our conversation to the matter at hand.

### Summary of Apparent Violations

**Environmental Protection Act ILCS 5/1 et seq.** (formerly Ill Rev. Stat. Ch. 111 ½, 1001 et seq.) {hereinafter referred to as the "Act"}

**Pursuant to Section 9(a) of the Act**, no person shall cause, threaten, or allow; or tend to cause, threaten or allow, air pollution in Illinois.

- A violation of Section 9(a) is alleged because evidence of open-burning that would cause, threaten, or allow; or tend to cause, threaten, or allow air pollution in the State of Illinois was observed during the inspection.

**Pursuant to Section 9(c) of the Act**, no person shall cause or allow the open burning of any refuse, conduct any salvage operation by open burning or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and not approved by the agency.

- A violation of Section 9(c) is alleged because evidence that open burning of refuse occurred on site was observed during the inspection.

**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) is alleged because evidence of open dumping of waste was observed during the inspection.

**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) is alleged because waste was disposed of and/or stored without a permit granted by the Agency.

**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) is alleged because waste was disposed of and/or stored in a way that violates regulations and standards adopted by the Board.



**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) is alleged because waste was disposed of and/or stored in a manner that does not meet the requirements of the Act.

**Pursuant to Section 21(p)(1) of the Act**, no person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...litter.

- A violation of Section 21(p)(1) is alleged because evidence that open dumping of waste was caused or allowed to occur and resulted in litter deposition on site was observed during the inspection.

**Pursuant to Section 21(p)(3) of the Act**, no person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...open burning.

- A violation of Section 21(p)(3) is alleged because evidence that open dumping of waste was caused or allowed to occur and resulted in open burning on site was observed during the inspection.

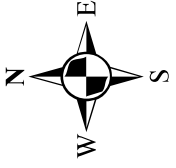
**Pursuant to Section 21(p)(7) of the Act**, no person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...clean construction and/or demolition debris as defined in Section 3.160(b) of this Act.

- A violation of Section 21(p)(7) is alleged because the open dumping of waste was caused or allowed to occur and resulted in the deposition of clean construction and/or demolition debris on site.



Macon County - 1158015021  
Site: Blue Mound Twp/ Pugsley, Dale  
FOS File  
Inspector: Laurie Rasmus  
Inspection date: June 12, 2012

Aerial photo is 2010 file photo.  
Annotations may not be to scale.  
Arrows denote direction of photos.  
Circles with crosshairs denote GPS waypoints.  
Printed on recycled paper. 1 inch = 50 feet





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:25 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 01  
**Direction of subject:** W  
**Comments:** Property from roadside  
view



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:25 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 02  
**Direction of subject:** W  
**Comments:** Zoomed in on sign from  
same point of view as photo 01





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:27 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 03  
**Direction of subject:** WSW  
**Comments:** Trailer without license  
plate



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:28 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 04  
**Direction of subject:** SW  
**Comments:**



## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:28 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 05  
**Direction of subject:** SW  
**Comments:**



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:29 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 06  
**Direction of subject:** S  
**Comments:**





## Inspection Photographs

**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 1:30 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 07

**Direction of subject:** SE

**Comments:**



**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 1:31 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 08

**Direction of subject:** SE

**Comments:**



## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:40 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 09  
**Direction of subject:** ESE  
**Comments:**



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:40 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 10  
**Direction of subject:** ESE  
**Comments:** Zoomed in from same  
point of view as photo 09





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:49 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 11  
**Direction of subject:** SE  
**Comments:**



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 1:50 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 12  
**Direction of subject:** SE  
**Comments:** Close-up of rear license  
plate of open trailer in center of photo  
11





## Inspection Photographs

**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 1:58 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 13

**Direction of subject:** SE

**Comments:** Firefighter Stuart on top of truck; Firefighter Aukamp on ground to left; Firefighter Crawford on ground to right



**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 1:59 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 14

**Direction of subject:** SE

**Comments:** Firefighter Stuart on top of truck; Firefighter Crawford climbing truck



## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:03 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 15  
**Direction of subject:** SE  
**Comments:** Firefighter Stuart on top  
of truck



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:06 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 16  
**Direction of subject:** SE  
**Comments:** Firefighter Crawford  
on north side of roll-off container with  
burning waste





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:07 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 17  
**Direction of subject:** SE  
**Comments:** Firefighter Crawford on  
north side of roll-off container with  
burning waste



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:12 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 18  
**Direction of subject:** E  
**Comments:** Waste open dumped in  
area northwest of roll-off container  
with burning waste





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:13 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 19  
**Direction of subject:** NE  
**Comments:** Alternate view of same  
subject matter in photo 18



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:15 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 20  
**Direction of subject:** SW  
**Comments:** Waste open dumped in  
area southwest of roll-off container  
with burning waste





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:17 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 21  
**Direction of subject:** SE  
**Comments:** Area north of roll-off  
container with burning waste; partial  
view of Firefighter



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:19 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 22  
**Direction of subject:** S  
**Comments:** Inside of roll-off  
container's west section





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:19 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 23  
**Direction of subject:** SE  
**Comments:** Inside of roll-off  
container



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:19 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 24  
**Direction of subject:** SE  
**Comments:** Zoomed in from same  
point of view as photo 23





## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:21 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 25  
**Direction of subject:** SW  
**Comments:** Point of view from on  
top of firetruck



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:21 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 26  
**Direction of subject:** SW  
**Comments:** Point of view from on  
top of firetruck; Zoomed in on waste  
in east section of roll-off container





## Inspection Photographs

**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 2:21 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 27

**Direction of subject:** SW

**Comments:** Point of view from on top of firetruck; Zoomed in on waste in center section of roll-off container



**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 2:22 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 28

**Direction of subject:** SW

**Comments:** Point of view from on top of firetruck; Zoomed in on waste in west section of roll-off container





## Inspection Photographs

**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 2:23 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 29

**Direction of subject:** W

**Comments:** Waste in background is southwest of roll-off container



**Site:** 1158015021

**County:** Macon

**Site Name:** Blue Mound Twp/  
Pugsley, Dale

**Date:** June 12, 2012

**Time:** 2:23 p.m.

**Photographer:** Laurie Rasmus

**Photograph:** 30

**Direction of subject:** W

**Comments:** Detail of waste in photo  
29



## Inspection Photographs

**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:24 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 31  
**Direction of subject:** NW  
**Comments:**



**Site:** 1158015021  
**County:** Macon  
**Site Name:** Blue Mound Twp/  
Pugsley, Dale  
**Date:** June 12, 2012  
**Time:** 2:25 p.m.  
**Photographer:** Laurie Rasmus  
**Photograph:** 32  
**Direction of subject:** W  
**Comments:**





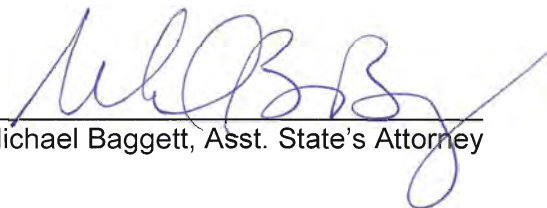
PROOF OF SERVICE

I, MICHAEL BAGGETT, Assistant State's Attorney of Macon County, Illinois, do hereby certify that on June 20, 2012, I did send by Certified Mail, Return Receipts 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: Mr. Dale Pugsley and Ms. Tracy Kater  
5534 Pleasant View Road  
Blue Mound, IL 62513

and the true and correct copy of the same foregoing instruments on the date by electronic filing

To: John Therriault  
Illinois Pollution Control Board  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218

  
Michael Baggett, Asst. State's Attorney

Macon County State's Attorney's Office  
Macon County Courthouse  
253 E. Wood Street  
Decatur, IL 62523-1496  
217/424-1400

Dated: June 20, 2012