

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 GRANT GUTIERREZ d/b/a GRANT )  
 GUTIERREZ JUNK CAR REMOVAL )  
 )  
 Respondent. )  
 )

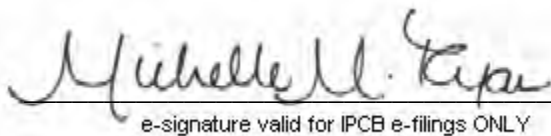
AC 2023-  
 (IEPA No. 88-23-AC)

**NOTICE OF FILING**

To: Grant Gutierrez d/b/a Grant  
 Gutierrez Junk Car Removal  
 2908 265<sup>th</sup> St N  
 Hillsdale, IL 61257

PLEASE TAKE NOTICE that on this date I electronically filed 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,



e-signature valid for IPCB e-filings ONLY

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 12, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2023-
	)	
v.	)	(IEPA No. 88-23-AC)
	)	
GRANT GUTIERREZ d/b/a GRANT	)	
GUTIERREZ JUNK CAR REMOVAL	)	
	)	
	)	
Respondent.	)	

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 (2022).

FACTS

1. That Grant Gutierrez d/b/a Grant Gutierrez Junk Car Removal is the present owner/operator of a property located at 2908 265<sup>th</sup> St N, Rock Island, Rock Island County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rock Island/Gutierrez Grant.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1618170008.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on May 3, 2023, Jason Thorp of the Illinois Environmental Protection Agency's Peoria 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 June 12, 2023, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2969 5056 to Grant Gutierrez d/b/a Grant Gutierrez Junk Car Removal.

#### VIOLATIONS

Based upon direct observations made by Jason Thorp during the course of his March 23, 2023 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) (2022).
- (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) (2022).
- (3) That Respondent 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) (2022).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), Respondent is subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than **August 7, 2023**, 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 (2022), 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) (2022), if Respondent fails 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, 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 (2022). If Respondent elects to contest this Administrative Citation, then Respondent shall file a 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.

  
\_\_\_\_\_  
John J. Kim, Director  
Illinois Environmental Protection Agency

Date: 6/9/23

Prepared by: Dawn A. Hollis, 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

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2023-
	)	
v.	)	
	)	(IEPA No. 88-23-AC)
GRANT GUTIERREZ d/b/a GRANT	)	
GUTIERREZ JUNK CAR REMOVAL	)	
	)	
Respondent.	)	

FACILITY: Rock Island/Gutierrez Grant

SITE CODE NO.: 1618170008

COUNTY: Peoria

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: May 3, 2023

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.

## Illinois Environmental Protection Agency

Bureau of Land – Field Operations Section

**RCRA Inspection Report****General Facility Information**

<b>BOL ID</b>	1618170008	<b>Evaluation Date</b>	5/3/2023
<b>USEPA Id</b>	NA	<b>Region</b>	Peoria
<b>Site Name</b>	Gutierrez Grant	<b>County</b>	Rock Island
<b>Address</b>	2908 265th St N	<b>Phone</b>	563-320-9223
<b>City/State/Zip</b>	Rock Island, IL 61257	<b>EJ Status</b>	None
<b>Limited English</b>	<input type="checkbox"/>	<b>Primary Language</b>	English

**Facility Type**

<u>Most Recent Notification Date</u>	<u>Notified As</u>	<u>Regulated As</u>
N/A	Non-Notifier	NH

**Observations**

<b>Time</b>	12:24 - 12:46
<b>Weather Conditions</b>	Sunny, Wind NW 13 MPH
<b>Temperature</b>	61 Fahrenheit
<b>Photos Taken</b>	Yes

**Evaluation Type**

RCRA Program - Salvage Yard

**Owner**

Grant Gutierrez  
2908 265th St N  
Hillsdale, IL 61257

**Operator**

Grant Gutierrez Junk Car Removal  
2908 265th St N  
Hillsdale, IL 61257

**Inspection Participants**

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Jason Thorp	IEPA FOS Primary Inspector	(309) 671-3072

**Persons Interviewed**

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Gutierrez, Grant	563-320-9223	junkcarcash@quadcities.com

**Permit**

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/SP No.</u>	<u>Mod/SP Date</u>
NA					

**Active Enforcement Orders**

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NA					



## ***Executive Summary***

---

On May 3, 2023, I (Jason Thorp, BOL/FOS - Peoria) conducted an unannounced Resource Conservation and Recovery Act (RCRA) follow-up inspection from 12:24 - 12:46 hours at a salvage yard ("facility") owned by Grant Gutierrez and operated by Grant Gutierrez d/b/a Grant Gutierrez Junk Car Removal located at 2908 265<sup>th</sup> Street N in rural Hillsdale, Rock Island County, Illinois (41.55082<sup>o</sup>, -90.25606<sup>o</sup>). The purpose of the follow-up inspection was to determine if the 40 yd<sup>3</sup> of solid waste observed during the April 19, 2023 RCRA Citizen Complaint Investigation (CCI) had been disposed by open burning on April 28, 2023, as reported by the complainant in an e-mail dated May 1, 2023.

The reported open burning was substantiated as I observed new apparent violations for open dumped solid waste and evidence of open burned solid waste.

## ***Evaluation Narrative***

---

### **Background**

On April 19, 2023, I conducted an unannounced RCRA CCI at the facility in response to complaint allegations listed in Complaint No. 6248 that Mr. Gutierrez was improperly disposing of vehicles fluids generated from vehicle scrapping operations. Mr. Gutierrez was not present on-site, but was notified by telephone of my intentions to conduct a RCRA CCI. The complaint allegations were substantiated as I observed apparent violations of Sections 12(a), 12(d), 21(a), 21(d)(1), 21(e), 21(k), 21(p)(1), 21(p)(7), 55(a)(1), 55(a)(4), 55(a)(5), 55(c), 55(d)(1), and 55(e) of the Environmental Protection Act and Sections 739.122(d), 848.202(a)(1), 848.202(a)(6), 848.305(c), 848.307, 848.607(c), and 848.609 of the Title 35 Illinois Administrative Code during the RCRA CCI for operating an unregistered tire storage site; failure to pay the required annual fee; failure to meet used tire fire break requirements; failure to use tire tracking receipts; failure to clean-up used oil releases; and open dumped solid waste comprised of vehicles parts, furniture, and general construction or demolition debris.

On April 21, 2023, I telephoned Mr. Gutierrez to inform him of the RCRA CCI findings and corrective actions necessary to return the facility to compliance. Mr. Gutierrez was instructed not to dispose any of the open dumped solid waste present on-site by means of open burning, except for landscape waste generated on-site if local ordinances allowed such activity.

On May 1, 2023, I received an e-mail from the complainant indicating that a large fire occurred at the facility on Friday, April 28, 2023.

### **Inspection**

The follow-up inspection commenced at 12:24 hours. I collected digital photographs to document observations made during the follow-up inspection. The digital photograph locations and GPS coordinates for the facility entrance have been plotted on the Illinois EPA Site Map included with this inspection report. Digital photograph 1 depicts an overview of the facility as observed from the entrance located along 265th Street N.

Mr. Gutierrez was present on-site and participated in the follow-up inspection. I observed continuing apparent violations and new apparent violations for open dumped solid waste and evidence of open burned solid waste. Digital photograph 2, 3, 5, and 6 depict the area where open dumped solid waste and evidence of open burned solid waste was observed during the follow-up inspection. Digital photograph 4 depicts a closer view of the open dumped solid waste and evidence of open burned solid waste. Digital photograph 7, included in this inspection report for reference purposes, was collected during the RCRA CCI conducted on April 19, 2023 and depicts an estimated 40 yd<sup>3</sup> of open dumped solid waste comprised of furniture and general construction or demolition debris (dimensional lumber, plywood, wood fencing, and wood spools) present on-site prior to being open burned by Grant Gutierrez on Friday, April 28, 2023.

Electronic Filing: Received, Clerk's Office 06/12/2023 \*\*AC 2023-15\*\*

I reminded Mr. Gutierrez of our April 21, 2023, telephone conversation when I provided instructions not to burn any of the open dumped solid waste present on-site. Mr. Gutierrez responded by saying that he thought burning the solid waste would be alright since the waste was already in a pile to be burned. I again, informed Mr. Gutierrez of the corrective actions necessary to return the facility to compliance and to cease open burning of solid waste present on-site.

The follow-up inspection concluded at 12:46 hours.

The new apparent violations for open dumped solid waste and evidence of open burned solid waste observed during the follow-up inspection and apparent continuing violations observed during the April 19, 2023, RCRA CCI have been listed below in the Summary of Apparent Violation(s) table:

<b>Summary of Apparent Violation(s)</b>			
<b>Status</b>	<b>Date</b>	<b>Violation</b>	<b>Narrative</b>
Continuing	4/19/2023	12(a)	Cause, threaten or allow water pollution in Illinois
Continuing	4/19/2023	12(d)	Create a water pollution hazard
Continuing	4/19/2023	21(a)	Cause or allow open dumping
Continuing	4/19/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
Continuing	4/19/2023	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	4/19/2023	21(k)	Fail or refuse to pay any fee imposed under this Act
Continuing	4/19/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	4/19/2023	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris
Continuing	4/19/2023	55(a)(1)	Cause or allow open dumping of any used or waste tire
Continuing	4/19/2023	55(a)(4)	Cause or allow the operation of a tire storage site except in compliance with Board regulations.
Continuing	4/19/2023	55(a)(5)	Abandon, dump or dispose of any used or waste tire on private or public property
Continuing	4/19/2023	55(c)	Failure to file the required notification with the Agency by 1/1/90 or within 30 days of commencement of tire retail, tire storage or tire disposal activity
Continuing	4/19/2023	55(d)(1)	Cause or allow operation of tire storage site containing >50 tires without meeting (d)(1) requirements by January 1 each year
Continuing	4/19/2023	55(e)	Cause or allow used/waste tire disposal in violation of Board regulations/standards
Continuing	4/19/2023	739.122(d)	Clean-up of used oil releases
Continuing	4/19/2023	848.202(a)(1)	No used tires placed/accumulated outside of a building or fully enclosed container, unless in a storage pile separated from designated features by specified firebreaks
Continuing	4/19/2023	848.202(a)(6)	All site activities presenting fire risk conducted either: (A) in a building and per §848.204(c)(4); or (B) outdoors and separated from all used tires by at least 250'
Continuing	4/19/2023	848.305(c)	Record maintained on-site of receipt and disposition of all used/waste tires, including but not limited to: (1) receipts for any used/waste tires received at site and (2) receipts for any used/waste tires transported from site
Continuing	4/19/2023	848.307	All records required by this Subpart retained by owner/operator for 3 years and made available during normal business hours for inspection and copying by the Agency
Continuing	4/19/2023	848.607(c)	Record of receipt and disposition of all used/waste tires maintained at tire transporter's principal place of business, including but not limited to both: receipts for used/waste tires received by that person; and receipts for

Electronic Filing: Received, Clerk's Office 06/12/2023 \*\*AC 2023-15\*\*

			used/waste tires delivered by that person; copy of receipts provided by tire transporters maintained at principal place of business of persons providing used/waste tires to transporter for transport
Continuing	4/19/2023	848.609	Copies of all records required to be kept by this Subpart retained by owner/operator for 3 years and made available during normal business hours for inspection and copying by the Agency
New	5/03/2023	21(a)	Cause or allow open dumping
New	5/03/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	5/03/2023	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
New	5/03/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	5/03/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	5/03/2023	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris
New	5/03/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	5/03/2023	9(c)	Cause or allow open burning

***Attachment Listing***

---

Type	Description
NA	

Site Diagram



**SITE WAYPOINT**  
DIGITAL PHOTOGRAPH & DIRECTION



INSPECTION DATE: 05/03/2023  
INSPECTOR/DRAWN BY: JT/JT  
MAP SCALE: 0 15 30 45 60 METERS

**ILLINOIS EPA SITE MAP**  
1618170008 -- ROCK ISLAND COUNTY  
GUTIERREZ GRANT  
FOS



Digital Photographs



Bureau Id: 1618170008  
Photo No.: 1  
Photo Date: 5/3/2023  
Photo Time: 12:27:11 PM  
Direction: W  
Taken By: Jason Thorp

The digital photograph depicts an overview of the facility as observed from the entrance located along 265th Street N.



Bureau Id: 1618170008  
Photo No.: 2  
Photo Date: 5/3/2023  
Photo Time: 12:41:23 PM  
Direction: NW  
Taken By: Jason Thorp

The digital photograph depicts Grant Gutierrez standing in front of the area where open dumped solid waste and evidence of open burned solid waste was observed during the follow-up inspection.





Bureau Id: 1618170008  
Photo No.: 3  
Photo Date: 5/3/2023  
Photo Time: 12:42:00 PM  
Direction: SW  
Taken By: Jason Thorp

The digital photograph depicts the area where open dumped solid waste and evidence of open burned solid waste was observed during the follow-up inspection.



Bureau Id: 1618170008  
Photo No.: 4  
Photo Date: 5/3/2023  
Photo Time: 12:42:08 PM  
Direction: W  
Taken By: Jason Thorp

The digital photograph depicts a closer view of the open dumped solid waste and evidence of open burned solid waste observed during the follow-up inspection.





Bureau Id: 1618170008  
Photo No.: 5  
Photo Date: 5/3/2023  
Photo Time: 12:42:26 PM  
Direction: S  
Taken By: Jason Thorp

The digital photograph depicts the area where open dumped solid waste and evidence of open burned solid waste was observed during the follow-up inspection.



Bureau Id: 1618170008  
Photo No.: 6  
Photo Date: 5/3/2023  
Photo Time: 12:42:40 PM  
Direction: SE  
Taken By: Jason Thorp

The digital photograph depicts the area where open dumped solid waste and evidence of open burned solid waste was observed during the follow-up inspection.





Bureau Id: 1618170008

Photo No.: 7

Photo Date: 4/19/2023

Photo Time: 12:24:18 PM

Direction: SE

Taken By: Jason Thorp

The digital photograph, included in this inspection report for reference purposes, was collected during the RCRA CCI conducted on April 19, 2023 and depicts an estimated 40 yd3 of open dumped solid waste comprised of furniture and general construction or demolition debris (dimensional lumber, plywood, wood fencing, and wood spools) present on-site prior to being open burned by Grant Gutierrez on Friday, April 28, 2023.





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

vs.

Grant Gutierrez,  
Respondent

### AFFIDAVIT

Affiant, Jason Thorp, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 3, 2023, between 12:24 and 12:46, Affiant conducted an inspection of the site in Rock Island County, Illinois, known as Gutierrez Grant, located at 2908 265th Street N, Hillsdale, Illinois 61257, and designated Bureau of Land Site # 1618170008.
3. Affiant inspected said 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 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 site.

Subscribed and Sworn to before me  
this 16 day of May,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Jason Thorp



2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

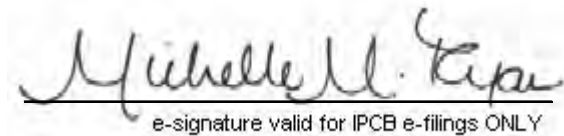
**PROOF OF SERVICE**

I hereby certify that I did on the 12<sup>th</sup> day of June, 2023, serve with postage thereon 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: Grant Gutierrez d/b/a Grant  
Gutierrez Junk Car Removal  
2908 265<sup>th</sup> St N  
Hillside, IL 61257

and the original via electronic filing on June 12, 2023

To: Don Brown, Clerk  
Pollution Control Board  
60 E. Van Buren St., Ste. 630  
Chicago, IL 60605



e-signature valid for IPCB e-filings ONLY

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