

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

County: Tazewell LPC#: 1798180017 Region: 3 - Peoria  
 Location/Site Name: Washington/Hess Property  
 Date: 12/21/2004 Time: From 10:30 am To 10:50 am Previous Inspection Date: 07/30/1999  
 Inspector(s): R. Eugene Figge & Robert Wagner Weather: Coudy 10 F  
 No. of Photos Taken: # 12 Est. Amt. of Waste: 300 yds<sup>3</sup> Samples Taken: Yes #        No   
 Interviewed: No One On Site Complaint #:       

Responsible Party Mailing Address(es) and Phone Number(s):	Stacy Hess 703 North Main Washington, Illinois 61571 309-444-4477	
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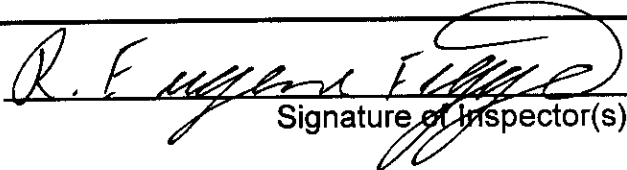
	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION 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 # 1798180017

Inspection Date: 12/21/2004

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

  
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.

### NARRATIVE

On December 21, 2004 an inspection was conducted from 10:30 a.m. until 10:50 a.m. at Hess Property by R. Eugene Figge (this author) and Robert Wagner of DLPC/FOS - Peoria. The property was originally inspected on May 9, 1990. The property is the former site of a tractor junkyard. The property owner Stacy Hess operates a scrap metal reclamation business on the premises. Mr. Hess was required to remove approximately 3000 tractor tires following the initial inspection. The last 1000 tires were removed by the Agency under a Consensual Removal Agreement on July 30, 1999.

On the site the author observed approximately 50 used tires of various types, as shown in photographs 2, 3, 11 and 12. Evidence of open burning of used tires was also observed, as shown in photographs 7 and 8. An accumulation of charred general refuse was present, as shown in photographs 5 and 6. Just east of the accumulation of general refuse was a partially burnt accumulation of demolition waste, as shown in photographs 9 and 10. Following the inspection the author proceeded to the Tazewell County Recorder of Deeds' Office and confirmed that Stacy Hess still owned the property.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated that Stacy Hess as owner and operator had caused or tended to cause open burning which would cause or tend to cause air pollution in Illinois.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated Stacy Hess as owner and operator had caused or allowed open burning.**

3. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated Stacy Hess as owner and operator had caused or allowed open dumping.**

4. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Stacy Hess as owner and operator had allowed waste to be disposed without a permit granted by the Illinois EPA.**

5. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act..

A violation of Section 21(d)(2) is alleged for the following reason: **Stacy Hess as owner and operator had conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

6. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Stacy Hess as owner and operator had allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

7. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

*The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.*

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Stacy Hess as owner and operator had caused or allowed the open dumping of waste in a manner which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **Stacy Hess as owner and operator had caused or allowed the open dumping of waste in a manner which resulted in open burning.**

9. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall, deposit general construction or demolition debris, or clean construction or demolition debris.

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **Stacy Hess as owner and operator deposited general construction or demolition debris, or clean construction or demolition debris.**

10. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Evidence of open dumping of used or waste tires was observed during the inspection that indicated Stacy Hess as owner and operator had caused or allowed the open dumping of used or waste tires.**

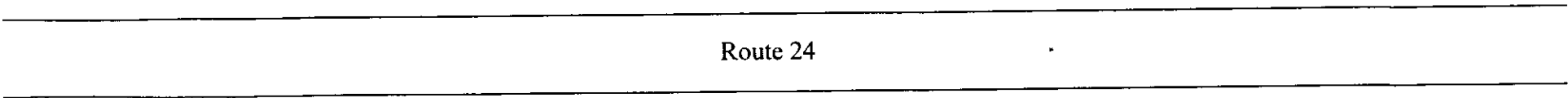
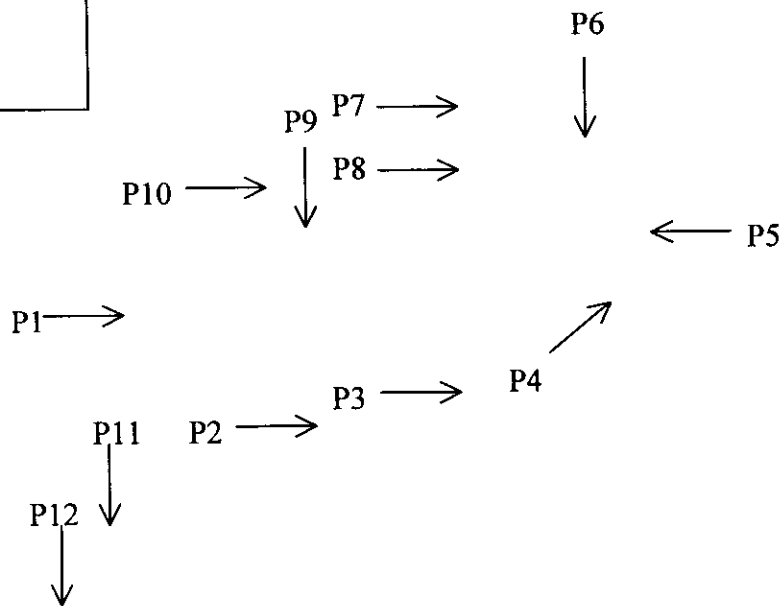
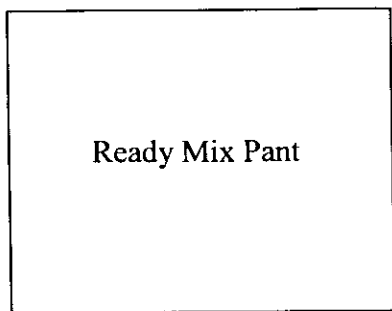
11. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Stacy Hess as owner and operator had allowed the operation of a waste disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: R. Eugene Figge  
Date of Inspection: December 21, 2004  
Site Name: Hess Property

LPC #: 1798180017  
County: Tazewell  
Time: 10:30 a.m. – 10:50 a.m.



Not to Scale

**1798180017 -- Tazewell County  
Hess Property  
FOS File**

**DATE:** December 21, 2004

**TIME:** 10:36 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-001.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:36 a.m.

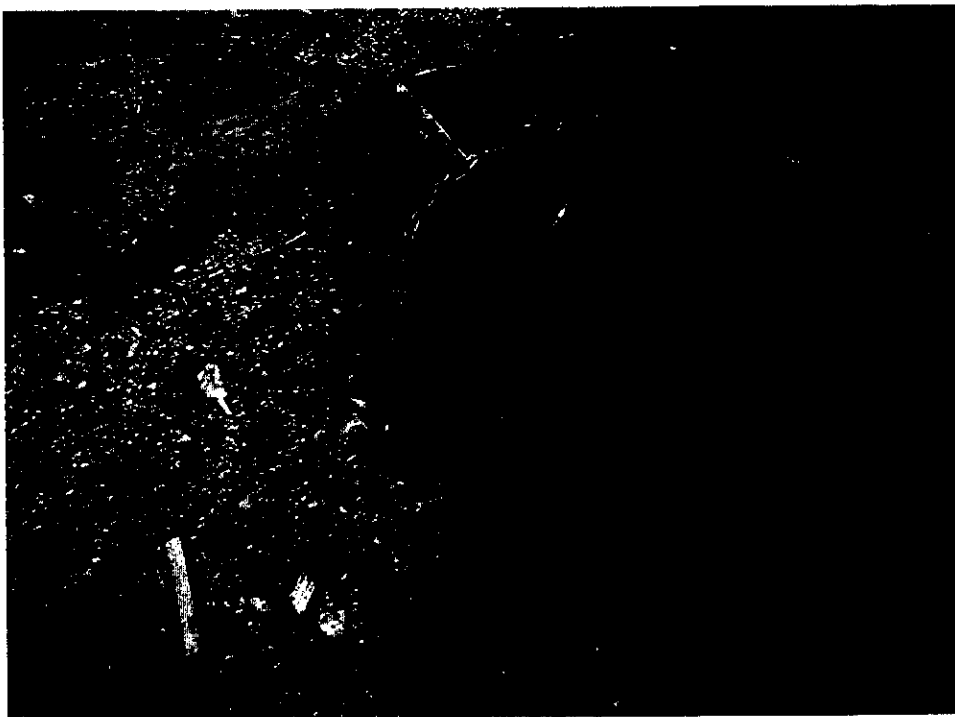
**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
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**COMMENTS:**



**DOCUMENT FILE NAME:**  
1798180017~12212004.doc

**DATE:** December 21, 2004

**TIME:** 10:36 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-003.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:36 a.m.

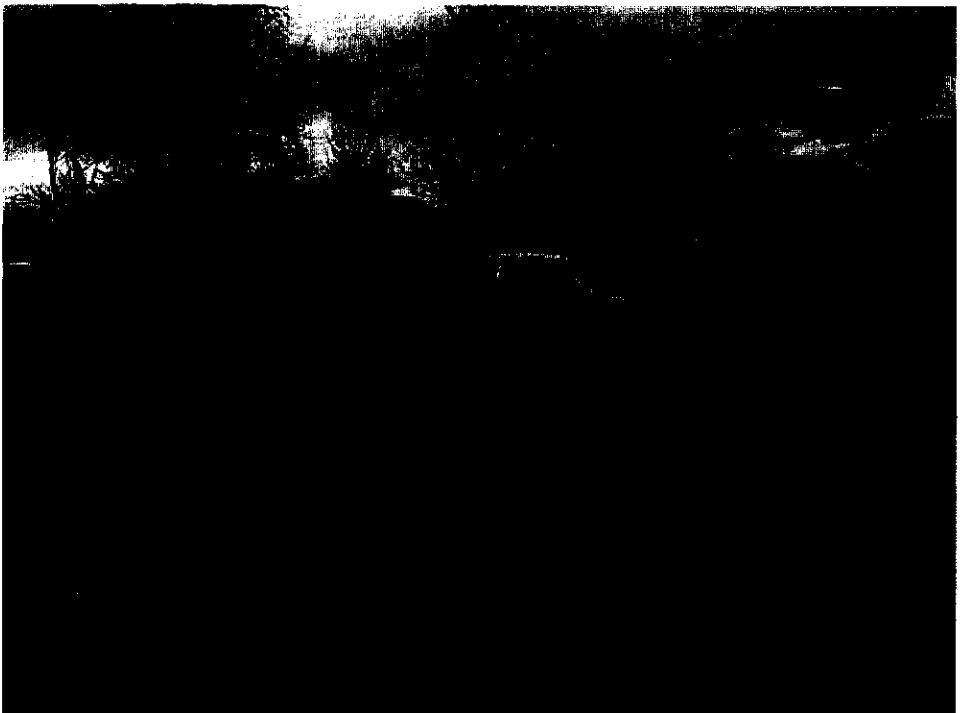
**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-004.jpg

**COMMENTS:**





**1798180017 -- Tazewell County  
Hess Property  
FOS File**

**DATE:** December 21, 2004

**TIME:** 10:36 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-005.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:37 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
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**COMMENTS:**



**DOCUMENT FILE NAME:**  
1798180017~12212004.doc

**DATE:** December 21, 2004

**TIME:** 10:37 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-007.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:37 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
1798180017~12212004-008.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:37 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**

1798180017~12212004-009.jpg

**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:38 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**

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**COMMENTS:**



**DOCUMENT FILE NAME:**

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1798180017 -- Tazewell County  
Hess Property  
FOS File

**DATE:** December 21, 2004

**TIME:** 10:38 a.m.

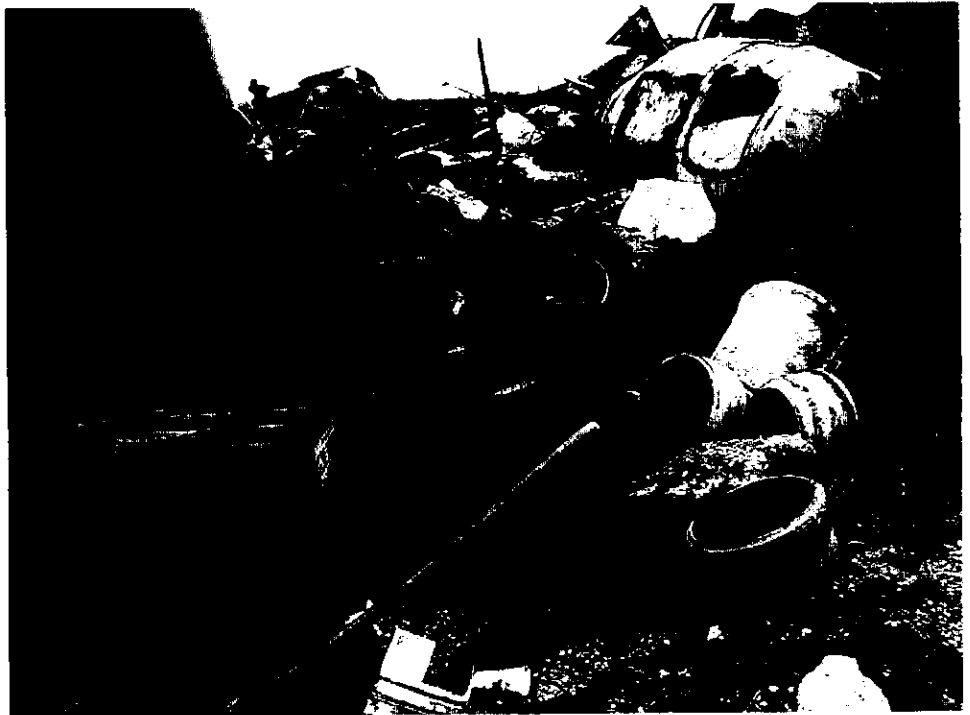
**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 11

**PHOTOGRAPH FILE NAME:**  
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**COMMENTS:**



**DATE:** December 21, 2004

**TIME:** 10:38 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 12

**PHOTOGRAPH FILE NAME:**  
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**COMMENTS:**

