



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

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

JUN 10 2009

STATE OF ILLINOIS
Pollution Control Board

AC09-54
ORIGINAL

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

June 8, 2009

John Therriault, 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. Richard A. & David J Krumholz d/b/a
Krumholz Brothers Landscaping
IEPA File No. 118-09-AC: 1438105009—Peoria 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 10 2009

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
RICHARD A. & DAVID J. KRUMHOLZ)
d/b/a KRUMHOLZ BROTHERS)
LANDSCAPING,)
))
Respondents.)

AC 09-54
(IEPA No. 118-09-AC)

ORIGINAL

NOTICE OF FILING

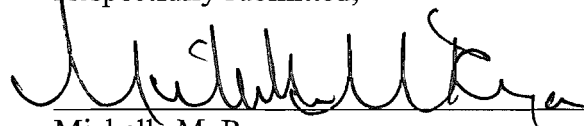
To: Richard A. Krumholz
9005 N. Frye Road
Peoria, IL 61615

David J. Krumholz
9005 N. Frye Road
Peoria, IL 61615

Krumholz Brothers Landscaping
2115 E. Wilkins Drive
Medina, IL 61552

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
Assistant Counsel

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

Dated: June 8, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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CLERK'S OFFICE

JUN 10 2009

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
RICHARD A. & DAVID J. KRUMHOLZ d/b/a)
KRUMHOLZ BROTHERS LANDSCAPING,)
)
)
)
Respondents.)

AC 09-54
(IEPA No. 118-09-AC)

Calder

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 (2006).

FACTS

1. That Richard A. & David J. Krumholz are the present owners and Krumholz Brothers Landscaping is the current operator ("Respondents") of a facility located at 2115 E. Wilkins Drive, Medina Township, Peoria County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Peoria/Krumholz Brothers Landscaping.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1438105008.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on May 8, 2009, James Jones of the Illinois Environmental Protection Agency's Peoria 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.

5. That on June 8, 2009, Illinois EPA sent this Administrative Citation via Certified Mail No. 70073020000232143626, 70073020000232143619, 70073020000232143565.

VIOLATIONS

Based upon direct observations made by James Jones during the course of his May 8, 2009 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) (2006).
- (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)(2006).
- (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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 July 30, 2009, 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 (2006), 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) (2006), 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, 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, 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 (2006). 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 Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 6/8/09

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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JUN 10 2009

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
RICHARD A. & DAVID J. KRUMHOLZ d/b/a)
KRUMHOLZ BROTHERS LANDSCAPING,)
))
))
Respondents.)

AC 09-54
(IEPA No. 118-09-AC)

CIVIL

FACILITY: Peoria/Krumholz Brothers Landscaping SITE CODE NO.: 1438105008
COUNTY: Peoria CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: May 8, 2009

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.

RECEIVED
CLERK'S OFFICE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

JUN 10 2009

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF

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)
)

IEPA DOCKET NO.

06/10/09
AC09-54

RESPONDENT

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

2. On May 08, 2009, between 11:20 AM and 1:20 PM, Affiant conducted an inspection of the open dump in Peoria County, Illinois, known as Krumholz Brothers Landscaping, Illinois Environmental Protection Agency Site No. 1438105008.

3. Affiant inspected said Krumholz Brothers Landscaping 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 Krumholz Brothers Landscaping open dump.

James Jones

Subscribed and Sworn to before
me this 19 day of May, 2009

OFFICIAL SEAL
SHIRLEY MARIE FARMER
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-16-2010
Notary Public

Shirley Marie Farmer

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Peoria LPC#: 1438105008 Region: 3 - Peoria
 Location/Site Name: Peoria/Krumholz Brothers Landscaping
 Date: 05/08/2009 Time: From 11:20 AM To 1:20 PM Previous Inspection Date: _____
 Inspector(s): James Jones Weather: Overcast, 50° F
 No. of Photos Taken: # 20 Est. Amt. of Waste: 15 yds³ Samples Taken: Yes # _____ No
 Interviewed: Dave Krumholz Complaint #: C-2009-049-P
 Latitude: 40.85966 Longitude: -89.56126 Collection Point Description: Center of Site
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map

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

Richard A. & David J. Krumholz
 9005 N. Frye Road
 Peoria, Illinois 61615
 309/282-1732

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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 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 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 # 1438105008

Inspection Date: 05/08/2009

	(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)	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"/>
			<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.

1438105008 -- Peoria County
Krumholz Brothers Landscaping
FOS
Date of Inspection: May 8, 2009
Prepared By: James Jones
Page 1 of 4

NARRATIVE

On Friday, May 8, 2009, I (James Jones) investigated citizen complaint C-2009-049-P on the property of Krumholz Brothers Landscaping located at 2115 E. Wilkins Drive in Medina Township in Peoria County.

According to the complainant, Krumholz Brothers Landscaping has taken old landscaping railroad ties to its property on Wilkins Drive near the intersection of Old Galena Road and Cedar Hills Drive near Caterpillar Technical Center, dumped them, and was now burning them. The fire started today (05/08/09). It is anticipated to burn several days. Krumholz Brothers Landscaping burned in a similar scenario last year. The Fire Department went to the site and talked to them, but the Krumholz ignored them.

I arrived on the property at 11:20 a.m. I observed a large fire outside the fenced area which enclosed a large metal building on the property. I also noticed a gentleman getting out of a parked car inside the fenced area. I walked over and introduced myself and began to interview the gentlemen. He told me that his name was Zac Hecht and that he was an employee of Krumholz Brothers. I asked Mr. Hecht did Krumholz Brothers Landscaping own the property outside the fenced area and did he know who was responsible for the large fire that was burning. He said he believed the property belonged to Krumholz Brothers Landscaping and he didn't know who was responsible for the fire. I thanked Mr. Hecht for answering my questions and I told him that I was going to begin my investigation regarding the fire.

The dimensions of the pile of materials that were being open burned were approximately 40feet x 40 feet in area. The materials that were being open burned consisted of railroad ties, landscape waste (medium tree limbs and brush), and 4" PVC sewer pipes (see photographs #1, #8, #9, and #14). In addition, two mattresses depicted in photographs #2, #4, #5, #8, and #15 were open dumped near the fire and two black garbage bags containing grass clippings on the north slope of a large dirt pile were depicted in photograph #16. These materials were apparently open dumped on the property, but they were not open burned. Photographs #19 and #20 depict a John Deere excavator being operated by Dave Krumholz extinguishing the fire upon Mr. Krumholz request on the property.

Following my investigation, which included walking the site, making visual observations, and photographing the conditions at the site, Mr. Hecht gave me the name and telephone number of Dave Krumholz and indicated that Mr. Krumholz wanted me to call him before I left the property.

I called Mr. Krumholz as requested. I discussed some of the details of the complaint with him and he asked if I could remain on site so that he could meet with me. I agreed to meet with him. Mr. Krumholz arrived at the site at approximately 12:20 p.m. Mr. Krumholz and I discussed property ownership and the complaint. Mr. Krumholz said that the materials outside the fenced area of the property were one contiguous property and the property is owned by both him and his brother, Richard Krumholz. The company is not a Corporation and they do business as

Krumholz Brothers Landscaping. The property was deeded to Richard A. Krumholz and David J. Krumholz on March 6, 2006.

Regarding the complaint, Mr. Krumholz indicated that customer waste from contract jobs are routinely hauled to Krumholz Brothers property for waste storage and accumulation. When adequate volumes of wastes are accumulated the company hauls the waste off-site for proper disposal. According to Mr. Krumholz, his brother Richard for some unknown reason set fire to the waste that had been accumulating on the property. I asked Mr. Krumholz how many times he recalled burning waste on the property, during a May 12, 2009 telephone conversation. He said at least 2 times, but not more than a dozen times. It appears that the Krumholz Brothers have had some inter-action with the Chillicothe Fire Department in the past regarding open burning and should have known that open burning is illegal in Illinois.

The following apparent violations were observed and checked on the Open Dump Checklist:

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), 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.

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

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), 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 was observed during the inspection.**

3. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection.**

4. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Waste was disposed without a permit granted by the Illinois EPA.**

5. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

6. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), 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: **Waste was disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

7. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

A violation of Section 21(p)(1) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, 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: **The open dumping of waste was caused or allowed in a manner which resulted in open burning.**

9. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

1438105008 -- Peoria County
Krumholz Brothers Landscaping
FOS
Date of Inspection: May 8, 2009
Prepared By: James Jones
Page 4 of 4

A violation of Section 21(p)(7) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in deposition of general or clean construction or demolition debris.**

10. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

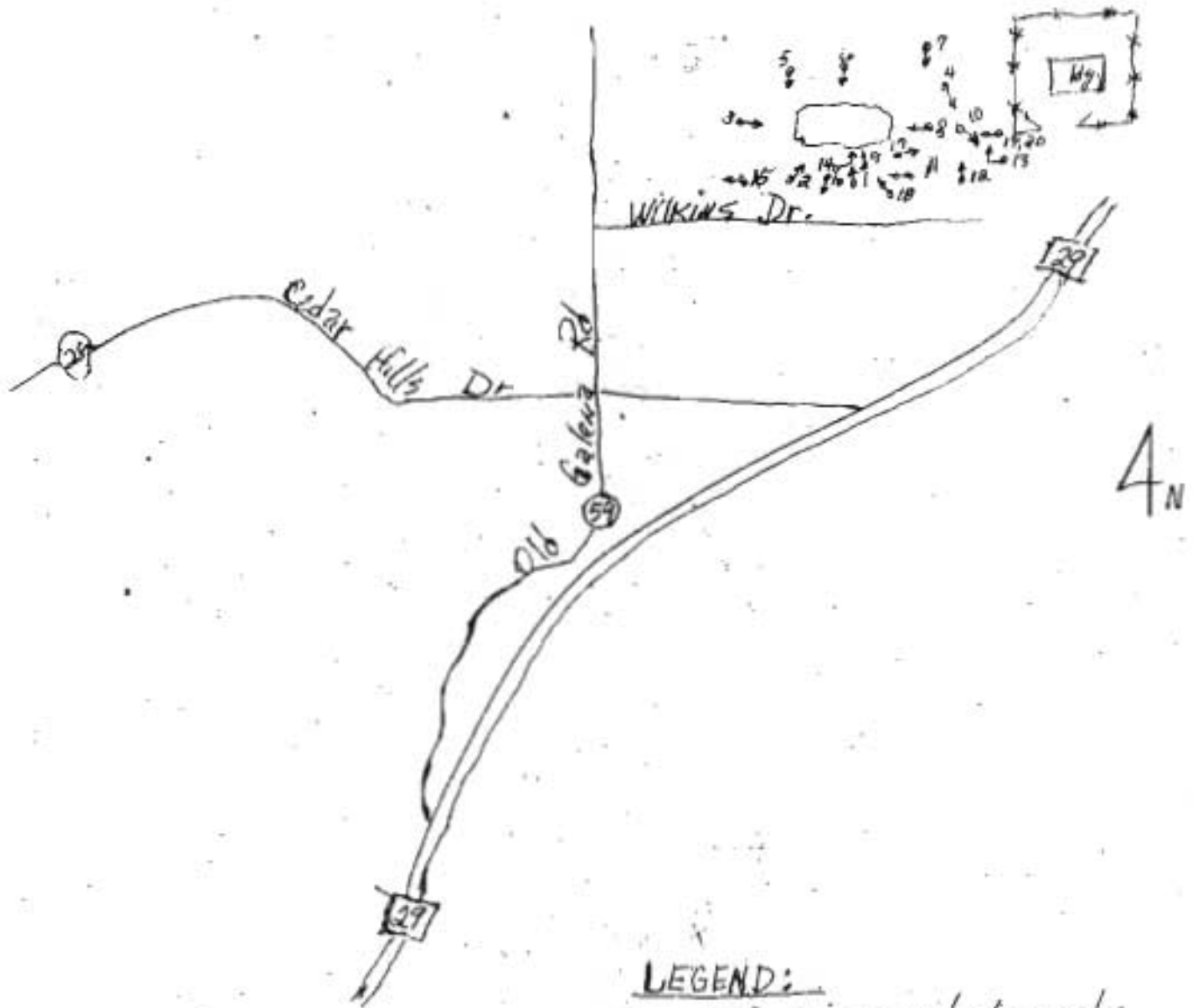
A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **A waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

JJ/

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 05/08/2009 Inspector: James Jones
Site Code: 1438105008 County: Peoria
Site Name: Krumholz Brothers Landscaping Time: 11:20AM-1:20PM



LEGEND:
→ Direction of photographs

*Site sketch has no scale



DATE: May 08, 2009

TIME: 11:28 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1438105008~05082008-001.jpg

COMMENTS: Photograph depicts
open burning of customer waste,
which has been stored on the
company's property, supposedly for
waste accumulation in significant
volumes prior to waste disposal.



DATE: May 08, 2009

TIME: 11:29 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the northeast

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1438105008~05082008-002.jpg

COMMENTS: Photograph depicts
2 mattresses in the foreground, as
railroad ties and landscape waste
burns in the background of the
picture.





DATE: May 08, 2009

TIME: 11:30 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1438105008-05082008-003.jpg

COMMENTS: Same as previous
photograph.



DATE: May 08, 2009

TIME: 11:30 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1438105008-05082008-004.jpg

COMMENTS: Photograph depicts
large piles of broken concrete, dirt,
and slag in the background of the
picture, which is stored on the
property.





DATE: May 08, 2009

TIME: 11:32 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1438105008-05082008-005.jpg

COMMENTS: Photograph depicts
the amount of smoke and fire
emanating from the burning railroad
ties and landscape waste.



DATE: May 08, 2009

TIME: 11:32 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1438105008-05082008-006.jpg

COMMENTS: Same as previous
photograph.





DATE: May 08, 2009

TIME: 11:33 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1438105008-05082008-007.jpg

COMMENTS: Photograph depicts
a closer view of the concrete, dirt,
and slag that's stored on the
property.



DATE: May 08, 2009

TIME: 11:34 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1438105008-05082008-008.jpg

COMMENTS: Photograph depicts
4" pvc sewer pipe being open
burned with the railroad ties and
landscape waste on the property.





DATE: May 08, 2009

TIME: 11:37 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1438105008~05082008-009.jpg

COMMENTS: Photograph depicts
a close-up of the wastes that were
being open burned on the property.



DATE: May 08, 2009

TIME: 11:37 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1438105008~05082008-010.jpg

COMMENTS: Photograph depicts
tree limbs and wood blocks
scattered outside the fenced area of
the property.





DATE: May 08, 2009

TIME: 11:37 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1438105008-05082008-011.jpg

COMMENTS: Photograph depicts
more tree branches scattered in the
area near the burn pile.



DATE: May 08, 2009

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1438105008-05082008-012.jpg

COMMENTS: Photograph depicts
a close-up picture of the wood
blocks depicted in photograph #10.



DOCUMENT FILE NAME:
1438105008-05082008.doc



DATE: May 08, 2009

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1438105008-05082008-013.jpg

COMMENTS: Photograph depicts
wood blocks, tree limbs and brush;
and concrete with no exposed re-bar
in the storage area of the property.



DATE: May 08, 2009

TIME: 11:44 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
1438105008-05082008-014.jpg

COMMENTS: Photograph depicts
a close-up of the open burned
railroad ties and landscape waste on
the property.





DATE: May 08, 2009

TIME: 11:44 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
1438105008~05082008-015.jpg

COMMENTS: Photograph depicts
2 mattresses that were apparently
open dumped on the property.



DATE: May 08, 2009

TIME: 11:50 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
1438105008~05082008-016.jpg

COMMENTS: Photograph depicts
2 plastic garbage bags with grass
clippings on the north slope of the
large dirt pile on the property.



DOCUMENT FILE NAME:
1438105008~05082008.doc



DATE: May 08, 2009

TIME: 11:50 a.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
1438105008-05082008-017.jpg

COMMENTS: Photograph depicts
the company's storage building
enclosed by a chain link fence and
a gate in the southwest corner of the
fence.



DATE: May 08, 2009

TIME: 12:00 p.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the northwest

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
1438105008-05082008-018.jpg

COMMENTS:





DATE: May 08, 2009

TIME: 12:49 p.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
1438105008-05082008-019.jpg

COMMENTS: Photograph depicts
a John Deere excavator being
operated by Dave Krumholz
extinguishing the fire on the
property.



DATE: May 08, 2009

TIME: 12:49 p.m.

PHOTOGRAPHED BY:
James Jones

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
1438105008-05082008-020.jpg

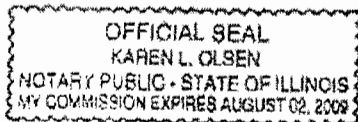
COMMENTS: Same as previous
photograph.



STATE OF ILLINOIS)
) ss.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Detonah Gardner and John Wilkins, personally known to me to be the president and secretary, respectively, of INVENTORY TECHNOLOGY, INC., an Illinois corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such officers, appeared before me this day in person and severally acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such officers, and as the free and voluntary act of said corporation for the uses and purposes therein set forth; and on their respective oaths stated that they were duly authorized to execute said instrument and that the seal affixed thereto is the seal of said corporation.

Given under my hand and notarial seal this 28th day of February, A.D. 2006.



Karen L. Olsen
Notary Public

=====

MAIL TAX STATEMENT TO:

Richard A. Krumholz and David J. Krumholz
9005 N. Frye Road
Peoria, IL 61615

MAIL DEED TO:

Richard A. Krumholz and David J. Krumholz
9005 N. Frye Road
Peoria, IL 61615

06
06538

2 of 2

06 06538

FILED
PEORIA COUNTY
ILLINOIS

06 MAR -6 14 09

[Signature]
Recorder

PEORIA COUNTY

This Instrument Prepared By:

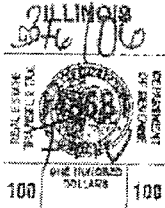
JAMES H. BUNCE
Johnson, Bunce & Noble, P.C.
7800 N. Sommer St., Suite 425
Peoria, Illinois 61615-1994

WARRANTY DEED

39

THIS INDENTURE WITNESSETH, That the Grantor, INVENTORY TECHNOLOGY, INC., an Illinois corporation, for and in consideration of the sum of One Dollar and other good and valuable consideration, in hand paid, and pursuant to authority given by the board of directors of said Corporation, CONVEYS and WARRANTS unto RICHARD A. KRUMHOLZ and DAVID J. KRUMHOLZ, not as joint tenants but as tenants in common, of the County of Peoria and State of Illinois, the following described real estate situated in the County of Peoria and State of Illinois, to-wit:

Tax Identification No.: 09-11-351-003 and 09-11-351-004



Lots 3 and 4 in MOSSVILLE INDUSTRIAL PARK, a Subdivision of part of the Southwest Quarter of Section 11, Township 10 North, Range 8 East of the Fourth Principal Meridian, according to the Plat thereof recorded August 16, 1976, in Plat Book 2, Page 47 in the Recorder's Office, situate, lying and being in the County of Peoria and State of Illinois.

3/6/06
489413
100

100-ONE HUNDRED

Subject to restrictions, reservations, easements, conditions, covenants, and building set back lines of record; and to the general real estate taxes for years subsequent to the year 2004;

20-TWENTY

Property address: East Wilkins Drive, Mossville, IL 61552

IN WITNESS WHEREOF, the said Grantor has caused this Deed to be executed by its president and attested by its secretary under its corporate seal this 28TH day of FEBRUARY, A.D. 2006.

PEORIA COUNTY
TRANSFER TAX

\$ 10.00

INVENTORY TECHNOLOGY, INC.

By *[Signature]*
President

Date: MAR 06 2006

Peoria County Recorder
Rental Housing Support
Program Fund Surcharge: \$10.00

ATTEST:

[Signature]
Secretary

06 06538

1082

RECEIVED
CLERK'S OFFICE

JUN 10 2009

PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 8th day of June, 2009, 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: Richard A. Krumholz
9005 N. Frye Road
Peoria, IL 61615

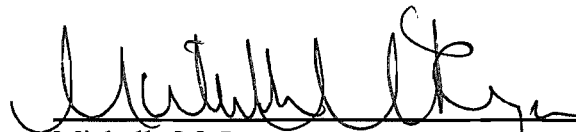
David J. Krumholz
9005 N. Frye Road
Peoria, IL 61615

Krumholz Brothers Landscaping
2115 E. Wilkins Drive
Medina, IL 61552

ORIGINAL

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
Assistant Counsel

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