

COPY

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

RECEIVED
CLERK'S OFFICE

JUN 16 2006

STATE OF ILLINOIS
Pollution Control Board

County of Ogle)
)
 Complainant,)
)
 v.)
)
 George C. Heal)
)
 Respondent.)

AC# 06- 53
(Administrative Citation)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2005), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, George C. Heal, is the contract buyer and in control and possession of a facility located in the County of Ogle, State of Illinois.
2. The Respondent, George C. Heal, is the present operator of a facility located in the County of Ogle, State of Illinois.
3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1418175005. The facility is known to the Agency as Heal-Carpenter.
4. That respondent, George C. Heal, has occupied, controlled and/or operated the facility at all relevant times hereto.
5. That on April 21, 2006, Steve Rypkema, Director, Ogle County Solid Waste Management Department, inspected the facility in response to a citizen complaint made to the Ogle County Solid Waste Management Department. A

true and correct copy of the inspection report, along with an affidavit are attached.

VIOLATIONS

On the basis of Steve Rypkema's direct observation, he has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

1. The Respondent has caused or allowed open burning of waste in violation of 415 ILCS 5/21(p)(3).
2. The Respondent has caused or allowed the deposition of general construction or demolition debris, or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of \$1,500.00 for each violation specified above. This is a total of \$3,000.00 for this Citation. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than 35 days from the date of service hereof. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the

Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Ogle County Solid Waste Fund and mailed to the attention of John Coffman, Ogle County Treasurer, P.O. Box 40, Ogle County Courthouse, Oregon, Illinois, 61061. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Ogle County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with the Ogle County State's Attorney. **Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.**

Your original Petition must be filed with the Clerk of the Board at:

Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Copies must also be sent to the:

Office of the State's Attorney
Ogle County Courthouse
Oregon, IL 61061

Ogle County Solid Waste Management Department
909 W. Pines Road
Oregon, IL 61061

DATED: 15 June 2006



Michael Myzia,
Ogle County Assistant State's Attorney

C: IEPA Rockford
IEPA Springfield
OCSWMD File

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

JUN 16 2006

STATE OF ILLINOIS
Pollution Control Board

County of Ogle)	
)	
Complainant,)	
)	
v.)	AC# 06- 53
)	
George C. Heal)	
)	
Respondent.)	

FACILITY: Heal-Carpenter

COUNTY: Ogle

DATE OF INSPECTION: April 21, 2006

SITE CODE: 1418175005

CIVIL PENALTY: \$3000.00

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines and sign it. Mail this form with your check to:

Ogle County Solid Waste Fund
Ogle County Treasurer
Ogle County Courthouse
P.O. Box 40
Oregon, IL 61061

RECEIVED
CLERK'S OFFICE

JUN 16 2006

STATE OF ILLINOIS
Pollution Control Board

State of Illinois, Ogle County

Affidavit


County of Ogle
Complainant,

v.
George C. Heal
Respondent.

AC #06- 53

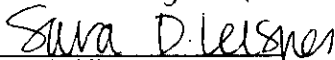
Affiant, Stephen J. Rypkema, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of Ogle and has been so employed at all times pertinent hereto.
2. On April 21, 2006, between 9:45 a.m. and 1:05 p.m., Affiant conducted an inspection of the open dump site located in Ogle County, Illinois and known as Heal-Carpenter. Illinois Environmental Protection Agency Site No. #1418175005.
3. Affiant inspected said Heal-Carpenter site by an on-site inspection which included walking and photographing the site and interviewing the contract buyer of the property, George C. Heal.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Checklist 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 Heal-Carpenter site.

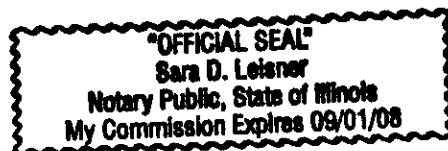

Stephen J. Rypkema, Director

Subscribed and Sworn to Before Me

this 26th Day of May, 2006



Notary Public



LPC # 1418175005

Inspection Date: 04/20/06

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

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.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: 4/21/06 Inspector: S. R. Rypkema
Site Code: 1418175005 County: Ogle
Site Name: Heal - Carpenter Time: 9:45 – 1:05 p.m.

General Remarks

4/21/06 - 9:40 a.m. Complainant called to report that a barn or house was knocked down yesterday and it is now burning. Said they saw an article regarding demo waste in the newspaper.

9:45 a.m. SR arrived at the site, two demolished barns were burning in two separate piles. Several laborers were throwing hoses and lumber onto the fire. I parked and a man walked up to me. I identified myself and asked who was in charge. He said his name was Chris Heal and he owned the property and admitted to setting the fires. I informed him that open burning of demolition debris is prohibited in Illinois by the IL Environmental Protection Act.

He said he had "called the County and they said it was OK." He said he had talked to the Sheriff's Dept. to inform them that he was going to do a "controlled burn," and the dispatcher said it was OK. He added that he had also talked to the Planning and Zoning Department to ask if a permit was needed to demolish a barn, and was told that no permit is required, but if he wanted to remove the structures from the tax role, an application for Zoning Certificate should be completed. He understood that to mean that it was OK to demolish and burn the buildings.

I told him that the fires must be extinguished and asked if he would like to call the fire department or have me do it. He then called the Sheriff's Dept. to have the fire department called to the scene.

At around 10:05 a.m., the Oregon Fire Department arrived and began extinguishing the fire. Since no water hydrant was available, they had to set up a portable water tank and continue to fill it with tanker trucks running from the site to the fire station to refill with water.

The Oregon Fire Department determined they needed help to extinguish the fires so they requested assistance from neighboring fire departments. Shortly thereafter fire departments from Mt. Morris, Byron, Stillman Valley, Polo, Ashton/Franklin Grove arrived to assist. They set up a second portable water tank and began shuttling tanker trucks to provide adequate water for the effort. They continued to battle the fires for about 2 1/2 hours, until they were completely extinguished.

In order to completely extinguish the fires, Oregon Fire Department Captain, Randy Travis, asked Mr. Heal if there was someone who could operate the backhoe on site, which was used to demolish the buildings. Jeff Pitzer, of Pitzer Excavating, was called to the site and arrived later to spread out the demolition debris so any hot spots could be thoroughly put out.

While the fire was being put out, I spoke with Mr. Heal several times about the fire, and various laws and regulations regarding open burning of waste. I gave him copies of the Open Burning Regs., an article about Open Burning of Waste, and an article about proper disposal of Demolition Debris. I told Mr. Heal that the article about construction and demolition debris was in the current Ogle County Life newspaper. He said he does not read the newspaper. I explained that we have offered training to local builders and contractors and have put articles about the laws regarding open burning of waste in the newspapers. He said he didn't realize it was illegal, or he wouldn't have done it. He was very cooperative throughout the entire event.

He mentioned that he has also contacted the Rockford IEPA office and spoke with someone about a barrel of hazardous waste he had found on the property. The person provided disposal options to him. He claimed that he had also discussed the demolition of the barns with him and asked if a permit was needed. He said he was told no permit was needed.

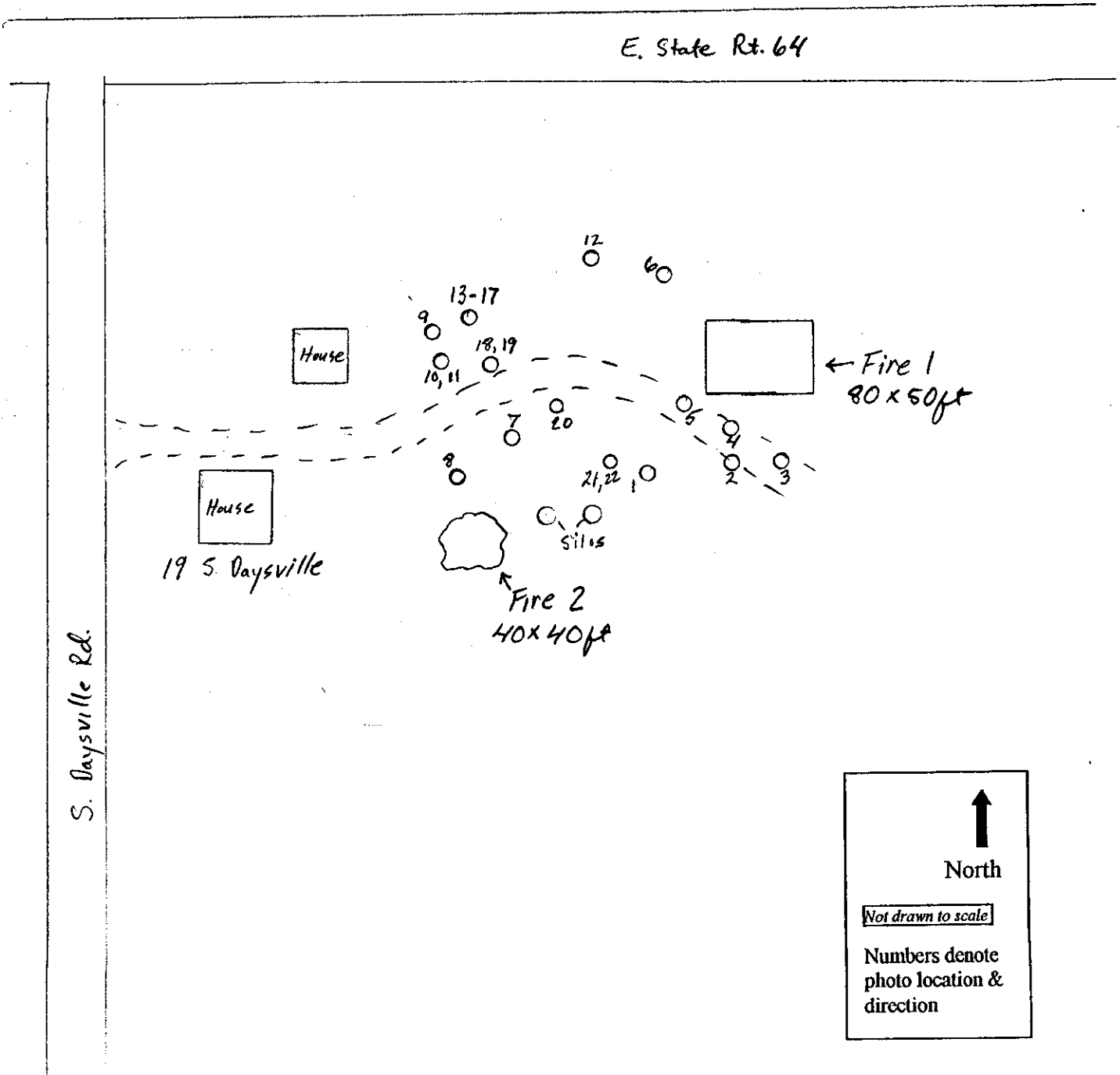
Randy Travis, Oregon Fire Department Captain, in charge of the firefighting effort, asked me if the fire needed to be completely out and I said yes, to avoid having them return to the site later.

The fire was completely out by about 12:30 p.m. I left the site about 1:05 p.m.

State of Illinois
Environmental Protection Agency

SITE SKETCH FORM

Date of Inspection: 4/20/06 Inspector: S. Rypkema
Site Code: 1418175005 County: Ogle County
Site Name: Heal-Carpenter Time: 9:45 am to 1:05 p.m.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 9:55 a.m.
DIRECTION: NE
PHOTO FILE NAME:
1418175005~04202006~001

COMMENTS:
Shows larger fire shortly after inspector
arrived.



DATE: 04/20/2006
TIME: 9:56 a.m.
DIRECTION: N
PHOTO FILE NAME:
1418175005~04202006~002

COMMENTS:
View of fire 1 from south side.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006

TIME: 9:57 a.m.

DIRECTION: N

PHOTO FILE NAME:

1418175005~04202006~003

COMMENTS:

**East end of fire 1, from south side, prior to
it catching fire.**



DATE: 04/20/2006

TIME: 9:57 a.m.

DIRECTION: N

PHOTO FILE NAME:

1418175005~04202006~004

COMMENTS:

Closer view of southwest corner of fire 1.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 9:57 a.m.
DIRECTION: NE
PHOTO FILE NAME:
1418175005~04202006~005
COMMENTS:
View of fire from west end.



DATE: 04/20/2006
TIME: 9:58 a.m.
DIRECTION: SE
PHOTO FILE NAME:
1418175005~04202006~006

COMMENTS:
View of fire 1 from northwest corner.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 9:59 a.m.
DIRECTION: S
PHOTO FILE NAME:
1418175005~04202006~007
COMMENTS:
Fire 2 located southwest of two silos on site.



DATE: 04/20/2006
TIME: 10:00 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~008
COMMENTS:
View of fire 2 from northwest corner.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 10:10 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~009

COMMENTS:
Oregon Fire Department using portable
water tank to extinguish fire.



DATE: 04/20/2006
TIME: 10:10 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~010

COMMENTS:
Fire fighters working to put out fire.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006

TIME: 11:0:19 a.m.

DIRECTION: E

PHOTO FILE NAME:

1418175005~04202006~011

COMMENTS:

Mt. Morris Fire Dept. bringing water to the site.



DATE: 04/20/2006

TIME: 10:37 a.m.

DIRECTION: SE

PHOTO FILE NAME:

1418175005~04202006~012

COMMENTS:

Fire being extinguished.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 10:38 a.m.
DIRECTION: S
PHOTO FILE NAME:
1418175005~04202006~013
COMMENTS:
Fire 2 being extinguished by fire fighters



DATE: 04/20/2006
TIME: 10:38 a.m.
DIRECTION: S
PHOTO FILE NAME:
1418175005~04202006~014

COMMENTS:
Fire 2 being extinguished.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 10:52 a.m.
DIRECTION: SW
PHOTO FILE NAME:
1418175005~04202006~015
COMMENTS:
Crew providing water to put out fire 2.



DATE: 04/20/2006
TIME: 10:52 a.m.
DIRECTION: S
PHOTO FILE NAME:
1418175005~04202006~016
COMMENTS:
Firefighters applying foam to fire 2.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 9:55 a.m.
DIRECTION: NE
PHOTO FILE NAME:
1418175005~04202006~017
COMMENTS:
Fire 2 being extinguished.



DATE: 04/20/2006
TIME: 11:09 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~018

COMMENTS:
Fire 1.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 11:14 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~019
COMMENTS:
Fire 1.



DATE: 04/20/2006
TIME: 11:45 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~020

COMMENTS:
Demolition contractor Pitzer, called in to help spread the demolition debris to help extinguish fire.



LPC #1418175005 Heal-Carpenter – Ogle County
Photos By: S. J. Rypkema

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 04/20/2006
TIME: 9:55 a.m.
DIRECTION: NE
PHOTO FILE NAME:
1418175005~04202006~021
COMMENTS:
Fire 1 almost out.



DATE: 04/20/2006
TIME: 12:36 a.m.
DIRECTION: E
PHOTO FILE NAME:
1418175005~04202006~022

COMMENTS:
Fire 1 extinguished.



NOTICE OF CORRECTIVE ACTION REQUIRED FOR OPEN DUMPS

County of Ogle		Facility # 1418175005 – Ogle County
Complainant		Facility Name: Heal-Carpenter
vs.		COMPLIANCE FILE
George C. Heal, Respondent		

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the [Illinois] Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

YOU MUST COMPLETE THE FOLLOWING CORRECTIVE ACTIONS:

- #1 Immediately cease all open dumping and open burning of waste.
- #2 By June 1, 2006, remove all waste to a permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.
- #3 By June 1, 2006, 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.
- #4 By June 30, 2006, submit to Ogle County Solid Waste Management Department copies of receipts that document the proper disposal or recycling of the wastes.

Any written response submitted in reply to the corrective action requirements of this notice must be sent to:

Stephen J. Rypkema, Director
Ogle County Solid Waste Management Department
909 W. Pines Road
Oregon, IL 61061

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Should you have any questions concerning this notice or need further assistance contact OCSWMD at 815-732-4020.



Stephen J. Rypkema, Director

Date: 5/25/06