



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

Lisa Bonnett, Director

(217) 782-9817

TDD: (217) 782-9143

May 3, 2013

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. James & Pam Green
IEPA File No. 86-13-AC; 1958070001—Whiteside 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 JCR

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STATE OF ILLINOIS
Pollution Control Board

AC13-42



ORIGINAL

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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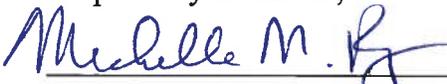
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES & PAM GREEN,)
)
Respondent.)

AC 13-42
(IEPA No. 86-13-AC)

NOTICE OF FILING

To: James & Pam Green
23280 Penrose Road
Coleta, IL 61081-9336

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 JDR*

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

Dated: May 3, 2013

5. That on 5-3-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5485.

VIOLATIONS

Based upon direct observations made by Shaun Newell during the course of the March 20, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).

- (2) That Respondents caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 3, 2013, 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 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

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

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.


Lisa Bonnett, Director
Illinois Environmental Protection Agency

Date: 5/1/13

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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Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JAMES & PAM GREEN,)
Respondents.)

AC 13-42
(IEPA No. 86-13-AC)

FACILITY: Coleta (Genesee Twsp)/James Green
SITE CODE NO.: 1958070001
COUNTY: Whiteside
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: March 20, 2013

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
COUNTY OF WHITESIDE

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Pollution Control Board

AFFIDAVIT

I, Shaun Newell, being first duly sworn upon oath, depose and state as follows:

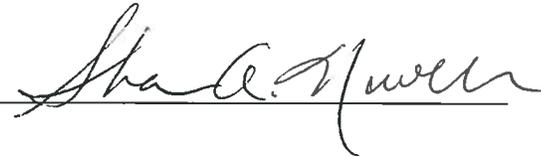
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On March 20, 2013, between 10:55 A.M. and 11:10 A.M., Affiant conducted an inspection of the open dump in Whiteside County, Illinois, known as James Green Property, Illinois Environmental Protection Agency Site No. LPC# 1958070001.

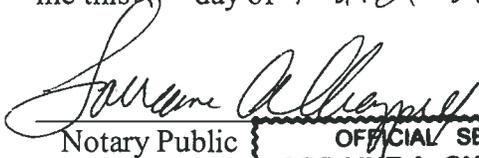
3. Affiant inspected said solid waste open dump site by an on-site inspection, which included walking and photographing the site.

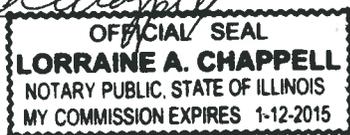
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said solid waste open dump.

FURTHER AFFIANT SAYETH NOT.



Subscribed and Sworn to before
me this 25th day of March 2013


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Whiteside LPC#: 1958070001 Region: 1 - Rockford
 Location/Site Name: Coleta (Genesee Twsp)/James Green
 Date: 03/20/2013 Time: From 10:55A To 11:10A Previous Inspection Date: 09/16/2010
 Inspector(s): Newell Weather: Sunny cold 18 degrees
 No. of Photos Taken: # 2 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No
 Interviewed: James Green Complaint #: C-10-063R
 Latitude: 41.531735 Longitude: -89.475052 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 James & Pam Green
 23280 Penrose Road
 Coleta, IL 61081-9336
 815/590-8277

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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1958070001-Whiteside

Inspection Date: 03/20/2013

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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.

LPC# 1958070001—Whiteside County
Coleta (Genesee Twsp)/James Green
FOS File

NARRATIVE INSPECTION REPORT

On March 20, 2013, I (Shaun Newell) reinspected the above referenced site. The residential property (farm) is located at 23280 Penrose Road in Coleta, Illinois 61081-9336. Co-owner/operator(s), James & Pam Green reside at the same location. The facility was originally inspected on March 30, 2010 based upon a citizen complaint filed with the Rockford Regional Office. The complaint known as C-10-063R, alleged that respondent, James Green of Coleta, Illinois was open burning solid waste on Saturday, March 27, 2010 at around 10:30 P.M. Coleta Fire Department and other area fire departments arrived on site to put out the fire. GPS points for this location are: Latitude 41.531735 and Longitude -89.475052.

Based on the March 30, 2010 inspection, the IEPA drafted an Open Dump Administrative Citation Warning Notice (ACWN) dated April 6, 2010. Specifically, various types of solid waste were found open dumped and open burned in a trench dug near the north side of the property. I estimated there was 200 cubic yards of solid waste open dumped in the trench and scattered in piles throughout the property. An additional 200 waste tires were found piled near the trench as well. The following alleged solid waste violations were cited: Sections 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(2), 21(p)(3), 21(p)(7), 55(a)(1), 55(a)(2) of the Illinois Environmental Protection Act and Section 812.101(a) of 35 Illinois Adm. Code. Mr. Green was scheduled to remove and properly dispose of all waste by June 30, 2010 and submit receipts for proper disposal by July 3, 2010.

On April 21, 2010, the Rockford Regional Office received a written response from James & Pam Green post marked April 20, 2010. The written response explained why the solid waste was open burned and how the solid waste would be removed. A follow-up inspection was scheduled for the middle of July 2010. Most of the solid waste remained on site. Fifty percent of the solid waste in the trench was removed. There is no documentation to verify proper disposal. Waste tires formerly piled along the north side of the building have been piled inside the northwest corner of the building. Mr. Green was granted additional time for compliance. I requested that Mr. Green needed to send a written request asking for additional compliance time but this was not completed. A follow-up inspection was conducted in September 2010.

On October 19, 2010, the Green's hand delivered 35 waste disposal receipts from Prairie Hill RDF landfill near Morrison, Illinois. A total of 48.35 cubic yards of solid waste was removed from the facility from March 19, 2010 to October 18, 2010. The Green's requested 30 days more to remove the waste tires. No written response was received from the property owners.

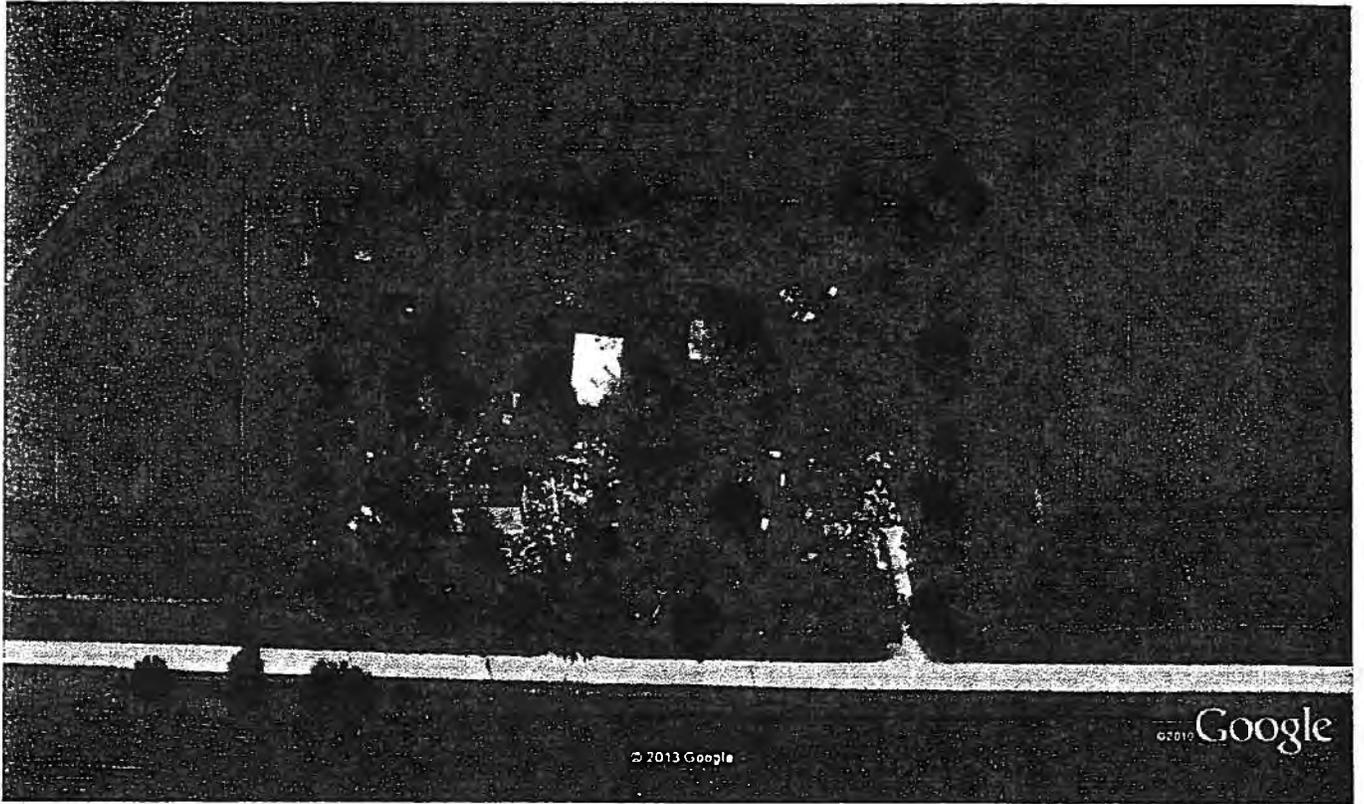
Upon arriving on site at 10:55 A.M., the weather was sunny with temperatures near 18 degrees. I knocked on the door to see if anyone was on site. No one appeared to be on site and I attempted to contact Mr. Green's cell phone. The number was apparently disconnected.

LPC# 1958070001—Whiteside County
Coleta (Genesee Twp)/James Green
FOS File

Solid waste consistent with domicile waste was found piled near the driveway. I estimated the pile was 30 cubic yards of paneling, window frames, cabinets etc. A pile of waste tires were found piled east of the driveway. I estimated there were 50 to 60 waste tires stacked in this location. Two photographs were taken to document the solid waste on site. Photograph 1958070001~032013-001 faces north showing the solid waste near the driveway. Photograph 1958070001~032013-002 faces north showing the waste tires stored outside. I did not observe any open burning of solid waste on site.

I left the site at 11:10 A.M. Since no open burning activities were found on site, the alleged open burning violations previously cited in the April 6, 2010 have been resolved: Sections 9(a), 9(c), 21(p)(3) and 55(a)(2) of the Act.

Based on the presence of solid waste on site, the following apparent solid waste violations remain unresolved: Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(7), 55(a)(1) of the Act and Section 812.101(a) of 35 Illinois Adm. Code.



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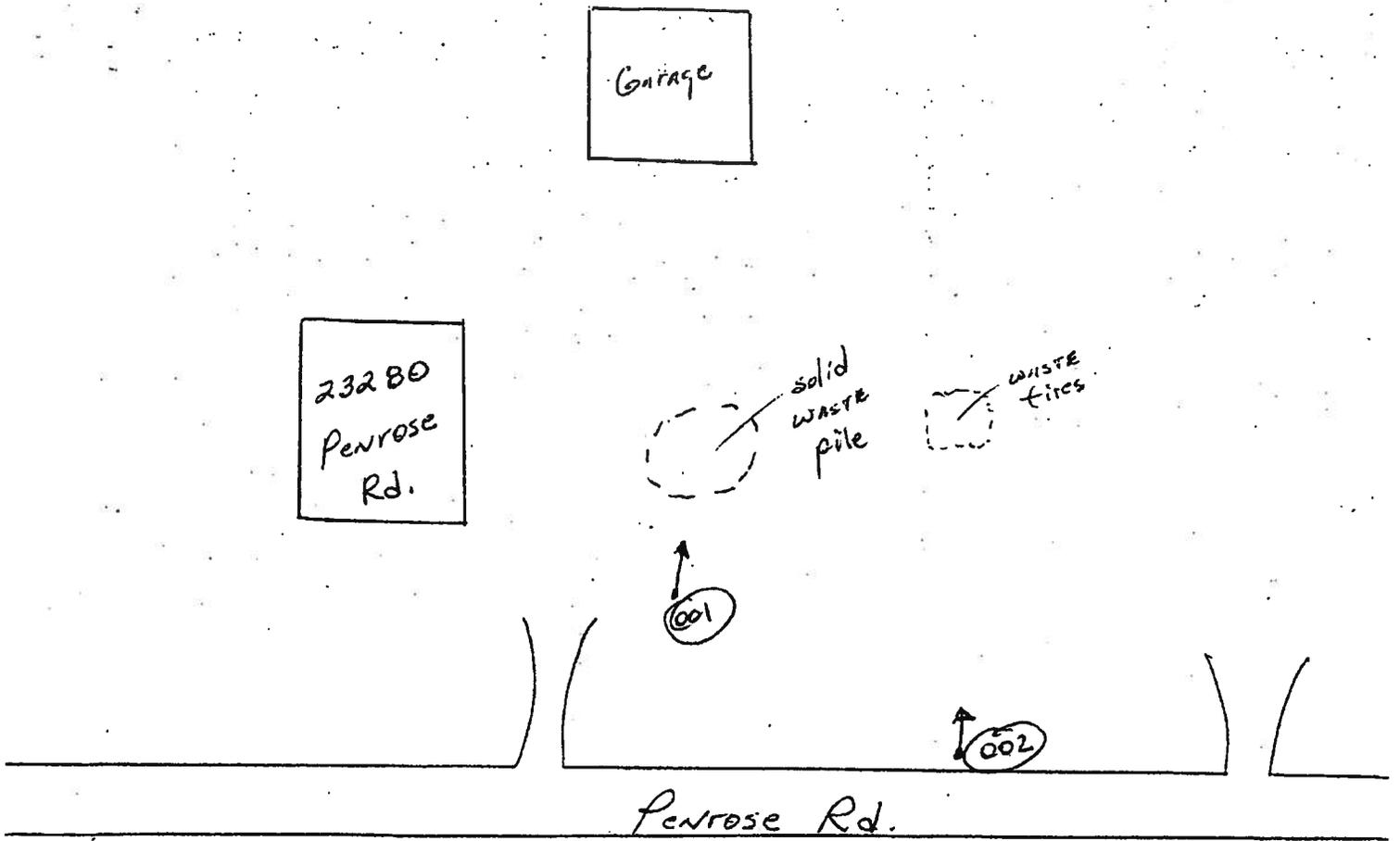
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STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 3-20-13 Inspector: NEWELL
Site Code: 1958070001 County: Whiteside
Site Name: James Green Time: 10:55A-11:10A

4



Photographs
1958070001-032013-
001 thru 002
NOT TO SCALE

LPC #1958070001~Whiteside County
Coleta (Genesee Twsp)/James Green
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 20, 2013
TIME: 11:00 A.M.
DIRECTION: North
PHOTO by: S. Newell
PHOTO FILE NAME:
1958070001~032013-001
COMMENTS: Facing N
showing the solid waste pile
near the driveway.



DATE: March 20, 2013
TIME: 11:05 A.M.
DIRECTION: North
PHOTO by: S. Newell
PHOTO FILE NAME:
1958070001~032013-002
COMMENTS: Facing N
showing the waste tire pile.



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MAY 09 2013

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 3rd day of May 2013, 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: James & Pam Green
23280 Penrose Road
Coleta, IL 61081-9336

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 *by JLR*

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