



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) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

ORIGINAL

A 208-3

July 19, 2007

RECEIVED  
CLERK'S OFFICE

JUL 23 2007

STATE OF ILLINOIS  
Pollution Control Board

John Therriault, Acting 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. Swami Oil Company  
IEPA File No. 203-07-AC; 0750455013—Iroquois County

Dear Mr. Therriault:

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,

Michelle M. Ryan  
Assistant Counsel

Enclosures

## 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 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

ORIGINAL

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

JUL 23 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
SWAMI OIL COMPANY, )  
 )  
Respondent. )

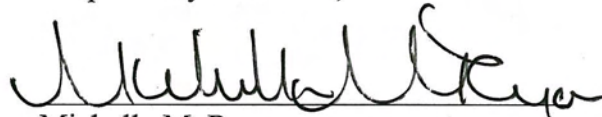
AC 08-3  
(IEPA No. 203-07-AC)

NOTICE OF FILING

To: Swami Oil Company  
Vipul Patel, President  
141 Shadywood Lane  
Elk Grove Village, IL 60007

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: July 19, 2007

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

JUL 23 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, ) )  
) )  
v. ) )  
) )  
SWAMI OIL COMPANY, ) )  
) )  
) )  
) )  
) )  
Respondent. ) )

AC 08-3  
(IEPA No. 203-07-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 Swami Oil Company ("Respondent") is the present owner of a facility located at 620 US HWY 24, Gilman, Illinois 60938, Iroquois County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Gilman/PEMCO-Swami Oil Company.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0750455013.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on June 26, 2007, Kenneth Keigley of the Illinois Environmental Protection Agency's Champaign 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 Kenneth Keigley during the course of his June 26, 2007 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2004).
  
- (3) That Respondent 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) (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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 September 15, 2007, 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  
Douglas P. Scott, Director *by me*  
Illinois Environmental Protection Agency

Date: 7/19/07

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

ORIGINAL

REMITTANCE FORM

RECEIVED  
CLERK'S OFFICE

JUL 23 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 SWAMI OIL COMPANY, )  
 )  
 )  
 )  
 )  
 Respondent. )

AC 08-3

(IEPA No. 203-07-AC)

FACILITY: Gilman/PEMCO-Swami Oil Co.

SITE CODE NO.: 0750455013

COUNTY: Iroquois

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: June 26, 2007

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.





ORIGINAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

RECEIVED  
OFFICE

JUL 23 2007

County: Iroquois LPC#: 0750455013 Region: 4 - Champaign  
 Location/Site Name: Gilman/PEMCO - Swami Oil Company  
 Date: 06/26/2007 Time: From 11:35 am To 11:45 AM Previous Inspection Date: 04/18/2007  
 Inspector(s): Kenneth Keigley Weather: sunny - 72 degrees  
 No. of Photos Taken: # 13 Est. Amt. of Waste: 60 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: No one present Complaint #:       
 Latitude: 40.75369 Longitude: -87.99837 Collection Point Description: Center of Site - error 23.2 feet  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin GPSMap 76 S

STATE OF ILLINOIS  
Pollution Control Board

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

Swami Oil Company  
Attn: Vipul Patel, President  
620 Route 24  
Gilman, IL 6093  
phone number: 815/265-7364

Swami Oil Company  
C/O Vipul Patel, President  
141 Shadywood Lane  
Elk Grove Village, IL 60007

	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 # 0750455013

Inspection Date: 06/26/2007

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<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 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"/>
	55(a)(3)	Water in tires	<input checked="" type="checkbox"/>
	739.122(c)	Used oil released into the environment – not cleaned up	<b>X</b>
			<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.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

FOS

Inspector: Kenneth Keigley

Inspection Date: June 26, 2007

GIS Data: Latitude-N40.75369°, Longitude-W-087.99837° error 23.2 (Garmin GPSMap 76S)

**General Comments:**

On June 26, 2007 at 11:35 A.M., I conducted an inspection at the Swami Oil Company facility, located at 620 US HWY 24, Gilman, Illinois 60938, phone number 815/265-7364.

The purpose of this inspection was to determine regulatory status and evaluate compliance with the Illinois Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking around the site and taking pictures. No one was present to represent the property owner. The weather was sunny, the temperature 72 degrees.

**Background:**

Since the original inspection the facility has been purchased by Swami Oil Company, C/O Vipul Patel, 141 Shadywood Lane, Elk Grove Village, Illinois 60007 and is no longer owned by PEMCO, Inc. A copy of the deed has been sent to file.

An inspection was conducted on October 12, 2006 and an Administrative Citation Warning Notice was sent to Mr. Patel. The facility was again inspected on April 18, 2007 and since no significant improvement was noted, a region letter was sent to Mr. Vipul assuring clarity about the responsibility of Swami Oil Company as the property owner to clean up the site and stating that a follow up inspection was to be conducted after June 15, 2007.

**Inspection:**

When I arrived at the site I drove back to the rear of the property to the area where open dumping and open burning apparent violations had previously been observed.

I noted a pile of partially burned shingles measuring approximately 2' x 2' x 1' (see photo #1) which appeared to have been burned at that location. There was also a large area measuring 20' x 30' which had a thin layer of burn residue apparently from burning shingles (see photo #3). The area was scorched and the open burning had obviously occurred on the site.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

FOS

Inspector: Kenneth Keigley

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It appeared that this additional open burning of these shingles had occurred since the last inspection.

I also noticed several broken pallets that had been added to the waste pile since the last inspection (see photos #2, #4, #5, and #6).

There were two used tires in the pile of waste (see photo #4) and a large area measuring approximately 30' x 30' covered with broken asphalt, broken concrete, a pallet, and some small pieces of plastic litter (see photos #5 and #6). This waste was present during the last inspection. At the back of the main waste pile I saw the television set previously observed during the last inspection still in the pile (see photo #7).

I walked over to the trash barrel I had observed during the last inspection noticing it was still overflowing with refuse with some scattered on the ground around it and with some partially burned plastic containers in the top (see photos #8 and #10). The drum also contained oil filters and apparent liquid oil (see photo #9).

Some of the apparent used oil had overflowed onto the ground soaking the soil (see photos #10 and #11).

I also saw eleven used tires staged just to the south of the main waste pile (see photo #12). Some of the tires contained water (see photo #13).

**Apparent violations observed during this inspection:**

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

- #1 Pursuant to Section 9(a) of the Act, 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.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

FOS

Inspector: Kenneth Keigley

Inspection Date: June 26, 2007

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A violation of Section 9(a) is alleged for the following reason: **evidence of open burning of refuse, which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

- #2 Pursuant to Section 9(c) of the Act, 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.

A violation of Section 9(c) is alleged for the following reason: **evidence of open burning of refuse was observed during the inspection.**

- #3 Pursuant to Section 21(a) of the Act, no one shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **waste was open dumped on the site.**

- #4 Pursuant to Section 21(d)(1) of the Act, no one shall conduct any waste storage, waste treatment, or waste disposal operation without a permit granted by the Agency.

A violation of Section 21(d)(1) is alleged for the following reason: **a waste disposal operation was conducted at a site, which does not have a permit granted by the Agency.**

- #5 Pursuant to Section 21(d)(2) of the Act, no one shall conduct any waste storage, waste treatment, or waste disposal operation in violation of any Regulations or Standards adopted by the Board.

A violation of Section 21(d)(2) is alleged for the following reason: **waste was disposed at this facility in apparent violation of Regulations adopted by the Board.**

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

FOS

Inspector: Kenneth Keigley

Inspection Date: June 26, 2007

GIS Data: Latitude-N40.75369°, Longitude-W-087.99837° error 23.2 (Garmin GPSMap 76S)

- #6 Pursuant to Section 21(e) of the Act, 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) is alleged for the following reason: **wastes were disposed of at this site which does not meet the requirements of the Act and Regulations thereunder.**

- #7 Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner, which results in litter at the dumpsite.

A violation of Section 21(p)(1) is alleged for the following reason: **waste and used tires were open dumped at this site resulting in litter.**

- #8 Pursuant to Section 21(p)(3) of the Act, no one shall cause or allow the open dumping of any waste in a manner, which results in open burning.

A violation of Section 21(p)(3) is alleged for the following reason: **waste was open dumped at this site resulting in open burning.**

- #9 Pursuant to Section 21(p)(7) of the Act, no one shall cause or allow the open dumping of any waste in a manner, which results in deposition of general or clean construction or demolition debris at the site.

A violation of Section 21(p)(7) is alleged for the following reason: **waste was open dumped at this site resulting in deposition of general or clean construction or demolition debris at the site.**

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

FOS

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- #10 Pursuant to Section 55(a)(1) of the Act, no one shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) is alleged for the **following** reason: **used and/or waste tires were open dumped at this site.**

- #11 Pursuant to Section 55(a)(3) of the Act, no one shall, except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

A violation of Section 55(a)(3) is alleged for the following reason: **used tires at this site were not prevented from accumulating water.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]

- #12 Pursuant to Section 739.122(d), response to releases, upon detection of a release of used oil to the environment...a generator shall perform the following steps...

1. Stop the release;
2. Contain the released used oil;
3. Properly clean up and manage the released used oil and other materials; and
4. If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service.

A violation of Section 739.122(d) is alleged for the following reason: **used oil has been released into the environment at this site and the above corrective actions have not been taken.**

- #13 Pursuant to Section 812.101(a) of the Regulations, all persons shall submit an application to the Agency for a permit to develop and operate a landfill.



**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

0750455013 – Iroquois County

Gilman/PEMCO – Swami Oil Company

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GIS Data: Latitude-N40.75369°, Longitude-W-087.99837° error 23.2 (Garmin GPSMap 76S)

A violation of Section 812.101(a) is alleged for the following reason: **the owner or operator of this site failed to submit an application to the Agency for a permit to develop or operate a landfill.**

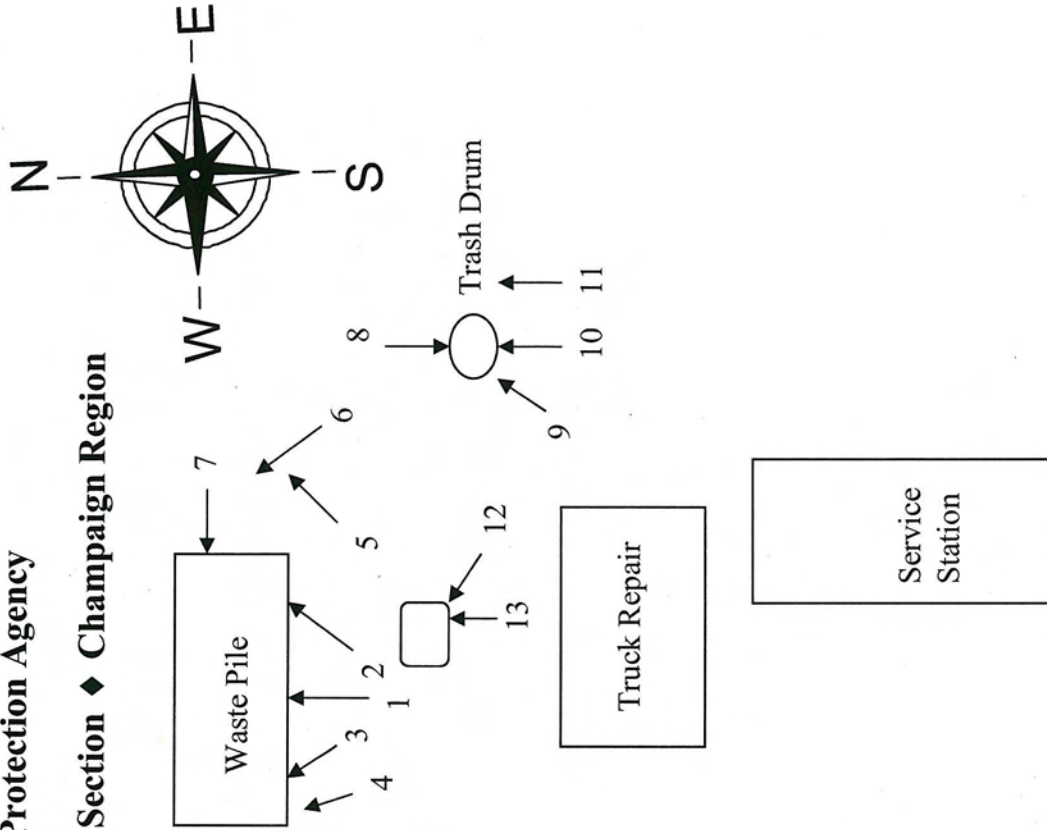
Illinois Environmental Protection Agency

Bureau of Land ♦ Field Operations Section ♦ Champaign Region

0750455013 – Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS

Inspector: Kenneth Keigley

Date: June 26, 2007



State Route 24

Not to Scale

Site Sketch



Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:37 AM  
DIRECTION: North  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-001.jpg  
COMMENTS: partially burned  
shingles, unburned broken  
pallet, metal.



DATE: 06-26-2007  
TIME: 11:37 AM  
DIRECTION: Northeast  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-002.jpg  
COMMENTS: Broken pallet,  
partially burned shingles,  
metal, plastic, and glass  
containers, metal.





Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:37 AM  
DIRECTION: Northwest  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-003.jpg  
COMMENTS: Partially burned  
shingles, ceramic bathroom  
fixtures, metal and glass  
containers, and heat scorched  
metal.



DATE: 06-26-2007  
TIME: 11:37 AM  
DIRECTION: Northwest  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-004.jpg  
COMMENTS: Used tires, broken  
pallets, partially burned  
shingles, metal, plastic.





Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:38 AM  
DIRECTION: Northeast  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-005.jpg  
COMMENTS: Broken concrete,  
asphalt, and poured waste  
concrete.



DATE: 06-26-2007  
TIME: 11:38 AM  
DIRECTION: Northwest  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-006.jpg  
COMMENTS: Broken concrete,  
broken pallet, discarded TV set.





Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:38 AM  
DIRECTION: West  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-007.jpg  
COMMENTS: Broken pallets,  
discarded TV set, piece of RR  
Tie, metal and plastic  
containers.



DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: South  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-008.jpg  
COMMENTS: Plastic, partially  
burned plastic containers,  
drum of waste, some apparent  
liquid used oil, plastic and  
metal containers.





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## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: Northeast  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-009.jpg  
COMMENTS: Closeup of trash  
drum showing apparent liquid  
oil in drum.



DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: North  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-010.jpg  
COMMENTS: Trash drum  
showing plastic bags of refuse  
and plastic beverage  
containers on the ground as  
well as apparent oil soaked soil  
on east side of drum.





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## DIGITAL PHOTOGRAPHS

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: North  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-011.jpg  
COMMENTS: Close view of  
apparent oil soaked soil and  
refuse piled on the ground.



DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: Northwest  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-012.jpg  
COMMENTS: 11 used tires.







Illinois Environmental Protection Agency  
Bureau of Land

## **DIGITAL PHOTOGRAPHS**

LPC # 0750455013 — Iroquois County  
Gilman/PEMCO – Swami Oil Company  
FOS File

DATE: 06-26-2007  
TIME: 11:39 AM  
DIRECTION: Northwest  
PHOTO by: Kenneth Keigley  
PHOTO FILE NAME:  
0750455013~06262007-013.jpg  
COMMENTS: Used tires with  
water accumulated in them.



ORIGINAL

**PROOF OF SERVICE**

**RECEIVED**  
CLERK'S OFFICE

JUL 23 2007

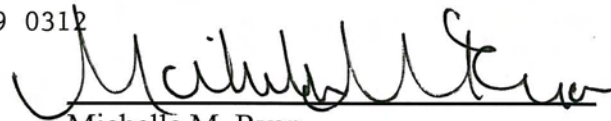
STATE OF ILLINOIS  
Pollution Control Board

I hereby certify that I did on the 19th day of July 2007, 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: Swami Oil Company  
Vipul Patel, President  
141 Shadywood Lane  
Elk Grove Village, IL 60007  
Cert # 7004 2510 0001 8619 0305

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: John Therriault, Acting Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
Cert # 7004 2510 0001 8619 0312

  
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