



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

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FEB 13 2009

February 11, 2009

ORIGINAL

STATE OF ILLINOIS
Pollution Control Board

AC09-35

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

Re: Illinois Environmental Protection Agency v. William and Patricia Hajek
IEPA File No. 13-09-AC; 0370608008—DeKalb County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was mailed to an inspector from the Rockford Regional Office to be delivered to Respondent via hand delivery. As soon as I receive the affidavit of service, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

[Handwritten signature of Michelle M. Ryan]

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 13 2009

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

WILLIAM and PATRICIA HAJEK,)

Respondents.)

AC 09-35
(IEPA No. 13-09-AC)

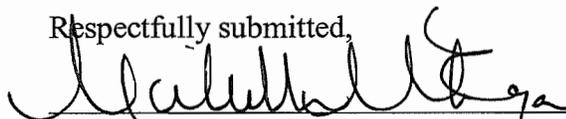
ORIGINAL

NOTICE OF FILING

To: William & Patricia Hajek
11683 McAllister Road
Waterman, IL 60556-7084

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: February 11, 2009

RECEIVED
CLERK'S OFFICE

FEB 13 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIAM and PATRICIA HAJEK,

Respondents.

) ORIGINAL
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) AC 09-35
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) (IEPA No.13-09-AC)
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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 (2006).

FACTS

1. That William and Patricia Hajek are the current owners and operators ("Respondents") of a facility located at 1683 McAllister Road, Waterman, DeKalb County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Waterman/Hajek Property.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0370608008.

3. That Respondents have owned and operated said facility at all times pertinent hereto.

4. That on January 23, 2009, Shaun Newell of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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.

5. That on 2-11-09, Illinois EPA sent this Administrative Citation via Certified Mail No. N/A.

VIOLATIONS

Based upon direct observations made by Shaun Newell during the course of his January 23, 2009 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) (2006).

- (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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 15, 2009, 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 (2006), 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.

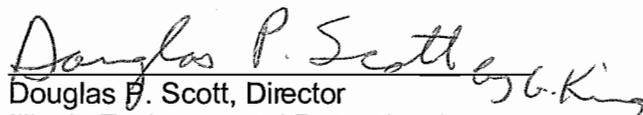
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, 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, 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 Respondents 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 (2006). 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 Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 2/10/09

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

Open Dump Inspection Checklist

County: DeKalb LPC#: 0370608008 ORIGINAL Region: 1 - Rockford
 Location/Site Name: Waterman/Hajek Property
 Date: 01/23/2009 Time: From 11:15A To 11:35A Previous Inspection Date: 10/30/2008
 Inspector(s): Newell Weather: Sunny, cold 15 degrees
 No. of Photos Taken: # 4 Est. Amt. of Waste: 150 yds³ Samples Taken: Yes # No
 Interviewed: Patricia Hajek Complaint #: C-08-054R
 Latitude: 41.72163 Longitude: -88.72161 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

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

William & Patricia Hajek
 11683 McAllister Road
 Waterman, IL 60556
 815/786-9039

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 Pollution Control Board

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| | 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 # 0370608008-DeKalb

Inspection Date: 01/23/2009

| | | | |
|--|------------|--|-------------------------------------|
| | (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.

**0370608008-DeKalb County
Waterman/Hajek Property
FOS File**

NARRATIVE INSPECTION REPORT

On January 23, 2009, I (Shaun Newell) reinspected the above referenced facility. The purpose of the inspection was to determine whether the respondent had complied with all applicable solid waste violations cited during the initial inspection conducted on March 17, 2008. The initial inspection was resulting from a citizen complaint filed with the Bureau of Land in Rockford, Illinois. The complaint, C-08-054R, alleges that the respondent, William & Patricia Hajek of 11683 McAllister Road (rural Waterman, IL), is operating a junk yard and accumulating scrap metal off-site. Apparently, Mr. Hajek was storing thirteen (13) 55-gallon drums of oil (one is leaking), numerous 5 gallon paint containers, gasoline containers, waste tires and numerous vehicles. The complainant has apparently contacted the DeKalb County Planning & Zoning Department regarding the junk vehicles. I spoke briefly with Rebecca Vondrasek from the De Kalb County Planning & Zoning Department. She acknowledged receipt of the same complaint and stated that there are no property maintenance codes to address the solid waste found on site.

While on site on March 17, 2008 and October 30, 2008, the following alleged solid waste violations were cited: Sections 12(a), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(7), 55(a)(1) of the Act and Sections 812.101(a) and 722.111 of 35 Illinois Adm. Code; Subtitle G. Various types of solid metal waste and non-solid waste was observed on site. Waste tires of various sizes, on and off rim were observed piled in tall vegetation. Waste tires contained water accumulation. Fifty-five gallon drums of an unknown black liquid were found on site. Some of the containers were leaking and were not sealed. There were no labels found on the drums. Numerous 5-gallon pails of paint were found scattered on site. A few spent batteries were found on the ground. On April 2, 2008, the IEPA drafted an Open Dump Administrative Citation Warning Notice (ACWN) that was received by Mr. Hajek.

Since April 2, 2008, the Rockford Regional Office has received four written responses from Mr. Hajek dated August 27, 2008 (attached receipt 140lbs. of metal); July 14, 2008 (enclosed testing report from TSC for drums of liquid); June 25, 2008 (receipt for tire & battery disposal through Whittaker Salvage in Earlville, IL); and a June 4, 2008 (overview of plan to clean-up the site). According to Mr. Hajek, the 55-gallon drums were tested by TSC of Carol Stream, Illinois and determined to be asphalt sealant. Mr. Hajek was asked to label the 55-gallon drums since he wanted to reuse the sealant and store them inside a building.

The site was observed again on August 26, 2008 and some improvement had occurred. Some of the solid waste was removed from the garage area. Waste tires were found outside the south end of the barn. Mr. Hajek was again asked to remove the waste tires and recycle them. The IEPA agreed to give Mr. Hajek two additional weeks to comply. No inspection was conducted on this date. A few photographs were taken of the solid waste.

On January 23, 2009, the site was reinspected. I attempted to reach Mr. Hajek by phone. I left a message that I was reinspecting the site. I also knocked on the door to see if Mrs. Hajek was at home. No one was present during the inspection. I proceeded to walk through snow drifts to the edge of the driveway. Solid wastes of various types were found visible through the snow cover. Waste tires were also visible in the same location during the previous inspection conducted on October 30, 2008. There was little to zero progress in cleaning up the solid waste/tires. A few photographs were taken to document the waste. Photograph 0370608008~012309-001 faces west showing solid waste along the west edge of the property. Photograph 0370608008~012309-002 faces northwest showing solid waste visible in the northwest corner of the property. Photograph 0370608008~012309-003 faces east showing solid/waste tires visible through the snow.

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0370608008-DeKalb County
Waterman/Hajek Property
FOS File

Photograph 0370608008~012309-004 faces southeast showing solid waste piled near the garage/residential house.

I did not attempt to look inside the barn. I did not see any tracks through the snow that would demonstrate any of the used tires were removed from the barn. During the October 30, 2008 inspection I discovered there were an additional 200 plus used/waste tires inside the barn. Mr. Hajek has stated that he intends to reuse the tires on vehicles on site. The Rockford UTU mailed a Notification form to Mr. Hajek to register his site as a tire storage site. As of January 27, 2009, the form has not been submitted to Springfield (Headquarters).

Based on January 23, 2009 observation the following alleged continuing violations remain on site. Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(7), 55(a)(1) of the Illinois Environmental Protection Act and Section 812.101(a) of 35 Illinois Administrative Code; Subtitle G.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 1-23-09

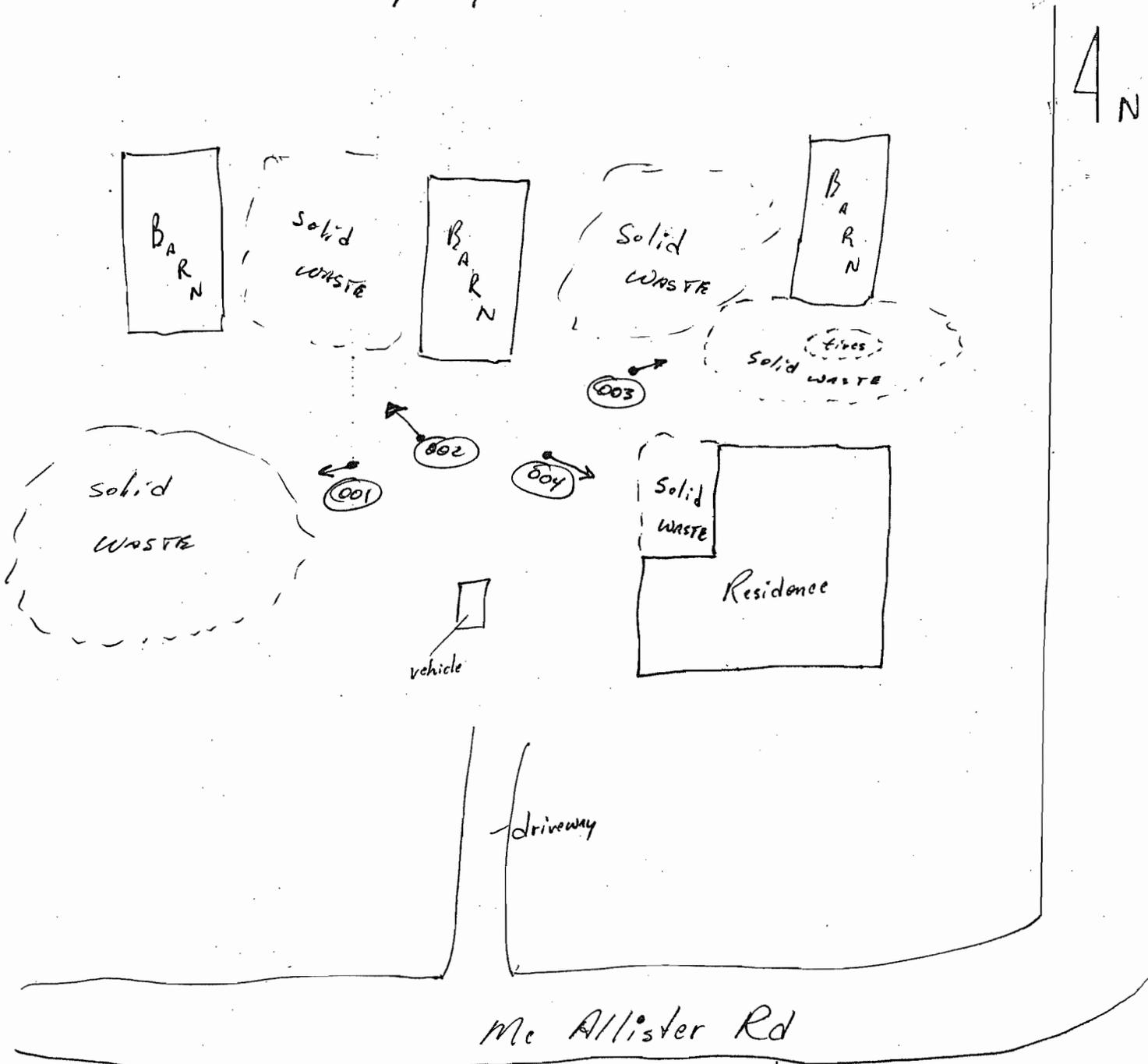
Inspector: NEWELL

Site Code: 0370608008

County: DeKalb

Site Name: Hajek Property

Time: 11:15A-11:35A



Photograph 0370608008 ~
012309-001 thru 004
Not To Scale

LPC # 0370608008-DeKalb County
Waterman/Hajek Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: January 23, 2009
TIME: 11:20 A.M.
DIRECTION: West
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008-012309-001
COMMENTS: Facing W
showing the solid waste on
site.



DATE: January 23, 2009
TIME: 11:25 A.M.
DIRECTION: Northwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008-012309-002
COMMENTS: Facing NW
showing the solid waste on
site.



LPC # 0370608008-DeKalb County
Waterman/Hajek Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: January 23, 2009
TIME: 11:27 A.M.
DIRECTION: East
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309-003
COMMENTS: Facing E
showing the solid waste/tires
on site.



DATE: January 23, 2009
TIME: 11:30 A.M.
DIRECTION: Southeast
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309-004
COMMENTS: Facing SE
showing the solid waste next
to the garage.



LPC # 0370608008-DeKalb County
Waterman/Hajek Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: January 23, 2009
TIME: 11:20 A.M.
DIRECTION: West
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309-001
COMMENTS: Facing W
showing the solid waste on
site.



DATE: January 23, 2009
TIME: 11:25 A.M.
DIRECTION: Northwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309-002
COMMENTS: Facing NW
showing the solid waste on
site.



LPC # 0370608008-DeKalb County
Waterman/Hajek Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: January 23, 2009
TIME: 11:27 A.M.
DIRECTION: East
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309~003
COMMENTS: Facing E
showing the solid waste/tires
on site.



DATE: January 23, 2009
TIME: 11:30 A.M.
DIRECTION: Southeast
PHOTO by: S. Newell
PHOTO FILE NAME:
0370608008~012309~004
COMMENTS: Facing SE
showing the solid waste next
to the garage.



ORIGINAL

PROOF OF SERVICE

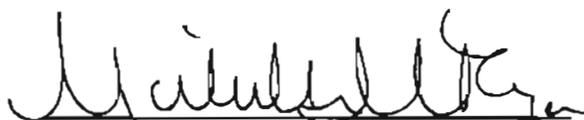
I hereby certify that I did on the 11th day of February, 2009 send by messenger mail to the Rockford Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for hand delivery

To: William & Patricia Hajek
11683 McAllister Road
Waterman, IL 60556-7084

RECEIVED
CLERK'S OFFICE
FEB 13 2009
STATE OF ILLINOIS
Pollution Control Board

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid

To: John Therriault, Clerk
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