

RECEIVED
CLERK'S OFFICE

APR 06 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

Ac04-60

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
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

APR 06 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

SHARYN FULLER and CARL BENEDICT
d/b/a BENEDICT AUTO SALES,

Respondents.

AC 04-60

(IEPA No. 130-04-AC)

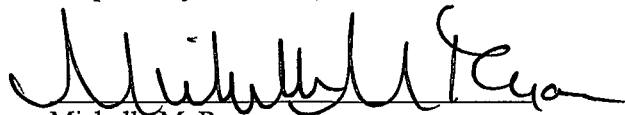
NOTICE OF FILING

To: Carl Benedict, d/b/a Benedict Auto
2500 West Farmington Road
West Peoria, Illinois 61604

Sharyn Fuller
9624 West Maple Road
Mapleton, Illinois 61547

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: March 31, 2004

APR 06 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

SHARYN FULLER and CARL BENEDICT
d/b/a BENEDICT AUTO SALES,

Respondents.

AC 04-60
(IEPA No. 130-04-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 Sharyn Fuller ("Respondent") is the present owner of a property located between Kickapoo Creek and the railroad tracks in Pottstown, Peoria County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Fuller, Sharyn.
2. That Carl Benedict, ("Respondent") currently rents the property and has rented the property at all times pertinent hereto.
3. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1438075011.
4. That Respondent, Sharyn Fuller, has owned said facility at all times pertinent hereto.
5. That on March 2, 2004, R. Eugene Figge 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.

VIOLATIONS

Based upon direct observations made by R. Eugene Figge during the course of his March 2, 2004 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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 May 17, 2004, 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 (2002), 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.

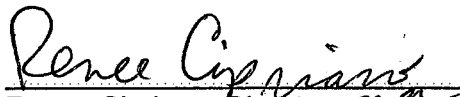
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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 (2002). 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.



Renee Cipriano, Director
Illinois Environmental Protection Agency

Date: 3/31/04

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,

v.

SHARYN FULLER and CARL BENEDICT
d/b/a BENEDICT AUTO SALES,

Respondents.

AC

(IEPA No. 130-04-AC)

FACILITY: Fuller, Sharyn

SITE CODE NO.: 1438075011

COUNTY: Peoria

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: March 2, 2004

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)

Sharyn Fuller
Carl Benedict

)
)
)
) IEPA DOCKET NO.
)
)
)
)

RESPONDENT)

Affiant, R. Eugene Figge, 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 March 2, 2004, between 11:00 a.m. and 11:30 a.m., Affiant conducted an inspection of the open dump in Peoria County, Illinois, known as Fuller, Sharyn, Illinois Environmental Protection Agency Site No. 1438075011.

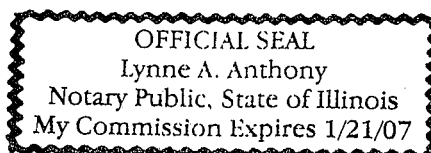
3. Affiant inspected said Fuller, Sharyn open dump site by an on-site inspection, which included walking and photographing the site.

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 Fuller, Sharyn open dump.

R. Eugene Figge

Subscribed and Sworn to before
me this 8 day of March

Lynne A. Anthony
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Peoria LPC#: 1438075011 Region: 3 - Peoria

Location/Site Name: Kickapoo Twp./Fuller, Sharyn

Date: 03/02/2004 Time: From 11:00 am To 11:30 am Previous Inspection Date: 03/31/2003

Inspector(s): R. Eugene Figge Weather: 45 F

No. of Photos Taken: # 12 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No ☒

Interviewed: No One On Site Complaint #:

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

Sharyn Fuller
9624 West Maple Road
Mapleton, Illinois 61547

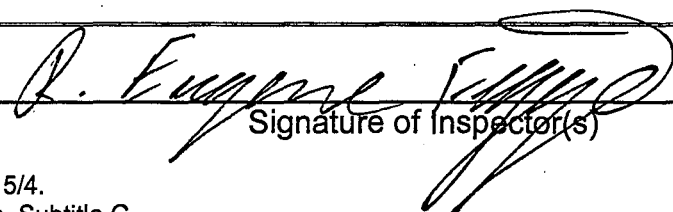
Benedict Auto Sales
Attention: Carl Benedict
2500 West Farmington Road
West Peoria, Illinois 61604
309/637-0131

SECTION		DESCRIPTION	VIOL
RECEIVED MAR 15 2004 EPA-DLPC ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	☐
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	☐
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	☐
4.	12(d)	CREATE A WATER POLLUTION HAZARD	☐
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	☒
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	☒
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	☒
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	☒
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	☒
	(2)	Scavenging	☐
	(3)	Open Burning	☐
	(4)	Deposition of Waste in Standing or Flowing Waters	☐
	(5)	Proliferation of Disease Vectors	☐
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	☐

LPC # 1438075011

Inspection Date: 03/02/2004

	(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	☒
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:	☐
15.	OTHER:		☐
			☐
			☐
			☐
			☐
			☐


 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.

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MAR 15 2004

IEPA-DLPC

NARRATIVE

On March 2, 2004, a reinspection was conducted from 11:00 a.m. until 11:30 a.m. at Fuller, Sharyn by R. Eugene Figge (this author) of DLPC/FOS - Peoria. The used tire notification form has not been submitted. The annual fee has not been paid.

On the site it was observed that approximately 200 used tires remained. These tires were located in an overgrown area toward the rear of the property as shown in photographs 3, 4, 6, 7 and 8. There were also several accumulations of general refuse as shown in photographs 1, 2, 5, 11 and 12. Various old vehicles were also located around the property. The property is located between Kickapoo Creek and the railroad tracks in Pottstown.

The following apparent violations were indicated on the inspection checklist:

Section 21(a) of the Act - cause or allow open dumping.

Section 21(d) of the Act - conduct any waste-storage, waste-treatment, or waste disposal operation:

- (1) Without a permit.
- (2) In violation of any regulation or standards adopted by the Board.

Section 21(e) of the Act - dispose, treat, store, or abandon any waste, or transport any waste into the state at/to sites not meeting requirements of the Act and Regulations.

Section 21(p) of the Act - 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) Liter.

Section 55(a) of the Act - no person shall:

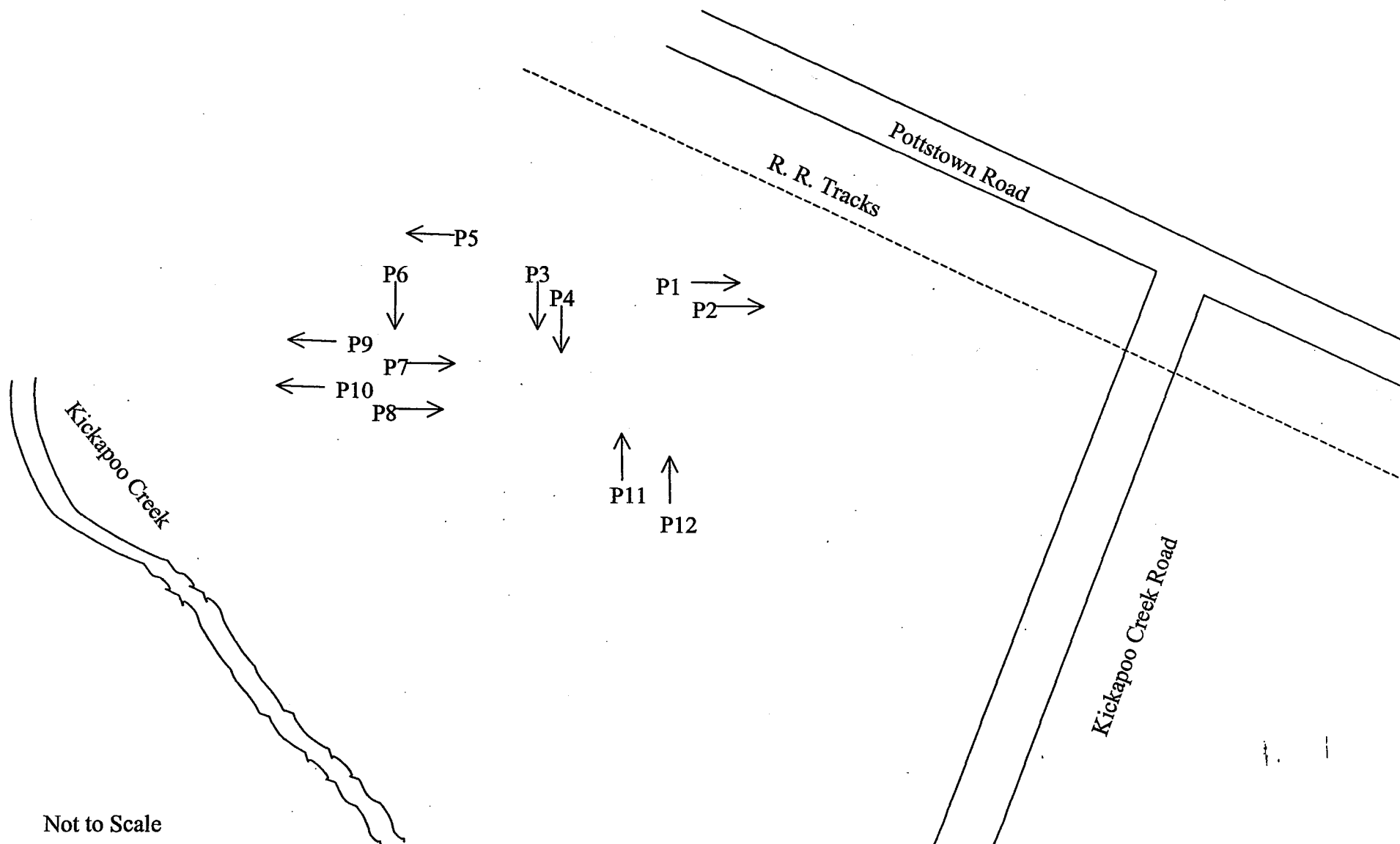
- (1) Cause or allow open dumping of any used or waste tire.

Section 812.101(a) of the Regulations - failure to submit an application for a permit to develop and operate a landfill.

State of Illinois Environmental Protection Agency Site Sketch

Inspector: R. Eugene Figge
Date of Inspection: March 2, 2004
Site Name: Fuller, Sharyn

LPC #: 1438075011
County: Peoria
Time: 11:00 a.m. – 11:30 a.m.



Not to Scale

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 1 of 6**

DATE: Inspection Date

TIME: 11:05 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1438075011~03022004--001.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:05 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1438075011~03022004--002.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 2 of 6**

DATE: Inspection Date

TIME: 11:05 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1438075011~03022004--003.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:06 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1438075011~03022004--004.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 3 of 6**

DATE: Inspection Date

TIME: 11:06 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1438075011~03022004--005.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:06 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1438075011~03022004--006.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 4 of 6**

DATE: Inspection Date

TIME: 11:06 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1438075011~03022004--007.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:06 a.m.

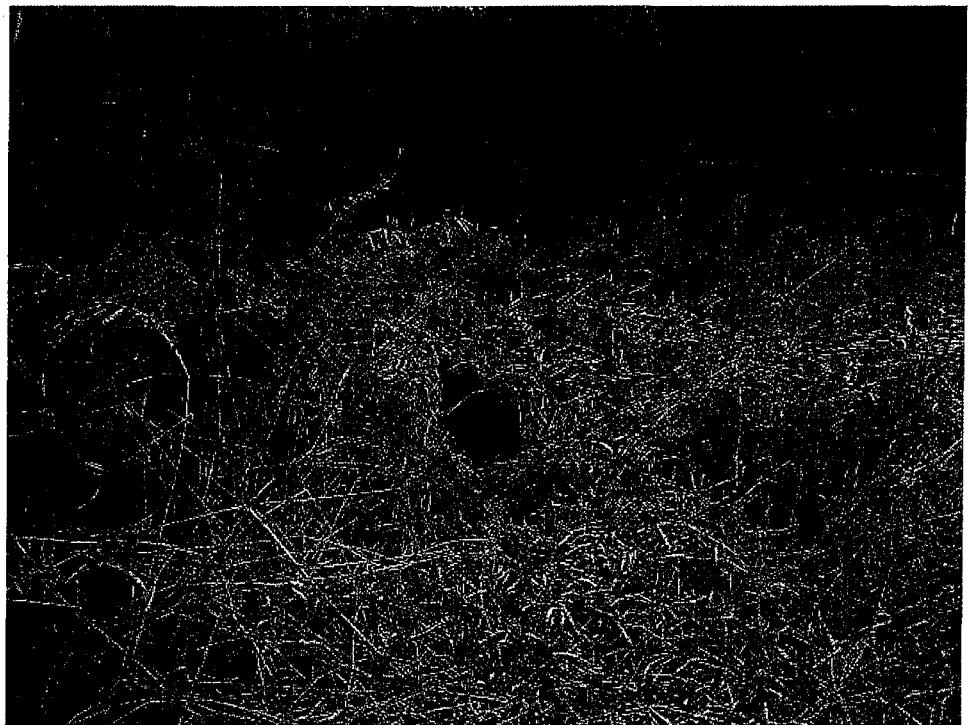
PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1438075011~03022004--008.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 5 of 6**

DATE: Inspection Date

TIME: 11:07 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1438075011~03022004--009.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:07 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1438075011~03022004--010.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

**1438075011 -- Peoria County
Fuller, Sharyn
FOS File**

**Site Photographs
Page 6 of 6**

DATE: Inspection Date

TIME: 11:09 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1438075011~03022004--011.jpg

COMMENTS:



DATE: Inspection Date

TIME: 11:09 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1438075011~03022004--012.jpg

COMMENTS:



DOCUMENT FILE NAME:
1438075011~03022004-.doc

PROOF OF SERVICE

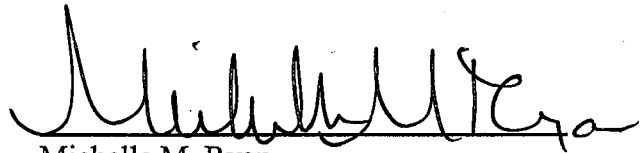
I hereby certify that I did on the 31st day of March 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Carl Benedict, d/b/a Benedict Auto
2500 West Farmington Road
West Peoria, Illinois 61604

Sharyn Fuller
9624 West Maple Road
Mapleton, Illinois 61547

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