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OCT 07 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC06-12

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 James R. Thompson 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**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OCT 07 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 BEARDSTOWN TRUCK WASH, LLC,)
)
 Respondent.)

AC *de-12*

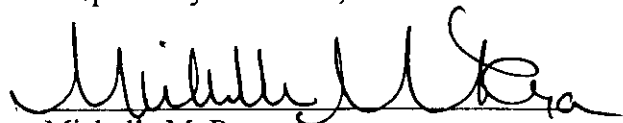
(IEPA No. 375-05-AC)

NOTICE OF FILING

To: Beardstown Truck Wash, LLC
 Attention: Ms. Bonnie Harris, Registered Agent
 8969 Arenzville Road
 Beardstown, IL 62618

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: October 5, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OCT 07 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BEARDSTOWN TRUCK WASH, LLC,)
)
)
)
Respondent.)

AC 06-12
(IEPA No. 375-05-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 (2004).

FACTS

1. That Beardstown Truck Wash, LLC ("Respondent") is the present owner and operator of a livestock waste truck washing operation located at 8969 Arenzville Road, Beardstown, Cass County, Illinois. The facility is commonly known to the Illinois Environmental Protection Agency ("Illinois EPA") as Beardstown Township/Beardstown Truck Wash.

2. That Beardstown Truck Wash is the generator and transporter of waste that was dumped onto property owned by Iva Brown. The property is located in Bluff Springs Township in Cass County. Specifically, the property is part of the Northwest corner of Section Thirty-one (31) in Township Eighteen (18) North of the Base Line, Range Eleven (11) West of the Third Principal Meridian in Cass County, Illinois. The property is commonly known to the Illinois EPA as Bluff Springs Township/Brown.

3. That said property is an open dump operating without an Illinois EPA Operating Permit and is designated with Site Code No. 0178035003.

4. That on August 23, 2005, Michelle E. Cozadd of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Michelle E. Cozadd during the course of her August 23, 2005 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) (2004).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 November 1, 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 (2004), 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) (2004), 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 (2004). 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.


Douglas P. Scott, Director *by wrc*
Illinois Environmental Protection Agency

Date: 10/5/05

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
BEARDSTOWN TRUCK WASH, LLC,)
Respondent.)

AC *06-12*
(IEPA No. 375-05-AC)

FACILITY: Bluff Springs Township/Brown SITE CODE NO.: 0178035003
COUNTY: Cass CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: August 23, 2005

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

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant)
))
vs.)
))
BEARDSTOWN TRUCK WASH,)
Respondent)

IEPA DOCKET NO.

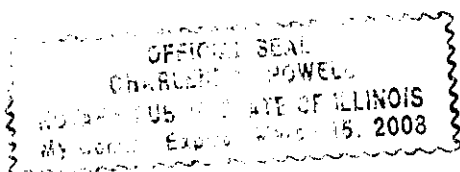
Affiant, Michelle E. Cozadd, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 23, 2005, between 11:40 AM and 12:00 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Cass County, Illinois, and known as Bluff Springs Township/Brown by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #0178035003 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Bluff Springs Township/Brown open dump site by an on-site inspection that included walking and photographing the site.
4. As a result of the activities 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 Bluff Springs Township/Brown open dump.

Michelle E. Cozadd
Michelle E. Cozadd

Subscribed and Sworn To before me
This 14 day of *September*, 2005

Charles K. Powell



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

County: Cass LPC#: 0178035003 Region: 5 - Springfield
 Location/Site Name: Bluff Springs Township/Brown
 Date: 08.23.05 Time: From 11:40 am To 12:00 pm Previous Inspection Date: 07.22.05
 Inspector(s): Michelle Cozadd Weather: 70°F and sunny
 No. of Photos Taken: # 5 Est. Amt. of Waste: 300 yds³ Samples Taken: Yes # No X
 Interviewed: Complaint #: C-05-089-C & C-06-003-C

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

Iva Brown 6726 Arenzville Road Beardstown, IL 62618 217.323.1740

Beardstown Truck Wash Bonnie Harris, Manager & Registered Agent 8969 Arenzville Road Beardstown, IL 62618 217.323.2968
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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 AND REGULATIONS	X
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	X
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	X
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

Inspection Date: August 23, 2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.			

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

DATE: September 2, 2005

To: DLPC/Division File

FROM: Michelle Cozadd, DLPC/FOS Springfield Region

SUBJECT: LPC #0178035003-Cass County
Bluff Springs Township/Brown
FOS File

LPC #0178025030-Cass County
Beardstown Township/Beardstown Truck Wash
FOS File

The purpose of this memorandum is to serve as the narrative for inspections conducted at the Brown property on July 19, 2005, July 22, 2005 and August 23, 2005.

The site is located in Bluff Springs Township in Cass County (see attached map). Specifically, the site is part of the Northwest corner of Section Thirty-one (31) in Township Eighteen (18) North of the Base Line, Range Eleven (11) West of the Third Principal Meridian in Cass County. The attached Quitclaim Deed indicates that the owners are Robert J. Brown and Iva W. Brown.

July 19, 2005

This inspection took place from about 11:00 am to 11:20 am. The weather conditions were sunny and approximately 85°F. Mr. Jim Miles, DWPC/FOS, accompanied me during the inspection. Seven digital photographs were taken to document the conditions of the site. No one was interviewed during the inspection.

The attached photos #001 through #005 show waste materials consisting of manure and wood shavings in individual dump truck load size piles. The attached photo #003 is a close-up of the waste. There were a large amount of flies on and around the piles. The attached photo #006 shows an area just southwest of the piles where land application of the waste materials may have occurred. As shown in the photo, I observed clumps of waste materials that had not been spread in any uniform, agronomic manner.

July 22, 2005

The site was re-inspected the afternoon on July 22, 2005. The weather conditions were sunny and approximately 80°F. The site appeared much the same as during the previous inspection on July 19, 2005 except that more waste material was present at the site. Two digital photographs were taken of the waste piles (see attached photos #001 and #002). No one was interviewed during the inspection.

I discussed the issue of the waste piles at the Brown property with Beardstown Truck Wash facility personnel via telephone on August 12, 2005 and August 19, 2005. On August 12, 2005, Mr. Jerry Anderson denied hauling any of the waste to the property. During an August 19, 2005 telephone conversation with Mr. Denny Moore, he stated that he had hauled the waste to the Brown property.

I reminded him that he is not allowed to dump the waste on any property until a land application permit is obtained from the Illinois EPA's Bureau of Water. I instructed Mr. Moore to immediately remove the material to an Illinois EPA permitted treatment, storage, or disposal facility. Waste had been hauled to Cargill Meat Solutions plant in the past. I stated that the waste removal must be completed before the end of the week.

August 23, 2005

A re-inspection was conducted at the site on August 23, 2005. The weather conditions were sunny and about 70°F. The site appeared much the same as during the previous inspection on July 22, 2005. Five digital photographs were taken during the re-inspection. No one was interviewed during the inspection.

The waste is shown in the attached photos #001 through #004. The attached photo #005 is a close-up of flies in the run-off from the piles of wood shavings and screened wastewater solids from the truck wash facility.

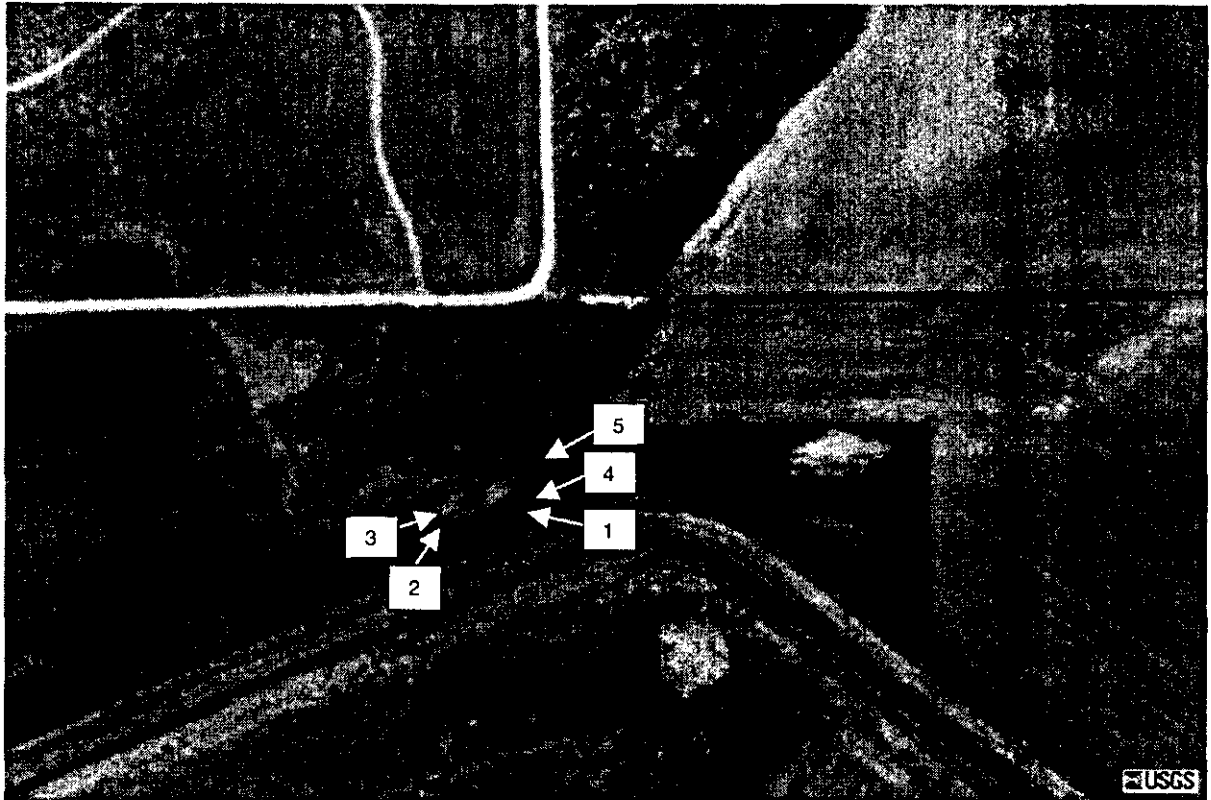
Apparent open dumping violations were observed during all three inspections. Section 3.305 of the [Illinois] Environmental Protection Act ("Act") defines "open dumping" as the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill. Refuse is defined as waste pursuant to Section 3.385 of the Act. The piles of wood shavings and screened wastewater solids from the livestock truck washing operation at Beardstown Truck Wash would be regarded as open dumping. Furthermore, the open dumping of waste was caused or allowed in a manner that resulted in litter. In Illinois, litter is defined in Section 3(a) of the Litter Control Act as any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to any garbage, trash, refuse, debris, ... abandoned vehicle, motor vehicle parts... or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly.

A site map and copies of digital photographs are attached to this narrative.

cc: DLPC/FOS-Springfield Region
DWPC/FOS, Jim Miles



SITE MAP



3 km SW of Bluff Springs, Illinois, United States in the 05 April 1998 USGS aerial photo

August 23, 2005 Inspection
Photo Direction →
& Location Approximate



DIGITAL PHOTOGRAPHS



Date: 23 August 2005
Time: 11:44 am
Direction: NW
Photo by: M. Cozadd
Exposure #: 001
Comments: Piles of
wood shavings and
screened wastewater
solids from livestock
truck washing operation
at Beardstown Truck
Wash



Date: 23 August 2005
Time: 11:45 am
Direction: NE
Photo by: M. Cozadd
Exposure #: 002
Comments: Piles of
wood shavings and
screened wastewater
solids from livestock
truck washing operation
at Beardstown Truck
Wash

File Names: 0178035003~08232005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 23 August 2005
Time: 11:44 am
Direction: NE
Photo by: M. Cozadd
Exposure #: 003
Comments: Piles of wood shavings and screened wastewater solids from livestock truck washing operation at Beardstown Truck Wash



Date: 23 August 2005
Time: 11:45 am
Direction: SW
Photo by: M. Cozadd
Exposure #: 004
Comments: Piles of wood shavings and screened wastewater solids from livestock truck washing operation at Beardstown Truck Wash

File Names: 0178035003~08232005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 23 August 2005
Time: 11:44 am
Direction: SW
Photo by: M. Cozadd
Exposure #: 005
Comments: Close-up of
flies in run-off from piles
of wood shavings and
screened wastewater
solids from livestock
truck washing operation
at Beardstown Truck
Wash

File Name: 0178035003~08232005-[Exp. #].jpg

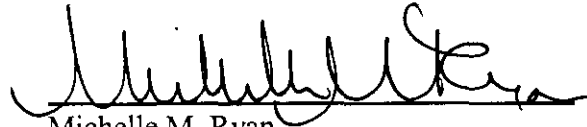
PROOF OF SERVICE

I hereby certify that I did on the 5th day of October 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: Beardstown Truck Wash, LLC
Attention: Ms. Bonnie Harris, Registered Agent
8969 Arenzville Road
Beardstown, IL 62618

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

THIS FILING SUBMITTED ON RECYCLED PAPER