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DEC 22 2003

STATE OF ILLINOIS
Pollution Control Board

AC 04-29

INFORMATIONAL NOTICE !!!

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 State of Illinois 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.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

DEC 22 2003

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHARLES L. PARKER,

Respondent.

STATE OF ILLINOIS
Pollution Control Board

AC

04-29

(IEPA No. 724-03-AC)

NOTICE OF FILING

To: Charles L. Parker
217 ½ S. Sangamon
Lincoln, Illinois 62656

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 Ryan by me

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: December 15, 2003

RECEIVED
CLERK'S OFFICE

DEC 22 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHARLES L. PARKER,

Respondent.

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AC 04-29

(IEPA No. 724-03-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 Charles L. Parker ("Respondent") is the present owner of a property located in Logan County, Illinois, and described as follows:

All that part of the North Half of the Southwest Quarter of Section 32, Township 20 North, Range 2 West of the 3rd P.M., Logan County, Illinois, lying south of the south line of the right of way of the Champaign-Havana Branch of the Illinois Central Railroad Company and east of the southeasterly line of the right of way of the Peoria-Evansville Branch of the said railroad company and west of the northwesterly line of the right of way of the wye track connecting the said Champaign-Havana Branch (Havana District) and the Peoria-Evansville Branch (Peoria District) of said railroad company.

The property is commonly known to the Illinois Environmental Protection Agency as Lincoln/Parker.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1078055001.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on November 10, 2003, William Zierath of the Illinois Environmental Protection Agency's Springfield 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.

VIOLATIONS

Based upon direct observations made by William Zierath during the course of his November 10, 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).
- (2) 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, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (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 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 January 15, 2004, 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 *by me*
Illinois Environmental Protection Agency

Date: 12/15/03

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

Y.

CHARLES L. PARKER,

Respondent.

AC

(IEPA No 724-03-AC)

FACILITY: Lincoln/Parker

SITE CODE NO.: 1078055001

COUNTY: Logan

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: November 10, 2003

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:

Respondent.

IEPA DOCKET NO.

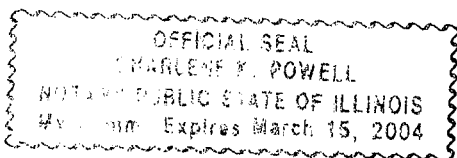
Affiant, William E. Zierath, being first duly sworn, voluntarily deposes and states as follow:

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 November 10, 2003, between 10:25 AM and 10:45 AM, Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Logan County, Illinois and known as Parker 1 by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1078055001 by the Agency.
3. Affiant inspected said Parker 1 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 Parker 1 open dump.

W. E. Zierath

Subscribed and Sworn To before me
This 9th day of December, 2003

Charlene F. Powell



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Logan LPC#: 1078055001 Region: 5 - Springfield
 Location/Site Name: Lincoln/Parker
 Date: 11/10/03 Time: From 10:25 To 10:45 Previous Inspection Date: 05/26/99
 Inspector(s): William Zierath Weather: Mostly Cloudy, 45F
 No. of Photos Taken: # 15 Est. Amt. of Waste: >100 yds³ Samples Taken: Yes # No ☒
 Interviewed: No one Complaint #: C-98-103-C

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

Charles L. Parker
 217½ S. Sangamon
 Lincoln, Illinois 62656

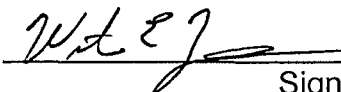
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN 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 #

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" 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 checked="" 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.

MEMORANDUM

Date: November 10, 2003

To: BOL File

From: William E. Zierath, BOL/FOS - Springfield Region

Subject: LPC# 1078055001 – Logan County
Lincoln/Parker
Complaint C-98-103-C
FOS File

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A complaint follow-up investigation was conducted at this site on November 10, 2003. No one else was at the site during this investigation. The weather was mostly cloudy and 45°F.

Many of the abandoned vehicles previously observed on this site had been removed. However, there were eight abandoned cars in the west part of the site and one abandoned gasoline truck in the east part of the site. The vehicles were in bad disrepair and missing parts necessary for operation. Most of the vehicles were surrounded by tall weeds. None of the abandoned vehicles had current license plates. The abandoned cars are shown in photographs 1078055001~11102003-003, 1078055001~11102003-004, and 1078055001~11102003-006. The abandoned gasoline truck is shown in photographs 1078055001~11102003-010, 1078055001~11102003-011 and 1078055001~11102003-013. Also on-site were two pickup trucks and a backhoe. These were not visibly disabled and were not apparently abandoned.

A refrigerator that still had its doors on it was observed in the west area of site. This refrigerator is shown in photograph 1078055001~11102003-005.

There were numerous pieces of scrap metal around the edges of the site. While some scrap metal was sorted and on racks, most of it was in piles or scattered on the ground. The scrap metal is shown in photographs 1078055001~11102003-001, 1078055001~11102003-002, 1078055001~11102003-003, 1078055001~11102003-004, 1078055001~11102003-005, 1078055001~11102003-006, 1078055001~11102003-012, 1078055001~11102003-013, 1078055001~11102003-014, and 1078055001~11102003-015.

In addition to the disorganized piles of scrap metal, there were organized piles of metal building parts and, in one area, a rack with sorted metal building parts. The sorted, organized metal building parts were not considered to be disposed of at this site.

Many of the drums that were investigated by the State of Illinois in June 1998 were still at the site during this inspection. Drums are shown in photographs 1078055001~11102003-007, 1078055001~11102003-008 and 1078055001~11102003-009. There were also small metal tanks and used tires at this location and shown in the above-listed photographs. I shook the drums that remained at the site. There were no free liquids that I heard sloshing in any of the drums. The open drum that is shown lying on its side in photograph 1078055001~11102003-007 contained what appeared to be soil. None of the other drums had the stoppers that the Agency had put in the punched holes in the tops of the drums. There were no hydrocarbon odors noted in the area of any of the drums.

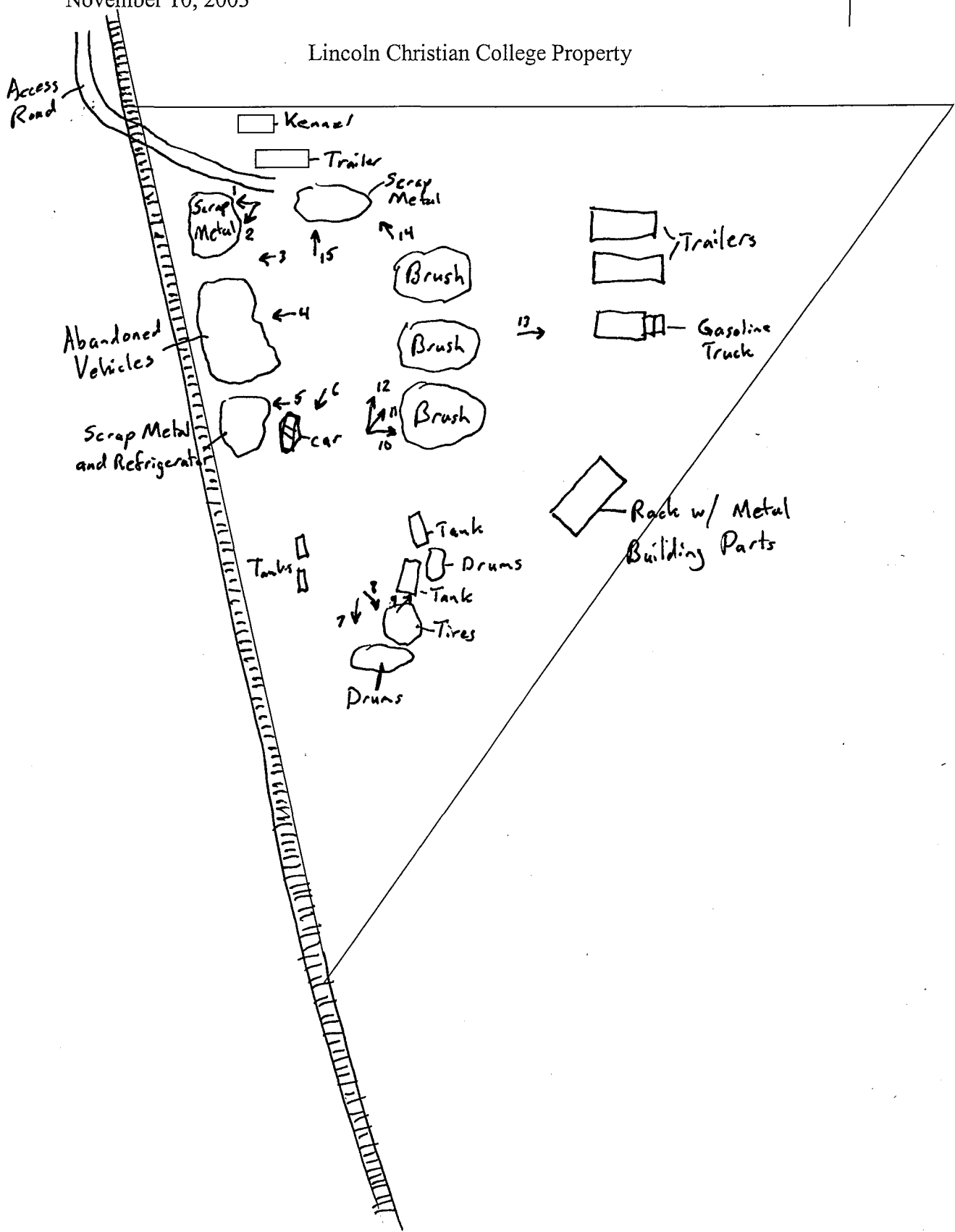
There were three large brush piles on this site. The brush piles are shown in photographs 1078055001~11102003-010, 1078055001~11102003-011, and 1078055001~11102003-012. Identifiable branches of yew (*Taxus* sp.), tree-of-heaven (*Ailanthus altissima*), ginkgo (*Ginkgo biloba*), and northern catalpa (*Catalpa speciosa*) were observed in the piles. These species were not found growing at this site. No large tree-clearing effort was apparent at this property. Since this landscape waste was not generated at this site and this site is not provided or supervised by a unit of local government, burning of this waste at this site is prohibited.

The apparent violations observed are marked on the attached checklist.

cc: BOL/FOS – Springfield Regional File

LPC 1078055001 – Logan County
Lincoln/Parker
November 10, 2003

Not to Scale
↗ = Direction of Photograph





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:30 AM
Direction: West
Photo by: William Zierath
Photo File Name:
1078055001~11102003-001
Comments:



Date: November 10, 2003
Time: 10:30 AM
Direction: Southwest
Photo by: William Zierath
Photo File Name:
1078055001~11102003-002
Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:30 AM
Direction: West
Photo by: William Zierath
Photo File Name:
1078055001~11102003-003
Comments:



Date: November 10, 2003
Time: 10:31 AM
Direction: West
Photo by: William Zierath
Photo File Name:
1078055001~11102003-004
Comments:





Illinois Environmental Protection Agency
Bureau of Land

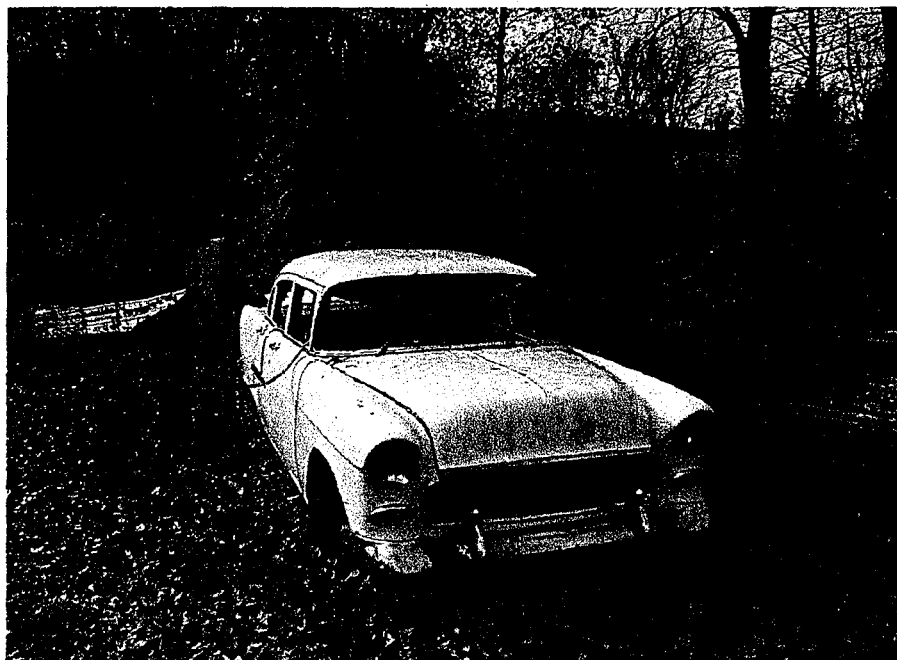
DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:31 AM
Direction: West
Photo by: William Zierath
Photo File Name:
1078055001~11102003-005
Comments:



Date: November 10, 2003
Time: 10:31 AM
Direction: Southwest
Photo by: William Zierath
Photo File Name:
1078055001~11102003-006
Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:32 AM
Direction: South
Photo by: William Zierath
Photo File Name:
1078055001~11102003-007
Comments:



Date: November 10, 2003
Time: 10:32 AM
Direction: Southeast
Photo by: William Zierath
Photo File Name:
1078055001~11102003-008
Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:32 AM
Direction: Northeast
Photo by: William Zierath
Photo File Name:
1078055001~11102003-009
Comments:



Date: November 10, 2003
Time: 10:32 AM
Direction: East
Photo by: William Zierath
Photo File Name:
1078055001~11102003-010
Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003

Time: 10:33 AM

Direction: Northeast

Photo by: William Zierath

Photo File Name:

1078055001~11102003-011

Comments:



Date: November 10, 2003

Time: 10:33 AM

Direction: North

Photo by: William Zierath

Photo File Name:

1078055001~11102003-012

Comments:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File

Date: November 10, 2003
Time: 10:34 AM
Direction: East
Photo by: William Zierath
Photo File Name:
1078055001~11102003-013
Comments:



Date: November 10, 2003
Time: 10:35 AM
Direction: Northwest
Photo by: William Zierath
Photo File Name:
1078055001~11102003-014
Comments:





**Illinois Environmental Protection Agency
Bureau of Land**

DIGITAL PHOTOGRAPHS

**LPC # 1078055001 — Logan County
Lincoln/Parker
FOS File**

Date: November 10, 2003

Time: 10:35 AM

Direction: North

Photo by: William Zierath

Photo File Name:

1078055001~11102003-015

Comments:



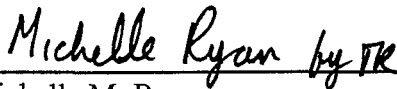
PROOF OF SERVICE

I hereby certify that I did on the 15th day of December, 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. Parker
217 ½ S. Sangamon
Lincoln, Illinois 62656

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