



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

July 16, 2012

ORIGINAL  
RETURN TO CLERK'S OFFICE

RECEIVED  
CLERK'S OFFICE  
JUL 23 2012  
STATE OF ILLINOIS  
Pollution Control Board

AC13-7

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. Robert Manker  
IEPA File No. 175-12-AC; 1378580003—Morgan 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

RECEIVED  
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JUL 23 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
ROBERT MANKER, )  
 )  
Respondent. )

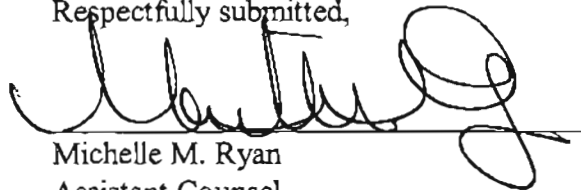
AC 13-7  
(IEPA No. 175-12-AC)

**NOTICE OF FILING**

To: Robert Manker  
2287 West Street  
P.O. Box 23  
Literberry, IL 62660

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: July 16, 2012



5. That on 7-16-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1480.

VIOLATIONS

Based upon direct observations made by Mark Weber during the course of his June 6, 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 Six Thousand 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 August 31, 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: 7/16/2012

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  
JUL 23 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
ROBERT MANKER, )  
 )  
 )  
 )  
 )  
Respondent. )

AC 13-1  
(IEPA No. 175-12-AC)

FACILITY: Literberry/Manker  
SITE CODE NO.: 1378580003  
COUNTY: Morgan  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: June 6, 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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
CLERK'S OFFICE

JUL 23 2012

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

AC13-7

IN THE MATTER OF: )  
)  
Illinois Environmental )  
Protection Agency )  
)  
vs. )  
)  
Robert Manker, )  
)  
Respondent. )

IEPA DOCKET NO.

Affiant, Mark J. Weber, being first duly sworn, voluntarily deposes and states as follows:

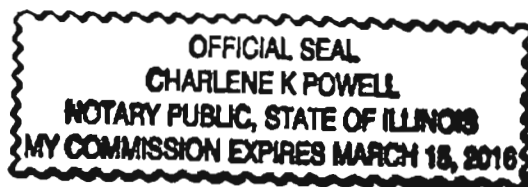
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On June 6, 2012 between 11:30 AM and 11:55 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Morgan County, Illinois, and known as Literberry/Manker by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1378580003 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Literberry/Manker open dump site by an on-site inspection, which included a walk through of the site and photo documentation of site conditions.
4. As a result of the activities 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 Literberry/Manker open dump.

Mark J. Weber  
Mark J. Weber

Subscribed and Sworn To before me  
This 21 day of June, 2012

Charlene K. Powell

Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Morgan      LPC#: 1378580003      Region: 5 - Springfield  
 Location/Site Name: Literberry/Manker  
 Date: 06/06/2012    Time: From 1130    To 1155    Previous Inspection Date: 06/22/2011  
 Inspector(s): Mark Weber      Weather: 75 degrees F sunny w/5 - 10 mph NW wind  
 No. of Photos Taken: # 5    Est. Amt. of Waste: 20 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: \_\_\_\_\_  
 Latitude: 39.856042    Longitude: -90.201659    Collection Point Description: Center of Site -  
 (Example: Lat.: 41.26493      Long.: -89.38294)      Collection Method: Photo Interpretation

Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):  
 Robert Manker  
 2287 West St.  
 P.O. Box 23  
 Literberry, IL 62660  
 217/886-2606

**RECEIVED**  
**CLERK'S OFFICE**  
  
**JUL 23 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

	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 # 1378580003

Inspection Date: 06/06/2012

	(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"/>
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 type="checkbox"/>
10.	55(k)	<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>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	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>			
15.		<b>APPARENT VIOLATION OF:</b> ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) <b>CIRCUIT COURT CASE NUMBER:</b> _____ <b>ORDER ENTERED ON:</b> _____	<input type="checkbox"/>
16.	<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.



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMORANDUM

**DATE:** June 14, 2012  
**TO:** Bureau of Land File  
**FROM:** Mark Weber, DLPC/FOS – Springfield Region  
**SUBJECT:** LPC# 1378580003 - Morgan County  
Literberry/Manker  
FOS File

On June 6, 2012 Mr. Mark Weber, Division of Land Pollution Control/Field Operations Section (DLPC/DOS) - Springfield Regional Office (SRO), conducted a re-inspection of the Manker site in Literberry, Illinois. The initial inspection of the site was conducted on June 22, 2011 as an IEPA inspector had observed a large pile of open dumped wastes on the Manker property while inspecting another site in Literberry.

The Manker site is located immediately northwest of the intersection of West Street and Cain Street in Literberry, Illinois. Legally and specifically the property is located in the Village of Literberry, Liters Addition, Lots 11 and 12 in Morgan County, Illinois. The legal description was obtained from property tax assessment information for Morgan County as it is provided on the Beacon web site. The owner of the property is listed as Robert L. Manker. The physical address for the property is given as 2287 West Street in Literberry, Illinois. Please refer to the attached aerial photograph for a depiction of the site location.

As a result of the June 22, 2011 site inspection an Administrative Citation Warning Notification (ACWN) dated July 21, 2011 was sent to Mr. Robert Manker. Violations of the Illinois Environmental Protection Act cited in the ACWN included Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), and 55(a)(1). An apparent violation of the Regulations, 35 Illinois Administrative Code 812.101(a) was also cited. To date the SRO has not been provided with any correspondence, receipts, or any other form of documentation indicating that the wastes had been properly disposed of per the conditions of the ACWN.

### **June 6, 2012 Re-Inspection**

The IEPA inspector arrived at the Manker site at approximately 1130 hours on June 6, 2012. The temperature was approximately 75° Fahrenheit. Skies were mostly sunny and there was a 5 – 10 mile per hour northwest wind. Soil conditions were dry. There is a residence located on the property, but Mr. Manker was not home at the time of the re-inspection.

While the large waste pile that originally caught the attention of the IEPA inspector has been removed, there has clearly been further open dumping taking place at the Manker site. Newer open dumped wastes at the Manker property are again clearly visible from the public right of way. These wastes have been dumped at various locations in the yard around the residence.

Wastes observed during the June 6, 2012 re-inspection include dimensional lumber, construction and demolition debris, plastics, and paper. An inactive brick lined open burn area was also observed on the Manker property. This burn area is located immediately northwest of the residence. Located within the burn area itself was ash from previous fires, unburned cardboard, and unburned dimensional lumber. There was a pile of hardwood flooring immediately adjacent to the burn area and other dimensional lumber open dumped nearby. It is important to note that Mr. Manker owns and operates a construction company. It appears that nearly all of the wastes open dumped on his property and located with or adjacent to the open burn area are typically associated with that type of business.

There is also a pile of unused prefabricated roof trusses located along the western edge of the Manker property. The pile exhibits signs that it has been stored in this area for an extended period of time. The lumber is rotting, warped, and has become discolored with what appears to be mold. Indeed, the pile was in the same location during the initial June 22, 2011 site inspection. While some of the wastes identified during the initial inspection have been removed, the total volume of open dumped waste that remains on-site has been estimated at 20 cubic yards. Please refer to the attached photographs for a depiction of site conditions as they existed during the June 6, 2012 inspection.

Photograph #1 depicts the former location of a large waste pile located on the Manker property and documented during the initial inspection.

Photograph #2 shows open dumped dimensional lumber, hardwood flooring, paper, and plastic at the Manker site. All of these wastes are located in proximity of an open burn area. Mr. Manker owns and operates a construction company.

Photograph #3 provides a view of the brick lined inactive open burn area on the Manker site. Paper and dimensional lumber are located within the burn area. Hardwood flooring and other dimensional lumber are open dumped nearby.

Photograph #4 was taken of used tires and rotting dimensional lumber that remain on-site.

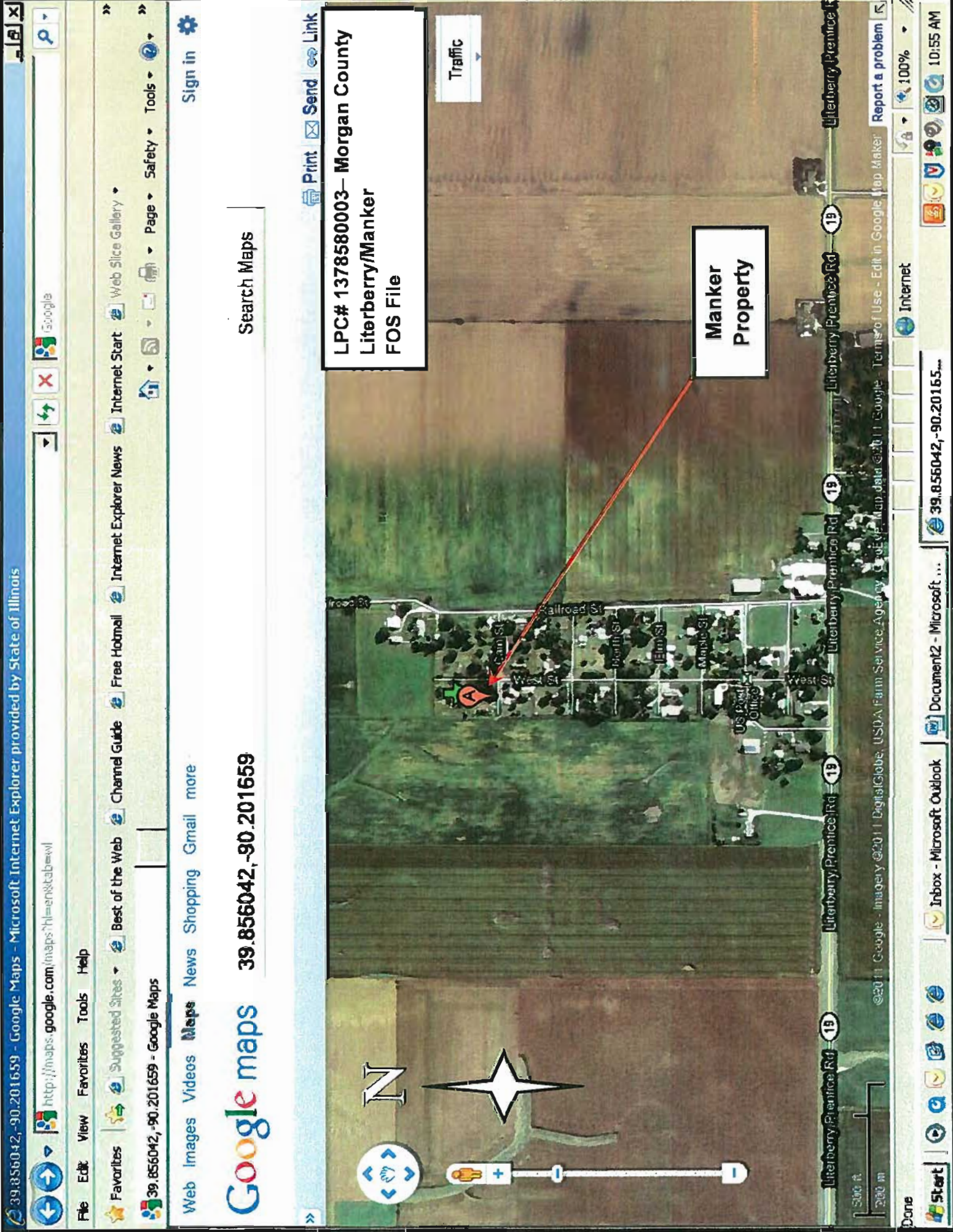
Photograph #5 shows an open dumped pile of drywall. It appears that the drywall was torn out during a remodel or demolition and brought to the site.

The June 6, 2012 re-inspection of the Manker site was conducted in order to determine if violations cited in the July 21, 2011 ACWN had been rectified. It was determined that while some of the open dumped waste has been removed per the conditions of the ACWN violations of the Illinois Environmental Protection Act persist. Violations of the Act that were observed during the re-inspection include Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), and 21(p)(7). An apparent violation of the Regulations, 35 Illinois Administrative Code (IAC) Section 812.101(a) persists as well. Refer to the attached Open Dump Checklist for additional information.

The IEPA inspector left the Manker site at approximately 1155 hours and proceeded to conduct other site inspections in Literberry, Illinois.

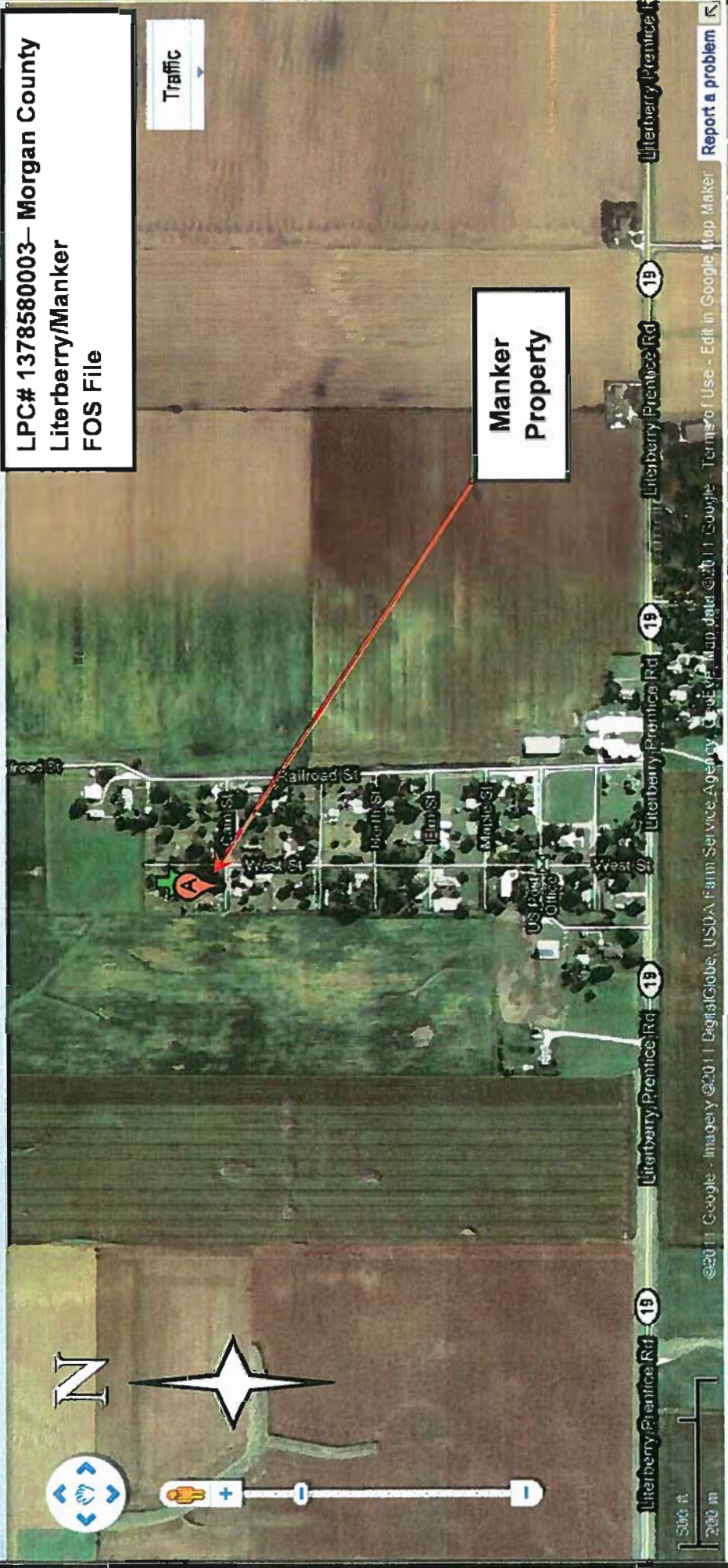
cc: DLPC/FOS - Springfield Region





Google maps 39.856042, -90.201659 Search Maps

Print | Send | Link  
LPC# 1378580003 - Morgan County  
Literberry/Manker  
FOS File





**DIGITAL PHOTOGRAPHS**



**Date:** 06/06/2012  
**Time:** 1149  
**Direction:** NW  
**Photo by:** M. Weber  
**Exposure #:** 1  
**Comments:** Former location of a large waste pile located on the Manker property and documented during the initial inspection.



**Date:** 06/06/2012  
**Time:** 1150  
**Direction:** SE  
**Photo by:** M. Weber  
**Exposure #:** 2  
**Comments:** Open dumped dimensional lumber, hardwood flooring, paper, and plastic at the Manker site. All of these wastes are located in proximity of an open burn area. Mr. Manker owns and operates a construction company.



**DIGITAL PHOTOGRAPHS**



**Date:** 06/06/2012  
**Time:** 1150  
**Direction:** S  
**Photo by:** M. Weber  
**Exposure #:** 3  
**Comments:** Brick lined inactive open burn area on the Manker site. Paper and dimensional lumber are located within the burn area. Hardwood flooring and other dimensional lumber are open dumped nearby.



**Date:** 06/06/2012  
**Time:** 1151  
**Direction:** W  
**Photo by:** M. Weber  
**Exposure #:** 4  
**Comments:** Used tires and rotting dimensional lumber that remains on-site.



**DIGITAL PHOTOGRAPHS**



**Date:** 06/06/2012  
**Time:** 1152  
**Direction:** N  
**Photo by:** M. Weber  
**Exposure #:** 5  
**Comments:** Open  
dumped pile of drywall.  
Looks as if it was torn out  
during a remodel or  
demolition and brought to  
the site.

**PROOF OF SERVICE**

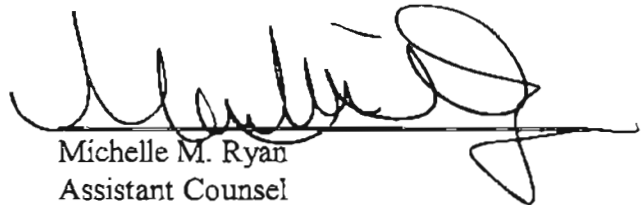
I hereby certify that I did on the 16th day of July 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

RECEIVED  
CLERK'S OFFICE  
JUL 23 2012  
STATE OF ILLINOIS  
Pollution Control Board

To: Robert Manker  
2287 West Street  
P.O. Box 23  
Literberry, IL 62660

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

Illinois Environmental Protection Agency  
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