

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

**RECEIVED**  
CLERK'S OFFICE

SEP 25 2003

STATE OF ILLINOIS  
*Pollution Control Board*

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

ROBERT THOMPSON,

Respondent.

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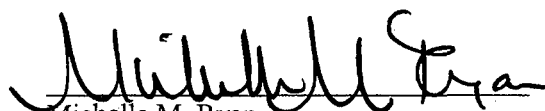
AC 04-17  
(IEPA No. 505-03-AC)

**NOTICE OF FILING**

To: Robert Thompson  
Route 1, Box 333  
Cairo, Illinois 62914

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  
Special Assistant Attorney General

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

Dated: September 23, 2003

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

ADMINISTRATIVE CITATION

SEP 25 2003

STATE OF ILLINOIS  
*Pollution Control Board*

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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Complainant, )  
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v. )  
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ROBERT THOMPSON, )  
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Respondent. )

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(IEPA No. 505-03-AC)

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 (2002).

FACTS

1. That Robert Thompson ("Respondent") is the present owner and operator of a facility located at 401 Jefferson Street, Cairo, Alexander County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Cairo/Thompson, Robert.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0030055034.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on August 19, 2003, Kent Johnson of the Illinois Environmental Protection Agency's Marion 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.

VIOLATIONS

Based upon direct observations made by Kent Johnson during the course of his August 19, 2003 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) (2002).
  
- (2) 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) (2002).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 October 31, 2003, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano  
Renee Cipriano, Director *by wse*  
Illinois Environmental Protection Agency

Date: 9/23/03

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



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )

Complainant, )

v. )

ROBERT THOMPSON )

Respondent. )

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Kent Johnson, 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 August 19, 2003, between 9:56 A.M. and 10:05 A.M., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Alexander County, Illinois, and known as the Robert Thompson site by the Illinois Environmental Protection Agency. Said site has assigned site code number 0030055034.

3. Affiant inspected said Robert Thompson site by an on-site inspection which included walking and photographing the site.

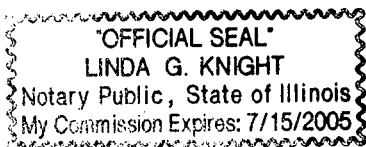
4. As a result of the material actions referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Robert Thompson site.

Kent Johnson

Subscribed and Sworn to before me

this 27<sup>th</sup> day of August, 2003.

Linda G. Knight  
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Alexander LPC#: 0030055034 Region: 7 - Marion  
 Location/Site Name: Cairo/Thompson, Robert  
 Date: 08/19/2003 Time: From 9:56 AM To 10:05 AM Previous Inspection Date: 07/10/2002  
 Inspector(s): K. Johnson Weather: Mostly sunny, warm, dry  
 No. of Photos Taken: # 5 Est. Amt. of Waste: ~ 85 yds<sup>3</sup> Samples Taken: Yes #        No   
 Interviewed: None (no one on-site) Complaint #: C-04-017-M

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

Robert Thompson  
 Route 1, Box 333  
 Cairo, IL 62914  
 618/734-0908

NOTE: Previous inspection unrelated to this complaint, and was conducted by another inspector (D. Hayward).  
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 SEP 02 2003

SECTION	DESCRIPTION	(EPA-RCRI)	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 # 0030055034

Inspection Date: 08/19/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
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"/>
			<input type="checkbox"/>

*Kent A. Johnson*

Signature of Inspector(s)

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

LPC # 0030055034 — Alexander County  
Cairo/Thompson, Robert (formerly G Tire Wholesale)  
Inspector K. Johnson  
August 19, 2003  
FOS File

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### Complaint Investigation Report Narrative

This unpermitted facility was inspected on August 19, 2003 by this author representing the Agency. The investigation was conducted in response to a complaint alleging the improper disposal of demolition debris at this site. The on-site inspection took place from approximately 9:56 to 10:05 A.M., and five photos were taken {Photos 001-005}. No interviews were conducted, and no samples were taken during the inspection. Weather at the time of the inspection was mostly sunny and warm with dry soil conditions. Mr. Glen Klett, code inspector for the City of Cairo, escorted me to the site and accompanied me during the inspection.

### General Remarks

According to a deed dated September 21, 1992, Robert and Tony Thompson own this property. The deed located on page 615 of book 282, describes the property as Lots 11-18 in Block 61 in Cairo, IL. The physical location is 401 Jefferson Street, Cairo, IL 62914. Robert Thompson, one of the owners, apparently receives mail at Route 1, Box 333, Cairo, IL 62914, phone 618/734-0908. Reportedly, the waste dumped at this site was generated from a demolition project currently being done by Mr. Thompson at the intersection of 8<sup>th</sup> Street and Washington Avenue. Mr. Eric Hazelwood, who owns and operates WhiteLine Tires in Cairo, IL, owns that property.

For reference, this site was formerly known as G Tire Wholesale, operated by Greg Johnson. During that time, Robert and Tony Thompson owned the site, but the Thompson's were not known as operators of the G Tire Wholesale venture, and therefore were not named in any enforcement activities relating to G Tire Wholesale. However, the current violations discussed herein are apparently from the activities of Robert Thompson, and there is no current evidence to indicate that Greg Johnson or G Tire Wholesale has any involvement in the dumping of the demolition debris discussed within this report. As such, Robert Thompson will be considered both owner and operator for the current violations at the site.

### Inspection Findings

Since Mr. Klett had been involved with the alleged source of the waste for this site, he agreed to accompany me during this inspection. As such, we arrived at the site, finding no means to restrict access and several truckloads of demolition debris visible from the street. We entered the site, where I took photos of the waste. Photos 001-004 were taken panoramically to show the extent of the waste. However, when those photos were downloaded, a haze was noted in the photo, which was apparently caused from a camera lens that fogged up when it was taken out

into the heat of the day. Regardless, the photos show roughly 7-8 distinct piles of wood debris consistent with the waste noted at a demolition job at 8<sup>th</sup> and Washington in Cairo. Photo 005 shows a closer photo of the waste, and it is noted that the waste type was roughly consistent throughout all piles.

After making on-site findings, Mr. Klett and I went by the demolition job at 8<sup>th</sup> and Washington, where I noted a red dump truck that contained wood demolition debris consistent with the waste that I had just observed at this site. The red truck appeared to be a red International dump truck that has previously been observed at the George Neal site in Cairo and the Ralph Robinson site in Golden Lily. Mr. Thompson has previously admitted that he demolished part of the building on the George Neal site, and that he dumped waste at the Ralph Robinson property.

### Summary of Inspection Findings

On April 1, 2003, I spoke to Robert Thompson about the proper disposal of demolition debris from building demolition projects. On that date, and again on April 15, 2003 to Alan Grimmett, an asbestos inspector with the Agency's Bureau of Air, Mr. Thompson has acknowledged that he knows it is not legal to dump demolition debris. However, waste from the demolition job at 8<sup>th</sup> and Washington has apparently been taken to Mr. Thompson's property and dumped there in unsegregated piles. While there may be additional witness evidence to name Mr. Thompson as the person who dumped the waste, Mr. Thompson has apparently caused or allowed the open dumping of demolition debris at a property that he owns or co-owns. As such, the following violations are being cited at this time.

Violations of Sections 21(a), 21(p)(1), and 21(p)(7) are being cited because waste, specifically demolition debris, has been open dumped at this facility.

Violations of Sections 21(d)(1) and 812.101(a) are being cited because no Agency permits have been received by this facility to accept waste, nor is there any indication that an application seeking such a permit has been submitted to the Agency.

Violations of Sections 21(d)(2) and 21(e) are being cited because waste has been disposed of at this site in violation of the [Illinois] Environmental Protection Act (the Act) and/or 35 Ill. Adm. Code.

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## SITE SKETCH

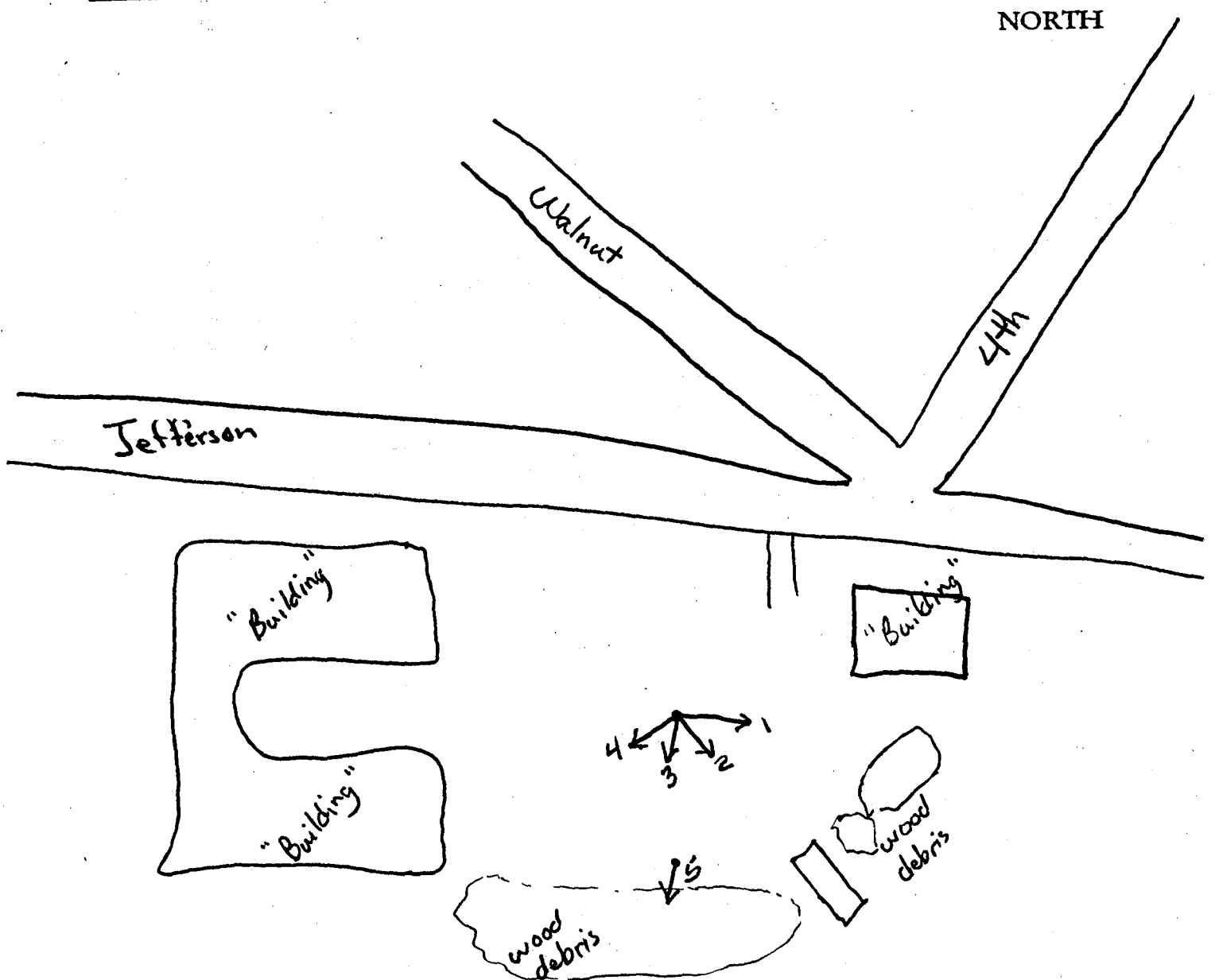
Inspection Date: August 19, 2003

Inspector: K. Johnson

LPC #: 003 005 5034

County: Alexander

Site Name: Cairo/Thompson, Robert (formerly G Tire Wholesale)

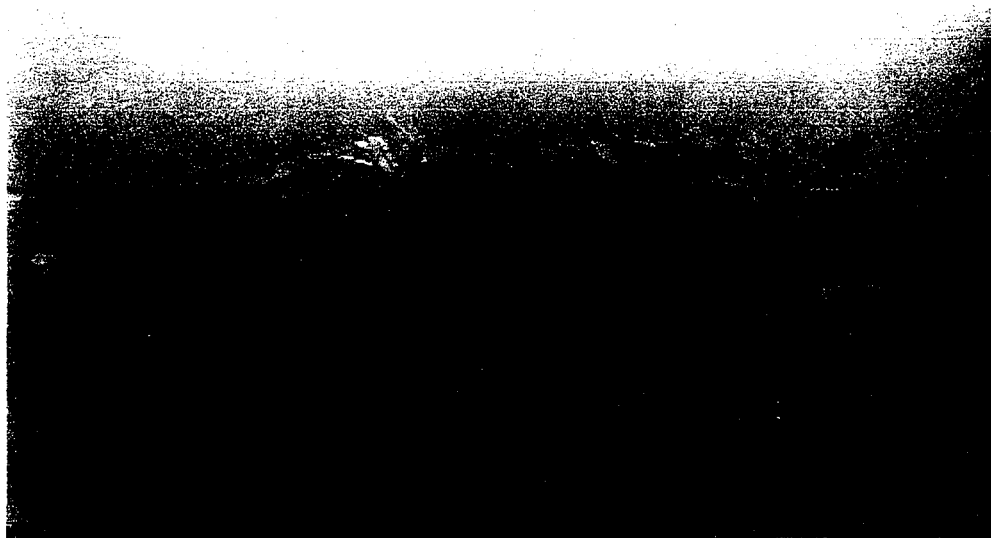


Site sketch is not to scale.

LPC # 0030055034 — Alexander County  
Cairo/Thompson, Robert (formerly G Tire Wholesale)  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE: 8/19/03**  
**TIME: 9:58 AM**  
**DIRECTION: East**  
**PHOTO by: K. Johnson**  
**PHOTO FILE NAME:**  
**0030055034~08192003-001**  
**COMMENTS:**



**DATE: 8/19/03**  
**TIME: 9:58 AM**  
**DIRECTION: Southeast**  
**PHOTO by: K. Johnson**  
**PHOTO FILE NAME:**  
**0030055034~08192003-002**  
**COMMENTS:**



LPC # 0030055034 — Alexander County  
Cairo/Thompson, Robert (formerly G Tire Wholesale)  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 8/19/03  
**TIME:** 9:58 AM  
**DIRECTION:** South-  
southwest  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0030055034~08192003-003  
**COMMENTS:**



**DATE:** 8/19/03  
**TIME:** 9:58 AM  
**DIRECTION:** Southwest  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0030055034~08192003-004  
**COMMENTS:**



LPC # 0030055034 — Alexander County  
Cairo/Thompson, Robert (formerly G Tire Wholesale)  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 8/19/03  
**TIME:** 10:02 AM  
**DIRECTION:** South-  
southwest  
**PHOTO by:** K. Johnson  
**PHOTO FILE NAME:**  
0030055034~08192003-005  
**COMMENTS:**



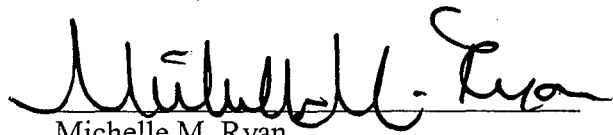
**PROOF OF SERVICE**

I hereby certify that I did on the 23rd day of September 2003, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled AFFIDAVIT OF SERVICE

To: Robert Thompson  
Route 1, Box 333  
Cairo, Illinois 62914

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

  
Michelle M. Ryan  
Special Assistant Attorney General

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