



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

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

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CLERK'S OFFICE

JUL 03 2014

June 30, 2014

STATE OF ILLINOIS  
Pollution Control Board

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

ORIGINAL  
AC15-2

Re: Illinois Environmental Protection Agency v Jim Barnes d/b/a Barnes Trucking & Excavation  
IEPA File No. 163-14-AC; 0990505041

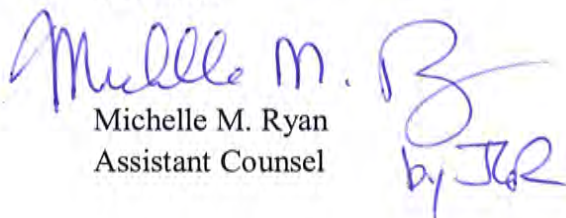
Dear Mr. Therriault:

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

JUL 03 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JIM BARNES D/B/A BARNES TRUCKING )  
 & EXCAVATION, )  
 )  
 Respondent. )

AC 15-2  
 (IEPA No. 163-14-AC)

NOTICE OF FILING

To: Jim Barnes Trucking & Excavation  
 Attention: Jim Barnes  
 626 Broadway Street  
 Marseilles, IL 61341

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*  
 \_\_\_\_\_  
 Michelle M. Ryan  
 Assistant Counsel *by JBR*

Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276  
 (217) 782-5544

Dated: June 30, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
JUL 03 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
JIM BARNES D/B/A BARNES TRUCKING & )  
EXCAVATION, )  
Respondent. )

AC 15-2  
(IEPA No. 163-14-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 (2014).

FACTS

1. That Jim Barnes d/b/a Barnes Trucking & Excavation is the current owner ("Respondent") of a facility located at 297 Commercial Street, Marseilles, LaSalle County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Marseilles/Jim Barnes Trucking & Excavation.

2. That said facility is designated with Site Code No. 0990505041.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on May 14, 2014, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 6-30-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 8661.

#### VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her May 14, 2014 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) (2014).
- (2) 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) (2014).
- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2014).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 July 28, 2014, 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 (2014), 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) (2014), 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 (2014). 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.

Lisa Bonnett by dnl

Date:

6-27-14

Lisa Bonnett, Director  
Illinois Environmental Protection Agency

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

**RECEIVED**  
CLERK'S OFFICE

**JUL 03 2014**

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
JIM BARNES D/B/A BARNES TRUCKING & )  
EXCAVATION, )  
Respondent. )

AC 15.2  
(IEPA No. 163-14-AC)

FACILITY: Marseilles/Jim Barnes Trucking & Excavation  
SITE CODE NO.: 0990505041  
COUNTY: LaSalle  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: May 14, 2014

DATE REMITTED:  
SS/FEIN NUMBER:  
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
CLERK'S OFFICE

JUL 03 2014

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF: )  
)  
Jim Barnes Trucking & )  
Excavation, )  
)  
)  
Respondent )

ACIS-2

IEPA DOCKET NO.

Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 14, 2014 between 3:00 pm and 3:15 pm, Affiant conducted an inspection of the facility located at 297 Commercial Street, Marseilles, IL 61341, located in LaSalle County, Illinois. Said site has been assigned site code number BOL # 0990505041 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said facility.

*Donna Shehane*

Donna Shehane EPS III

Subscribed and Sworn to Before Me  
this 25 day of June, 2014

*Nancy L. Moski*  
Notary Public







LPC # 0990505041

Inspection Date: 05/14/2014

	(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 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)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>	Section 55(k)(1): Cause or Allow Water Accumulation in Used or Waste Tires	<input checked="" 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.

0990505041 – LaSalle County  
Marseilles/Jim Barnes Trucking & Excavation

NARRATIVE INSPECTION REPORT DOCUMENT

On May 14, 2014, I (Donna Shehane) conducted a follow-up inspection at Jim Barnes Trucking & Excavation, located at 297 Commercial Street, Marseilles, IL 61341. The purpose of this inspection was to determine the facility's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and 35 Illinois Adm. Code Subtitle G. Agency records indicate that this facility was last inspected on November 20, 2013, which resulted in an Open Dump Administrative Citation Warning Notice. The weather at the time of this inspection was 57 °F with NE winds at 6 mph and cloudy skies.

I arrived at the facility at approximately 3:00 pm. I observed a pile of open-dumped waste materials on the ground (See photo # 1). The materials in the pile were different from those I had observed dumped in November of 2013. Photo # 2 was taken at a closer range to the pile. The dumped materials included lumber, metal, pipe, broken pallet, cardboard, part of a bathtub, and other miscellaneous debris. Photo # 3, taken at a different angle, shows lumber, a bowling game, a pile of soil, metal, etc. Photo # 4 reveals concrete, a pipe, and metal in the pile.

A second pile was located to the northwest of the first pile. I had observed this second pile in November of 2013. This pile contained rubber hoses, plastic, cardboard, lumber, and other refuse. Photo # 6 was taken to the southwest of the former location of used tires. I noted that the tires were removed from this area. I then observed four used tires under some brush against a shed (See photo # 7). Photo # 8 was taken of water accumulation in one of the tires. About 15 off-rim used tires were noted on a trailer (See photo # 9). Photos # 10 and # 11 show water accumulation in some of these tires.

Jim Barnes Trucking and Excavation was found to remain out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the [Illinois] Environmental Protection Act ("Act").
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.
4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 812.101(a) of 35 Illinois Administrative Code Subtitle G.
8. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE



Illinois Environmental Protection Agency 0990505041 — LaSalle County  
Bureau of Land  
Division of Land Pollution Control Marseilles/Jim Barnes Trucking & Excavation  
FOS File

## DIGITAL PHOTOGRAPHS

File Names: 0990505041 ~051414



Date: 05/14/2014  
Time: 3:02 pm  
Direction: W  
Photo by: Shehane  
Exposure #: 003  
Comments: open-dumped waste includes lumber, a bowling game, bathtub, metal



Date: 05/14/2014  
Time: ~3:03 pm  
Direction: S  
Photo by: Shehane  
Exposure #: 004  
Comments: concrete, soil, metal, pipes on the ground



Illinois Environmental Protection Agency  
Bureau of Land  
Division of Land Pollution Control

0990505041 - LaSalle County  
Marseilles/Jim Barnes Trucking & Excavation  
FOS File

## DIGITAL PHOTOGRAPHS

File Names: 0990505041~051414



Date: 05/14/2014  
Time: 3:05 pm  
Direction: NW  
Photo by: Shehane  
Exposure #: 005  
Comments: a second pile of dumped debris including rubber hoses, lumber, metal, etc.



Date: 05/14/2014  
Time: 3:06 pm  
Direction: SW  
Photo by: Shehane  
Exposure #: 006  
Comments: tires have been moved from their former location against this garage



*DIGITAL PHOTOGRAPHS*

File Names: 0990505041~051414



Date: 05/14/2014  
Time: 3:08 pm  
Direction: NE  
Photo by: Shehane  
Exposure #: 007  
Comments:  
Used tires on site



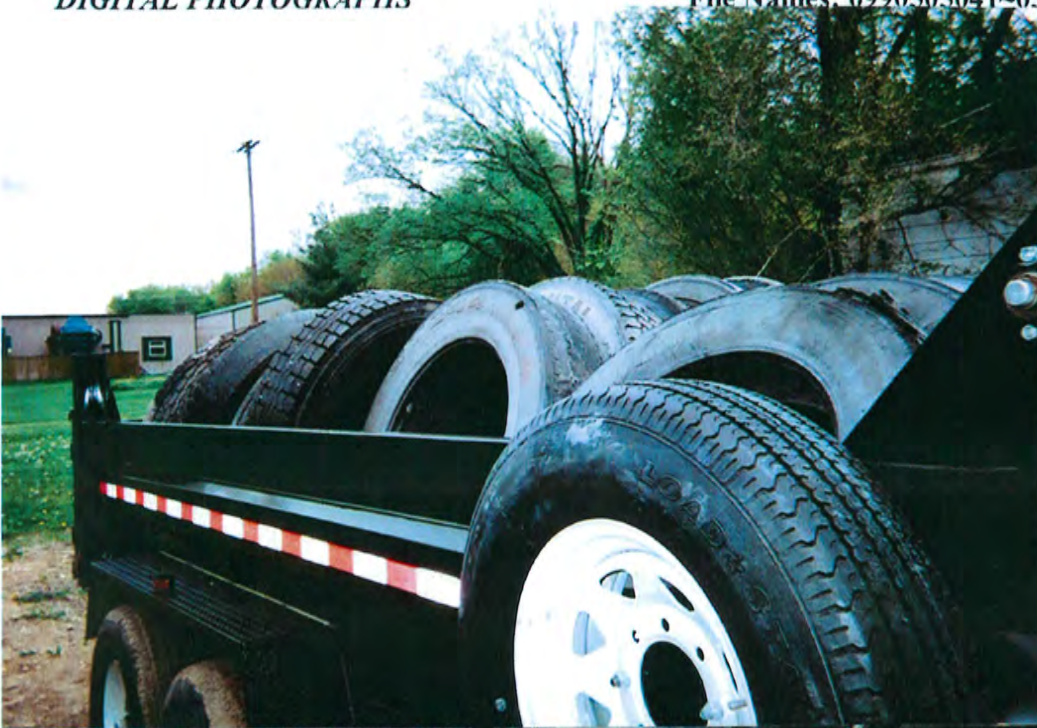
Date: 05/14/2014  
Time: 3:09 pm  
Direction: NE  
Photo by: Shehane  
Exposure #: 008  
Comments: water  
accumulation in used  
tire



Illinois Environmental Protection Agency 0990505041 - LaSalle County  
Bureau of Land Marseilles/Jim Barnes Trucking & Excavation  
Division of Land Pollution Control FOS File

**DIGITAL PHOTOGRAPHS**

File Names: 0990505041~051414



Date: 05/14/2014  
Time: 3:11 pm  
Direction: W  
Photo by: Shehane  
Exposure #: 009  
Comments: off-rim  
used tires stored on  
trailer



Date: 05/14/2014  
Time: 3:15 pm  
Direction: NW  
Photo by: Shehane  
Exposure #: 010  
Comments: water  
accumulation in used  
tire



Illinois Environmental Protection Agency 0990505041 - LaSalle County  
Bureau of Land  
Division of Land Pollution Control      Marseilles/Jim Barnes Trucking & Excavation  
FOS File

*DIGITAL PHOTOGRAPHS*

File Names: 0990505041~051414



Date: 05/14/2014  
Time: 3:15 pm  
Direction: NW  
Photo by: Shehane  
Exposure #: 011  
Comments:  
water accumulation in  
used tire



**PROOF OF SERVICE**

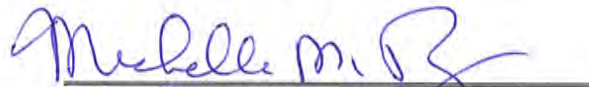

I hereby certify that I did on the 30th day of June 2014, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Jim Barnes Trucking & Excavation  
Attention: Jim Barnes  
626 Broadway Street  
Marseilles, IL 61341

**RECEIVED**  
CLERK'S OFFICE  
JUL 03 2014  
STATE OF ILLINOIS  
Pollution Control Board

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

  
Michelle M. Ryan  
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