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DEC 1 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
DOUGLAS S. CARRICO, d/b/a)
CARROCOS AUTO HEAP,)
))
Respondent.)

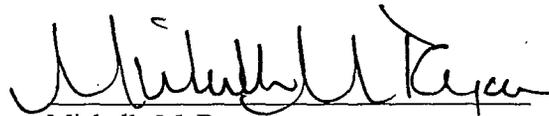
AC 04-27
(IEPA No.686-03-AC)

NOTICE OF FILING

To: Douglas S. Carrico
19291 Carrico Road
Kane, Illinois 62054

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

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her October 28, 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).

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 One Thousand Five Hundred Dollars (\$1,500.00). 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 *by wse*
Illinois Environmental Protection Agency

Date: 11/25/03

Prepared by: Susan 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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)	
)	
Carrico's Auto Heap)	
)	IEPA DOCKET NO.
)	
Respondent.)	

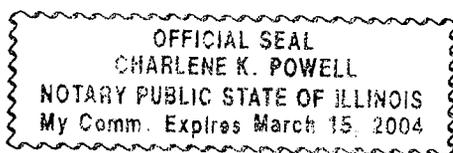
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 October 28, 2003 between 11:55 a.m. and 12:15 p.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Kane/Carrico's Auto Heap* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#0618115003 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 *open dump*.

Jan Mier

Subscribed and Sworn to Before Me
this 6th day of Nov., 2003

Charlene K. Powell
Notary Public



LPC #:
Date:

20.	848.202(c)	IN <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN 848.202(b), THE OWNER OR OPERATOR OF A SITE AT WHICH MORE THAN 500 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Maintain a Contingency Plan Which Meets the Requirements of 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
21.	848.202(d)	IN <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN 848.202(b) and (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 848.203. Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input type="checkbox"/>
	(b)	The contingency plan must be designed to minimize the hazard to human health and the environment from fires and run-off of contaminants resulting from fires and from disease spreading mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan provisions whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input type="checkbox"/>
	(d)	The contingency plan must describe the actions that must be taken in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.	<input type="checkbox"/>
	(e)	The contingency plan must include evacuation procedures for site personnel, including signals, evacuation routes and alternate evacuation routes as well as provisions for pesticide application.	<input type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input type="checkbox"/>
	(g)	The contingency plan must be reviewed and amended within 30 days if the plan fails or the emergency coordinator changes.	<input type="checkbox"/>
	(h)	At all times, there must be one emergency coordinator on site or on call with responsibility for coordinating emergency response procedures. The emergency coordinator must be familiar with the plan and all aspects of the site, and have the authority to commit the resources to carry out the plan.	<input type="checkbox"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS AT TIRE DISPOSAL SITES			
23.	848.204(a)	FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204 Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input type="checkbox"/>
24.	848.204(b)	<u>STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF:</u> (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
25.	848.204(c)	IN <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	
	(1)	Develop a tire storage plan in consultation with fire officials meeting the requirements of: 848.204 (c)(1) (A) <input type="checkbox"/> considering the type of building to be used for the tire storage. (B) <input type="checkbox"/> the plan shall include, but not be limited to, tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days of and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>

LPC #:

Date:

36.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
37.	848.401(a)	FAILURE TO MAINTAIN FINANCIAL ASSURANCE EQUAL TO OR GREATER THAN THE CURRENT COST ESTIMATE CALCULATED PURSUANT TO SECTION 848.404 AT ALL TIMES, EXCEPT AS OTHERWISE PROVIDED BY 848.401 (b).	<input checked="" type="checkbox"/>
38.	848.401(b)	FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 90 DAYS AFTER ANY OF THE FOLLOWING: (1) <input type="checkbox"/> an increase in the current cost estimate (2) <input type="checkbox"/> a decrease in the value of a trust fund (3) <input type="checkbox"/> a determination by the Agency that an owner or operator no longer meets the financial test of Section 848.415 (4) <input type="checkbox"/> notification by the owner or operator that the owner or operator intends to substitute alternative financial assurance, as specified in Section 848.406 for self-insurance	<input type="checkbox"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input checked="" type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	848.601(a)	NO PERSON SHALL TRANSPORT MORE THAN 20 USED OR WASTE TIRES IN A VEHICLE UNLESS THE FOLLOWING REQUIREMENTS ARE MET: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
47.	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR TRANSPORT UNLESS THE TRANSPORTER'S VEHICLE DISPLAYS A PLACARD ISSUED BY THE AGENCY UNDER SUBPART F IDENTIFYING THE TRANSPORTER AS A REGISTERED TIRE HAULER.	<input type="checkbox"/>
48.	848.606(a)	UPON APPROVAL OF A REGISTRATION AS A TIRE TRANSPORTER, THE OWNER OR OPERATOR OF ANY VEHICLE REGISTERED TO TRANSPORT USED OR WASTE TIRES SHALL PLACE A PLACARD ON OPPOSITE SIDES OF THE VEHICLES WHICH DISPLAYS A NUMBER ISSUED BY THE AGENCY FOLLOWING THE WORDS "Registered Tire Transporter: (number)."	<input type="checkbox"/>
49.	848.606(b)	REGISTERED TIRE TRANSPORTER NUMBERS AND LETTERS SHALL BE REMOVABLE ONLY BY DESTRUCTION. DIRECTLY ADJACENT TO THE WORDS AND NUMBER, THE VEHICLE OWNER AND OPERATOR SHALL DISPLAY A SEAL FURNISHED BY THE AGENCY WHICH SHALL DESIGNATE THE DATE ON WHICH THE REGISTRATION EXPIRES.	<input type="checkbox"/>

**Illinois Environmental Protection Agency
Inspection Narrative**

LPC#0618115003 – Greene County
Kane/Carrico's Auto Heap
Inspection Date – 10/28/03
Inspector- Jan Mier
FOS File

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On October 28, 2003, I conducted a re-inspection of the above-referenced site. The owner, Douglas Carrico, was sent a Violation Notice L-2002-01430 on 1/14/03. An extension was given to the compliance deadline until 7/1/03. The property is an old salvage yard that closed in 2003. The Illinois EPA removed 1,000 tires under a Consensual Removal Agreement and Mr. Carrico has sent in receipts for removal of over 3,300 tires. Max Mullins Salvage in Mt. Olive, IL has removed the majority of vehicles on site.

I arrived at 11:55 a.m. Mr. Carrico lives across the street from the salvage yard. I knocked on the door of the house, but no one answered. I proceeded across the road to the salvage yard. There appeared to be little change in the site. Vehicles are scattered in the front of the shed (see photo #001). One truck had six tires off the rim on the back (see photo #002). Tires, metal and auto parts are scattered across the east half of the shed (see photo #003). By the auto crusher (see photo #004), the ground is littered with glass, metal, plastic and oil-stained soil. A school bus (see photo #005) is new to the site. Several areas looked like what is shown in photo #006, with glass, metal, plastic, car parts and vehicles scattered around. Although a roll off box is on site, it did not appear there had been any attempt to consolidate or sort waste.

More vehicles, parts and tires on axles are to the north of the shed (see photos #008, #009, and #010). Vegetation has grown up around these wastes. One area contained rusted metal pipes and gas lanterns (see photo #012). Two tractor tires off rim were observed (see photo #012). The inside of the shed is filled with car parts, tools and tires (see photo #013). I estimated approximately 15 vehicles and 75 tires are still on site. I departed at 12:15 p.m.

Violations observed at the time of the inspection are noted on the attached checklist.

LPC/FOS – Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

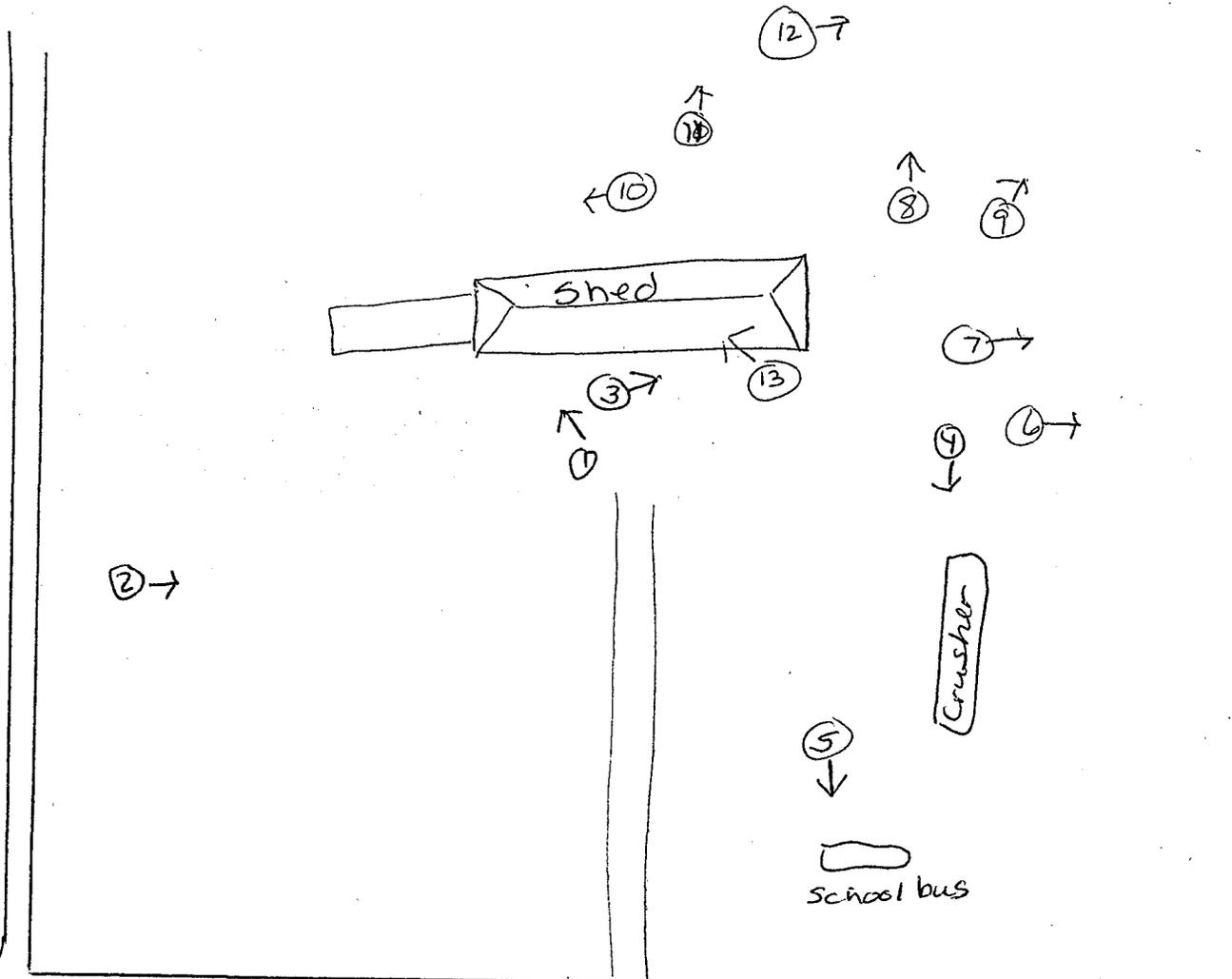
SITE SKETCH

Date of Inspection: 10/28/03
Site Code: LPC#0618115003
Site: Kane/Carrico's Auto Heap

Inspector: Jan Mier
County: Greene
Time: 11:55 a.m. - 12:15 p.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH



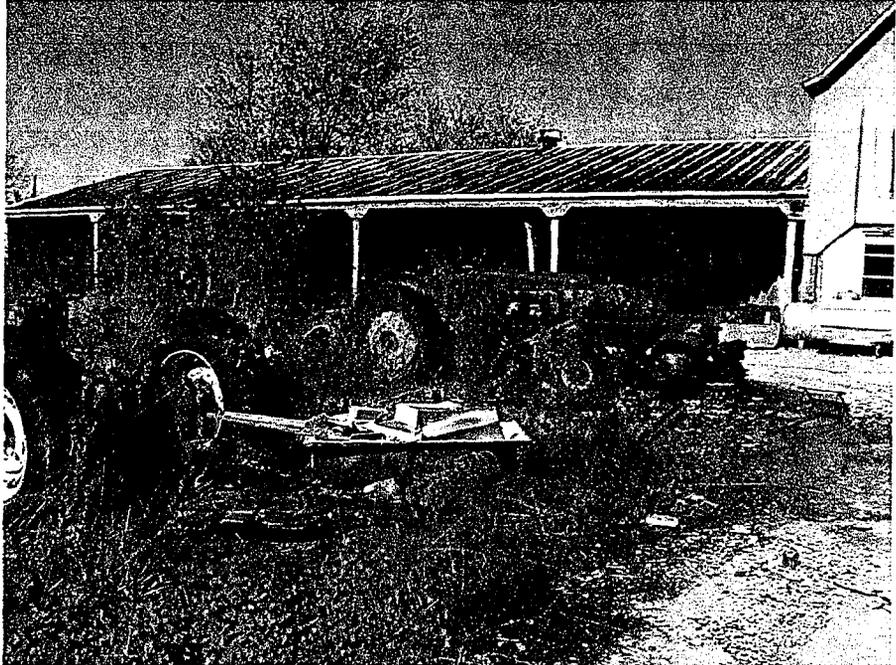


Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03
Time: 11:58 a.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-001
Comments:



Rusted tractors, bathtub, shed in
background

Date: 10/28/03
Time: 11:59 a.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-002
Comments:



Rusted truck bed with tires



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03
Time: 12:00 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-003
Comments:

Tires, auto parts, plastic, front end loader



Date: 10/28/03
Time: 12:01 p.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-004
Comments:

Car crusher with glass, metal, plastic and oil on ground





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03

Time: 12:01 p.m.

Direction: S

Photo by: Jan Mier

Photo File Name:

0618115003~10282003-005

Comments:

School bus not previously on site



Date: 10/28/03

Time: 12:01 p.m.

Direction: E

Photo by: Jan Mier

Photo File Name:

0618115003~10282003-006

Comments:

Vehicle with car parts, glass, metal
and plastic





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

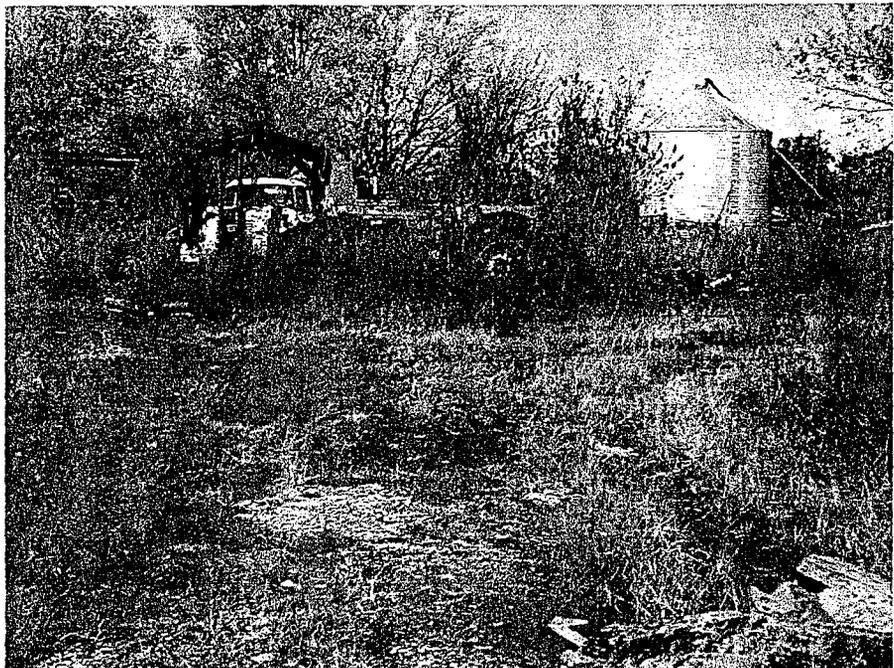
Date: 10/28/03
Time: 12:02 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-007
Comments:

Site of former tire pile with metal,
glass, tires on axle and lumber with
combine in background



Date: 10/28/03
Time: 12:03 p.m.
Direction: N
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-008
Comments:

Tractor, truck, and lumber in
weeds





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03

Time: 12:06 p.m.

Direction: N

Photo by: Jan Mier

Photo File Name:

0618115003~10282003-011

Comments:

Cardboard, rusted pipe, gas
lanterns



Date: 10/28/03

Time: 12:07 p.m.

Direction: E

Photo by: Jan Mier

Photo File Name:

0618115003~10282003-012

Comments:

Tractor tires off the rim





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03
Time: 12:04 p.m.
Direction: NE
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-009
Comments:

Tires on axles, metal and vehicle
parts



Date: 10/28/03
Time: 12:05 p.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
0618115003~10282003-010
Comments:

Abandoned vehicles





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0618115003 — Greene County
Kane/Carrico's Auto Heap
FOS File

Date: 10/28/03

Time: 12:09 p.m.

Direction: NW

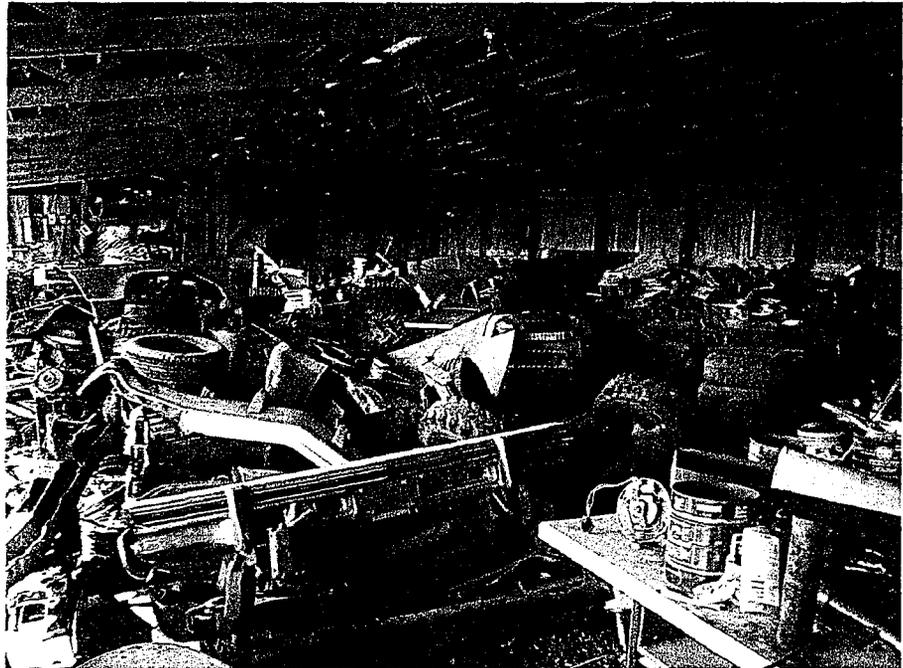
Photo by: Jan Mier

Photo File Name:

0618115003~10282003-013

Comments:

Tires and auto parts inside shed



0618115003~10282003

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: Douglas S. Carrico
19291 Carrico
Kane, Illinois 62054

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