

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 57-23-AC)
)	
TAG WAREHOUSE, LLC and)	
DECA IMPROVEMENTS, INC.)	
)	
Respondents.)	
)	

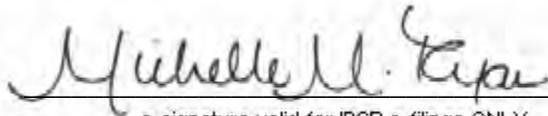
NOTICE OF FILING

To: TAG Warehouse, LLC
c/o Francis J. Jahn, Registered Agent
306 W Church Street
Champaign, IL 61820

DECA Improvements, Inc.
c/o Victor Fuentes, Registered Agent
402 Copperhill Drive
Mahomet, IL 61853

PLEASE TAKE NOTICE that on this date I electronically filed 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,


e-signature valid for IPCB e-filings ONLY

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: May 1, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	IEPA No. 57-23-AC
)	
TAG WAREHOUSE, LLC and)	
DECA IMPROVEMENTS, INC.)	
)	
)	
Respondents.)	

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 (2022).

FACTS

1. That TAG Warehouse, LLC is the present owner, and DECA Improvements, Inc. is the present operator of a facility located at 201 South Staley Road, Champaign, Champaign County, Illinois.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0190105596.
3. That on March 17, 2023, Dawn Smith of the Illinois Environmental Protection Agency's Champaign 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.

4. That on April 21, 2023, Illinois EPA sent this Administrative Citation to TAG Warehouse, LLC via Certified Mail No. 7012 0470 0001 2969 9986 and to DECA Improvements, Inc. via Certified Mail No. 7012 0470 0001 2969 9979.

VIOLATIONS

Based upon direct observations made by Dawn Smith during her March 17, 2023 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) (2022).

- (2) That Respondents 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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), 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 20, 2023**, 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 (2022), 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) (2022), 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, Respondents' 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 Respondent 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 (2022). 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 Respondent.



John J. Kim, Director
Illinois Environmental Protection Agency

Date: 4/20/23

Prepared by: Dawn A. Hollis, 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

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-
)	
v.)	(IEPA No. 57-23-AC)
)	
TAG WAREHOUSE, LLC and)	
DECA IMPROVEMENTS, INC.)	
)	
Respondents.)	

FACILITY: Champaign/TAG Warehouse LLC SITE CODE NO.: 0190105596

COUNTY: Champaign CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: March 17, 2023

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

Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID	0190105596	Evaluation Date	3/17/2023
USEPA Id		Region	Champaign
Site Name	TAG Warehouse LLC	County	Champaign
Address	201 S. Staley Rd.	Phone	
City/State/Zip	Champaign, IL 61822	EJ Status	
Limited English	<input type="checkbox"/>	Primary Language	

Observations

Time	10:00AM-10:24AM
Weather Conditions	Cloudy, wind 21mph SE
Temperature	29 Fahrenheit
Photos Taken	Yes, 3
Amount of Waste	~5 Cubic Yards

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

TAG Warehouse LLC
2805 Boulder Dr.
Urbana, IL 61802

Operator

DECA Improvements Inc.
Attn : Fuentes Victor
402 Copperhill Dr.
Mahomet, IL 61853

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Dawn Smith	IEPA FOS Primary Inspector	(217) 278-3199

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Fuentes, Victor	217-202-7327	

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
NONE					

Active Enforcement Orders

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NONE					

Executive Summary

I conducted an open dump reinspection at the above referenced site on March 17, 2023. During the previous inspection I found plastic and broken wooden furniture in a burn pile. I also found broken up concrete and a burn barrel. On the current inspection I found broken wooden furniture/lumber in a burn pile. North of the burn pile was buried particle board. The concrete was remediated.

Evaluation Narrative

I conducted an inspection at the site located at 201 South Staley Rd., Champaign, Illinois. According to the Champaign County Assessor's Office, the property is owned by TAG Warehouse LLC. The property consists of a warehouse and parking lot on a plot of land.

On June 16, 2022, I conducted an initial inspection where I found lumber, garbage, and demolition debris in a burn pile. An Administrative Citation Warning Notice was sent on July 1, 2022, with a September 9, 2022, deadline for cleanup.

On October 5, 2022, I conducted a reinspection where I found plastic and broken wooden furniture in a burn pile. I also found broken up concrete and a burn barrel. A Continuing Violations Letter was sent on October 21, 2022, with a December 19, 2022, deadline for cleanup.

When I arrived on site, no one was present. I went to the west most side of the property behind the warehouse and found the burn pile with plastic on the right side and broken wooden furniture on the left side. North of the burn pile was buried particle board. The concrete was remediated.

Before I left the site, I called Victor Fuentes, owner of DECA Improvements, and told him about what I found. He said that he would get back to me on that.

Lumber, and garbage may not be open dumped or open burned but must be disposed of at a permitted landfill. Only landscape waste from the property it is generated from may be burned, and only if there are no other local laws against it.

Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
Continuing	6/16/2022	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	6/16/2022	9(c)	Cause or allow open burning
Continuing	6/16/2022	21(a)	Cause or allow open dumping
Continuing	6/16/2022	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
Continuing	6/16/2022	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	6/16/2022	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	6/16/2022	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Continuing	6/16/2022	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris

Site Diagram



Digital Photographs



Bureau Id: 0190105596
Photo No.: 1
Photo Date: 3/17/2023
Photo Time: 10:05:18 AM
Direction: West
Taken By: Dawn Smith

Site overview



Bureau Id: 0190105596
Photo No.: 2
Photo Date: 3/17/2023
Photo Time: 10:07:23 AM
Direction: North
Taken By: Dawn Smith

Buried particle board



Bureau Id: 0190105596
Photo No.: 3
Photo Date: 3/17/2023
Photo Time: 10:07:35 AM
Direction: South
Taken By: Dawn Smith

Burn pile with broken wooden
furniture/lumber



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

vs.

TAG Warehouse LLC,
Respondent

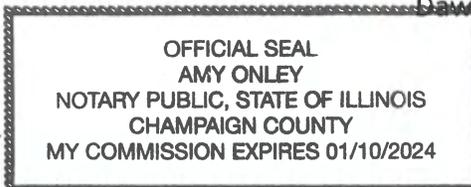
AFFIDAVIT

Affiant, Dawn Smith, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 17, 2023, between 10:00AM and 10:24AM, Affiant conducted an inspection of the site in Champaign County, Illinois, known as TAG Warehouse LLC, located at 201 S. Staley Rd., Champaign, IL 61822, and designated Bureau of Land Site # 0190105596.
3. Affiant inspected said site by an on-site inspection, which included walking the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report 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 the site.

Subscribed and Sworn to before me
this 21 day of March,

Dawn Smith

Notary Public

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



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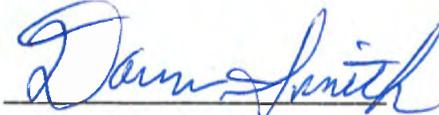
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PROOF OF SERVICE

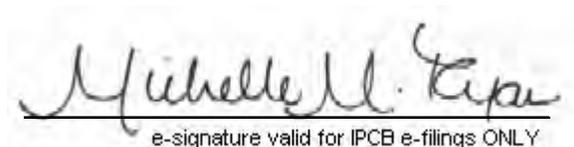
I hereby certify that I did on the 21st day of April, 2023, serve with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: TAG Warehouse, LLC
c/o Francis J. Jahn, Registered Agent
306 W Church Street
Champaign, IL 61820

DECA Improvements, Inc.
c/o Victor Fuentes, Registered Agent
402 Copperhill Drive
Mahomet, IL 61853

and the original via electronic filing on May 1, 2023

To: Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605



e-signature valid for IPCB e-filings ONLY

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