

RECEIVED
CLERK'S OFFICE

AUG 06-2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-13

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

AUG 06 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ROY BRUCE,)
)
Respondent.)

AC 05-13

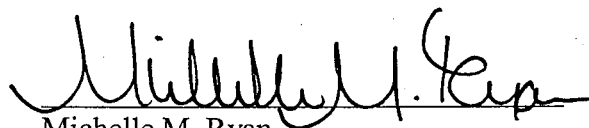
(IEPA No. 353-04-AC)

NOTICE OF FILING

To: Roy Bruce
18456 E. Hawk Road
Mt. Vernon, IL 62864

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: August 4, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
AUG 06 2004
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ROY BRUCE,)
)
)
)
Respondent.)

AC 05-13
(IEPA No. 353-04-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 Roy Bruce ("Respondent") is the present operator of a facility located at 312-404 Fifth Street , at the intersection of Arendale Avenue, Bluford, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Bluford/Bruce, Roy.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0810105005.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on June 21, 2004, Doug Hayward 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 Doug Hayward during the course of his June 21, 2004 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (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 August 31, 2002, 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 we*
Illinois Environmental Protection Agency

Date: 8/4/04

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

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,) AC
v.) (IEPA No. 353-04-AC)
ROY BRUCE,)
Respondent.)

FACILITY: Bluford/Bruce, Roy SITE CODE NO.: 0810105005
COUNTY: Jefferson CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: June 21, 2004

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
) IEPA DOCKET NO.
 v.)
)
 Roy Bruce)
)
 Respondent.)

AFFIDAVIT

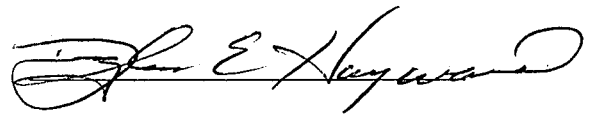
Affiant, Douglas E. Hayward, being first duly sworn, voluntarily deposes and states as follows:

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 June 21, 2004, between 9:20 a.m. and 9:30 a.m., Affiant conducted an inspection of a disposal site operated by without a permit, located in Jefferson County, Illinois, and known as Bluford/Bruce, Roy by the Illinois Environmental Protection Agency. Said site has been assigned site code number 081 010 5005 by the Agency.

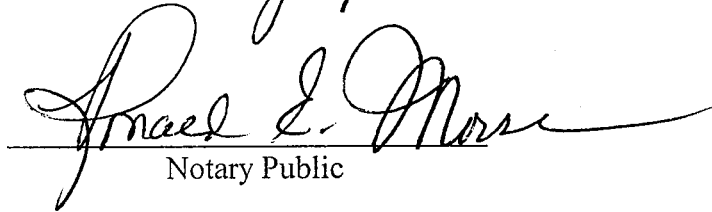
3. Affiant inspected said open dump site by an on-site inspection which included walking and photographing the site.

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 site inspection.



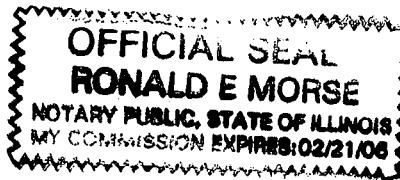
Subscribed and Sworn to before me

this 12th day of July



Notary Public

DEH:ls/18151/07-07-04



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0810105005 Region: 7 - Marion
 Site Name: Bruce, Roy
 Date: June 21, 2004 Time: From 9:20 To 9:30 Previous Inspection Date: 12/4/03
 Inspector(s): Doug Hayward Weather: Sunny, hot
 No. of Photos Taken: # 14 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # No
 Interviewed: none present Complaint #: 03-067

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

Roy Bruce
 18456 E. Hawk Rd.
 Mt. Vernon, IL 62864

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 EPA-DLPC

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" 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"/>
	(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 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: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


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.

Inspection Narrative

Inspection Date: June 21, 2004
Site #: 0810105005
County: Jefferson

Time of Inspection: 9:20 - 9:30
Site Name: Bruce, Roy
Inspector(s): Doug Hayward

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On June 21, 2004, Doug Hayward (author) conducted an inspection at this facility. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

The owner of this property, Roy Bruce, was originally contacted August 19, 2003. At that time he stated that he was no longer operating at the site and was in the process of cleaning it up. The Agency advised that he remove all waste tires immediately to prevent mosquito breeding and he agreed. The presence of vehicles on the property was referred to the Office of the Secretary of State.

The site was inspected again on December 4, 2003. At this time, over 100 waste tires were observed in various locations on the property. In addition, a variety of solid waste was observed. This included, but was not limited to, waste tires, abandoned vehicles, vehicle gas tanks, mower decks, axles, lawn equipment and other miscellaneous metals.

As a result of this inspection a Violation Notice (1-2003-01464) was issued on December 16, 2003. This notice was received by Mr. Bruce on December 17, 2003. Mr. Bruce submitted a response to the violation notice which was received by the Agency on February 6, 2004. This notice included receipts indicating the Mr. Bruce had received income from scrapping some materials at the site. However, it did not include any receipts indicating that Mr. Bruce had subsequently disposed of any of the waste at the site. This response was not sufficient as a Compliance Commitment Agreement ("CCA") because it did not contain any specific dates for clean up objectives and completion of all clean up. A CCA rejection letter was sent to Mr. Bruce on March 2, 2004.

On June 21, 2004, I re-inspected the site. I observed that the majority of tires were no longer present at the site. Though the tires are no longer present, the Agency has not received any kind of record indicating that the tires have been disposed of properly. There were several tires observed lying in and amongst the weeds and grass on the north portion of the property (photos 9, 12 & 13).

I also observed evidence of continued open burning at the site (photo 5 & 8). There were also a variety of metals and vehicles abandoned on the property as evidenced by their location in weeds, overgrowth and brush (photos 7, 10, 11, 13 & 14).

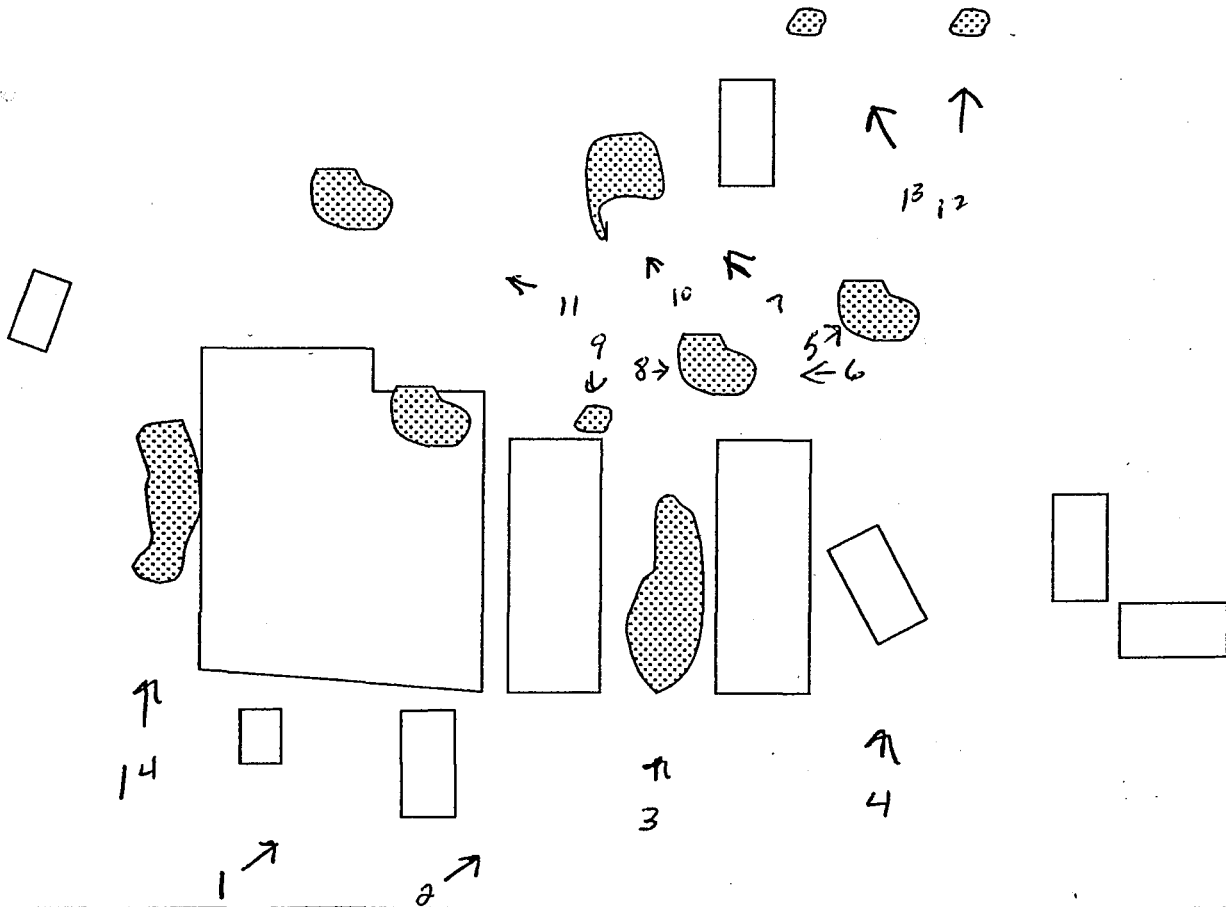
SITE SKETCH

Inspection Date: June 21, 2004
Site Number: 0810105005
Site Name: Bluford/Bruce, Roy

Inspector: Doug Hayward
Inspection Time: 9:20 - 9:30



Not to Scale



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NE
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-001



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NE
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-002



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-003



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-004



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NE
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-005



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-006



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
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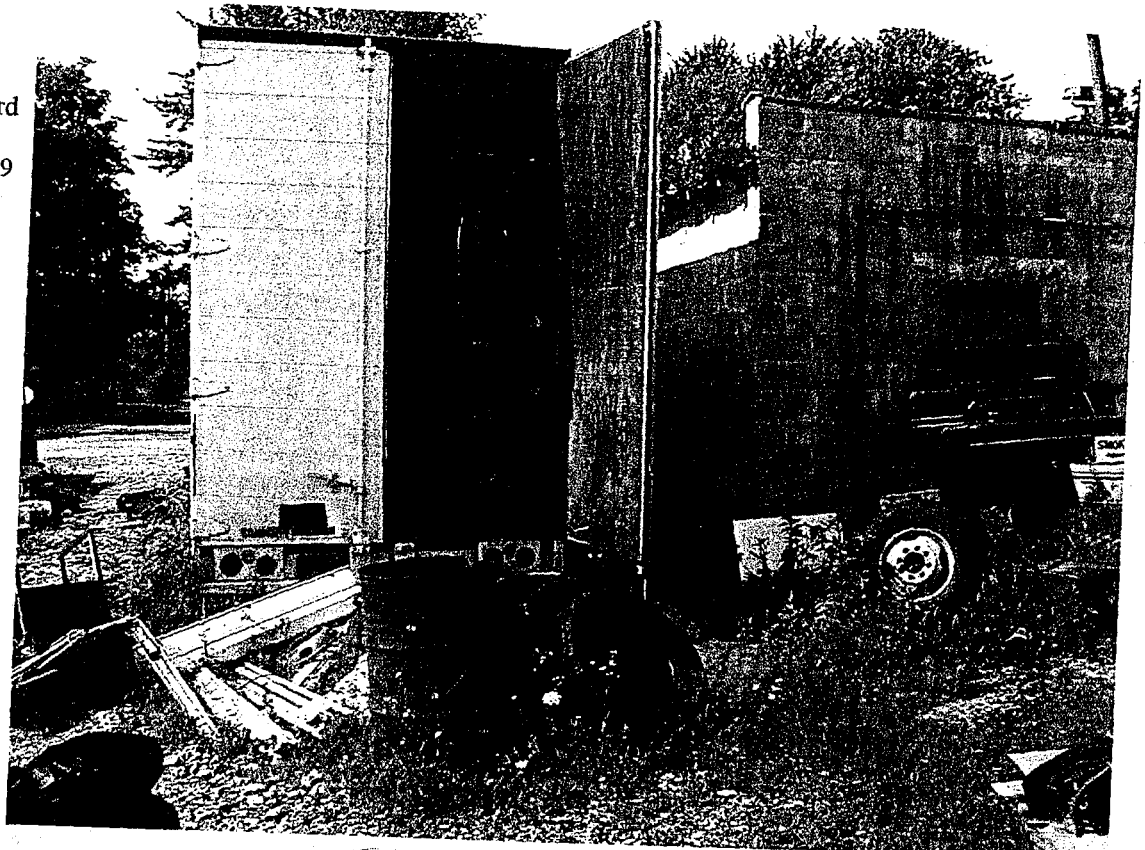
DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: E
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-008



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005-06212004-009



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NNW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005-06212004-010



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: W
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-011



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-012



0810105005 – Jefferson County
Bluford/Bruce, Roy
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: NW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-013



DATE: June 21, 2004
TIME: 9:20 – 9:30
DIRECTION: N
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0810105005~06212004-014



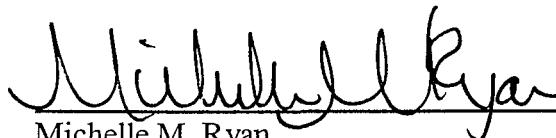
PROOF OF SERVICE

I hereby certify that I did on the 4th day of August 2004, 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: Roy Bruce
18456 E. Hawk Road
Mt. Vernon, IL 62864

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: 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