



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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

ORIGINAL

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

RECEIVED
CLERK'S OFFICE

JUN 09 2010

STATE OF ILLINOIS
Pollution Control Board

June 1, 2010

AC 10-29

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. Christa Hjort
IEPA File No. 161-10-AC; 1158075003—Macon 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 Tire Storage Site Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, 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,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JUN 09 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHRISTA HJORT,

Respondent.

AC 10-29

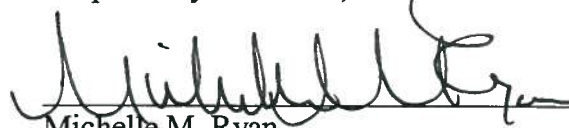
(IEPA No. 161-10-AC)

NOTICE OF FILING

To: Christa Hjort
31 Ridgecrest Dr.
Decatur, IL 62521-5425

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: June 1, 2010

RECEIVED
CLERK'S OFFICE
JUN 09 2010
STATE OF ILLINOIS
Pollution Control Board

5. That on 6-1-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 8032.

VIOLATIONS

Based upon direct observations made by Curt White during the course of his April 12, 2010 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).

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 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 June 30, 2010, 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: 6/1/2010

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

Respondent.

[illegible]

(IEPA No. 161-10-AC)

CIVIL PENALTY: \$1,500.00

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:

IEPA DOCKET NO.

Respondent

Affiant, Curt White, 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 April 12, 2010, between 10:00 A.M. and 10:30 A.M., Affiant conducted an inspection of the site in Macon County, Illinois, known as the Longcreek / Casner Motor Company site, Illinois Environmental Protection Agency Site No. 1158075003.
3. Affiant inspected said Casner Motor Company, Inc. site by an on-site inspection, which included walking 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 the Casner Motor Company site.

Subscribed and Sworn to before me

this 27th day of April,
2010.

Sharon L. Barger
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Macon LPC#: 1158075003 Region: 4 - Champaign

Location/Site Name: Longcreek / Casner Motor Company

Date: 04/12/2010 Time: From 10:00 am To 10:30 am Previous Inspection Date: 06/02/2009

Inspector(s): Curt White Weather: Sunny & 65° F

No. of Photos Taken: # 2 Est. Amt. of Waste: 50 yds³ Samples Taken: Yes # No ☒

Interviewed: N/A Complaint #: C09-122-CH

Latitude: 39.79993° Longitude: -88.79346° Collection Point Description: Dump Location - +/-15

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - GarminGPSmap 76S

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

Christa Hjort
31 Ridgecrest Dr.
Decatur, IL 62521-5425

	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 # 1158075003-Macon County

Inspection Date: 04/12/2010

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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: (<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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC #1158075003—Macon County
Longcreek / Casner Motor Company
FOS

Inspector: Curt White

Insp. Date: 4/12/10

Complaint # C09-122-CH

INSPECTION REPORT NARRATIVE

Curt White of DLPC/FOS Champaign Regional Office reinspected this site on April 12, 2010. The weather conditions during this inspection were sunny and 65° F. No interviews were conducted during this inspection.

The site is located at 9482 E. US 36, Oakley, IL 62501-6936 in the unincorporated town of Casner, IL property #: 09-14-31-100-004. The site is owned by Christa Hjort. The mailing address for Ms. Hjort is 31 Ridgecrest Dr, Decatur, IL 62521-5425. The ownership was determined by going to the Macon County Supervisor of Assessments Office in Decatur, IL.

This inspection was conducted in accordance with Sections 4(c) and (d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine if the site is in compliance with the Act and Regulations.

SITE HISTORY

This was the former site of Casner Motor Company which is now closed.

APRIL 12, 2010 INSPECTION FINDINGS

I arrived on the property at 10:00 am. Nobody was present at the site. I walked around the site. I observed an estimated 500 used tires being stored haphazardly and open dumped in weeds (see photos 1 & 2). I inspected the used tires for water accumulation. All the used tires observed were on rims to prevent water accumulation. These used tires were the same used tires I observed on the previous inspection on June 2, 2009. I left the site at 10:30 am.

Summary of Violations

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 2, 1001 et. seq.) {hereinafter called the "Act"}

- #1 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **used tires were open dumped on this site.**

- #2 Pursuant to Section 21(d)(1) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency.

A violation of Section 21(d)(1) is alleged for the following reason: **used tires were disposed without a permit granted by the Illinois Environmental Protection Agency.**

- #3 Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards by the Board under this Act.

A violation of Section 21(d)(2) of the Act is alleged for the following reason: **used tires were disposed of at this waste management site in violation of regulations or standards adopted by the Board.**

- #4 Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **used tires were disposed of at this site, which does not meet the requirements of the Act and of regulations and standards thereunder.**

- #5 Pursuant to Section 21(p)(1) of the Act, no person shall cause or allow the open dumping of any waste in a manner, which results in litter

A violation of Section 21(p)(1) is alleged for the following reason: **used tires were open dumped at this site, which resulted in litter**

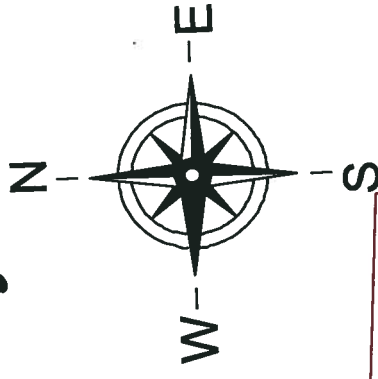
- #6 Pursuant to Section 55(a)(1) of the Act, no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) is alleged for the following reason: **used tires were open dumped at this site.**

Illinois Environmental Protection Agency

LPC #1158075003--Macon County
Longcreek / Casner Motor Company
Insp. Date: 4 / 12 / 10

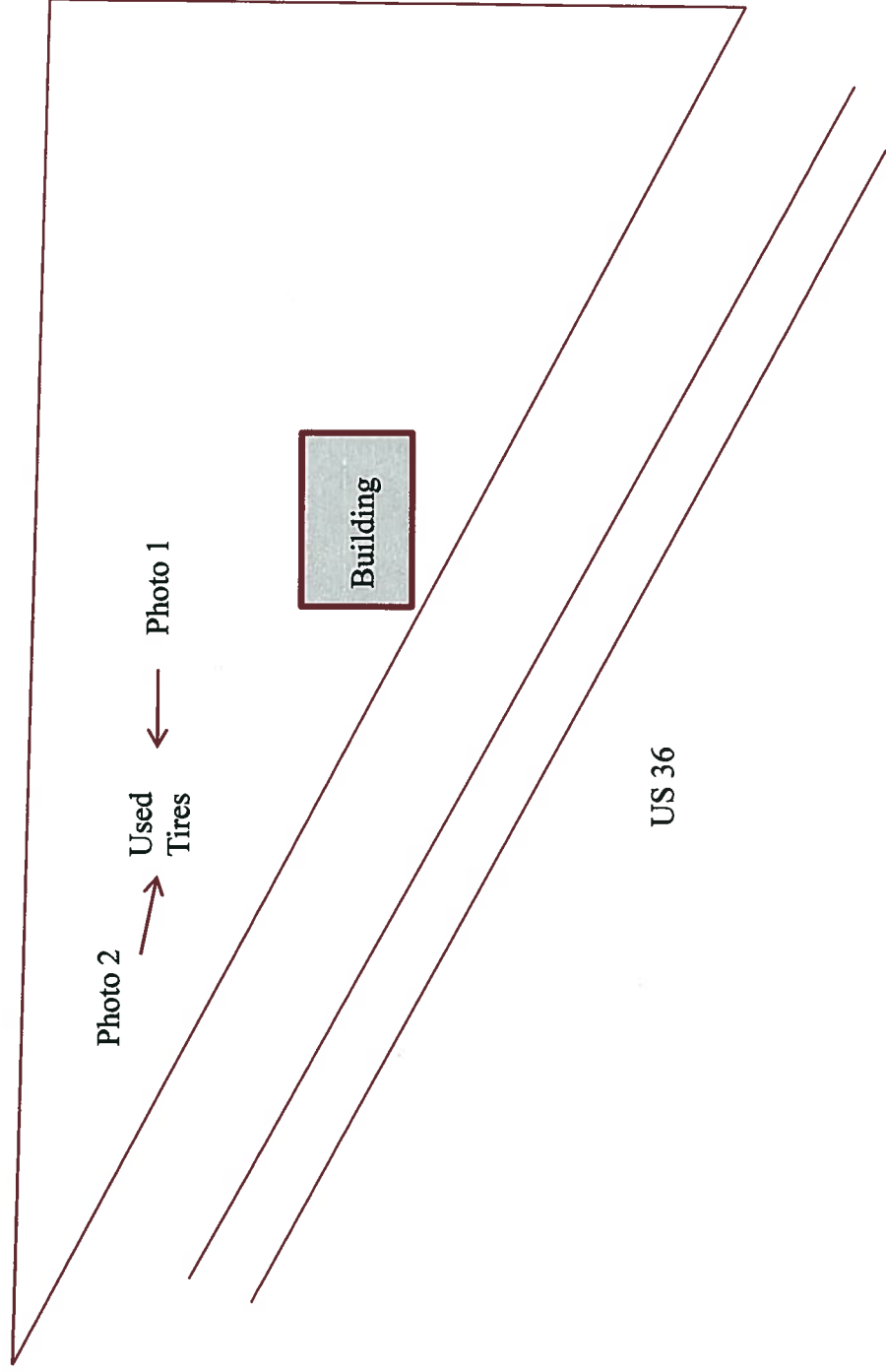
Site Map



Casner, IL

Site Photos

1. Photo 1 @ 10:15 am
2. Photo 2 @ 10:16 am



Map not to Scale
Arrows indicated direction
and location of Photos



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC # 1158075003 — Macon County
Longcreek / Casner Motor Company
FOS File**

**DATE: 4-12-2010
TIME: 10:15 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
1158075003~04122010-001.jpg
COMMENTS:**



**DATE: 4-12-2010
TIME: 10:16 AM
DIRECTION: East
PHOTO by: Curt White
PHOTO FILE NAME:
1158075033~04122010-002.jpg
COMMENTS:**



115 8013055 Macon Co
Long Creek/Casner Motor
FOS File

State of Illinois
Macon County SS: I Herby
Certify
That This Instrument Was Filed For
Record At 9:10 AM
On And

SEP 10 1992

Mail Tax Statement to:
(name and address)

EXECUTOR'S
WARRANTY DEED
STATUTORY

Document No.
1344755

This space for use Recorded in Book 2442 Page 248
of Recorder

Grantor(s)

CRISTA KAY HJORT, Executor
of the Estate of Ralph S. Jones, deceased

Fee 15.00 nd Recorder of Deeds

for and in consideration of Ten Dollars & other good and valuable consideration
in hand paid, conveys and warrants to:
CRISTA KAY HJORT, A Single Person

A tract of land situated in the South East Quarter of the North West Quarter of Section Thirty-one (31) Township Sixteen (16) North, Range Four (4) East of 3rd P.M., more particularly described as follows: From a point where the South Right of Way line of the C. I. & W. Railroad intersects the West line of the North West Quarter of said Section Thirty-one (31) measure South 72 20' East 2087.9 feet, to the Point of Beginning, being the point on the South Right of Way line of said C. I. & W. Railroad to which the North line of State Highway Route 121 is tangent, thence to the right along the North and East line of said State Highway Route 121 around a curve having a radius of 1040 feet, 1026.2 feet more or less to a point where the said curve intersects the East line of said North West Quarter of said Section Thirty-one (31), thence North to the South Right of Way line of said C. I. & W. Railroad, thence Northwesterly along the South line of said Railroad Right of Way to the Place of Beginning;

Also Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Block One (1), and

Also an undivided part of Block One (1) more particularly described as follows: Beginning at the Center of Section Thirty-one (31) Township Sixteen (16) North, Range Four (4) East of the 3rd P.M., thence East 64 feet, thence North to the South Right of Way of the B & O Railroad, thence Northwesterly along the South Right of Way line to the West line of the North East Quarter of said Section Thirty-one (31), thence South to the Point of Beginning, except the South 180 feet thereof, all in Casner, as per Plat recorded in Book 97, Page 100 of the Records in the Recorder's Office of Macon County, Illinois, situated in Macon County, Illinois.

Subject to easements, restrictions and reservations of records;

Subject to the general taxes for 1991, due and payable in 1992, and all general taxes payable thereafter.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

This conveyance is pursuant to the authority in the last Will and Testament of Ralph S. Jones, deceased dated February 12, 1988, admitted to probate in Macon County Cause No. 88-P-206.

Dated this 20th day of

July, 1992

CRISTA KAY HJORT, Executor of the
Estate of Ralph S. Jones, deceased

STATE OF ILLINOIS)

SS.

COUNTY OF MACON)

(SEAL)

Edwin J. Tangney, Jr.

The foregoing instrument was acknowledged before me this 20th day of July, 1992, by CRISTA KAY HJORT for the purposes therein set forth, including the release and waiver of the right of homestead.

Attest: Don M. Tharp
Notary Public

This instrument was prepared by GREGORY L. BARNES, LTD., 132 S. Water St., Suite 529, Decatur, Illinois 62523

DOCUMENTARY STAMP
"Exempt under provisions of Paragraph E,
Section 4, Real Estate Transfer Tax Act."
7/20/92
Date Representative

OFFICIAL SEAL
LORI ANN THARP
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/19/94

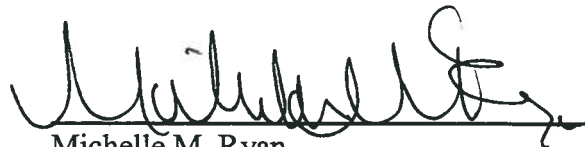
PROOF OF SERVICE

I hereby certify that I did on the 1st day of June, 2010, 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: Christa Hjort
31 Ridgecrest Dr.
Decatur, IL 62521-5425

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

A handwritten signature in black ink, appearing to read "Michelle M. Ryan", written over a horizontal line.

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