

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 1 2003

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHARLES FLICK,

Respondent.

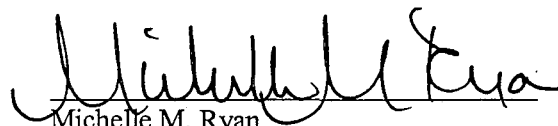
AC 04-26
(IEPA No.685-03-AC)

NOTICE OF FILING

To: Charles Flick
280 Pine Tree Lane
P.O. Box 231
Cobden, Illinois 62920

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
Special Assistant Attorney General

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

Dated: November 25, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 1 2003

STATE OF ILLINOIS
Pollution Control Board

Respondent.

(IEPA No. 685-03-AC)

1. That Charles Flick ("Respondent") is the present owner of a facility located at 280 Pine Tree Lane, south of Cobden, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Cobden/Flick, Charles.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1818540002.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on October 31, 2003, Douglas E. Hayward of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Douglas E. Hayward during the course of his October 31, 2003 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) (2002).
- (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) (2002).
- (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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 January 15, 2004, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano
Renee Cipriano, Director *Renee*
Illinois Environmental Protection Agency

Date: 11/25/03

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

V.

CHARLES FLICK,

Respondent.

AC

(IEPA No. 685-03-AC)

FACILITY: Cobden/Flick, Charles

SITE CODE NO.: 1818540002

COUNTY: Union

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: October 31, 2003

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

Charles Flick)

Respondent.)

IEPA DOCKET NO.

AFFIDAVIT

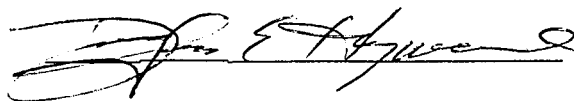
Affiant, Douglas E. Hayward, being first duly sworn, voluntarily deposes and states as follows:

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

2. On October 31, 2003, between 12:10 p.m. and 12:30 p.m., Affiant conducted an inspection of a disposal site operated without a permit, located in Union County, Illinois, and known as Cobden/Flick, Charles by the Illinois Environmental Protection Agency. Said site has been assigned site code number 181 854 0002 by the Agency.

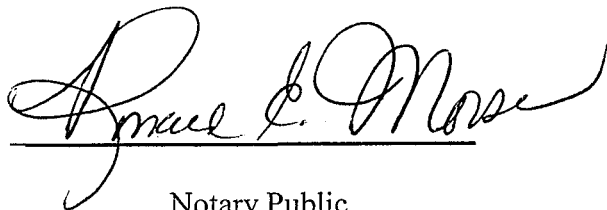
3. Affiant inspected said open dump site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions 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 Site Inspection.

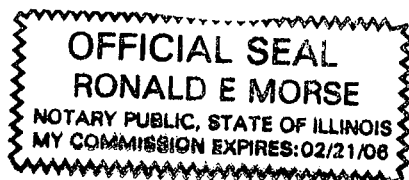


Subscribed and Sworn to before me

this 6th day of November, 2003



Notary Public



DEH:ls/16381/11-06-03

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

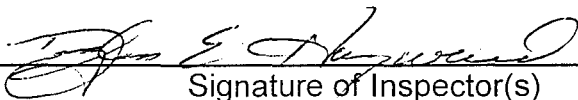
County: Union LPC#: 1818540002 Region: 7 - Marion
 Site Name: Cobden/Flick, Charles
 Date: 10/31/03 Time: From 12:10 To 12:30 Previous Inspection Date: 11/19/98
 Inspector(s): Doug Hayward Weather: cloudy, warm, no rain
 No. of Photos Taken: # 18 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # No ☒
 Interviewed: no one present Complaint #: 04-048

Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Charles Flick
 P.O. Box 231
 Cobden, IL 62920

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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	<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"/>
	(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 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: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


 Signature of Inspector(s)

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.

Inspection Narrative

Inspection Date: October 31, 2003
Site #: 1818540002
County: Union

Time of Inspection: 12:10 - 12:30
Site Name: Cobden/Flick, Charles
Inspector(s): Doug Hayward

On October 31, 2003, Doug Hayward conducted an inspection at this facility. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

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This inspection was made in response to a complaint filed alleging the open dumping of waste materials and waste tires.

The property is located at 280 Pine Tree Lane south of Cobden. At the time of this inspection weather conditions were cloudy and warm with no precipitation. This inspection consisted of walking and photographing the site.

During this inspection, this inspector observed a variety of waste throughout Mr. Flicks property. This waste consisted of, but is not limited to, tires, cans, food packaging, metals, appliances, textiles, furniture, plastics, glass, auto batteries, shingles, wood, paper, raw meat and a box of pigs ears. I also observed several inoperative buses, a trailer and a boat. One of the buses was full of tires, a trailer was full of clothing, both loose and in boxes and the boat was filled with shingles. I also observed two separate piles of partially burned waste materials.

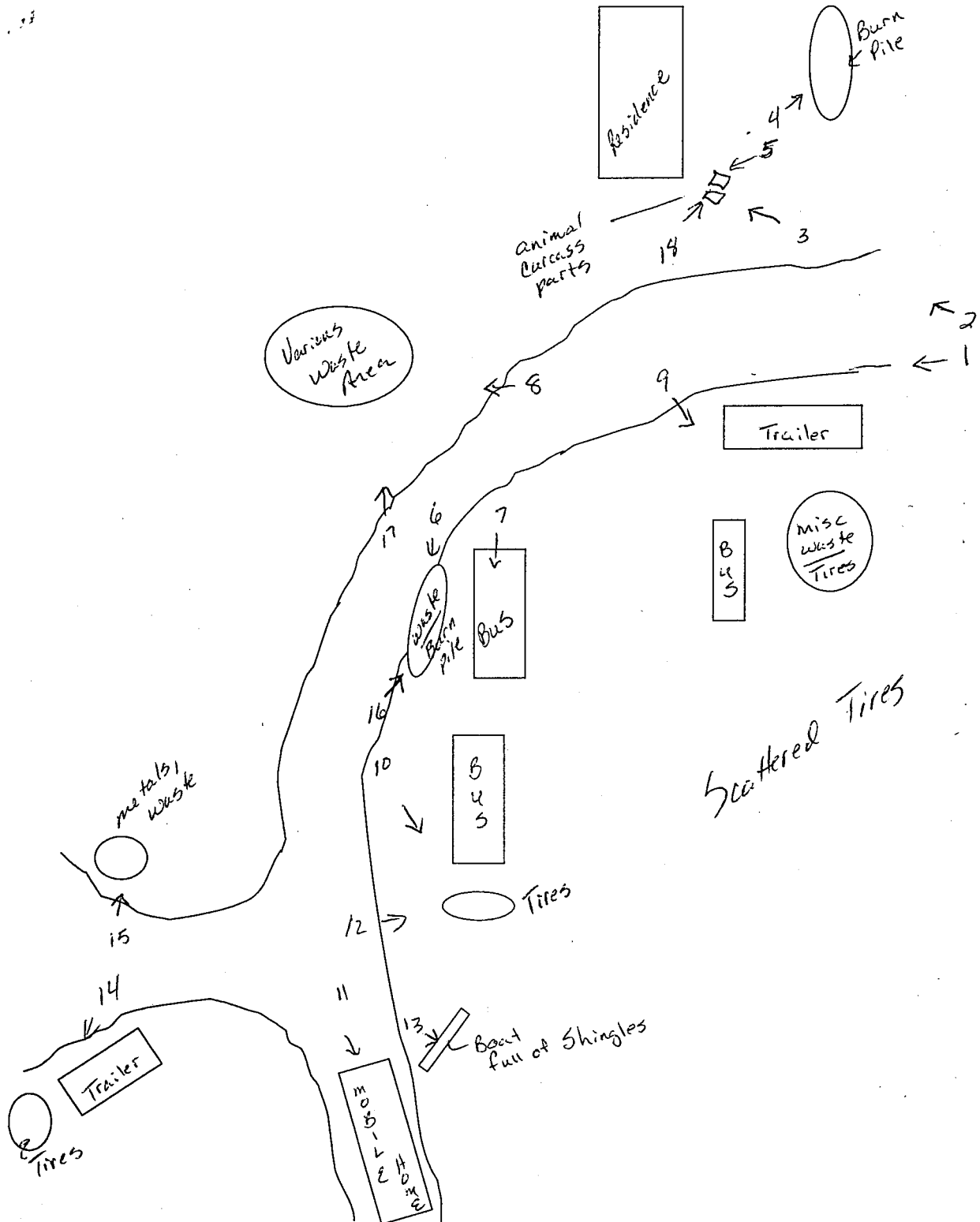
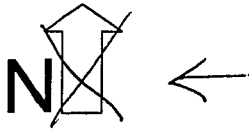
I estimate that there are at least two-hundred cubic yards of waste, including about one-hundred-fifty tires, located at this site. If the vehicles, trailers, boat and other metals are taken into account, that figure could be as much as five-hundred cubic yards.

SITE SKETCH

Inspection Date: October 31, 2003
Site Number: 1818540002
Site Name: Cobden/Flick, Charles

Inspector: Doug Hayward
Inspection Time: 12:10 - 12:30

Not to Scale



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-001



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-002



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-003



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: SE
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-004



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-005



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-006



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-007



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-008



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-009



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-010



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-011



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-012



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-013



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: NW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-014



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: E
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-015



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: SE
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-016



1818540002 – Union County
Cobden/Flick, Charles
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: E
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-017



DATE: October 31, 2003
TIME: 12:10 – 12:30
DIRECTION: E
PHOTO by: Doug Hayward
PHOTO FILE NAME:
1818540002~10312003-018



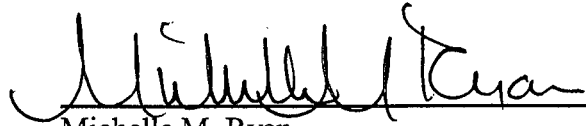
PROOF OF SERVICE

I hereby certify that I did on the 25th day of November, 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: Charles Flick
280 Pine Tree Lane
P.O. Box 231
Cobden, Illinois 62920

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


Michelle M. Ryan
Special Assistant Attorney General

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