



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

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SEP 28 2012

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817

TDD: (217) 782-9143

September 25, 2012

AC13-15

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. Dorothy Tenney Trust
IEPA File No. 223-12-AC; 0378005002—DeKalb 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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SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DOROTHY TENNEY TRUST,

Respondent.

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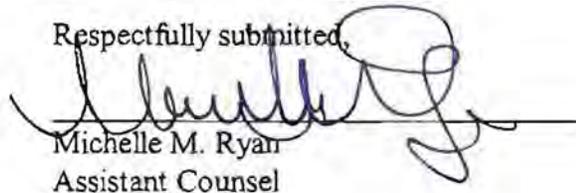
AC 13-15
(IEPA No. 223-12-AC)

NOTICE OF FILING

To: Dorothy Tenney Trust
790 S. Prospect Avenue
Bartlett, IL 60103

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: September 25, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.)
DOROTHY TENNEY TRUST,)
Respondent.)

AC 13-15
(IEPA No. 223-12-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 Dorothy Tenney Trust is the current owner ("Respondent") of a facility located at 10211 Keslinger Road, DeKalb, DeKalb County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Afton Township/Elite Mobile Services.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0378005002.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on August 16, 2012, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 9-25-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 4860.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her August 16, 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 October 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.

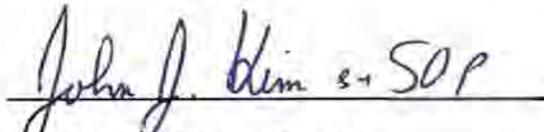
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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:

9/21/2012

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

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SEP 28 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
DOROTHY TENNEY TRUST,)
)
)
)
)
)
Respondent.)

AC 13-15
(IEPA No. 223-12-AC)

FACILITY: Afton Township/Elite Mobile Services
SITE CODE NO.: 0378005002
COUNTY: DeKalb
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: August 16, 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

AFFIDAVIT

IN THE MATTER OF:)

Dorothy Tenney Trust)

Respondent)

) IEPA DOCKET NO.

Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 16, 2012 between 10:00 am and 10:15 am, Affiant conducted an inspection of the Dorothy Tenney Trust property located in DeKalb County, Illinois. Said site has been assigned site code number BOL# 0378005002 by the Agency.
3. Affiant inspected said site 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 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 facility.

Donna Shehane
 Donna Shehane EPS III

Subscribed and Sworn to Before Me
 this 11th day of September, 2012

Lorraine A. Chappell
 Notary Public

OFFICIAL SEAL
LORRAINE A. CHAPPELL
 NOTARY PUBLIC, STATE OF ILLINOIS
 MY COMMISSION EXPIRES 1-12-2015

LPC # 0378005002

Inspection Date: 08/16/2012

	(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)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**0378005002 – DeKalb County
Afton Township/Elite Mobile Services**

NARRATIVE INSPECTION REPORT DOCUMENT

On August 16, 2012, I (Donna Shehane) conducted an inspection at 10211 Keslinger Road, DeKalb, Illinois 60115. The purpose of this inspection was to follow-up on/determine the site's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and Title 35 Illinois Administrative Code, Subtitle G solid waste regulations after a complaint was received that mobile trailers were being demolished and burned on site. The original inspection for this complaint had occurred on October 5, 2011, which resulted in an Administrative Citation Warning Notice (ACWN). The weather at the time of this inspection was 68 °F with south winds at 8 mph and clear skies.

I pulled onto the property and observed an office which appeared closed as well as many mobile buildings on the site. No one was present at the time of this inspection.

Photo # 1 was taken toward the south of used tires stored inside a shed on site. The facility had been required to remove the used/waste tires by November 30, 2011 with tire disposal receipts also submitted by then (by a tire transporter registered by the State of Illinois).

Photo # 2 was taken to the southwest of trailers on the property. Photo # 3 was taken toward the east of a pile of open dumped waste material on the ground, including carpet/carpet padding, lumber, plastic, and miscellaneous debris.

Photo # 4 was taken toward the west of waste and burned debris on the ground, including metal scrap, metal cans, and lumber. The facility had specifically been told in the ACWN that disposal of waste by burning was prohibited.

Photos # 5 and # 6 were taken of more trailers on the site. Two-off rim used tires were observed in photo # 7, taken toward the northwest.

All used tires on site must immediately be drained of water and stored so as to prevent future water accumulation. If the used tires are not part of the operations at this facility, provided there are operations at this facility) they must be removed by a State of Illinois registered tire transporter with receipt of disposal receipts by September 30, 2012.

I left the site at about 10:15 am. The Dorothy Tenney Trust property was found to be out of compliance at the time of this inspection. Apparent violations noted:

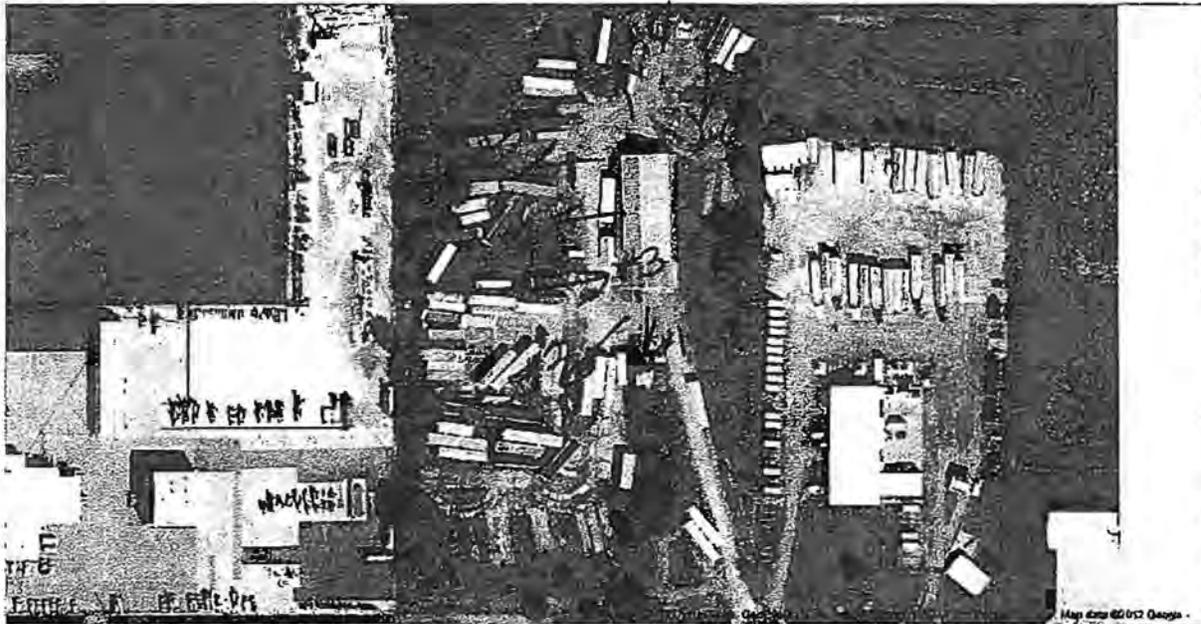
1. Section 9(c) of the Environmental Protection Act ("Act").
2. Section 21(a) of the Act.
3. Section 21(d)(1) of the Act.
4. Section 21(d)(2) of the Act.

5. Section 21(e) of the Act.
6. Section 21(p)(1) of the Act.
7. Section 21(p)(3) of the Act.
8. Section 21(p)(7) of the Act.
9. Section 812.102(a) of 35 Ill. Adm. Code Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Google

To see all the details that are visible on the screen, use the "Print" link next to the map



State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 8/16/2012
 Site Code: 0378005002
 Site Name: Elite
 Mobile Sewices

County: DeKalb
 Inspector: Shelton
 Time: 10:00am -
 10:15am

NOT TO SCALE
 0378005002 ~ 081612-001-007
 LOCATIONS ARE APPROXIMATE



DIGITAL PHOTOGRAPHS

File Names: 0378005002~081612-001-007



Date: 08/16/2012
Time: 10:04 am
Direction: S
Photo by: Shehane
Exposure #: 001
Comments: used
tires stored inside
a shed



Date: 08/16/2012
Time: 10:05 am
Direction: SW
Photo by: Shehane
Exposure #: 002
Comments: trailers
on site; debris on the
ground



DIGITAL PHOTOGRAPHS

File Names: 0378005002~081612-001-007



Date: 08/16/2012
Time: 10:05 am
Direction: E
Photo By: Shehane
Exposure #: 003
Comments: pile of open dumped debris including construction and demolition debris, wood, carpet/padding, plastic, drywall



Date: 08/16/2012
Time: 10:06 am
Direction: W
Photo by: Shehane
Exposure #: 004
Comments: open dumped and burned waste including metal cans, metal scrap and wood



DIGITAL PHOTOGRAPHS

File Names: 0378005002~081612-001-007



Date: 08/16/2012
Time: 10:07 am
Direction: W
Photo by: Shehane
Exposure #: 005
Comments: trailers
on site



Date: 08/16/2012
Time: 10:07 am
Direction: S
Photo by: Shehane
Exposure #: 006
Comments: trailer
on site



DIGITAL PHOTOGRAPHS

File Names: 0378005002~081612-001-007



Date: 08/16/2012
Time: 10:07 am
Direction: NW
Photo by: Shehane
Exposure #: 007
Comments: off-rim
tires stored outside

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 8/16/2012
 Site Code: 0378005002
 Site Name: Elite
 Mobile Services

County: DeKalb
 Inspector: Shehrouh
 Time: 10:00am -
 10:15am

NOT TO SCALE
 0378005002 ~ 081612-001-00;
 LOCATIONS ARE APPROXIMATE

RECEIVED
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SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

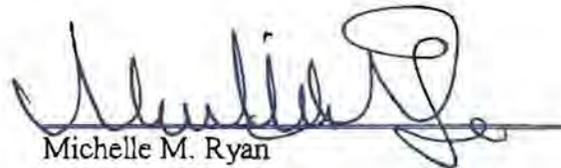
PROOF OF SERVICE

I hereby certify that I did on the 25th day of September 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: Dorothy Tenney Trust
790 S. Prospect Avenue
Bartlett, IL 60103

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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



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

THIS FILING SUBMITTED ON RECYCLED PAPER