



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

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AC08-6

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STATE OF ILLINOIS
Pollution Control Board

September 20, 2007

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Salam H. Nijme and Shaban Karam A. Nijme
IEPA File No. 271-07-AC; 1630300025—St. Clair 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).

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
SALAM H. NIJME and SHASBAN)
KARAM A. NIJME,)
)
Respondents.)

AC 08-6
(IEPA No. 271-07-AC)

NOTICE OF FILING

To: Salam H. Nijme & Shaban Karam A. Nijme
312 Largo Drive
Belleville, IL 62221

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: September 20, 2007

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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CLERK'S OFFICE
SEP 24 2007
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
SALAM H. NIJME and SHABAN KARAM A.)
NIJME,)
)
)
)
Respondents.)

AC 08-6
(IEPA No. 271-07-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 Salam H. Nijme and Shaban Karam A. Nijme are the present owners ("Respondents") of a facility located at the corner of Route 157 and Route 13 in Cahokia, St. Clair County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Cahokia/Nijme.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1630300025.
3. That Respondents have owned said facility at all times pertinent hereto.
4. That on August 22, 2007, Chris Cahnovsky and Joe Zappa of the Illinois Environmental Protection Agency's Collinsville Regional Office inspected the above-described

facility. A copy of their inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Chris Cahnovsky and Joe Zappa during the course of their August 22, 2007 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents 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 Respondents 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), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than November 15, 2007, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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 Respondents fail to petition or elect 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, Respondents' 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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: 9-18-07

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

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REMITTANCE FORM

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 SALAM H. NIJME and SHABAN KARAM A.)
 NIJME,)
)
)
 Respondents.)

AC *086*
 (IEPA No. 271-07-AC)

FACILITY: Cahokia/Nijme SITE CODE NO.: 1630300025
 COUNTY: St. Clair CIVIL PENALTY: \$4,500.00
 DATE OF INSPECTION: August 22, 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.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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SEP 24 2007

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

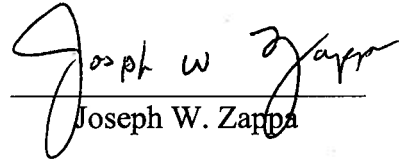
IN THE MATTER OF:)
)
)
)
Cahokia/Nijme)
)
)
Respondent.)

IEPA DOCKET NO.

Affiant, Joseph W. Zappa, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 22, 2007, between 9:30 and 10:00, Affiant conducted an inspection of the open dump in St. Clair County, Illinois, known as Cahokia/Nijme, Illinois Environmental Protection Agency Site No. 1630300025.
3. Affiant inspected said Cahokia/Nijme open dump by an on-site inspection which included walking the site and taking photographs.


4. As a result of the activities referred to in Paragraph 3 above, Affiant assisted in the completion of the Inspection Report form attached hereto and made a part hereof, which, to the best of the Affiant's knowledge and belief, is an accurate representation of Affiant's observation and factual conclusions with respect to said . Cahokia/Nijme.


Joseph W. Zappa

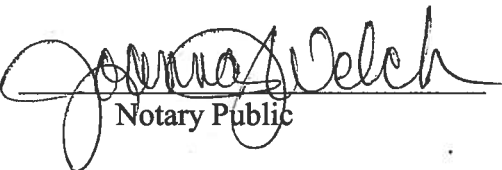
Subscribed and Sworn to before me
this 5th day of September 2007

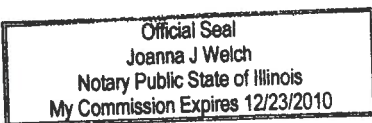

Notary Public


4. As a result of the activities referred to in Paragraph 3 above, Affiant assisted in the completion of the Inspection Report form attached hereto and made a part hereof, which, to the best of the Affiant's knowledge and belief, is an accurate representation of Affiant's observation and factual conclusions with respect to said . Cahokia/Nijme.


Christopher N. Cahnovsky

Subscribed and Sworn to before me
this 5th day of September 2007


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: St. Clair LPC#: 1630300025 Region: 6 - Collinsville
 Location/Site Name: Cahokia/Nijme
 Date: 08/22/2007 Time: From 9:30 To 10:00 Previous Inspection Date: 06/29/2007
 Inspector(s): Chris Cahnovsky & Joe Zappa Weather: Soil Conditions were dry. Hot ~90 F
 No. of Photos Taken: # 10 Est. Amt. of Waste: 50 yds³ Samples Taken: Yes # _____ No
 Interviewed: No one present Complaint #: _____
 Latitude: 38.56270 Longitude: 90.10370 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Salam Nijme
 312 Largo
 Belleville, Illinois 62221
 618/337-5480

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STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 # 1630300025

Inspection Date: 08/22/2007

	(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 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"/>
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.

1630300025 – St. Clair County
Cahokia/Nijme
Date of Inspection: August 22, 2007
Prepared by: Chris Cahnovsky

NARRATIVE

On August 22, 2007, Joe Zappa and I conducted an open dump inspection at the corner of Rt. 157 and Rt. 13 in Cahokia, Illinois. According to St. Clair County records, this site is owned by Salem H. Nijme and Shaban Karam A Nijme. The Nijme's address of record is 312 Largo Drive in Belleville, Illinois 62221-4376.

Site History

This site was originally inspected by the Illinois EPA on April 27, 2006. During that inspection the Illinois EPA observed East Gate Hauling dumping a load of Clean Construction or Demolition Debris (CCDD) on top of other CCDD fill. East Gate Hauling had an employee on-site keeping records of all trucks dumping at this site. A small amount of the material was waste General C&D. In the back of the site the Illinois EPA observed a large amount of household waste dumped at the end a small gravel road. The owner's brother, Steve Nijme, told the Illinois EPA that this waste was fly-dumped on this property. A Violation Notice was sent to the property owner Salem Nijme and East Gate Hauling for the trash and small amount of General C&D. On June 14, 2006, the Illinois EPA met with the USACOE at the site. The Corp told Mr. Nijme that this site was a wetland and posted work stoppage signs at the site. On June 30, 2006, the USACOE issued a Cease and Desist and Order to Restore for this property.

On August 15, 2006, I met with Mr. Nijme's contractor, M&N Construction, at the site. The household waste had been removed to the landfill. M&N was in the process of removing the CCDD out of the wetland and grading the site level. The CCDD was moved to the front of the property which was not a wetland. Landfill receipts were received on September 1, 2006.

On April 6, 2007, I conducted a follow-up inspection. I observed CCDD at this site. It appears that most of the CCDD has been removed from the wetland.

On June 29, 2007, I conduct another follow-up inspection at this site. I observed that new open dumping has been occurring at this site. I observed the open dumping of household waste, CCDD and General C&D. On July 3, 2007, I wrote a letter to the USACOE to inquire the status of any Federal enforcement action. To date, I have not received a reply to my request.

1630300025 – St. Clair County
Cahokia/Nijme

Narrative

Joe Zappa and I arrived on-site around 9:30 am. The temperature was about 90° F with dry soil conditions. I observed that even more dumping has occurred at this site since my previous June 29, 2007 inspection.

On the property line between the Walker property and the Nijme property I observed several new piles of waste. This waste consisted of clean construction or demolition debris above grade, general construction or demolition debris, floor tiles, dry wallboard, concrete with protruding rebar, construction site trash and burned trash that had been dumped from off-site. The majority of this waste was on the Nijme site. We then walked down the road to the levee. I observed two piles of trash along the road. One pile was at the beginning of the road. The other was at the end of the road. The waste at the end of the road consisted of a mattress, wood waste and an old TV. This waste has been burned on-site. There was evidence of open burning.

During this inspection I observed the apparent violations of 9(a), 9(c), 21(a), 21(d)(1)(2), 21(p)(1)(3)(7) and 812.101(a).

CNC



DIGITAL PHOTOGRAPHS File Names: 1630300025~08222007-[Exp. #001-010].jpg



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: Southeast
Photo by: Chris
Cahnovsky
Exposure #: 001
Comments:



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: Southeast
Photo by: Chris
Cahnovsky
Exposure #: 002
Comments:



DIGITAL PHOTOGRAPHS File Names: 1630300025~08222007-[Exp. #001-010].jpg



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: Southeast
Photo by: Chris
Cahnovsky
Exposure #: 003
Comments:



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: Southeast
Photo by: Chris
Cahnovsky
Exposure #: 004
Comments:



DIGITAL PHOTOGRAPHS File Names: 1630300025~08222007-[Exp. #001-010].jpg



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: East
Photo by: Chris
Cahnovsky
Exposure #: 005
Comments:



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: Southeast
Photo by: Chris
Cahnovsky
Exposure #: 006
Comments:



DIGITAL PHOTOGRAPHS File Names: 1630300025~08222007-[Exp. #001-010].jpg



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: South
Photo by: Chris
Cahnovsky
Exposure #: 007
Comments:



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: South
Photo by: Chris
Cahnovsky
Exposure #: 008
Comments:



DIGITAL PHOTOGRAPHS File Names: 1630300025~08222007-[Exp. #001-010].jpg



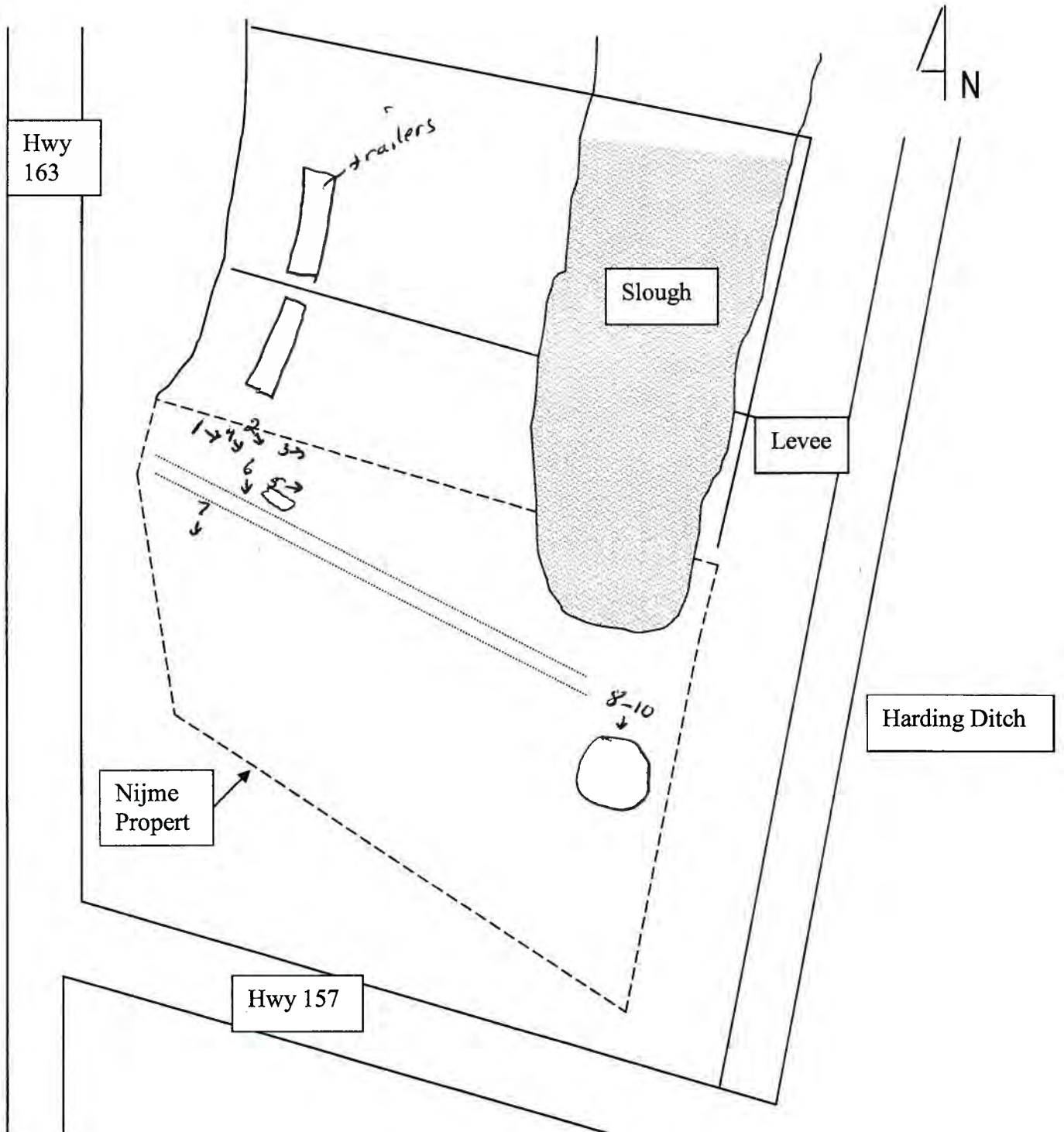
Date: 8/22/2007
Time: 9:30 – 10:00
Direction: South
Photo by: Chris
Cahnovsky
Exposure #: 009
Comments:



Date: 8/22/2007
Time: 9:30 – 10:00
Direction: South
Photo by: Chris
Cahnovsky
Exposure #: 010
Comments:

State of Illinois
Environmental Protection Agency
Facility Diagram

Date of Inspection: August 22, 2007 Inspector: Cahnovsky
Site Code: 1630300025 County: St. Clair
Site Name: Cahokia/Nijme Time: 9:30 - 10:00



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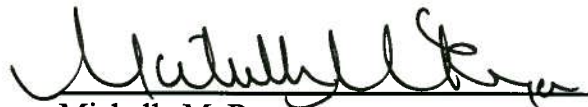
**STATE OF ILLINOIS
Pollution Control Board**

I hereby certify that I did on the 20th day of September 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: Salam H. Nijme & Shaban Karam A. Nijme
312 Largo Drive
Belleville, IL 62221

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 T. Therriault
Illinois 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
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