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CLERK'S OFFICE

AUG 30 2004

STATE OF ILLINOIS
Pollution Control Board

Acob 2/0

INFORMATIONAL NOTICE !!!

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.**

ADMINISTRATIVE CITATION

AUG 30 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

JOHN GROFF and ROBERT GROFF,)

Respondents.)

AC 05-20

(IEPA No. 412-04-AC)

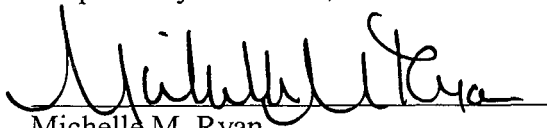
NOTICE OF FILING

To: John Groff
P.O. Box 966
Centralia, Illinois 62801

Robert Groff
2503 Barton Road
Sandoval, Illinois 62882

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 25, 2004

VIOLATIONS

Based upon direct observations made by James J. Balmer during the course of his July 29, 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 Respondents 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 Respondents 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).

- (3) That Respondents 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), Respondents are 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 Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than October 15, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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 Respondents fail 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, Respondents' 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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.

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

Date: 8/25/04

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. 412-04-AC)
)	
JOHN GROFF and ROBERT GROFF,)	
)	
)	
)	
Respondents.)	

FACILITY:	Junction City/Groff	SITE CODE NO.:	1210205005
COUNTY:	Marion	CIVIL PENALTY:	\$4,500.00
DATE OF INSPECTION:	July 29, 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
) IEPA DOCKET NO.
)
 Junction City/Groff)
 John Groff)
)
 Respondent.)

Affiant, James J. Balmer, being first duly sworn, voluntarily deposes and states as follows:

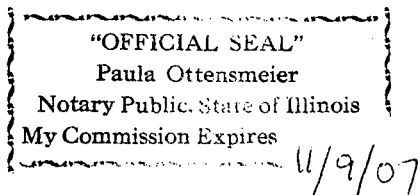
1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 25, 2004, between 11:15 am and 11:30 am, and July 29, 2004, between 3:10 pm and 3:25 pm, Affiant conducted an open dump inspection at 2503 Barton Road, Junction City in Marion County, Illinois. The site is referenced as Junction City/Groff, Illinois Environmental Protection Agency Site No. 1210205005.
3. Affiant inspected said Junction City/Groff open dump by on-site inspections that included walking the site and taking photographs.
4. As a result of the activities referred to in Paragraph 3 above, Affiant assisted in the completion of the Inspection Report form attached hereto and made a part hereof, which, to the best of the Affiant's knowledge and belief, is an accurate representation of

Affiant's observation and factual conclusions with respect to said Junction City/Groff
open dump.


James J. Balmer

Subscribed and Sworn to before me
this 5th day of August 2004.


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Marion LPC#: 1210205005 Region: 6 - Collinsville
 Location/Site Name: Junction City/Groff
 Date: 07/29/2004 Time: From 3:10 pm To 3:25 pm Previous Inspection Date: 05/25/2004
 Inspector(s): Jay Balmer Weather: Cloudy, 80 degrees Fahrenheit, dry
 No. of Photos Taken: # 9 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # _____ No
 Interviewed: N/A Complaint #: C-2004-065

Responsible Party Mailing Address(es) and Phone Number(s):	John Groff P.O. Box 966 Centralia, IL 62801	Robert Groff 2503 Barton Rd. Sandoval, IL 62882
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	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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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"/>

LPC # 1210205005

Inspection Date: 05/25/2004


	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input checked="" 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 checked="" 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"/>



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
Narrative Document**

ACWN Follow-up Inspection

1210205005 – Marion County
Sandoval/Groff
Date: August 3, 2004
Prepared by: Jay Balmer

On July 29, 2004, I conducted a follow-up inspection at 2503 Barton Road, Junction City, Illinois, (N38.565160, W089.133615) to determine if corrective actions were taken as stated in the Administrative Citation Warning Notice (ACWN) dated June 7, 2004. The ACWN cited violations for open dumping and open burning of construction debris and waste tires. The weather during this inspection was cloudy about 80 Fahrenheit, and the soil conditions were dry.

I arrived at approximately 3:10 p.m. After attempting to locate the resident, I walked around the house to inspect the property. On the west side of a small drainage ditch, I noticed that most of the tires reported in the previous inspection were gone. A flatbed trailer located in the SW corner of the property held approximately 7 used tires on rims, steel parts and rolls of fencing. An abandoned Jeep was located near the flatbed trailer. In the NW corner of the property, I noticed the same burn area that was found in the first inspection. There was new evidence that tires, lumber, tarpaper, styrofoam and a fibrous material were burned. Slightly to the east I saw more evidence of tire, lumber and plastic burning. The smaller burn areas noted in the previous inspection were untouched. The inspection was complete at 3:25 p.m.

Site History

Two ACWN letters dated June 7, 2004, were sent to Robert Groff (resident) and John Groff (owner) citing violations for open dumping and open burning of construction debris and waste tires. Robert Groff's letter was later returned as unclaimed to the Agency on June 28, 2004. Another ACWN was sent to Robert Groff on June 30, 2004 by regular mail. Neither party has replied to the ACWN. All corrective actions were to be completed by July 11, 2004.

Apparent Violations

It appears that Mr. Robert Groff and Mr. John Groff are in apparent violation of the Illinois Environmental Protection Act for causing or allowing the open dumping of waste at this site. Mr. Groff must:

1. Immediately cease all open dumping and open burning at this site.

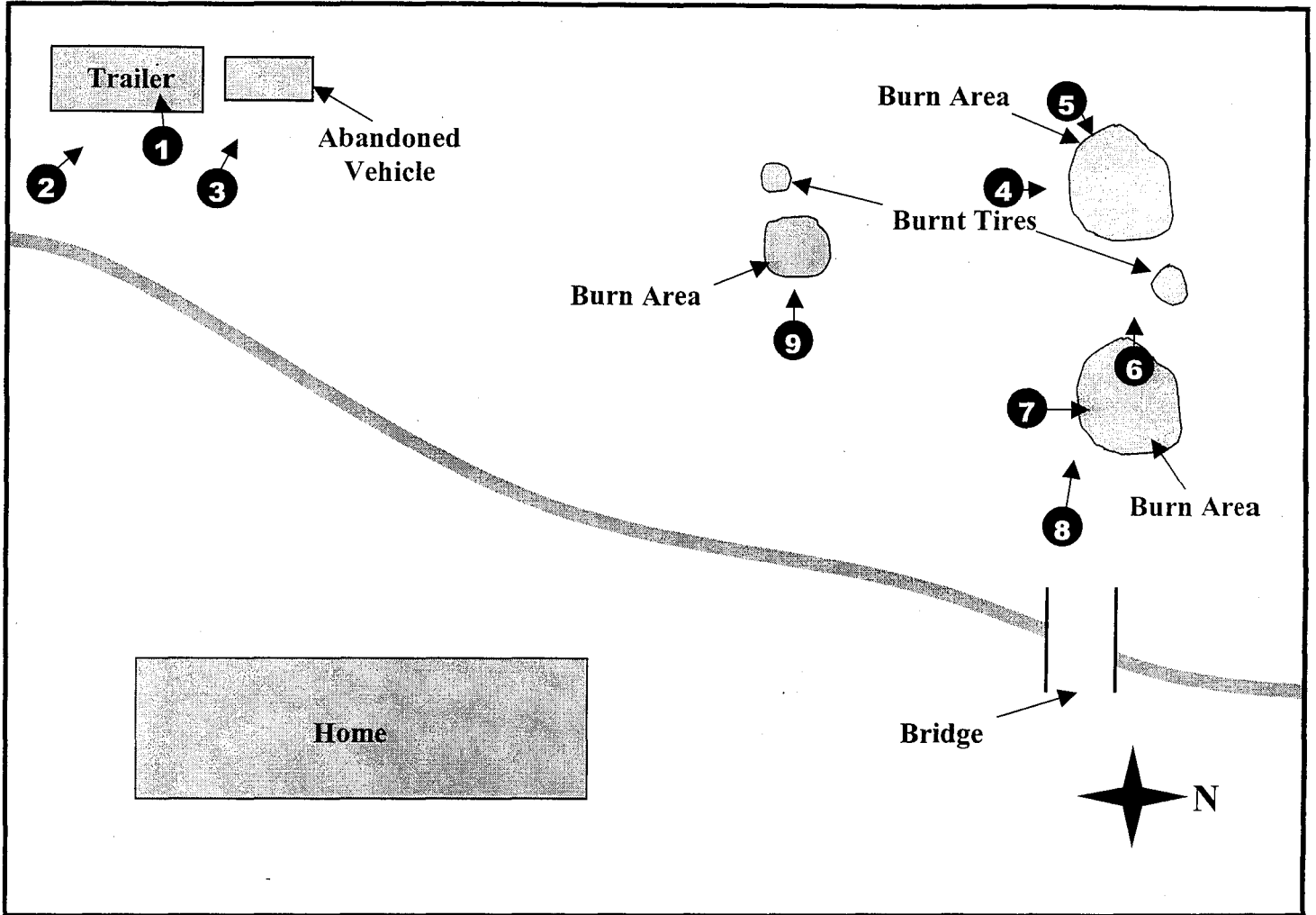
2. Do not dispose of any waste by open burning.
3. All tires must be disposed of at a registered tire disposal site.
4. Remove all waste to a permitted landfill or transfer station.
5. Remove all used or waste tires to registered tire storage or tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Do not open burn any of the tires. Loads of more than 20 tires must hauled by a registered tire transporter.
6. All disposal receipts must be submitted to the Illinois EPA to verify proper disposal.

STATE OF ILLINOIS
Environmental Protection Agency

Site Sketch

Date of Inspection: July 29, 2004
Site Code: 1210205005
Site Name: Sandoval/Groff

Inspector: Jay Balmer
County: Marion
Time: 3:10 pm - 3:25 pm



Barton Road

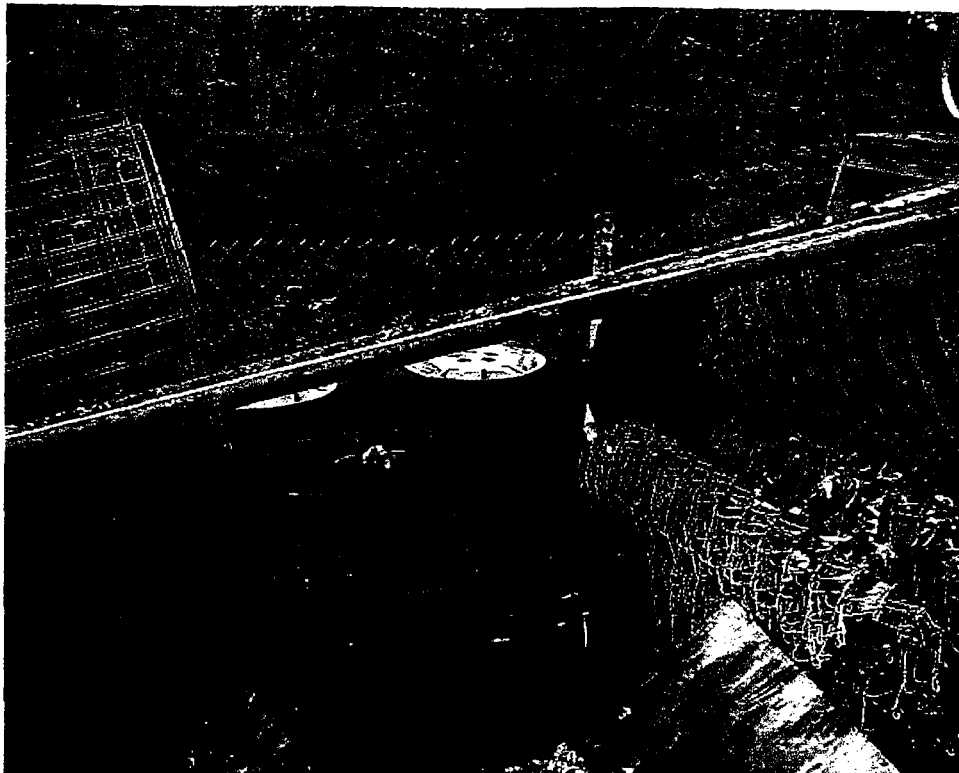
Photo No. **1**

NOT TO SCALE

**LPC #1210205005 – Marion County
Junction City/Groff
FOS File**

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: July 29, 2004
TIME: 3:16 p.m.
DIRECTION: W
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-001
COMMENTS: Tires on flatbed
trailer.



DATE: July 29, 2004
TIME: 3:16 p.m.
DIRECTION: W
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-002
COMMENTS: Flatbed with fencing
and miscellaneous metal.



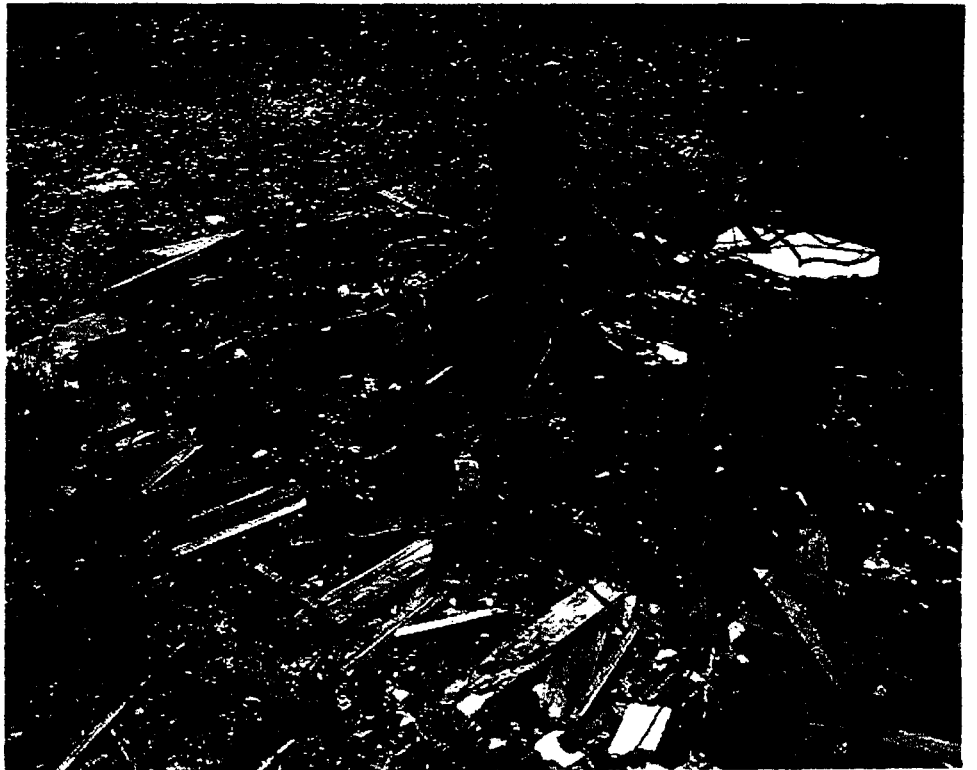
**LPC #1210205005 – Marion County
Junction City/Groff
FOS File**

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: July 29, 2004
TIME: 3:17 p.m.
DIRECTION: W
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-003
COMMENTS: Jeep near flatbed.



DATE: July 29, 2004
TIME: 3:18 p.m.
DIRECTION: N
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-004
COMMENTS: Burn area located at
NW portion of property. Wire rings
resembling wire from radial tires are
around the center stump.



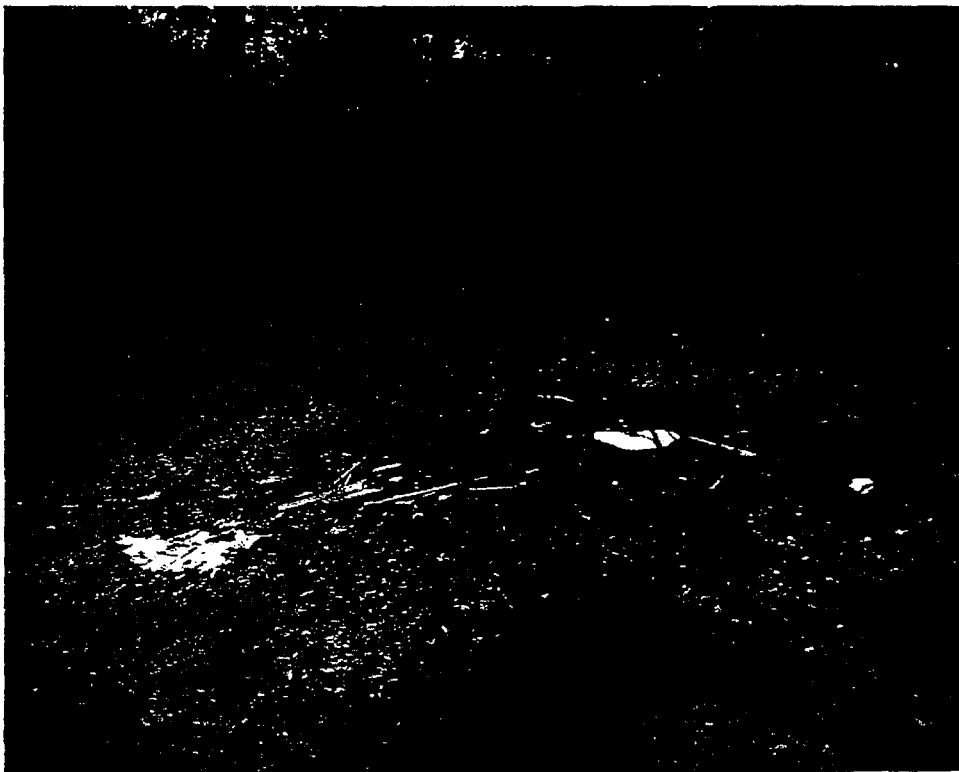
**LPC #1210205005 – Marion County
Junction City/Groff
FOS File**

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: July 29, 2004
TIME: 3:18 p.m.
DIRECTION: NE
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-005
COMMENTS: Closer view of wire
rings.



DATE: July 29, 2004
TIME: 3:20 p.m.
DIRECTION: W
PHOTO by: Jay Balmer
PHOTO FILE NAME:
1210205005~07292004-006
COMMENTS: Burn area showing
fibrous material on left and pile of
wire possibly from burned tires on
right.



LPC #1210205005 – Marion County
Junction City/Groff
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: July 29, 2004

TIME: 3:20 p.m.

DIRECTION: N

PHOTO by: Jay Balmer

PHOTO FILE NAME:

1210205005~07292004-007

COMMENTS: Burn area located to the east of burn in photo 1210205005~07292004-006. Wire rings possibly from burned tires can be seen in center. Partially burned lumber and plastic at the edge can be seen at the edge of the burn area.



DATE: July 29, 2004

TIME: 3:21 p.m.

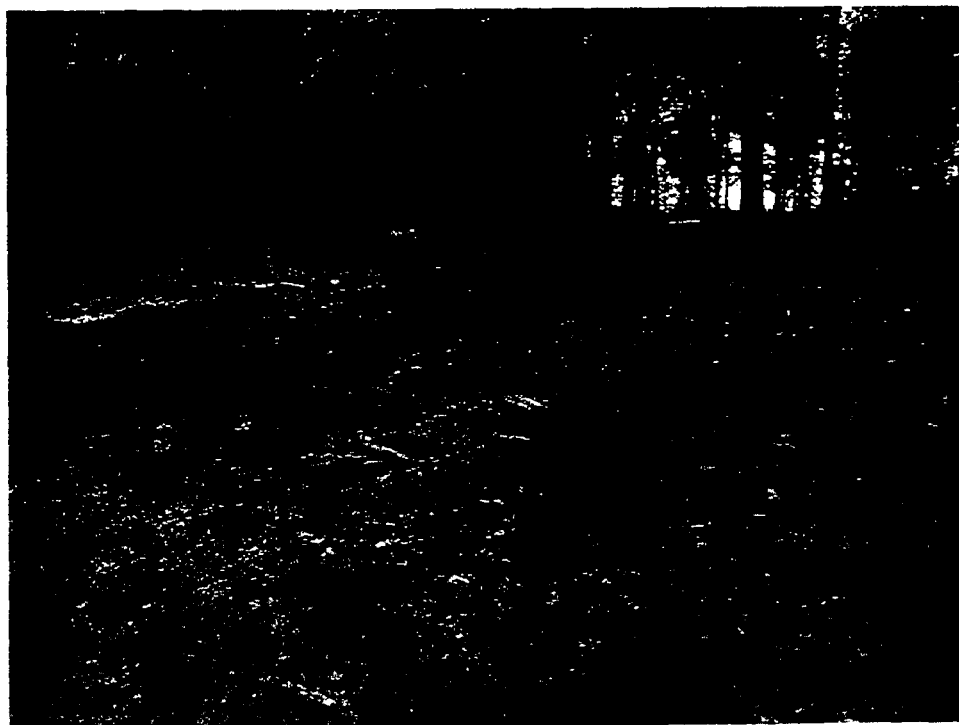
DIRECTION: W

PHOTO by: Jay Balmer

PHOTO FILE NAME:

1210205005~07292004-008

COMMENTS: View of both burn areas.



**LPC #1210205005 – Marion County
Junction City/Groff
FOS File**

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: July 29, 2004

TIME: 3:21 p.m.

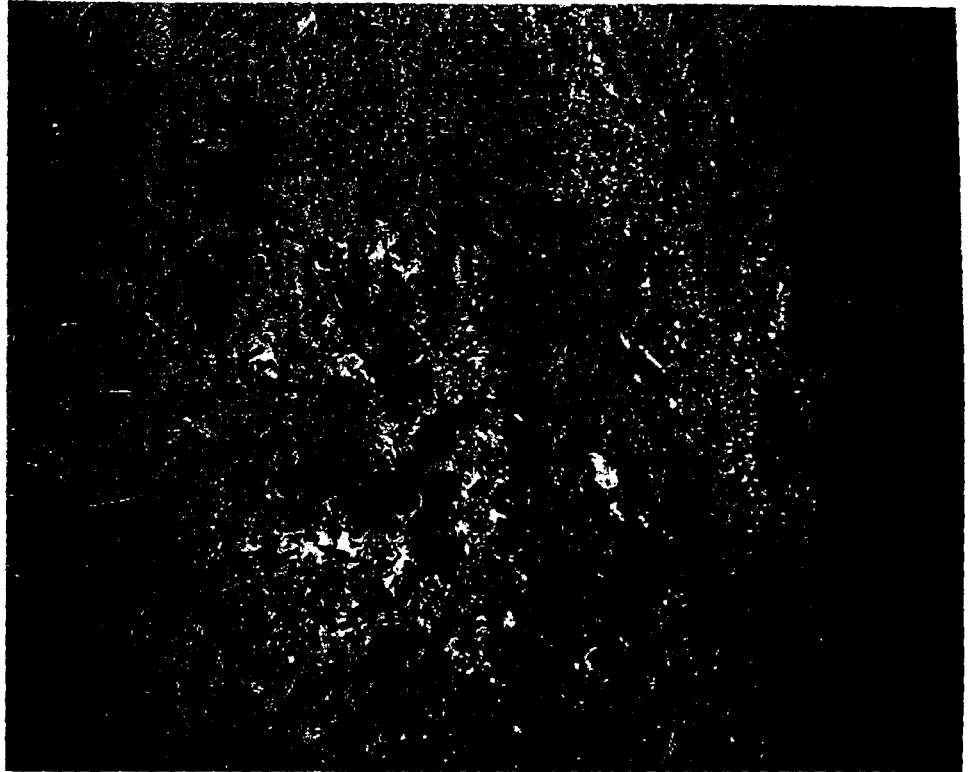
DIRECTION: W

PHOTO by: Jay Balmer

PHOTO FILE NAME:

1210205005~07292004-009

COMMENTS: Burn areas that were found in the original inspection. The areas appeared to be untouched. Wire possibly from burned tires is located at top of picture.



PROOF OF SERVICE

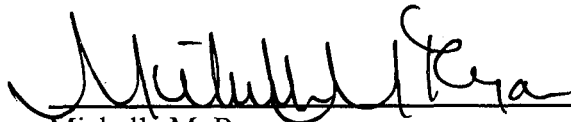
I hereby certify that I did on the 25th day of August 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: John Groff
P.O. Box 966
Centralia, Illinois 62801

Robert Groff
2503 Barton Road
Sandoval, Illinois 62882

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