

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUN 03 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOSEPH FLICK,

Respondent.

ORIGINAL

AC

08-32

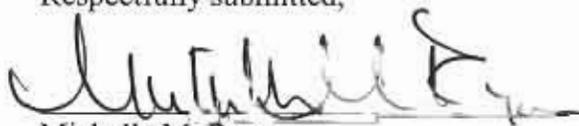
(IEPA No. 73-08-AC)

NOTICE OF FILING

To: Joseph Flick
315 Vine Street
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
Assistant Counsel

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

Dated: May 28, 2008

VIOLATIONS

Based upon direct observations made by Phillip Fatka during the course of his May 5, 2008 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) (2006).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 July 30, 2008, 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 (2006), 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.

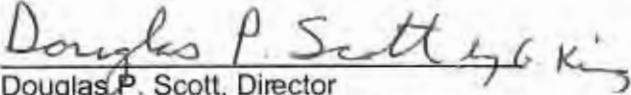
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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 (2006). 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, Director
Illinois Environmental Protection Agency

Date: 5/28/08

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

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 03 2008

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
JOSEPH FLICK,))
))
))
))
))
Respondent.)

AC 08 32
(IEPA No. 73-08-AC)

FACILITY: Cobden/Flick

SITE CODE NO.: 181850002

COUNTY: Union

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: May 5, 2008

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.

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 03 2008

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

Joseph Flick)
181845002 – Union County)
Cobden/Flick)

Respondent.)

AC08-32

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Phillip Fatka, 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 May 5, 2008, between 11:20am and 11:30am, Affiant conducted an inspection of a disposal site operated by Joseph Flick, located in Union County, Illinois, and known as Cobden/Flick by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1818540002 by the Agency.

3. Affiant inspected said open dumping 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 open dumping site.



A handwritten signature in cursive script, appearing to read "Donnie Houghland", written over a horizontal line.

Subscribed and Sworn to before me

this 6th day of May, 2008

A handwritten signature in cursive script, appearing to read "Donnie Houghland", written over a horizontal line.

Notary Public

PWF

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Union LPC#: 1818540002 Region: 7 - Marion
 Location/Site Name: Cobden/Flick
 Date: 05/05/2008 Time: From 11:20am To 11:30am Previous Inspection Date: 12/04/2007
 Inspector(s): P. Fatka Weather: -70F, Sunny, Clear
 No. of Photos Taken: # 4 Est. Amt. of Waste: >135 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: C-04-048
 Latitude: 37.52333 Longitude: -89.29503 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Other Interpolation

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

Joseph Flick
315 Vine St
Cobden, IL 62920

ORIGINAL

RECEIVED
CLERK'S OFFICE
JUN 03 2008
STATE OF ILLINOIS
Pollution Control Board

	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 # 1818540002

Inspection Date: 05/05/2008

	(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.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1818540002

Date: 5-5-08

County: Union

Inspector: P. Fatka

Subject: Cobden/Flick

Complaint #: C-04-048

General Remarks

G.P.S.: N 37.52333 W 89.25903

Time: 11:20am – 11:30am

Volume of waste found at site: >135 yd³

Owner of Property: Joseph Flick

Weather: ~70°F, Sunny, Clear

Soil Conditions: Normal

This inspection was made as a follow-up to the December 4, 2007 inspection by this office. The site is located at 280 Pine Tree Lane in Cobden, Illinois. The site was easily accessed by the aforementioned gravel road. This inspector announced himself at the abandoned site, but no one responded or made any attempt to inquire as to my presence on the property. Four (4) pictures were taken of the waste, which consisted of used tires and general refuse, including a burned mobile home, and general construction /demolition debris. Open burning had occurred at the site in the past, but there appeared to be no burning since my last visit. No change at all was apparent in the sites condition. Waste was scattered at various points over this two acre property. The amount of waste present was approximately 135 cubic yards. The amount and make up of the waste showed that materials had been brought in from off site (No one lives here, large amounts of tires). Additionally, about 100 used tires were piled up across the road opposite the access drive, but they did not appear to come from this site.

The following conditions, which constitute violations, were observed:

Illinois Environmental Protection Act Requirements:

1. **21(a) Cause or allow open dumping**
2. **21(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:**
 - (1) **Without a permit**
 - (2) **In violation of any regulations or standards adopted by the Board**
3. **21(e) Dispose, treat, store, or abandon any waste or transport any waste into the State at/to sites not meeting requirements of Act**
4. **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
 - (7) Deposition of general construction or demolition debris or clean construction or demolition debris
5. 55(a) No person shall
- (1) Cause or allow open dumping of any used or waste tire

35 Illinois Administrative Code Requirements Subtitle G

- 6. 812.101(a) Failure to submit an application for a permit to develop and operate a landfill

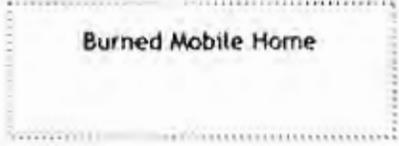
Findings: This site appears essentially unchanged since my last inspection. No clean-up activities were apparent. A compliance date of May 2, 2008 was established after the Flicks requested an extension. No communications have been received from the respondent since then.

Not to scale
All locations approximate

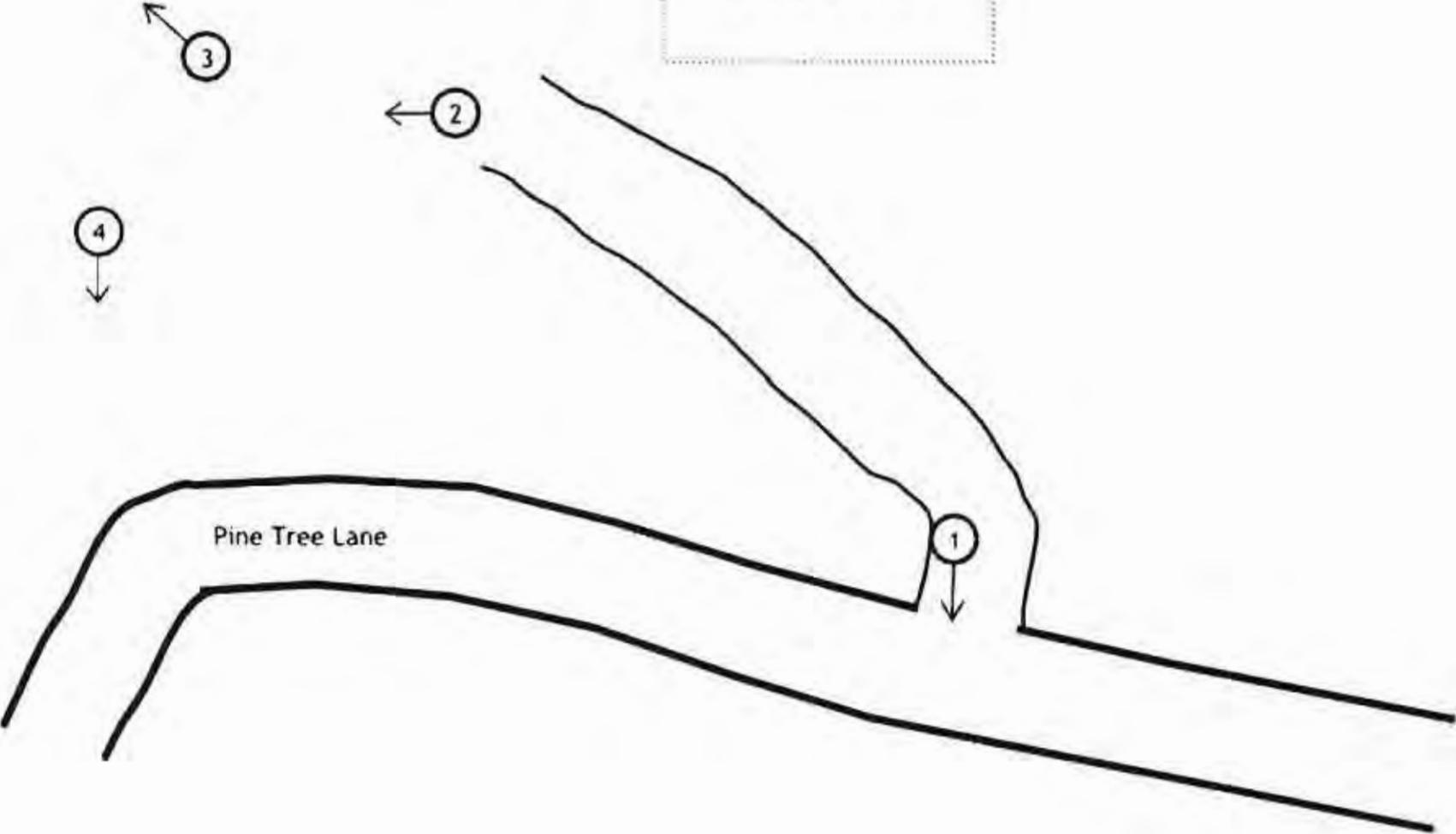


→ Direction and number of photo

1818540002 Union
Cobden/Flick



Burned Mobile Home





DIGITAL PHOTOGRAPHS



Date: 5-5-08
Time: 11:22am
Direction: S
Photo by: P. Fatka
Exposure #: 001
Comments: Roughly 100
used tires stacked across
the road from this site.



Date: 5-5-08
Time: 11:23am
Direction: W
Photo by: P. Fatka
Exposure #: 002
Comments: Used tires
and general wastes.
Scene appears largely
unchanged since last visit.

File Names: 1818540002~05052008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-5-08
Time: 11:24am
Direction: NW
Photo by: P. Fatka
Exposure #: 003
Comments: Used tires
and general wastes.



Date: 5-5-08
Time: 11:25am
Direction: S
Photo by: P. Fatka
Exposure #: 004
Comments: Used tires
and general wastes.
There appears to be at
least as much present as
there was during previous
inspection.

File Names: 1818540002~05052008-[Exp. #].jpg

ORIGINAL
PROOF OF SERVICE

RECEIVED
CLERK'S OFFICE

JUN 03 2008

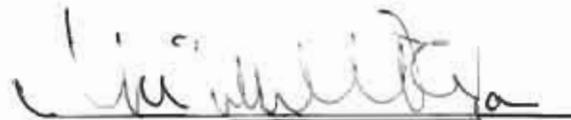
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 28th day of May 2008, 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: Joseph Flick
315 Vine Street
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: John Therriault
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



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