

RECEIVED
CLERK'S OFFICE
JUN 15 2006
STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

A 006-52

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
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

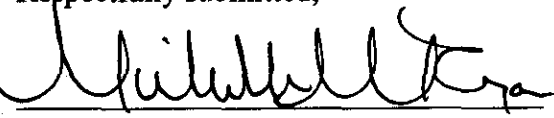
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHARLES L. RIGGINS,)
)
Respondent.)

AC 06-52
(IEPA No. 126-06-AC)

NOTICE OF FILING

To: Charles L. Riggins
10364 N. CR 2800 E
Easton, Illinois 62633

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: June 13, 2006

RECEIVED
CLERK'S OFFICE

JUN 15 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHARLES L. RIGGINS,

Respondent.

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)
)

AC 06-52
(IEPA No. 126-06-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 Charles L. Riggins ("Respondent") is the present operator of a facility located at 10364 N. CR 2800 E, Easton, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Easton/Riggins Rust Ranch.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1250105007.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on May 10, 2006, Jan Mier of the Illinois Environmental Protection Agency's Springfield 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.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her May 10, 2006 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).

CIVIL PENALTY

On October 6, 2005, the Board found Charles L. Riggins in violation of Section 21(p)(1) of the Act in AC 05-29.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, 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 Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). 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 30, 2006, 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 Three Thousand Dollar (\$3,000.00) 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, Director *by me*
Illinois Environmental Protection Agency

Date: 6/12/06

Prepared by: Susan E. Santarelli, 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

JUN 15 2006

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHARLES L. RIGGINS,)
)
)
)
Respondent.)

AC *06-52*
(IEPA No. 126-06-AC)

FACILITY:	Easton/Riggins Rust Ranch	SITE CODE NO.:	1250105007
COUNTY:	Mason	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	May 10, 2006		

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

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Charles Riggins)
Respondent)
)
)

IEPA DOCKET NO.

Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On May 10, 2006, between 10:10 a.m. and 10:30 a.m., Affiant conducted an inspection of an open dump, located in Mason County, Illinois and known as *Easton/Riggins Rust Ranch* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1250105007 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 open dump.

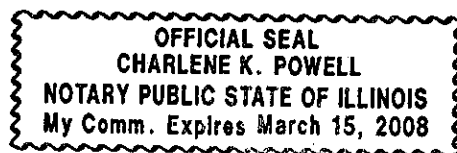
Jan Mier

Jan Mier

Subscribed and Sworn to Before Me
this 30 day of May 2006

Charlene K. Powell

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County: MASON LPC#: 1250105007 Region: SPFLD
 Location/Site Name: EASTON/RIGGINS RUST RANCH
 Date: 5/10/06 Time: From 10:10 AM To 10:30 AM Previous Inspection Date: 4/14/05
 Inspector(s): JAN MIER Weather: 60 F, OVERCAST, FOGGY
 No. of Photos Taken: # 15 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # No X
 Interviewed: CHARLES GIBBS, Employee Complaint #:

Responsible Party Mailing Address and Phone Number:	CHUCK RIGGINS 10364 N. CR 2800 E EASTON, IL 62633 309/562-7551	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 AND REGULATIONS	<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 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 # 1250105007

Inspection Date: 5/10/06

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

**Illinois Environmental Protection Agency
Inspection Narrative**

**LPC#1250105007 - Mason County
Easton/Riggins Rust Ranch
FOS File**

**Inspection Date – 5/10/06
Inspector – Jan Mier**

On May 10, 2006, I conducted a re-inspection at the above-referenced site. An Administrative Citation was ordered by the Illinois Pollution Control Board against the property owner, Charles Riggins, on October 6, 2005. The \$1,500 penalty was paid in full on 9/30/05. Mr. Riggins has maintained he is collecting materials for selling to antique tractor collectors at this 13-acre site.

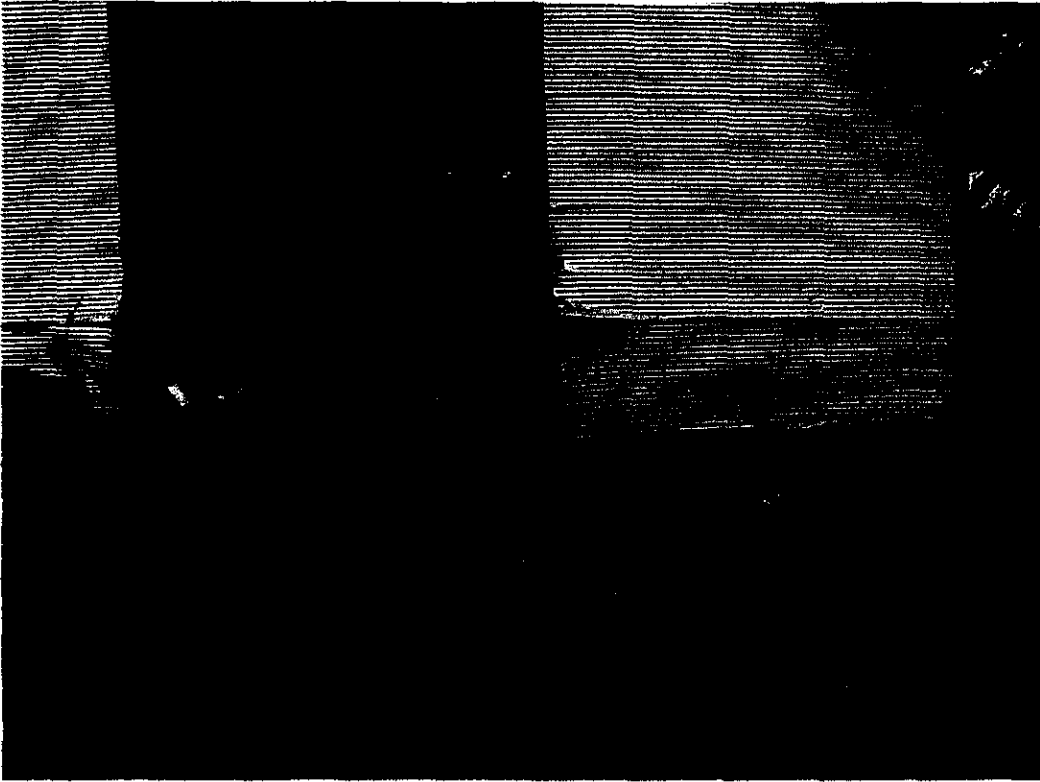
I arrived at 10:10 a.m. I knocked on the door and was met by Charles Gibbs, an employee of Mr. Riggins. He said Mr. Riggins was staying at Matanzas Beach, near Bath, IL, while he recuperated from surgery. I asked if he could walk the property with me so he would know what to tell Mr. Riggins. He said he could accompany me. Due to a morning rain, the bugs were extremely bad and were flying into my eyes and mouth as I tried to take photos. A shed that was next to the house had been demolished, but there was still a great deal of waste on site. Mr. Gibbs said he had been loading scrap metal and taking it in for recycling, but he didn't have the receipts. He said Mr. Riggins had taken his paperwork with him. Rusted scrap metal was spilling out of a building west of the house (see photo #001). I have documented the waste around the tree in photo #002 in previous inspections. There appeared to be no change. A barn filled with scrap metal and used tires is shown in photo #003 with mowers, equipment, and rusted metal outside of it. Along the north side of a building were used tires on rim, vehicle parts, and scrap metal (see photo #004). The used tractor tires on rim have been on site since my original inspection (see photo #005). Mr. Riggins has said he sells the rims to antique tractor collectors and they take the tire with the rim. Waste is shown in photo #006, with the addition of a bathroom sink and cabinet. Photo #007 shows a tractor with a tree growing through it. The tree trunks are about 3-4" wide. I told Mr. Gibbs that this shows how long the tractor has been on site without any parts being taken from it. He asked if he cut down the trees, would it still be considered a waste. I said that due to its poor and rusted condition it would still be considered a waste. Photo #008 shows another tractor with trees growing through it. A school bus with vegetation growing all around it has been on site since previous inspections as well. Tractor parts on a crumbling wooden trailer bed are shown in photo #010.

Not related to the antique tractors business, are about fourteen vehicles shown in photos #011 and #013. Photo #012 shows two horse trailers in vegetation. A tank and several used tires were loaded on to the back of a pickup truck (see photo #014). The off the rim used tire contained water. Photo #015 shows more tractors among the vegetation. I departed at 10:30 a.m.

cc: DLPC/FOS – Springfield Region
DLC – Greg Richardson



DIGITAL PHOTOGRAPHS



Date: 5/10/06
Time: 10:16 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 001
Comments:

Rusted vehicle parts
and wheel barrow
spilling out of building



Date: 5/10/06
Time: 10:16 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 002
Comments:

Scrap metal and tractor
parts

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5/10/06
Time: 10:16 a.m.
Direction: NE
Photo by: Jan Mier
Exposure #: 003
Comments:

Mowers, vehicle parts,
lumber and scrap metal



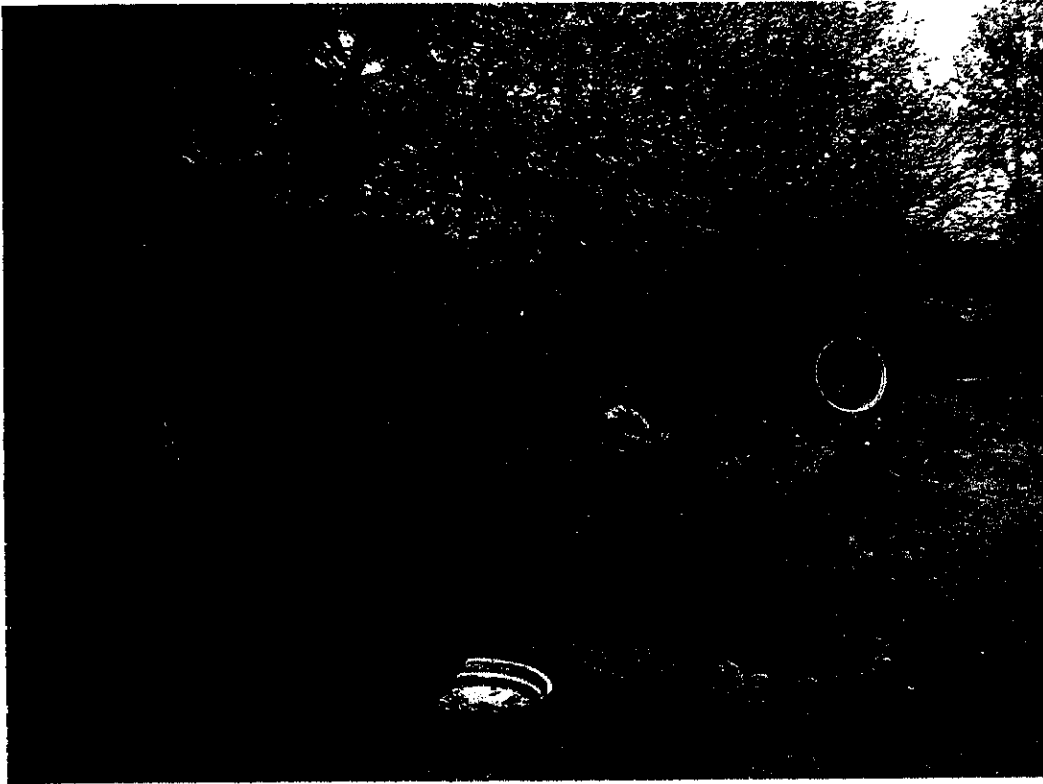
Date: 5/10/06
Time: 10:16 a.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 004
Comments:

Used tires on rim,
vehicles parts and
scrap metal

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg

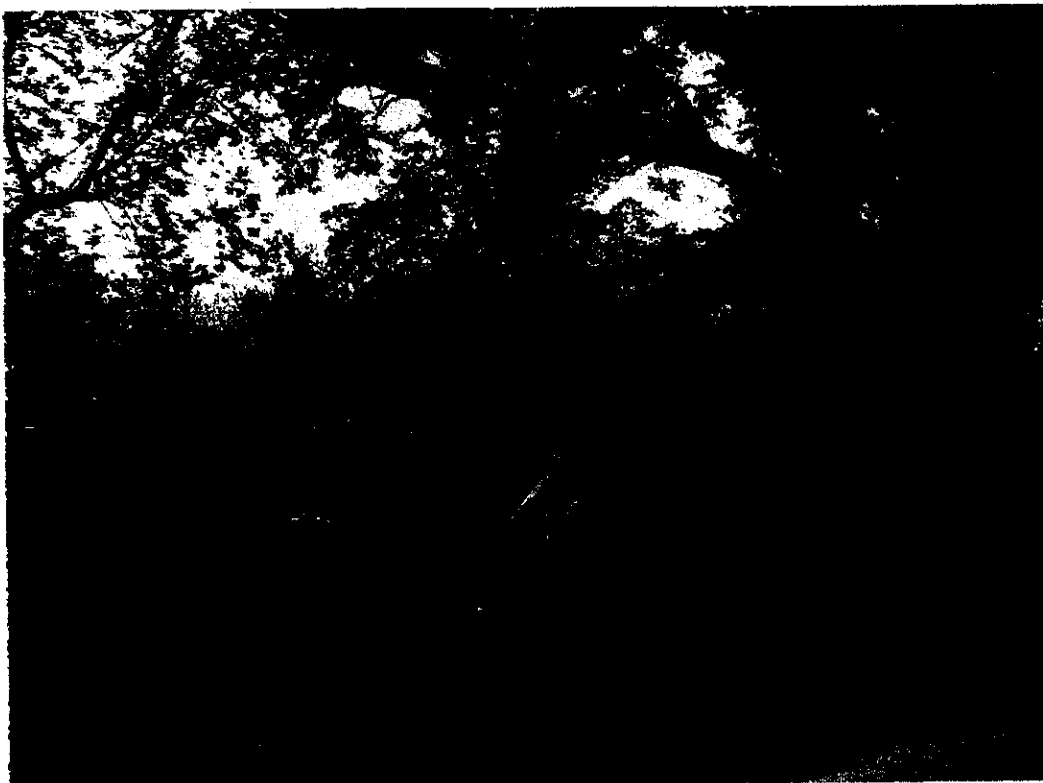


DIGITAL PHOTOGRAPHS



**Date: 5/10/06
Time: 10:17 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 005
Comments:**

Used tires on the rim



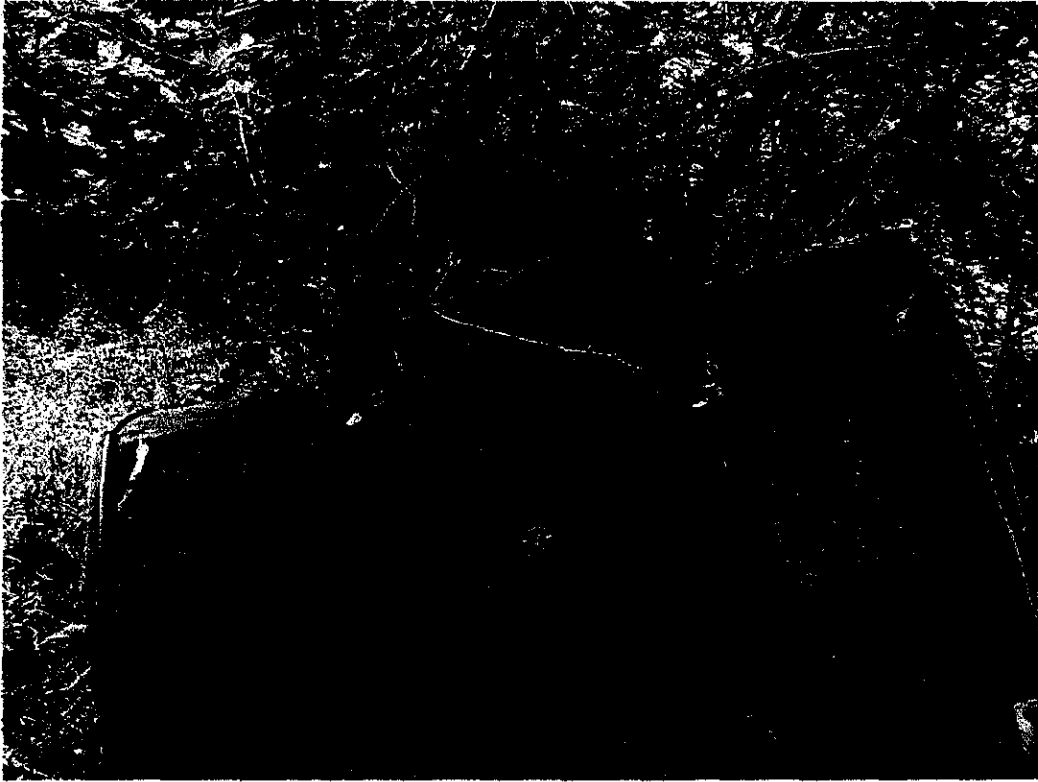
**Date: 5/10/06
Time: 10:17 a.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 006
Comments:**

**Tractor, sink, cabinet,
lumber and metal**

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg

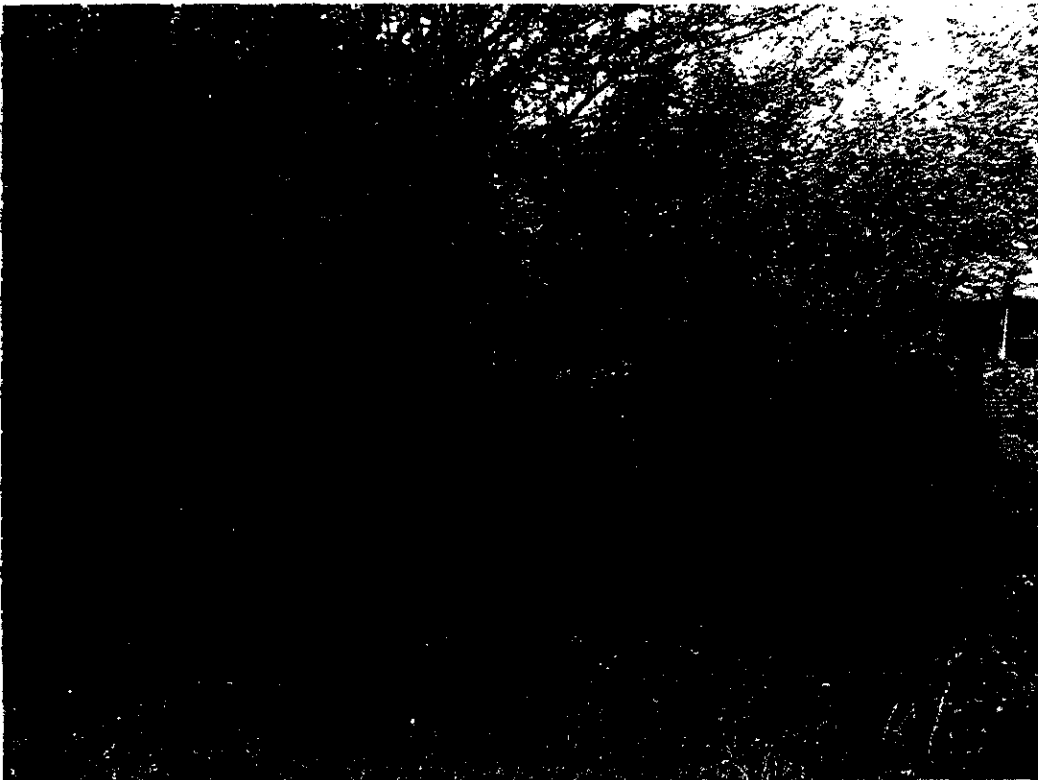


DIGITAL PHOTOGRAPHS



Date: 5/10/06
Time: 10:18 a.m.
Direction: N
Photo by: Jan Mier
Exposure #: 007
Comments:

Rusted tractor with tree
growing through it



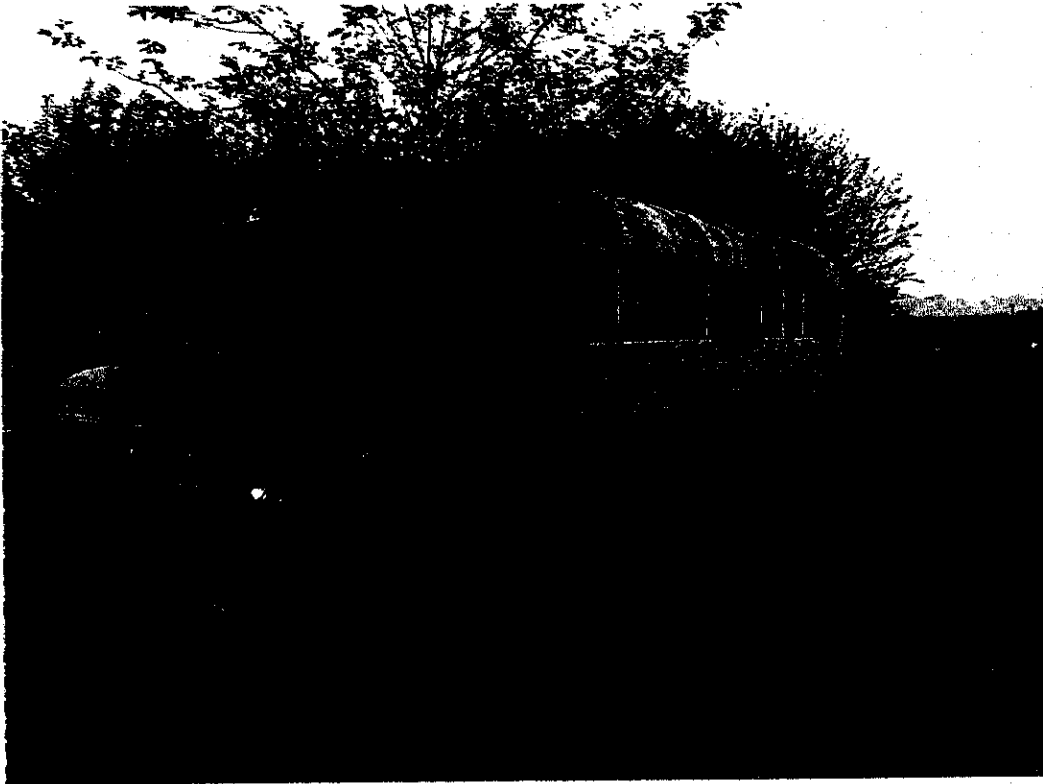
Date: 5/10/06
Time: 10:18 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 008
Comments:

Another rusted tractor
with tree growing
through it

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg

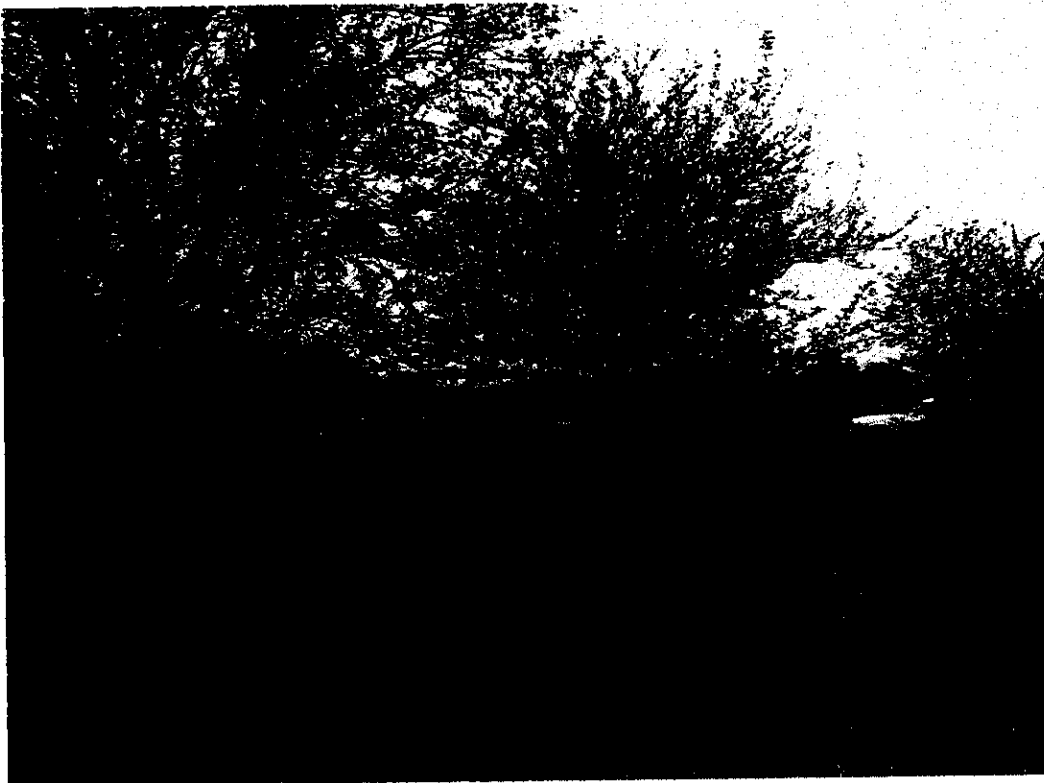


DIGITAL PHOTOGRAPHS



**Date: 5/10/06
Time: 10:19 a.m.
Direction: E
Photo by: Jan Mier
Exposure #: 009
Comments:**

School bus



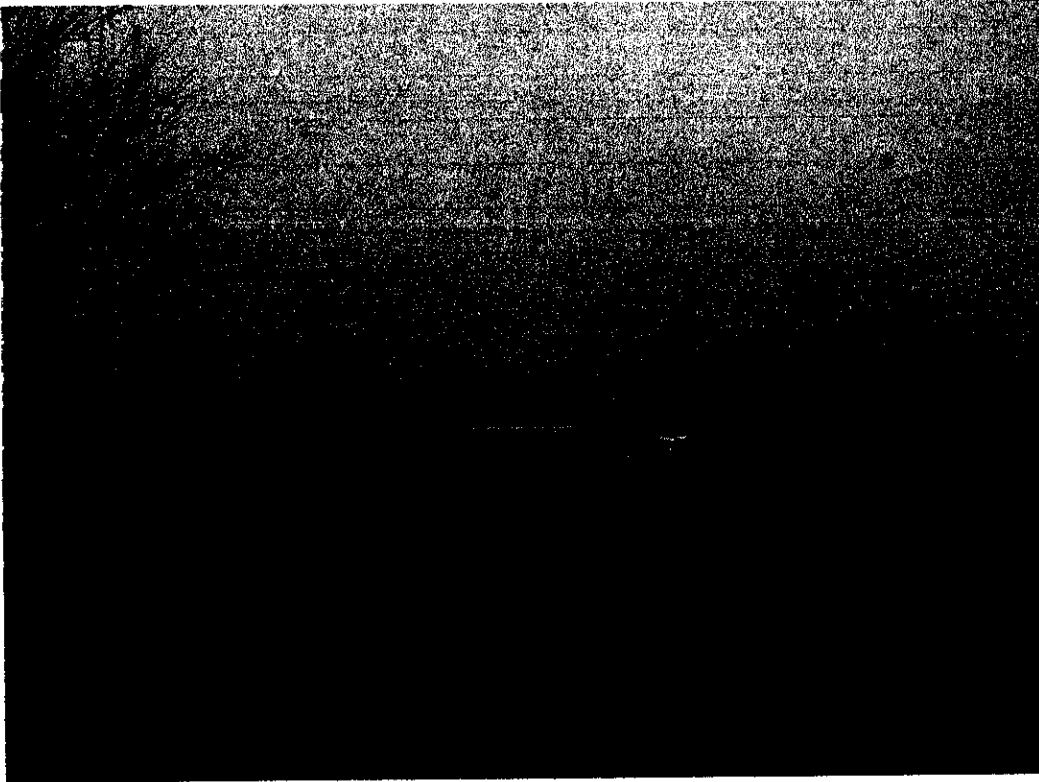
**Date: 5/10/06
Time: 10:19 a.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 010
Comments:**

**Tractor parts and
dissipated wooden
trailer bed**

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg

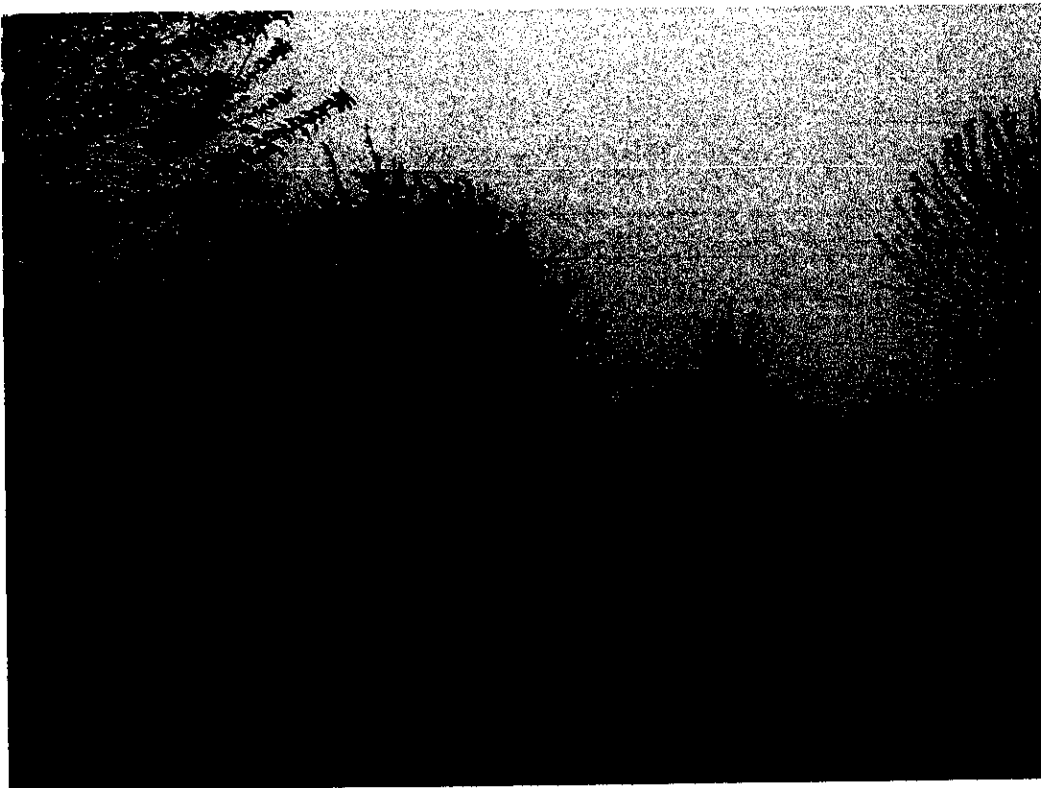


DIGITAL PHOTOGRAPHS



**Date: 5/10/06
Time: 10:20 a.m.
Direction: SW
Photo by: 11
Comments:**

Abandoned vehicles



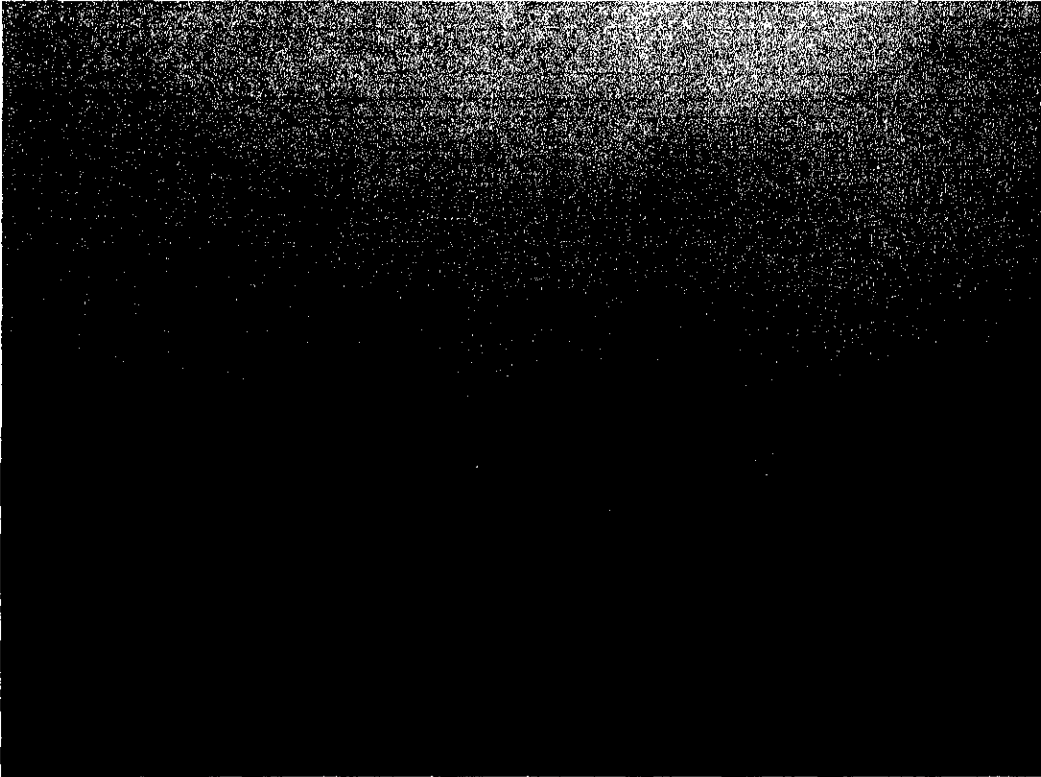
**Date: 5/10/06
Time: 10:20 a.m.
Direction: E
Photo by: Jan Mier
Exposure #: 012
Comments:**

**Metal and wood horse
trailers**

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5/10/06
Time: 10:20 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 013
Comments:

**Rusted tractors with
abandoned vehicles in
background**



Date: 5/10/06
Time: 10:21 a.m.
Direction: S
Photo by: Jan Mier
Exposure #: 014
Comments:

**Used tires with water in
the off rim tire**

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5/10/06
Time: 10:22 a.m.
Direction: E
Photo by: Jan Mier
Exposure #: 015
Comments:

Rusted tractors in
vegetation

File Names: 1250105007 ~ 05102006 -[Exp. #].jpg

PROOF OF SERVICE

I hereby certify that I did on the 13th day of June 2006, 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: Charles L. Riggins
10364 N. CR 2800 E
Easton, Illinois 62633
Certified #7004 2510 0001 8590 3579

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: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Certified #7004 2510 0001 8590 3562



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

THIS FILING SUBMITTED ON RECYCLED PAPER