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JAN 11 2007

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC07-32

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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JAN 11 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DON JOSE TANDY,)
)
Respondent.)

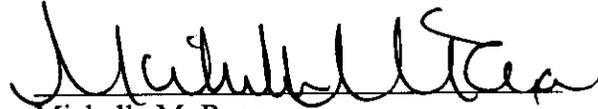
AC **07-32**
(IEPA No. 3-07-AC)

NOTICE OF FILING

To: Don Jose Tandy
404 W. Nicholas Street
Carlinville, Illinois 62626-1243

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: January 9, 2007

VIOLATIONS

Based upon direct observations made by Paul Eisenbrandt during the course of his November 16, 2006 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) (2004).

- (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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 Three Thousand Dollars (\$3,000.00). 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 February 1, 2007, 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 (2004), 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) (2004), 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 (2004). 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.

Douglas P. Scott
Douglas P. Scott, Director *by me*
Illinois Environmental Protection Agency

Date: 11/9/07

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)

Illinois Environmental)
Protection Agency)

vs.)

Don Jose Tandy)

Respondent.)

IEPA DOCKET NO.

Affiant, Paul Eisenbrandt, being first duly sworn, voluntarily deposes and states as follows:

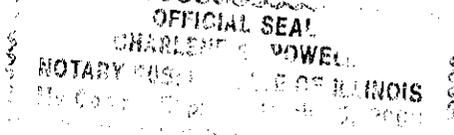
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On November 16, 2006 between 11:57 AM and 12:07 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in the Village of Royal Lakes in Macoupin County, Illinois and known by the Illinois Environmental Protection Agency as Royal Lakes/Tandy. Said site has been assigned site code number LPC# 1170835009 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Royal Lakes/Tandy 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 Royal Lakes/Tandy open dump.



Subscribed and Sworn To before me
This 14 day of December, 2006

Charlene K. Powell

Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Macoupin LPC#: 1170835009 Region: 5 - Springfield
 Location/Site Name: Royal Lakes/Tandy
 Date: 11.16.2006 Time: From 11:57 am To 12:07 pm Previous Inspection Date: 01.26.2006
 Inspector(s): Paul Eisenbrandt Weather: 40°F and Overcast
 No. of Photos Taken: # 4 Est. Amt. of Waste: 6 yds³ Samples Taken: Yes # _____ No X
 Interviewed: Isaiah Tandy Complaint #: C-05-128-C

Responsible Party Mailing Address(es) and Phone Number(s):	Isaiah Tandy 851 Basswood Ave Royal Lakes, IL 62685-9456 Phone:618/836-5489	Don Jose Tandy 404 W. Nicholas St. Carlinville, IL 62626-1243 217-854-4534
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	SECTION	DESCRIPTION	VIO
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	X
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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 AND REGULATIONS	X
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	X
	(2)	Scavenging	
	(3)	Open Burning	X
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	X
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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	

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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMORANDUM

DATE: December 13, 2006

TO: DLPC / Division File

FROM: Paul Eisenbrandt, DLPC/FOS Springfield Region

SUBJECT: LPC #1170835009– Macoupin County
Royal Lakes/Tandy
C-05-128-C
FOS File

INSPECTION DATE: November 16, 2006

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of a November 16, 2006 complaint investigation of the above referenced site. This site was previously inspected on May 10, 2005 and January 26, 2006. This third inspection took place from approximately 11:57 am to 12:07 pm and four (4) digital photographs were taken. The weather was cloudy, and approximately 40°F, with a 20 mph wind from the north. No one was interviewed during the inspection.

Photograph 1 is a view of the Tandy house trailer located at 851 Basswood Avenue. A plastic bucket, a plastic gasoline can, a sponge mop, window glass, and used tires were just some of the waste observed in the front portion of the Tandy property. A minimal amount of waste has been cleaned up.

Photograph 2 shows the southwest side of the Tandy property. Two truck toppers were observed, one of which was covering several used tires. There are approximately 50 used tires on site. A Consensual Removal Agreement was mailed to Mr. Don Jose Tandy on February 28, 2006 with a copy of the January 26, 2006 inspection report. The Consensual Removal Agreement, that would have allowed the Illinois EPA to remove the used tires at no cost to Mr. Tandy, was not returned to the Illinois EPA. The photograph also shows miscellaneous litter scattered throughout the site.

Photograph 3 shows a burn pile located in a ditch on the Westside of the property. The charred burn pile debris has not been cleaned up and the charred debris looks different than what was previously observed. It appears that open burning is still occurring at the Tandy property. Mr. Isaiah Tandy was instructed during the two previous inspections that burning of garbage and debris was a violation of the Environmental Protection Act. It was explained that burning of landscape waste (grass, leaves, tree limbs, etc) was permitted. It was also explained that domicile waste (paper, cardboard, etc) could be burnt in a burn barrel or other vessel only. He was instructed to stop burning garbage, construction debris, and tires. The photograph also shows miscellaneous waste strewn throughout the side yard.

Photograph 4 shows the east side of the Tandy property. Several piles of miscellaneous debris were still observed. It appears there is no appreciable improvement has occurred to the condition of the Tandy property. At best it appears waste is being shuffled around, or if clean up efforts have occurred, additional waste has been open dumped. The February 28, 2006 letter also warned Mr. Tandy of possible enforcement action and monetary penalties if steps were not undertaken to achieve compliance. Apparently the warnings were not heeded.

The debris and unusable wastes must be disposed at an Illinois EPA permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center. The used tires must be drained and stored inside or covered to prevent the accumulation of water. The used or waste tires must be removed to an Illinois EPA registered used tire storage or used tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Loads of more than twenty tires must be hauled by an Illinois EPA registered used tire transporter.

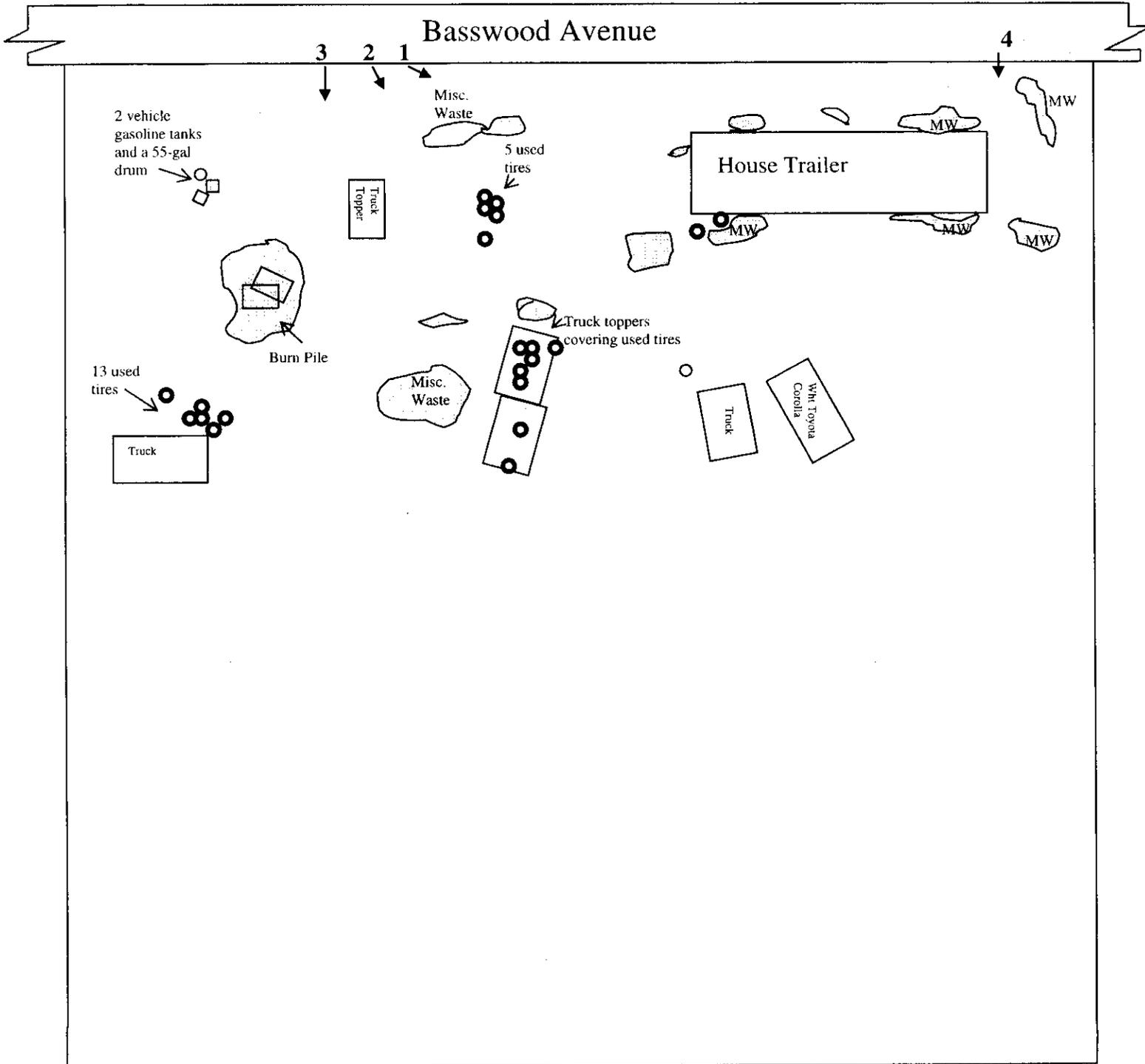
On December 13, 2006, at approximately 9:35 AM, the Illinois EPA inspector attempted to call Mr. Don Jose Tandy (owner). Mr. Tandy's Carlinville phone number has changed and no forwarding phone number is available. The Illinois EPA inspector checked multiple internet phone listing pages and no current phone number was located.

The Illinois EPA Inspector estimates approximately 6 cubic yards of waste are still on site. The apparent violations noted as a result of this inspection are checked on the attached checklist. The Illinois EPA inspector recommends an administrative citation be issued. A site sketch and digital photographs accompany this narrative.

cc: DLPC/FOS Springfield Region



SITE SKETCH



Measurements Approximate
Direction of Photo ➡
Not to Scale



DIGITAL PHOTOGRAPHS



Date: November 16, 2006
Time: 11:59 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 001
Comments: View of the Tandy house trailer. A plastic bucket, window glass, a gasoline can, a sponge mop, and used tires were just some of the waste observed.



Date: November 16, 2006
Time: 11:59 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 002
Comments: Southwest side of Tandy yard. A truck topper, used tires, and several piles of miscellaneous waste were observed open dumped on the ground.

File Names: 1170835009~11162006-[Exp. #].jpg

File Name: 1170835009~11162006 .doc



DIGITAL PHOTOGRAPHS



Date: November 16, 2006
Time: 11:59 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 003
Comments: Southwest side of Tandy yard. Burn pile located in ditch on left of photograph.



Date: November 16, 2006
Time: 12:00 PM
Direction: S
Photo by: Eisenbrandt
Exposure #: 004
Comments: East side of Tandy yard. Several piles of miscellaneous debris were observed in the east yard.

File Names: 1170835009~11162006-[Exp. #].jpg

File Name: 1170835009~11162006 .doc

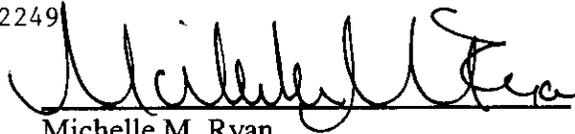
PROOF OF SERVICE

I hereby certify that I did on the 9th day of January 2007, 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: Don Jose Tandy
404 W. Nicholas Street
Carlinville, IL 62626-1243
Cert # 7004 2510 0001 8588 2256

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
Cert # 7004 2510 0001 8588 2249



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