



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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CLERK'S OFFICE

SEP 19 2003

STATE OF ILLINOIS
Pollution Control Board

September 16, 2003

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

AC04-08

Re: Illinois Environmental Protection Agency v. Roger Ray
AC 04-08 (IEPA File No. 392-03-AC)

Dear Clerk Gunn:

It has come to my attention that the inspection checklist and narrative included with the filing in the above-named case may have been missing the reverse sides of the copies. Please find enclosed ten complete copies of the two-page checklist and three-page narrative.

I apologize for the inconvenience.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Attachments

cc: Roger Ray (with attachment)

LPC # 1398065001

Inspection Date: 07/04/2003

	(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 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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


Signature of Inspector(s)

- Informational Notes**
- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
 - Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
 - 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.
 - 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.
 - 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).
 - 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# 1398065001—Moultrie County

Sullivan/Ray, Roger

FOS File

Complaint #C04-003-CH

Inspector: Deanna Carlock

Inspection Date: 4 July 2003

GIS Data: Latitude-N 39.57037°", Longitude-W 088.6702°" (www.mapsonus.com)

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OPEN DUMP INSPECTION NARRATIVE

On July 4, 2003, from approximately 6:55 to 7:05 a.m. I inspected the above-referenced unpermitted site, located on the southeast corner of the intersection of County Road 750E and the railroad track in Block three of the J.W. Evans' Second Addition to Kirksville, Illinois. The site is owned by Roger E. and Lynda S. Ray. The purpose of the inspection was to respond to a citizen complaint and determine whether the site was in compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The weather was sunny, about 80° F. Seven photos were taken. No one else was on site during the investigation.

Site History:

This site was originally inspected on April 15, 2003 in response to a complaint of open dumping and burning on the site. A large burn pile and other waste were found on site. On May 23, 2003, the owner, Roger Ray of Sullivan, was sent an Administrative Citation Warning Notice citing open burning and open dumping of waste, including general construction or demolition debris. The Notice required all waste to be removed to a permitted landfill or transfer station by July 1, 2003 and the immediate cessation of all open dumping and open burning.

Inspection Findings:

I arrived at the site and saw a large pile of dirt located about 20 feet south of the railroad tracks and east of a yellow building. I walked around the dirt pile and found a dug hole approximately 10 feet by 15 feet by 6 feet deep on the south side of the dirt pile (see Photos #1 & 2). Heat and the smell of ashes was radiating from the hole. Inside the hole were gray ashes and some items that appeared to be metal. The ashes were too hot for closer inspection. About fifty feet to the east was a yellow backhoe (see Photo #4). There was an oil-soaked area of ground on the east side of the hole about 2 feet in diameter (See Photo #4). On the northeast corner of the dirt pile there was an old grain truck with high sides. Photo #6 shows the contents of a grain truck that was parked on the north side of the dirt pile. Photo #7 shows the front of the same truck. To the south of the truck was a pile of metal items that appeared to have been previously burned. The following violations were observed during this inspection.

Summary of Apparent Violations:

Environmental Protection Act.(Act) 415 ILCS 5/1 et. seq

- #1 Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.
A violation of this section is alleged because **evidence of open burning that would cause or tend to cause air pollution in Illinois was observed during the inspection.**
- #2. Pursuant to Section 9(c) of the Act, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.
A violation of this section is alleged because **evidence of open burning of refused was observed during the inspection.**
- #3. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.
A violation of this section is alleged because **evidence of open dumping of waste was observed during the inspection.**
- #4. 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 or in violation of any condition imposed by such permit.
A violation of this section is alleged because **waste was disposed without a permit granted by the Illinois EPA.**
- #5. 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 adopted by the Board under this Act.
A violation of this section is alleged because **a waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**
- #6. 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 that meets the requirements of this Act and of regulations and standards thereunder.
A violation of this section is alleged because **waste was disposed at this site that does not meet the requirements of the Act and regulations.**
- #7. Pursuant to Section 21(p)(1) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in litter.

LPC # 1398065001
Inspection Date 7-4-03
FOS FILE

A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in litter.**

- #8. Pursuant to Section 21(p)(3) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in open burning.

A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in open burning.**

- #9. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of this section is alleged because **a waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**