



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3390
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

AUG 24 2006

STATE OF ILLINOIS
Pollution Control Board

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

August 22, 2006

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

AC07-10

Re: Illinois Environmental Protection Agency v. Michael Rickard
IEPA File No. 231-06-AC; 1258105007—Mason County

Dear Clerk Gunn:

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

RECEIVED
CLERK'S OFFICE

AUG 24 2006

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 MICHAEL RICKARD,)
)
)
 Respondent.)

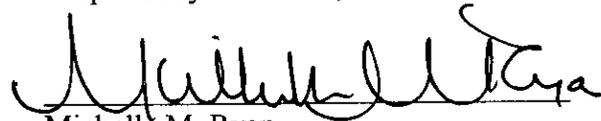
AC 07-10
 (IEPA No. 231-06-AC)

NOTICE OF FILING

To: Michael Rickard
 5168 Malaya Court
 Centennial, Colorado 80015-6012

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: August 22, 2006

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

VIOLATIONS

Based upon direct observations made by Paul Eisenbrandt during the course of his July 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).

- (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).

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 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 September 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 One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

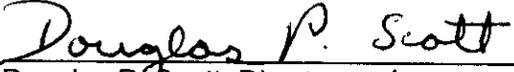
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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, Director *by wrc*
Illinois Environmental Protection Agency

Date: 8/22/06

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)

Illinois Environmental)
Protection Agency)

vs.)

Michael Rickard)

Respondent.)

IEPA DOCKET NO.

Affiant, Paul Eisenbrandt, 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 Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On July 10, 2006 between 12:30 PM and 12:50 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Mason County, Illinois, and known as Goofy Ridge/Rickard by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1258105007 by the Illinois Environmental Protection Agency.

3. Affiant inspected said Goofy Ridge/Rickard open dump site by an on-site inspection, which included walking and photographing the site.

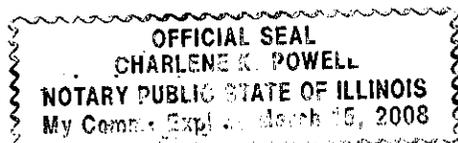
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Goofy Ridge/Rickard open dump.



Subscribed and Sworn To before me
This 25 day of July, 2006

Charlene K. Powell

Notary Public



Inspection Date: July 10, 2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
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	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	

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 MEMORANDUM

DATE: July 18, 2006
TO: DLPC / Division File
FROM: Paul Eisenbrandt, DLPC/FOS Springfield Region
SUBJECT: LPC # 1258105007 - Mason County
Goofy Ridge/Rickard
C-06-084-C
FOS File

INSPECTION DATES: February 14, 2006, March 20, 2006, & July 10, 2006

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of a July 10, 2006 complaint investigation of the above referenced site. The original complaint alleged the renter was dumping garbage in a pile in the backyard. This third inspection took place from about 12:30 pm to 12:50 pm, and twelve (12) digital photographs were taken. The weather was sunny and approximately 87°F. No one was interviewed during the inspection.

The Illinois EPA inspector conducted this third site investigation in an attempt to return the site to compliance. It had been 112 days since the last inspection, ample time for the property owner, Michael Rickard, to clean up the charred debris that was previously documented.

Upon arriving at the site, the Illinois EPA inspector observed approximately 2 cubic yards of waste open dumped by the street. This waste was not present during the previous two inspections. Photograph 001 shows an overview of the property from across the street. Some of the bags of waste had been torn up; all of the debris appeared weathered. Photograph 002 shows a bag of garbage that had been pulled out of the pile and broken open, probably by an animal. The cardboard boxes showed signs they had previously been rained on and the sun had bleached out some of the labeling. Photographs 003 and 004 show the weathered waste. The newspapers on top of the trash were dated April 28, 2006. There were approximately 13 bags of garbage, 2 trash cans partially full, along with other miscellaneous waste dumped near the street. It appeared as if this waste had been deposited several weeks prior for garbage pick up.

There was a sign posted in the front yard that read: FOR RENT. There were two sets of phone numbers on the sign. The larger printed number (694-0649) had been crossed out. A second smaller printed number (258-5541) had been written in the upper corners of the sign (see Photograph 005). The Illinois EPA inspector knocked on the front door. No one answered. There were no cars in the driveway. There were no curtains on the large front picture window. The living room did not have carpet and was observed unfinished. The lawn had not been cut recently, the weeds were approximately 1 foot tall. The home appeared vacant. Weekly garbage pick was also unlikely.

The Illinois EPA inspector walked around the east side of the home. The two burn piles documented in the previous inspections (February 14, and March 20, 2006) were still not cleaned up. Someone had apparently filled two garbage cans with charred waste, however a considerable amount of waste was still observed on the ground. Photographs 006, 007 and 008 show two large garbage cans and their contents. Beer bottles, rusty tin cans, partially melted aluminum cans, and oil filter, soda cans, aluminum foil, and scrap metal among miscellaneous charred debris and ash were observed.

Photographs 009, 010, & 012 show the charred debris in the burn piles. Aluminum cans, glass bottles, metal bars, nails, baby food jars, paper, broken plates, utensils, plastic, dimensional lumber, diapers, landscape waste, pieces of broken brick, and miscellaneous debris were observed on the ground surface. Photograph 011 shows an overview of the backyard and burn piles. Approximately 2 cubic yards of charred waste was observed in the backyard. All of the waste appeared to be onsite generated.

The family members of Mr. Michael Rickard did not clean up the waste. Ample clean up time has been given since the February 14, 2006 inspection, the March 11, 2006 phone conversation with Mr. Michael Rickard, and the second inspection on March 20, 2006

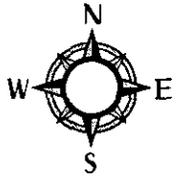
Any debris and unusable wastes located outside the house must be cleaned up. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center. All the remaining useable materials should be used or organized in a manner that depicts a useable storage area rather than an open dump.

The Illinois EPA inspector called the phone number (309-694-0649) listed on the FOR RENT sign at 1:50 PM on July 18, 2006. The number is registered to a Miram Rickard (Miriam Rickard) who shared the address in Creve Coeur with the deceased Coleman Rickard. The phone company's automated response said the number was disconnected and no further information was available.

The alternate number (309-258-5541) listed on the sign is registered to a cell phone in the Peoria Area. The Illinois EPA inspector called the number three times between 1:45 PM and 2:00 PM on July 18, 2006. Each time the automated cell service stated the cellular customer was not available.

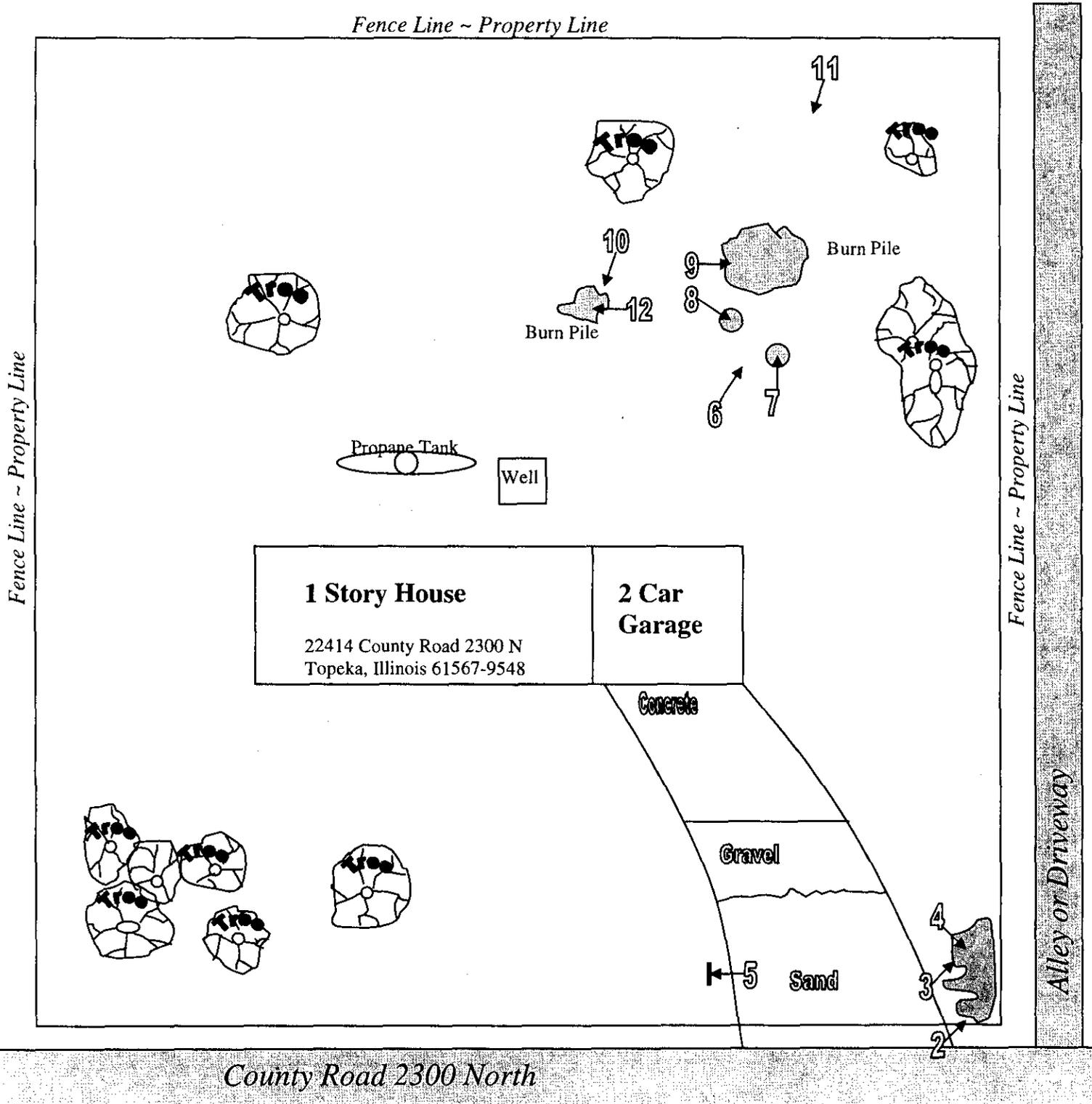
The apparent violations noted as a result of this inspection are checked on the attached checklist. A site sketch and digital photographs accompany this narrative.

cc: DLPC/FOS Springfield Region
Mason County Health Department, Becky Chaney



SITE SKETCH

Fence Line ~ Property Line



Measurements Approximate
Direction of Photo ➡
Not to Scale





DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:33 PM
Direction: N
Photo by: Eisenbrandt
Exposure #: 001
Comments:



Date: July 10, 2006
Time: 12:34 PM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 002
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

File Name: 1258105007~07102006 .doc



DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:34 PM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 003
Comments:



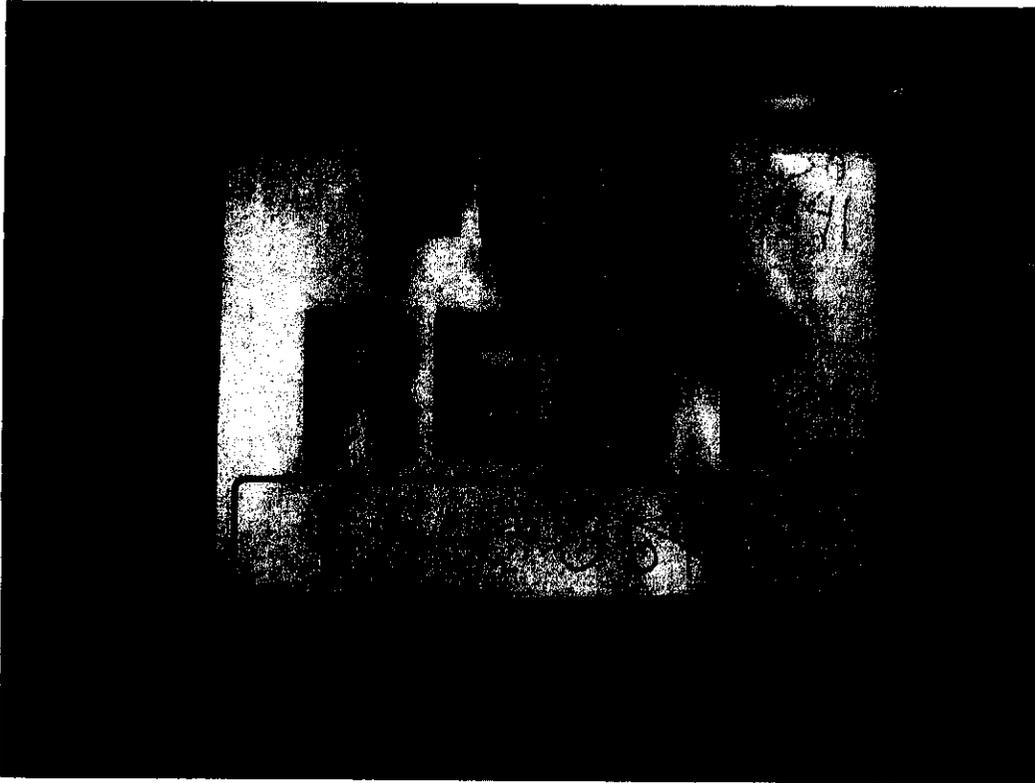
Date: July 10, 2006
Time: 12:37 PM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 004
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

File Name: 1258105007~07102006 .doc



DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:37 PM
Direction: W
Photo by: Eisenbrandt
Exposure #: 005
Comments:



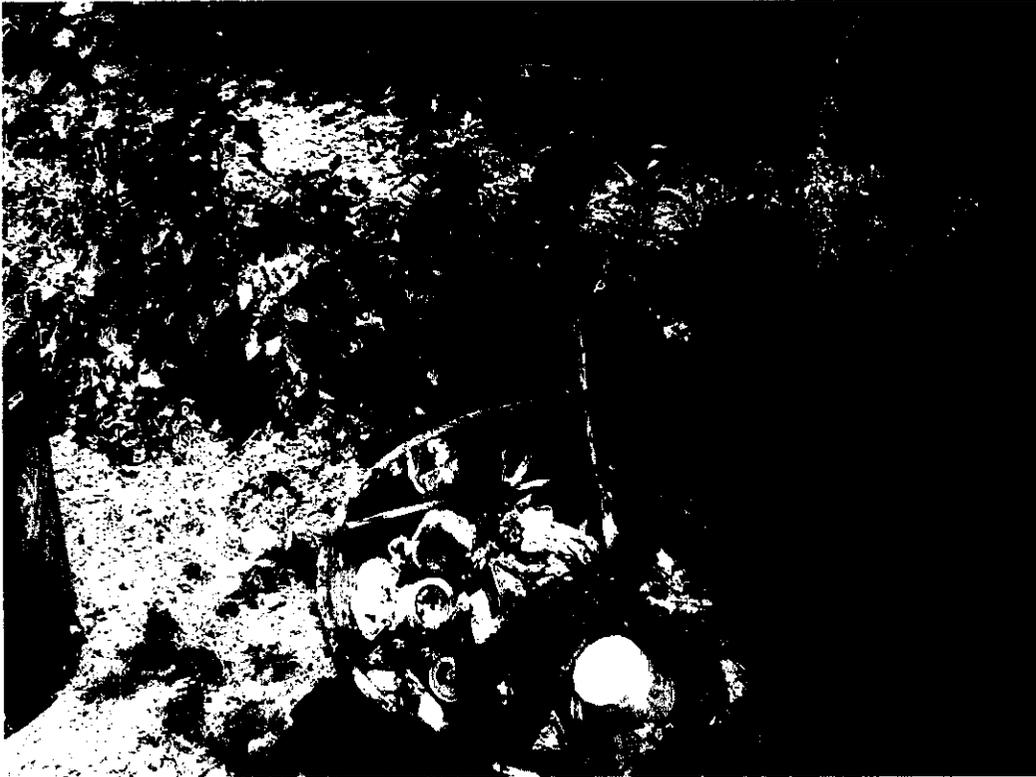
Date: July 10, 2006
Time: 12:39 PM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 006
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

File Name: 1258105007~07102006 .doc



DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:40 PM
Direction: N
Photo by: Eisenbrandt
Exposure #: 007
Comments:



Date: July 10, 2006
Time: 12:40PM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 008
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

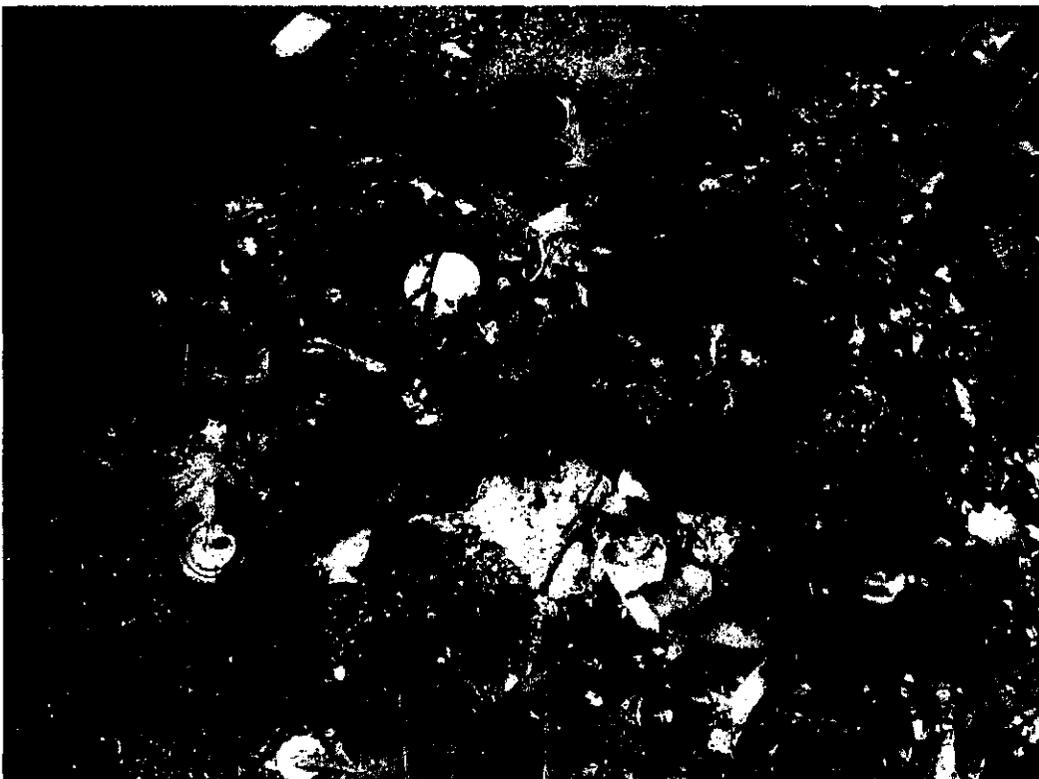
File Name: 1258105007~07102006 .doc



DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:41 PM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 011
Comments:



Date: July 10, 2006
Time: 12:41 PM
Direction: W
Photo by: Eisenbrandt
Exposure #: 012
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

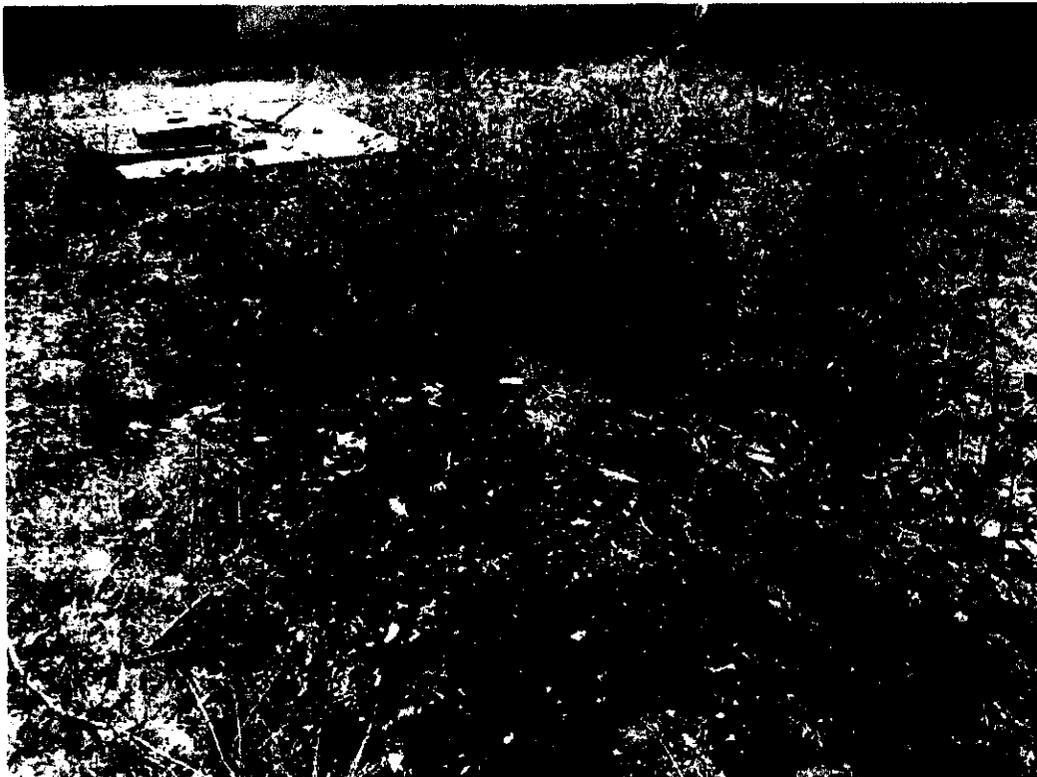
File Name: 1258105007~07102006 .doc



DIGITAL PHOTOGRAPHS



Date: July 10, 2006
Time: 12:40 PM
Direction: E
Photo by: Eisenbrandt
Exposure #: 009
Comments:



Date: July 10, 2006
Time: 12:41 PM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 010
Comments:

File Names: 1258105007~07102006-[Exp. #].jpg

File Name: 1258105007~07102006.doc

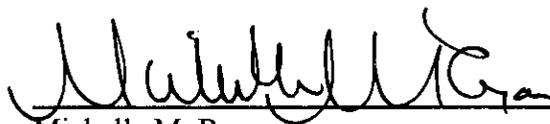
PROOF OF SERVICE

I hereby certify that I did on the 22nd day of August 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: Michael Rickard
5168 Malaya Court
Centennial, Colorado 80015-6012

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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