

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant.

vs.

CRAIG S. WALKER and WALKER &
SONS ENTERPRISES, LTD.,
Respondents.

AC

14-50
IEPA No. 129-14-AC

RECEIVED
CLERK'S OFFICE

AUG 26 2014

STATE OF ILLINOIS
Pollution Control Board



ORIGINAL

NOTICE OF FILING

The undersigned attorney hereby certifies that on the 22nd day of August, 2014, a copy of the Amended Petition for Review, Notice of Filing and Certificate of Service was served upon the Illinois Pollution Control Board at its address as disclosed by the pleadings, by enclosing the same in a stamped envelope, plainly addressed to

the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601,

and depositing the same with the United States Mail in Peoria, IL.

By:

Steven A. Sutton
Attorney at Law

Prepared by:
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AMENDED PETITION FOR REVIEW

NOW COMES Craig S. Walker and Walker & Sons Enterprises, Ltd. ("Enterprises"), by and through their attorney, Steven A. Sutton, and request a review of the above captioned case and a hearing, if necessary, for the following reasons:

1. Craig S. Walker is the owner and Walker & Sons Enterprises, LTD is the operator ("Respondents") of a facility (the "Property") located at 423 Moneta Street (the office), 421 E. Moneta Street (a lot without buildings next to the office), 417 E. Moneta Street (has a large pole barn 50'x63'), and 420 Marietta Street, Peoria Heights, IL. These properties are all contiguous But given different street addresses by the city of Peoria Heights. Inspector Jeb/Gerald McGhee (the "Inspector") had a nice diagram of the property, even if not to scale. The property is surrounded by a slatted chain link fence or a building's walls so that it is not accessible to the public.
2. Respondents have owned and operate said facility at all times pertinent hereto.
3. On April 17, 2014, the Inspector inspected the Property and then submitted an inspection report citing three alleged violations of the Illinois Environmental Act (the "Act"), a copy of which was sent to the Respondents.
4. The first violation states 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, which states the Respondents "in violation of subdivision (a) of this Section, 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....”

5. The Respondent Walker & Sons Enterprises, Ltd. is a car dealership and an automobile rebuilding business. Respondent has current licenses for selling vehicles, repairing and rebuilding vehicles.
6. Due to the nature of the business, when Respondent is working on rebuilding or repairing a vehicle, the car parts will have to be off the vehicle and on the ground to allow access to the parts to install them on the vehicle.
7. The vehicles the Respondent buys, fixes, and resells will always have damaged parts which must be replaced and in the process of doing so, these parts are placed in the vehicle (if it is going to be scrapped) or put in the large pole barn if they might be reusable on another vehicle or are placed in a pile (if unusable) before being put in the company dump truck and taken to the county dump. Tires that are not usable are treated differently and are hauled away by a third party, a licensed tire processor (at the cost of \$2 per tire).
8. This is not litter but simply what happens as one is fixing a vehicle. One cannot repair or dismantle a vehicle without having unwanted parts. All parts intended for the county dump were placed in a storage bin with two metal sides and a truckbox as a third side.
9. Please see the Investigator's Photo #9. From the picture, it can look as if this is a dumping ground. However, all the materials in the picture are from just one trailer that was torn up for parts. The usable parts went into the pole barn storage and the unusable parts were placed on the ground, then loaded on the company dump truck and taken to the county dump. If every car part that hits the ground is litter, no car business will or can ever be in compliance.
10. The second violation states 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”.
11. Mr. Walker also had a roofing company which ceased roof replacement operations at the end of 2013. He had in storage for use in that business certain brand new and unused shingles. These were added to the pile of parts to be taken to the county dump for disposal. These were not general construction or demolition debris: or clean construction or demolition debris. They did not come from another site

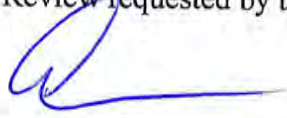
but were purchased and stored by the Respondent for future roofing jobs. Since this business is not active (no employees or jobs), the tires were disposed of to make more storage room. These items do not fit the definition in the Act. They were not brought from another site. They were not dumped on the Property as their final resting place. They were taken to the county dump and disposed of there.


12. The third violation states that Respondent "caused or allowed water to accumulate in used/waste tires...."
13. The Inspector's narrative report states that he observed approximately 280 tires stored inside buildings or covered structures where water could not reach them. He observed approximately 120 tires stored outside. Some were uncovered but we are not told how many. It was stated that although there was water in some tires, no mosquito larvae were present. Any tires that might have possible exposure to water have been relocated to avoid that happening. The number of tires present at that time was unusually high, since the Respondent had just undergone a reevaluation of his inventory and scrapped a large number of cars that were not deemed fixable, leaving four tires per car to dispose of afterwards. The third party company that the Respondent hires to remove these tires because he did not have adequate inside storage space had not yet gotten to the exposed tires to remove them

Therefore the Respondents request that this board dismiss all counts filed

By: 
Steven A. Sutton, Attorney

Review requested by the following Respondents:


Craig S. Walker


Craig S. Walker,
owner of Enterprises

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 22nd day of August, 2014, a copy of the Amended Petition for Review, Notice of Filing and this Certificate of Service was served upon the Illinois Pollution Control Board at its address as disclosed by the pleadings, by enclosing the same in a stamped envelope, plainly addressed to

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By: _____


Steven A. Sutton
Attorney at Law

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August 22, 2014

Clerk of the Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

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CLERK'S OFFICE

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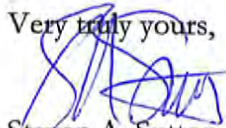
Re: IEPA No. 129-14-AC

Dear clerk:

I enclose the following documents for you to file: Notice of Filing, Amended Petition for Review, certificate of service.

Thank you for your assistance.

Very truly yours,


Steven A. Sutton,
Attorney at Law

SAS/rmmi
Enclosures