RECEIVED CLERK'S OFFICE

MAR 2 1 2005

STATE OF ILLINOIS Pollution Control Board

Acos-Lo INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE:

This Administrative Citation refers to <u>TWO</u> 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 <u>PETITION FOR REVIEW</u> 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

RECEIVED CLERK'S OFFICE

MAR 2 1 2005

STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENT.	AL
PROTECTION AGENCY,	

Complainant,

KEN EDWARDS,

v.

Respondent.

NOTICE OF FILING

To: Ken Edwards 3655 Edwardsville Road Edwardsville, IL 62025

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,

AC U5-60

(IEPA No. 52-05-AC)

Janies M. Kropid 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 14, 2005

THIS FILING SUBMITTED ON RECYCLED PAPER

CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

MAR 2 1 2005 STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Complainant,

AC 05-60

(IEPA No. 52-05-AC)

KEN EDWARDS,

٧.

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).

<u>FACTS</u>

1. That Ken Edwards ("Respondent") is the present owner and operator of a facility located at 3655 Edwardsville Road, Edwardsville, Macoupin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Woodburn/Edwards.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1178045001.

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

4. That on January 24, 2005, Jan Mier of the Illinois Environmental Protection Agency's Rockford 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 January 24, 2005 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

On June 22, 2000, the Board found Ken Edwards in violation of Section 21(p)(1) of the Act in AC 04-47.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, 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 Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of <u>Three Thousand Dollars (\$3,000.00)</u>. 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 <u>April 15, 2005</u>, 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 Three Thousand Dollar (\$3,000.00) 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.

3

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.

Date:

Renee Cipriano, Director Illinois Environmental Protection Agency

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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MAR 2 1 2005

STATE OF ILLINOIS Pollution Control Board

05-60 AC

(IEPA No. 52-05-AC)

1178045001

\$3,000.00

SITE CODE NO .:

CIVIL PENALTY:

KEN EDWARDS, Respondent.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

v.

FACILITY: Woodburn/Edwards COUNTY: Macoupin DATE OF INSPECTION: January 24, 2005

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:

Illinois Environmental Protection Agency

vs.

IEPA DOCKET NO.

Ken Edwards Respondent

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.

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

2. On January 24, 2005 between 3:10 p.m. and 3:40 p.m., Affiant conducted an inspection of an open dump, located in Macoupin County, Illinois and known as *Woodburn/Edwards* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1178045001 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.

<u>Nur</u> Jan Mier aní

Subscribed and Sworn to Before Me this <u>3/ot</u> day of <u>January</u> 2005

mell

Notary Public OFFICIAL SEAL CHARLENT & POWELL NOTAF TIBLE CHARLENT OF ILLINOIS My Corner Expire Mater 15 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Macoupin	LPC#: 1178045001 Region: SPFLD				
Location/S	Site Name:	Woodburn/Edwards				
Date:	Date: 1/24/05 From 3:10 p.m. To 3:40 p.m. Previous Inspection Date: 2/11/03					
Inspector(s): JAN MI	ER Weather: 42 F, SUNNY				
No. of Pho	otos Taken: #	11 Est. Amt. of Waste: 300 yds ³ Samples Taken: Yes # No	X			
Interviewe	d:	Complaint #:	· · · · ·			
and an	· · · · · ·	KEN EDWARDS				
Responsib	le Party	KEN EDWARDS 3655 EDWARDSVILLE ROAD	1			
Mailing Address(es)		EDWARDSVILLE, IL 62025				
and Phone Number(s)		EDWARDSVILLE, IL 62025 618/656-4303				
a and the set of	from a low part of the	I server and the server of the				
	a an					
	SECTION	DESCRIPTION	VIOL			
	ILL	INOIS 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 AND REGULATIONS	X			
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RES IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	ULTS			
Part of the second	(1)	Litter	X			
	(2)	Scavenging				
	(3)	Open Burning	2 ¹⁷ 1988			
	(4)	Deposition of Waste in Standing or Flowing Waters				
	(5)	Proliferation of Disease Vectors				
	(6)	Standing or Flowing Liquid Discharge from the Dump Site				

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	an an geolaga An an geolaga		
9.	55(a)	NO PERSON SHALL:			
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X		
	(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.	e en 1920 - Constantino 1921 - Constantino	APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:			
15.	OTHER:				
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Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.

Signature of Inspector(s)

- 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 Narrative

LPC#1178045001 - Macoupin County Woodburn/Edwards FOS File

Inspection Date: 1/24/05 Inspector: Jan Mier

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FER UY 2005

On January 24, 2005, I conducted an inspection at the above-referenced site. I was accompanied by Paul Eisenbrandt, DLPC/FOS – Springfield Regional office. This site has been used for open dumping in the past. An Administrative Citation (AC 00-08) was issued to the property owner, Ken Edwards on May 1, 2000. The site was returned to compliance on 9/27/00, but no letter was sent to Mr. Edwards because he never submitted receipts verifying the proper disposal of the waste. Mr. Edwards owns salvage yards in Alton and Edwardsville, IL. An inspection was last conducted on 5/11/03 when violations were again observed.

We arrived at 3:10 p.m. There is a mobile home on site and I knocked on the door, but no one answered. I observed approximately 50 used vehicles, many unlicensed (see photo #001 and #009). Some were in a state of disrepair or partially dismantled, as seen in photo #002 and #003. Used tires were stacked and scattered around the site (see photo #003 and photo #005). Scrap metal and used vehicle parts were also observed throughout the site. A pile of pallets and lumber was observed approximately 30' by 25' by 4' (see photo #006). Other wood and lumber were scattered around (see photo #004 and #009) walking east, a pile about 40' by 20' by 12' of rusted metal and vehicle parts was observed (see photo #007). More abandoned vehicles were observed on the eastern part of the property (see photo #008). A semi trailer that I allowed Mr. Edwards to keep during the last inspection was still on site. The sides of the trailer were bulging and split and appeared to be filled with lumber and landscape waste.

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We departed at 3:40 p.m.

cc: DLPC/FOS – Springfield Region

STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: Site Code: Site:	1/24/05 LPC#1178045001 Woodburn/Edwards		Inspector: County: Time:	Jan Mier Macoupin 3:10 p.m. – 3:40 p.m.
	NORTH		Measurements A Direction of Pho Not to Scale	pproximate
	an Charles and Anna Anna Anna Anna Anna Anna Anna	n an star an	en songer ander en songer ander en songer ander en songer	
n se		a da ang kanalagan na sang kanalagan pangan Tang kanalagan na sang kanalagan na san	n and and	and the second
	unker Hill - Brig	ston Road		
		Garage		Race Frack
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		an sin ta shekar a ta shekar ta sa		



DIGITAL PHOTOGRAPHS



File Names:1178045001~01242005-[Exp. #].jpg

Date: 1/24/05 Time: 3:22 p.m. Direction: S Photo by: Jan Mier Exposure #: 001 Comments:

Unlicensed vehicles

Date: 1/24/05 Time: 3:23 p.m. Direction: E Photo by: Jan Mier Exposure #: 002 Comments:

Vehicles, vehicle parts, and used tires

Page 1 of 5

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DIGITAL PHOTOGRAPHS



Date: 1/24/05 Time: 3:24 p.m. Direction: E Photo by: Jan Mier Exposure #: 003 Comments:

Used tires on and off the rim, stacked next to a camper

Date: 1/24/05 Time: 3:24 p.m. Direction: S Photo by: Jan Mier Exposure #: 004 Comments:

Vehicles, vehicle parts, lumber, and used tires

File Names:1178045001~01242005-[Exp. #].jpg

Page 2 of 5

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DIGITAL PHOTOGRAPHS



Date: 1/24/05 Time: 3:25 p.m. Direction: SW Photo by: Jan Mier Exposure #: 005 Comments:

Used tire pile, lumber, and vehicles



File Names:1178045001~01242005-[Exp. #].jpg

Date: 1/24/05 Time: 3:25 p.m. Direction: SW Photo by: Jan Mier Exposure #: 006 Comments:

Pallets and lumber

Page 3 of 5



DIGITAL PHOTOGRAPHS



Date: 1/24/05 Time: 3:27 p.m. Direction: N Photo by: Jan Mier Exposure #: 007 Comments:

Pile of rusted metal and vehicle parts



File Names:1178045001~01242005-[Exp. #].jpg

Date: 1/24/05 Time: 3:28 p.m. Direction: E Photo by: Jan Mier Exposure #: 008 Comments:

Vehicles, vehicle parts, and semi trailer in background



DIGITAL PHOTOGRAPHS





Date: 1/24/05 Time: 3:34 p.m. Direction: SE Photo by: Jan Mier Exposure #: 009 Comments:

Unlicensed vehicles and parts

File Names:1178045001~01242005-[Exp. #].jpg

Page 5 of 5

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LPC #1178045001 — Macoupin County Woodburn/Edwards FOS File

PROOF OF SERVICE

I hereby certify that I did on the 14th day of March 2005, 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:	Ken Edwards
•	3655 Edwardsville Road
	Edwardsville, IL 62025

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

Know James M. Kropid

Special Assistant Attorney General

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

THIS FILING SUBMITTED ON RECYCLED PAPER