



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6000

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

RECEIVED  
CLERK'S OFFICE

JAN 07 2005

STATE OF ILLINOIS  
Pollution Control Board

(217) 782-9817  
TDD: (217) 782-9143

AC 05-46

January 5, 2005

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

Re: Illinois Environmental Protection Agency v. Lawrence Krueger  
IEPA File No. 647-04-AC; 0518085002—Fayette County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

James M. Kropid  
Assistant Counsel

Enclosures

RECEIVED  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 07 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 LAWRENCE KRUEGER, )  
 )  
 Respondent. )

AC 05-46

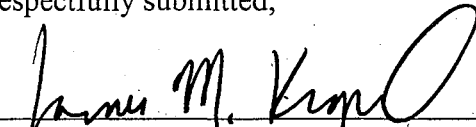
(IEPA No. 647-04-AC)

NOTICE OF FILING

To: Lawrence Krueger  
RR #2, Box 20  
Beecher City, IL 62414

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,

  
 \_\_\_\_\_  
 James M. Kropid  
 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: January 5, 2005



Tract 2: Beginning at a point 62 rods South of the Northeast corner of Section 36, Township 9 North, Range 3 East of the Third Principal Meridian, running thence West 16 rods, thence North 10 rods, thence West 24 rods, thence South 12, thence East 40 rods, thence North 2 rods to the place of beginning, situated in Fayette County, Illinois.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0518085002.

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

4. That on November 30, 2004, Kendall Couch of the Illinois Environmental Protection Agency's Collinsville 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 Kendall Couch during the course of his November 30, 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 February 15, 2005, 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 wec*  
Illinois Environmental Protection Agency

Date: 1/5/05

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





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

RECEIVED  
 AGENCY'S OFFICE

JAN 07 2005

County: Fayette LPC#: 0518085002 Region: STATE OF ILLINOIS  
 Location/Site Name: Beecher City/Krueger, Lawrence Collinsville  
Pollution Control Board  
 Date: 11/30/2004 Time: From 10:45am To 11:00am Previous Inspection Date: 07/16/2004  
 Inspector(s): Kendall Couch Weather: Cloudy, rain, 48 degrees F.  
 No. of Photos Taken: # 4 Est. Amt. of Waste: 100 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: No one present Complaint #: C-2004-036

Responsible Party Mailing Address(es) and Phone Number(s):	Lawrence Krueger RR #2 Box 20 Beecher City, <del>RECEIVED</del> No Phone DEC 20 2004	

EPA-DLPC			
	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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"/>

LPC # 0518085002

Inspection Date: 04/09/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<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 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"/>

*Hurdell Cook*

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.

LPC#-0518085002-Fayette County  
Beecher City/Krueger, Lawrence  
Date of Inspection: November 30, 2004  
Prepared by: Kendall Couch  
Date: December 21, 2004

**RECEIVED**  
DEC 20 2004  
IEPA-DLPC

## Narrative

### General Remarks

On November 30, 2004, I went to the rural Beecher City, Illinois area to do a follow-up inspection at this site. No one was present during this inspection. The weather was cloudy, rain, and temperature was 48° F.

### History

A complaint was received by the Agency stating that this site had a large accumulation of tires on February 24, 2004. An Administrative Warning Notice (ACWN) was sent to this site on May 20, 2004, and received by Lawrence Krueger on May 22, 2004.

The original ACWN was sent to Lorrence Hinds of Beecher City. The Agency received correspondence from Mr. Hinds and it was clear that the respondent's legal name was Lawrence Krueger. Mr. Krueger's stepmother lived on this property prior to the original inspection and the original complaint referenced her last name. This was the origin of referencing this site to the last name of Hinds.

On June 21, 2004, the Agency received a response to the May 20, 2004 Administrative Warning Notice Letter. The response stated that the tires, burn piles and trailers would be cleaned up by September 1, 2004.

### Inspection

On November 30, 2004, I went to this site to conduct a follow-up inspection. I walked to the rear of this site. The burn piles and tires remained. There were several trailers being dismantled with burn piles in their vicinity.

I again observed approximately 800 tires located on the west end of the property. The tires were 95% car and light truck tires. Approximately 50% of the tires were still on rims. There was a grain elevator being cut up and salvaged on the southern end of this site.

During this inspection the apparent violations of 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3) and 55(a)(1) of the Environmental Protection Act were again observed.

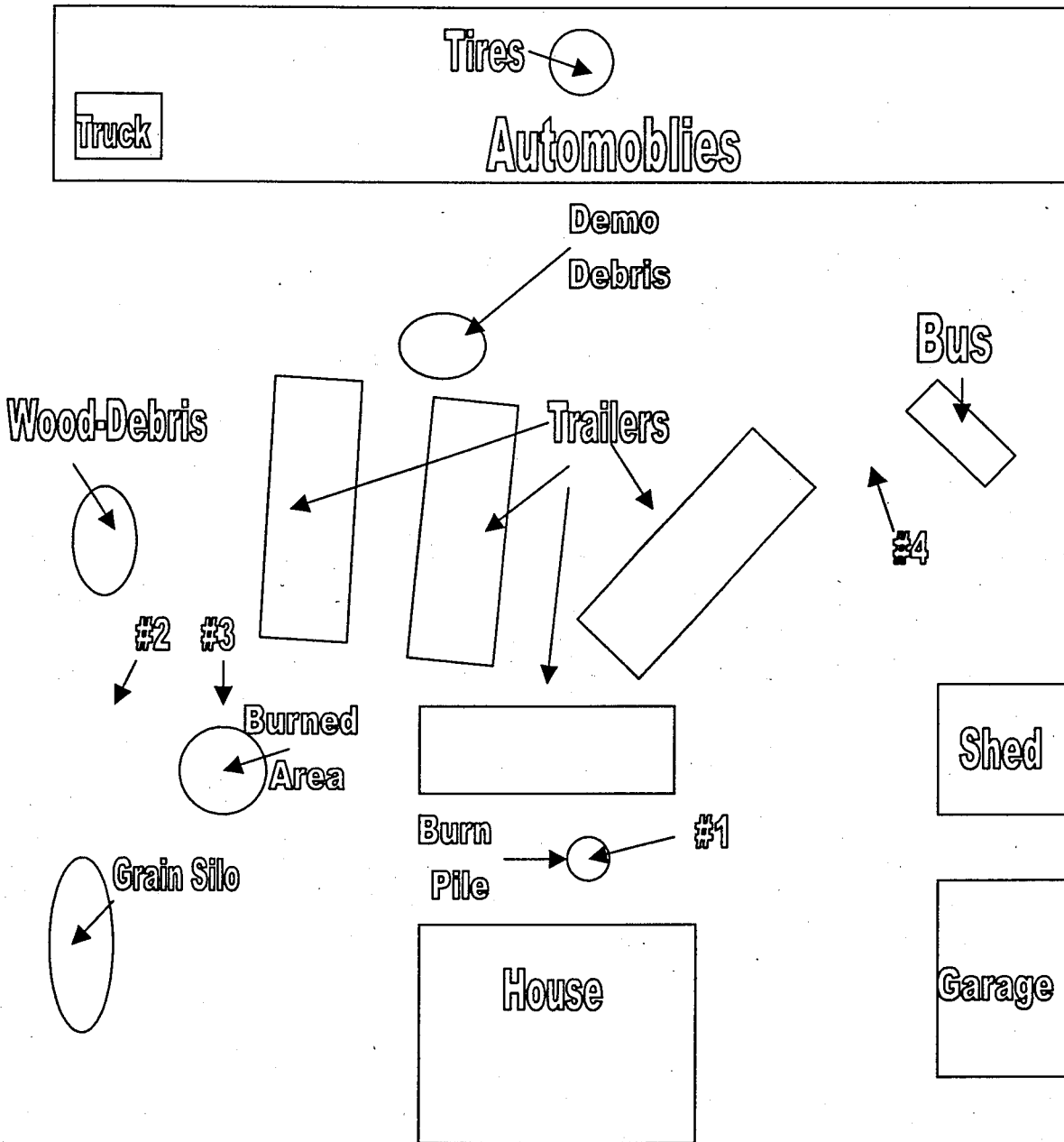
cc: DLPC/FOS- Collinsville Regional

State of Illinois  
Environmental Protection Agency  
Facility Diagram

Date of Inspection: November 30, 2004 Inspector: Kendall Couch

Site Code: 0518085002 County: Fayette

Site Name: Krueger, Lawrence Time: 10:45am



Route 128

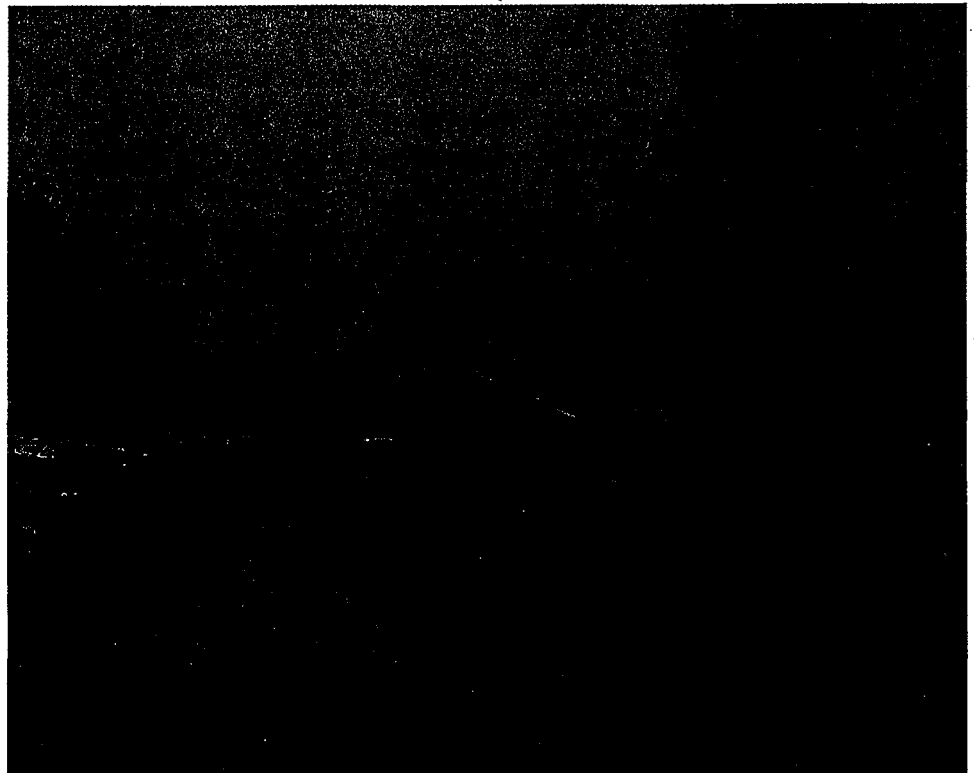
**LPC #0518085002 -Fayette County  
Beecher City/Krueger, Lawrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** November 30, 2004  
**TIME:** 10:45am-11:00am  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~11302004-001  
**COMMENTS:**



**DATE:** November 30, 2004  
**TIME:** 10:45am-11:00am  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~11302004-002  
**COMMENTS:**



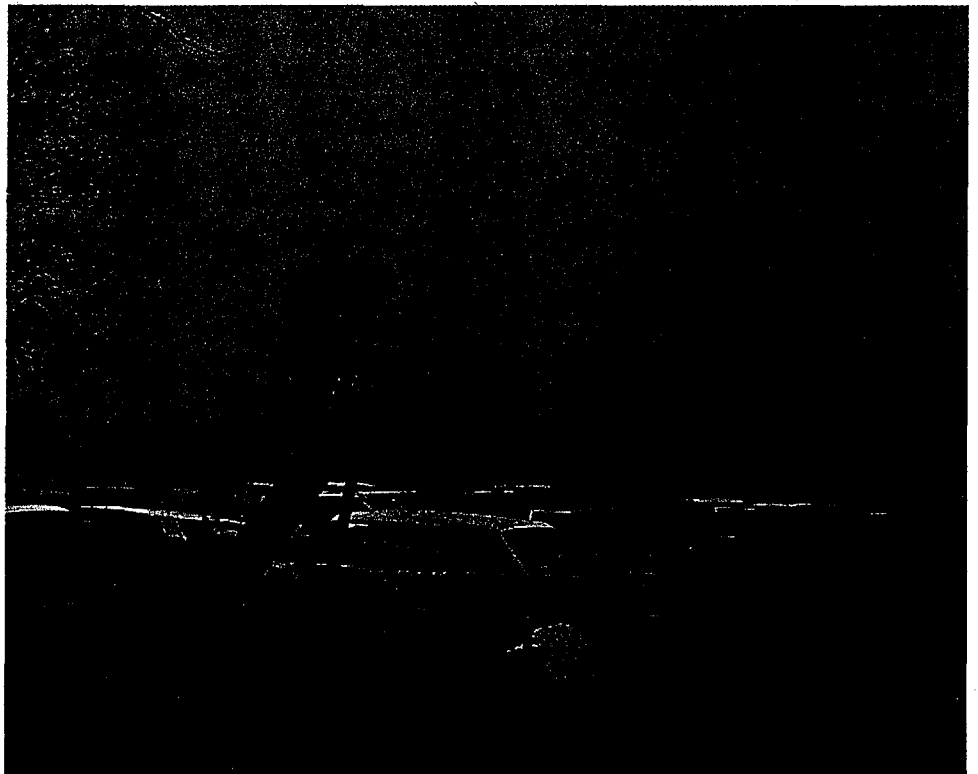
**LPC #0518085002 -Fayette County  
Beecher City/Krueger, Lawrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** November 30, 2004  
**TIME:** 10:45am-11:00am  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~11302004-003  
**COMMENTS:**



**DATE:** November 30, 2004  
**TIME:** 10:45am-11:00am  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~11302004-004  
**COMMENTS:**



**LPC #0518085002 -Fayette County  
Beecher City/Hinds, Lorrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-001  
**COMMENTS:**



**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-002  
**COMMENTS:**



**LPC #0518085002 -Fayette County  
Beecher City/Hinds, Lorrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002-05142004-003  
**COMMENTS:**



**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002-05142004-004  
**COMMENTS:**





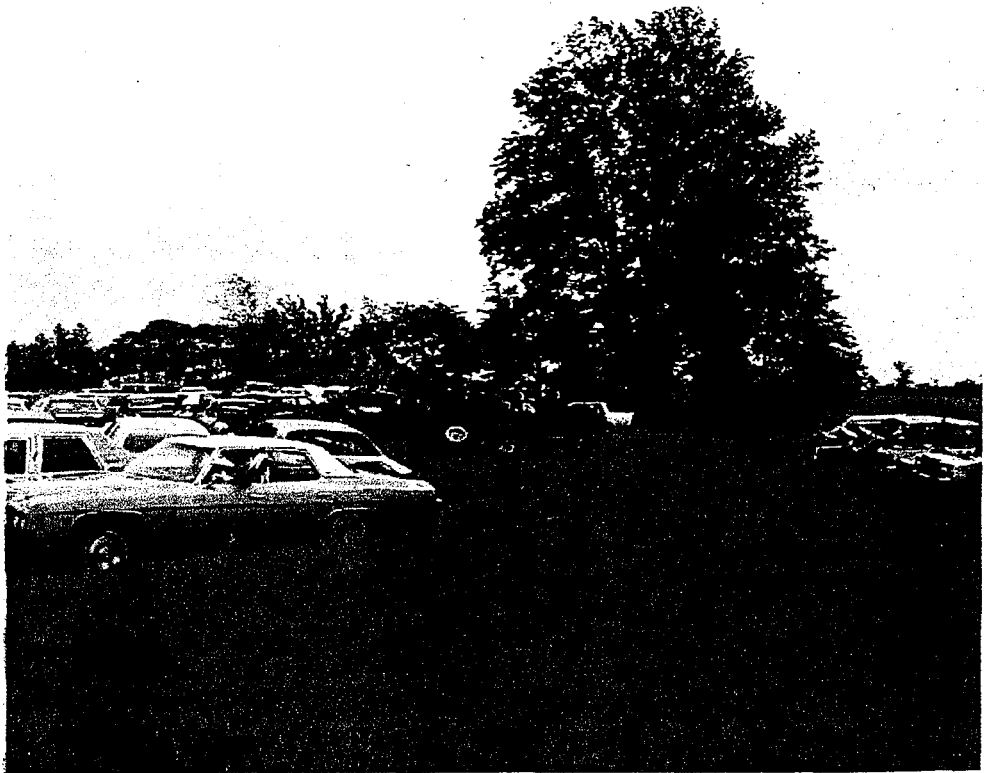
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Beecher City/Hinds, Lorrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-005  
**COMMENTS:**



**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-006  
**COMMENTS:**



**LPC #0518085002 -Fayette County  
Beecher City/Hinds, Lorrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
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**COMMENTS:**



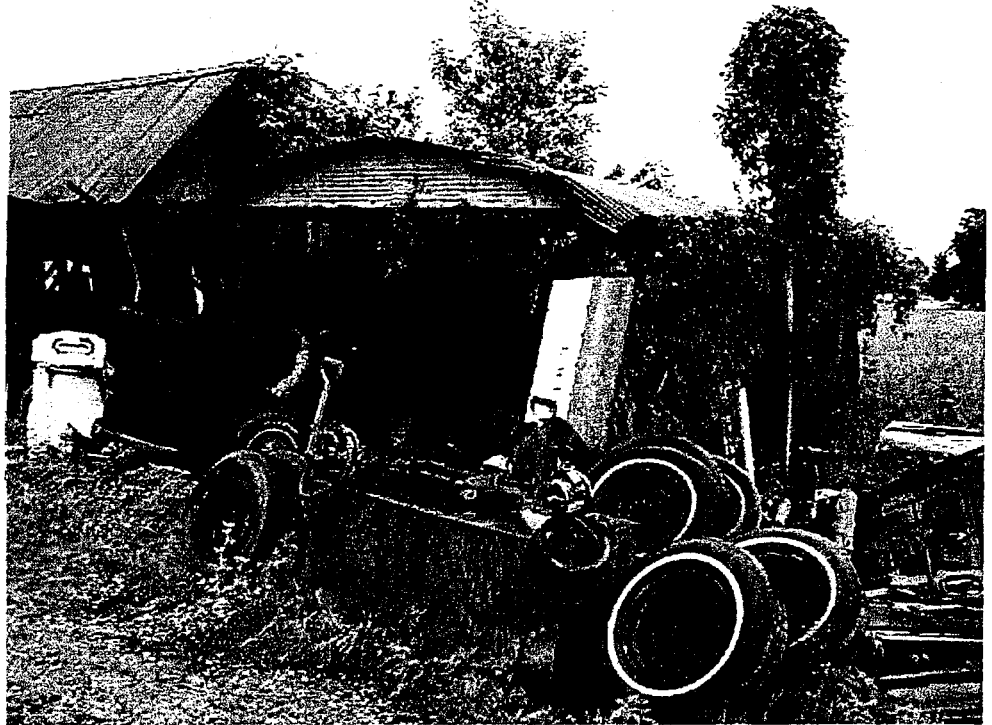
**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-008  
**COMMENTS:**



**LPC #0518085002 -Fayette County  
Beecher City/Hinds, Lorrence  
FOS File**

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** May 14, 2004  
**TIME:** 2:20pm-2:45pm  
**DIRECTION:**  
**PHOTO by:** Kendall Couch  
**PHOTO FILE NAME:**  
0518085002~05142004-009  
**COMMENTS:**



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF: )  
 )  
 ) IEPA DOCKET NO.  
 )  
Beecher City/Krueger, Lawrence )  
Lawrence Krueger )  
 )  
Respondent. )

Affiant, Kendall Couch, 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 November 30, 2004, between 10:45am and 11:00am, Affiant conducted an inspection of the open dump in Fayette County, Illinois, known as Beecher City/Krueger, Lawrence, Illinois Environmental Protection Agency Site No. 0518085002.
3. Affiant inspected said Beecher City/Krueger, Lawrence open dump by an on-site inspection which 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 Beecher City/Krueger, Lawrence open dump.

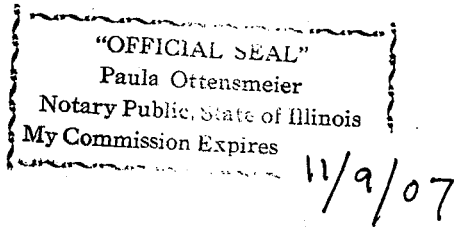
*Kendall Couch*

Kendall Couch

Subscribed and Sworn to before me  
this 21st day of December 2004

*Paula Ottensmeier*

Notary Public



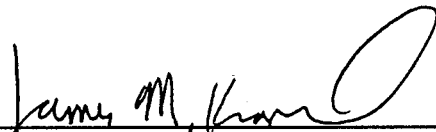
**PROOF OF SERVICE**

I hereby certify that I did on the 5th day of January 2005, 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: Lawrence Krueger  
RR #2, Box 20  
Beecher City, IL 62414

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

  
\_\_\_\_\_  
James M. Kropid  
Special Assistant Attorney General

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