

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERK'S OFFICE

SEP 25 2003

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JAMES FARLEY,)
)
Respondent.)

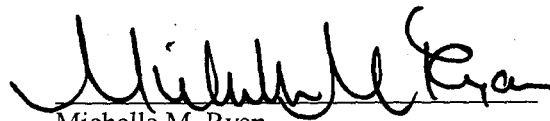
AC 04-16 STATE OF ILLINOIS
Pollution Control Board
(IEPA No. 504-03-AC)

NOTICE OF FILING

To: James Farley
dba Jim's Auto Salvage
1527 Seven Pines Road
Springfield, Illinois 62704

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: September 23, 2003

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JAMES FARLEY,

Respondent.

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AC 04-16

(IEPA No. 504-03-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 (2002).

FACTS

1. That James Farley, d/b/a/ Jim's Auto Salvage ("Respondent") is the present operator of a facility located at the northwest corner of Matheny and Wolfe Streets, Springfield, Sangamon County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Springfield/Jim's Auto Salvage.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1671205718.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on July 30, 2003, 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 July 30, 2003 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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 October 15, 2003, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano
Renee Cipriano, Director *to me*
Illinois Environmental Protection Agency

Date: 9/23/03

Prepared by: Susan 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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)	
)	
Jim's Auto Salvage)	
)	IEPA DOCKET NO.
)	
Respondent.)	

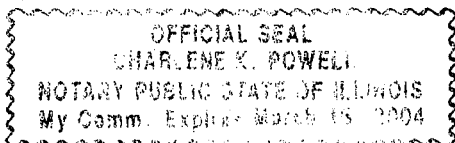
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 July 30, 2003 between 1:35 p.m. and 1:55 p.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Springfield/Jim's Auto Salvage* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#1671205718 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

Subscribed and Sworn to Before Me
this 25th day of August, 2003

Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: SANGAMON LPC#: 1671205718 Region: 5 - Springfield
 Location/Site Name: SPRINGFIELD/JIM'S AUTO SALVAGE
 Date: 07/30/2003 Time: From 1:35 P To 1:55 P Previous Inspection Date: 10/15/2003
 Inspector(s): JAN MIER Weather: 85 F, SUNNY, DRY
 No. of Photos Taken: # 6 Est. Amt. of Waste: 300 yds³ Samples Taken: Yes # _____ No
 Interviewed: NO ONE ON SITE Complaint #: _____

JAMES FARLEY
 1527 SEVEN PINES ROAD
 SPRINGFIELD, IL 62704

M. A. BROWN, INC.
 601 S. DIRKSEN PARKWAY
 SPRINGFIELD, IL 62706
 217/528-0424
RECEIVED

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

AUG 26 2003

	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	<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 # 1671205718

Inspection Date: 07/30/2003

	(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	<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"/>



Signature of Inspector(s)

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 Report

LPC#1671205718 - Sangamon County
Springfield/Jim's Auto Salvage
Inspection Date: 7/30/03
Inspector: Jan Mier
FOS File

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2003

EPA-ROI

On July 30, 2003, I conducted an inspection at the above-referenced site. The property is owned by James Farley. This site was originally inspected on 12/8/00 and Mr. Farley was sent a Violation Notice (#L-2000-01042) for open dumping/illegal tire storage of 1,500 tires. Three compliance deadline extensions were given and the site returned to compliance on 2/6/02. Violations were again cited from an inspection conducted on 7/15/02 and the site was returned to compliance during an inspection on 10/15/02, after Mr. Farley received an Administrative Citation Warning Notice dated 9/5/02.

I arrived at 1:35 p.m. No one was on site. I observed about twenty vehicles on site, car parts, and tires, both on and off rim. The garage pictured in photo #001 does not have electricity and has an apparent leak in the roof. Tires and a metal tank were sitting outside of it. A shed was on site (see photo #002) that Mr. Farley had previously said would be his office. There was no power to it and tires were sitting outside of it. Photos #003 and #004 show the vehicles on site in various states of disrepair. Another pile of tires, on and off rim, was observed (see photo #005). Metal, lumber, tires, vehicle parts and a car seat had been disposed on the ground (see photo #006). I departed at 1:55 p.m.

On August 8, 2003, I called the Secretary of State to determine if Mr. Farley had obtained a salvage license. No record of James Farley or Jim's Auto Salvage in Springfield, IL could be found. Secretary of State Corporation information is attached.

On August 14, 2003, Allen Alexander, of Sangamon County Department of Public Health faxed me a copy of the tax record, indicating the property was owned by M.A. Brown, Inc., a real estate company now located at 601 S. Dirksen Parkway in Springfield, IL. Their telephone number is 217/528-0424. Information about M.A. Brown, Inc. from the Illinois Secretary of State Corporation web site is attached.

I contacted Mr. Farley on 8/20/03. He stated the cars were from TRP Auto Sales located at 704 Martin Luther King Drive in Springfield, IL. He stated that Randy Pate, TRP owner, is storing the cars at Mr. Farley's property. When asked if he owned the property, Mr. Farley said he is buying it contract for deed from M. A. Brown, Inc. realty company and that he had three more payments to go.

I called Mr. Pate on 8/21/03 and he verified that he was storing cars at the site, but that not all the vehicles on the lot were his. He said he had applied for the Certificate of Purchase on all the vehicles and when he received the salvage title, he would send them to Auto Recyclers in Springfield, IL.

Violations observed at the time of the inspection are noted on the attached checklist.

cc: DLPC/FOS - Springfield Region
DLC - Greg Richardson
SCDPH - Allen Alexander

RECEIVED

2003

EPA-ROI

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

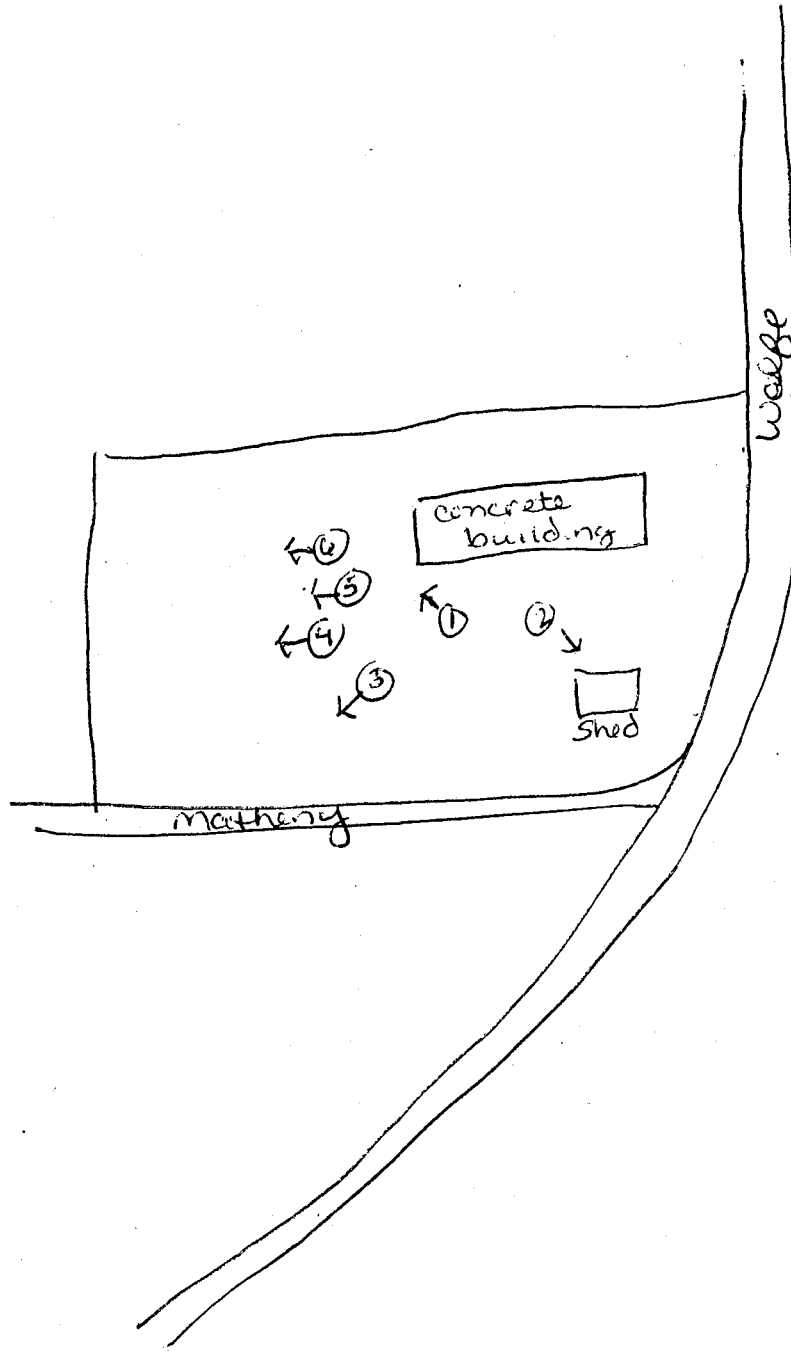
SITE SKETCH

Date of Inspection: 7/30/03
Site Code: LPC#1671205718
Site: Springfield/Jim's Auto Salvage

Inspector: Jan Mier
County: Sangamon
Time: 1:35 p.m. - 1:55 p.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH





DIGITAL PHOTOGRAPHS

LPC #1671205718 — Sangamon County
Springfield/Jim's Auto Salvage
FOS File

Date: 7/30/03
Time: 1:35 p.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-001
Comments:

Vehicles, tires and tank



Date: 7/30/03
Time: 1:35 p.m.
Direction: SE
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-002
Comments:

Tires, table and shed





DIGITAL PHOTOGRAPHS

LPC #1671205718 — Sangamon County
Springfield/Jim's Auto Salvage
FOS File

Date: 7/30/03
Time: 1:35 p.m.
Direction: SW
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-003
Comments:

Vehicles and scrap metal



Date: 7/30/03
Time: 1:35 p.m.
Direction: West
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-004
Comments:

Vehicles





DIGITAL PHOTOGRAPHS

LPC #1671205718 — Sangamon County
Springfield/Jim's Auto Salvage
FOS File

Date: 7/30/03
Time: 1:36 p.m.
Direction: West
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-005
Comments:

Tires, scrap metal and vehicles



Date: 7/30/03
Time: 1:36 p.m.
Direction: West
Photo by: Jan Mier
Photo File Name:
1671205718~07302003-006
Comments:

Tires, car seat, lumber among
weeds



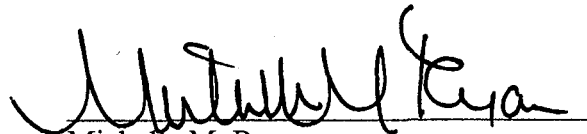
PROOF OF SERVICE

I hereby certify that I did on the 23rd day of September 2003, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled AFFIDAVIT OF SERVICE

To: James Farley
dba Jim's Auto Salvage
1527 Seven Pines Road
Springfield, Illinois 62704

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail 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
1021 North Grand Avenue East
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