

RECEIVED
CLERK'S OFFICE

OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

Ac 05-29

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

OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

AC 05-29

v.)

(IEPA No. 464-04-AC)

CHARLES L. RIGGINS,)

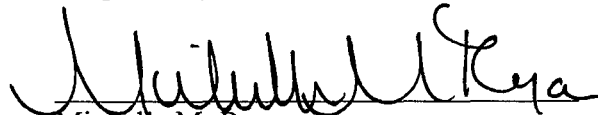
Respondent.)

NOTICE OF FILING

To: Charles L. Riggins
10364 N. CR 2800 E
Easton, Illinois 62633

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 29, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
CHARLES L. RIGGINS,))
))
))
))
Respondent.))

AC 05-29
(IEPA No. 464-04-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 Charles L. Riggins ("Respondent") is the present operator of a facility located at 10364 N. CR 2800 E, Easton, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Easton/Riggins Rust Ranch.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1250105007.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on August 12, 2004, 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 August 12, 2004 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 30, 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*
Illinois Environmental Protection Agency

Date: 9/29/04

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Charles Riggins)
Respondent)
)
)

IEPA DOCKET NO.

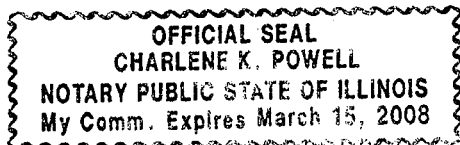
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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.
2. On, August 12, 2004 between 2:10 p.m. and 2:45 p.m., Affiant conducted an inspection of an open dump, located in Mason County, Illinois and known as *Easton/Riggins Rust Ranch* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1250105007 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
Jan Mier

Subscribed and Sworn to Before Me
this 7th day of Sept, 2004

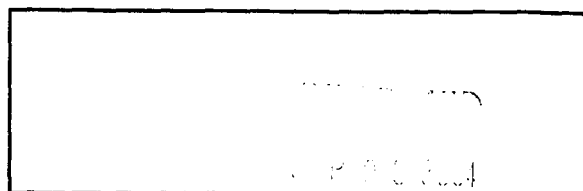
Charlene K. Powell
Notary Public



County: MASON LPC#: 1250105007 Region: SPFLD
 Location/Site Name: EASTON/RIGGINS RUST RANCH
 Date: 8/12/04 Time: From 2:10 PM To 2:45 PM Previous Inspection Date: 5/5/04
 Inspector(s): JAN MIER Weather: 80 F, SUNNY
 No. of Photos Taken: # 18 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No X
 Interviewed: CHUCK RIGGINS, OWNER Complaint #:

Responsible Party
 Mailing Address
 and Phone Number:

CHUCK RIGGINS
 10364 N. CR 2800 E
 EASTON, IL 62633
 309/562-7551



	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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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 RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	X
	(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 type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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"/>

Jan Mier

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 Narrative**

**LPC#1250105007 - Mason County
Easton/Riggins Rust Ranch
FOS File**

**Inspection Date – 8/12/04
Inspector – Jan Mier**

On August 12, 2004, I conducted a re-inspection at the above-referenced site. The site is owned by Chuck Riggins, who operates a business of selling antique tractors and tractor parts out of his home. Mr. Riggins notified as a used tire storage facility on May 7, 2004. I arrived at 2:10 p.m. Mr. Riggins was not at home, so I began to walk the site. Rusted metal and parts are still piled up throughout the site (see photo #001 and #002). Several buildings on site are filled with used tires, farm equipment, metal and parts (see photo #003 and photo #005). Used tractor tires are kept on site for the rims (see photo #004). Equipment is kept on site and is over grown with vegetation (photo #006 and #007). A wagon was filled with rusted metal and parts (see photo #008). About a dozen vehicles not related to the antique farm equipment are also on site (see photo #009, #011, and #017).

I told Mr. Riggins during my last inspection on May 5, 2004 that I was not as concerned about the antique tractors as I was these vehicles and the piles of rusted metal and parts. I understood that he had a legitimate business, but when vehicles are on site with small trees growing through them (see photo #010, #014, and #015), it appears that they have become a waste. A farm wagon was observed with agricultural used tires on it (see photo #012). Some of these used tires were off the rim (see photo #013). What appeared to be an old chicken coop was observed on a trailer (see #016). Near the house were used tires, metal and parts (see photo #018).

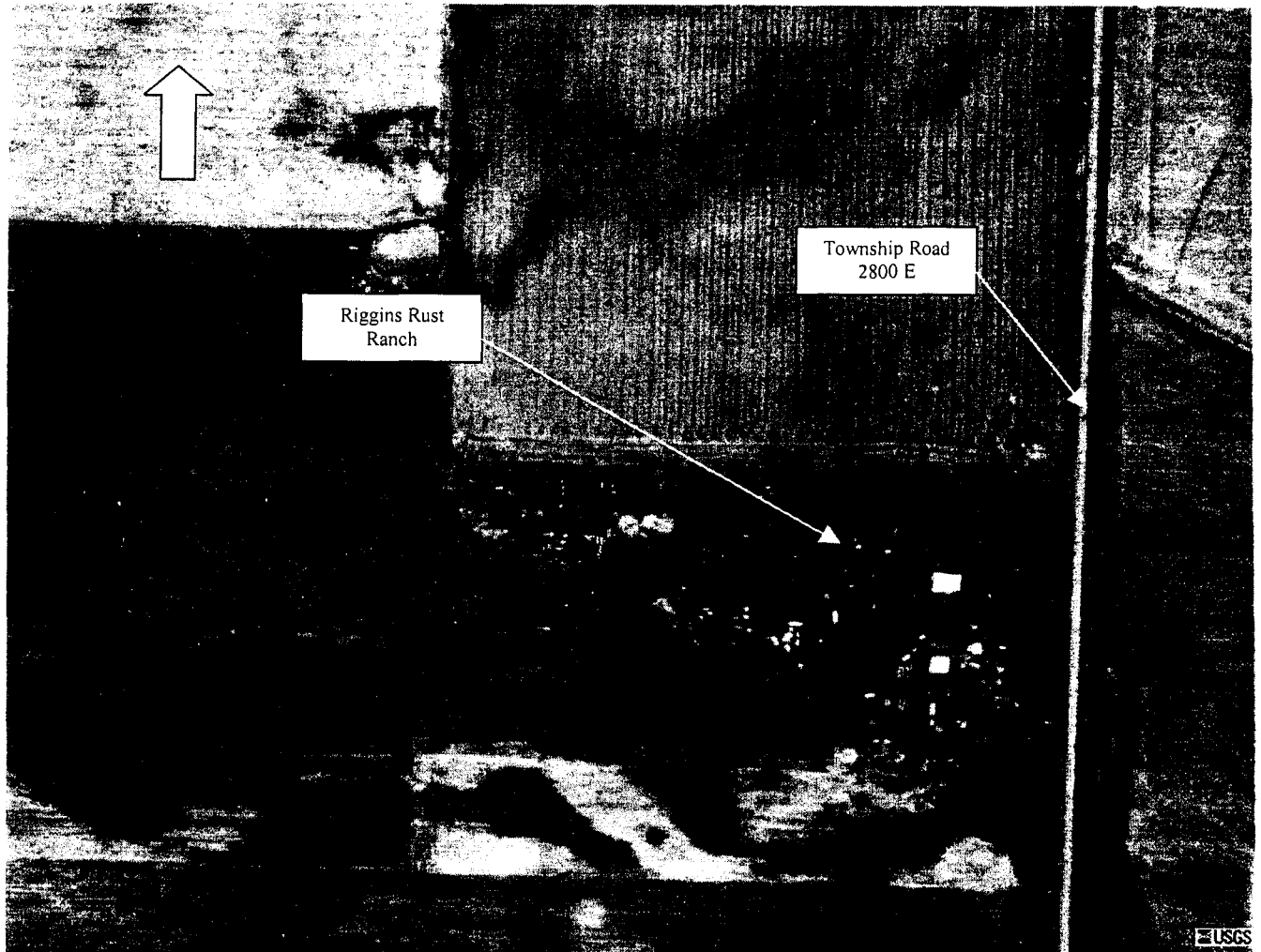
Mr. Riggins returned home as I took my last photo. I asked if he had any receipts for disposal since my last visit. He showed my four receipt from Alter Scrap Disposal dated 4/21 through 4/26/04. I asked if he had shown me those during my last inspection on 5/5/04. He replied that he may have. I asked why I hadn't seen him at the Mason County tire collection. He replied that he had given used tires to Greg Roberts and Sharon Bale to take in. I departed at 2:45 p.m.

I checked the list of participants for the Mason County tire collection on June 12, 2004. Greg Roberts brought in 40 used tires and Sharon Bale brought in 8 used tires. When I called the telephone numbers listed on the Consensual Removal Agreements, Mr. Roberts' number was disconnected and Ms. Bales' number was not in service.

cc: DLPC/FOS – Springfield Region

LPC # 1250105007 – Mason County
Easton/Riggins Rust Ranch
FOS File

March 29, 1998 USGS Aerial Photo



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

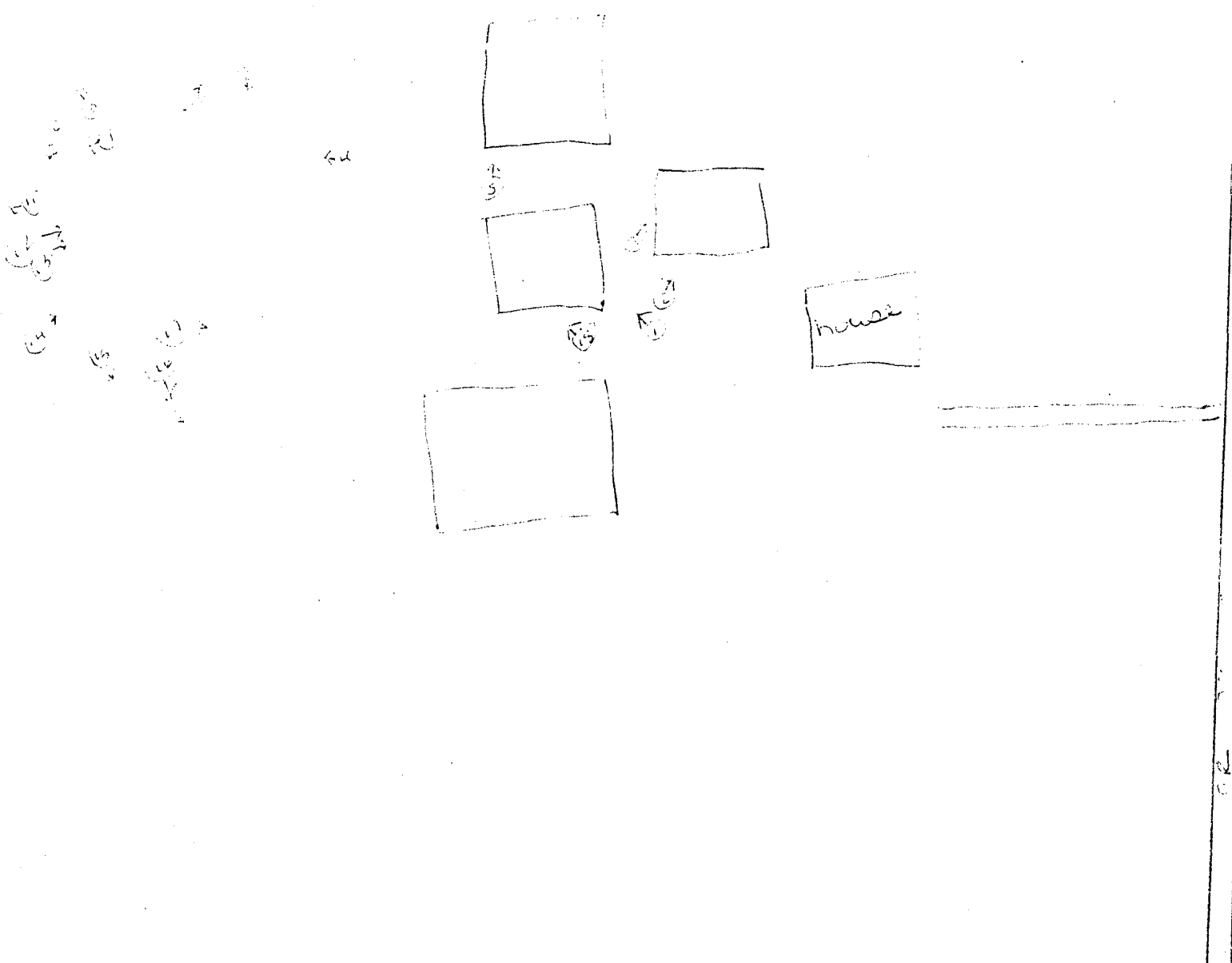
SITE SKETCH

Date of Inspection: 8/12/04
Site Code: LPC#1250105007
Site: Easton/Riggins Rust Ranch

Inspector: Jan Mier
County: Mason
Time: 2:10 p.m. - 2:45 p.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:13 p.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-001
Comments:

Rusted metal, vehicle parts and
lumber



Date: 8/12/04
Time: 2:13 p.m.
Direction: NE
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-002
Comments:

Rusted metal and vehicle parts
amid vegetation





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:14 p.m.
Direction: NE
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-003
Comments:

Inside shed shown in photo #002,
containing used tires, gas tanks,
vehicle parts, and rubber



Date: 8/12/04
Time: 2:15 p.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-004
Comments:

Used tractor tires on rim





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:15 p.m.
Direction: N
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-005
Comments:

Used tractor tires off the rim



Date: 8/12/04
Time: 2:16 p.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-006
Comments:

Earth moving equipment amid
vegetation





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04

Time: 2:17 p.m.

Direction: SW

Photo by: Jan Mier

Photo File Name:

1250105007~08122004-007

Comments:

Rusted equipment covered in
vegetation



Date: 8/12/04

Time: 2:18 p.m.

Direction: NW

Photo by: Jan Mier

Photo File Name:

1250105007~08122004-008

Comments:

Wagon with metal and hoses





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04

Time: 2:19 p.m.

Direction: SW

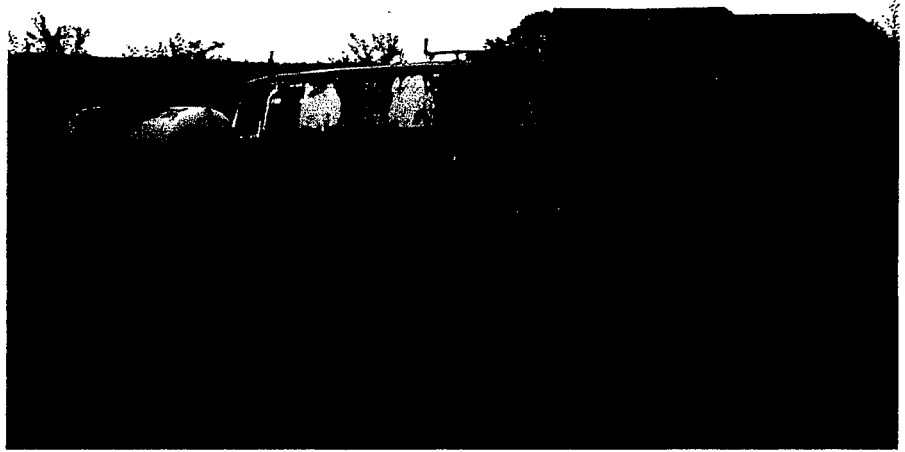
Photo by: Jan Mier

Photo File Name:

1250105007~08122004-009

Comments:

Abandoned van with tank and farm
equipment



Date: 8/12/04

Time: 2:20 p.m.

Direction: S

Photo by: Jan Mier

Photo File Name:

1250105007~08122004-010

Comments:

Farm wagon with 4" tree growing
through it and rusted parts on truck
bed





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:21 p.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-011
Comments:

Pickup truck with rusted parts



Date: 8/12/04
Time: 2:24 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-012
Comments:

Farm wagon with used tires both
on and off the rim



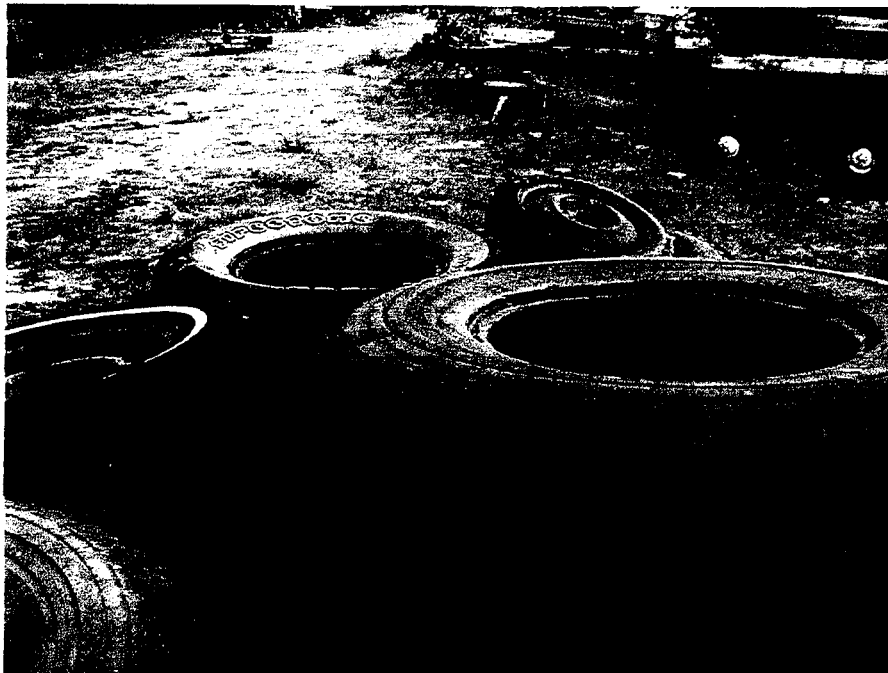


DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:25 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-013
Comments:

Used tires on top of farm wagon
in photo #012



Date: 8/12/04
Time: 2:27 p.m.
Direction: NE
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-014
Comments:

Rusted tractor with trees growing
through it





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04

Time: 2:27 p.m.

Direction: SE

Photo by: Jan Mier

Photo File Name:

1250105007~08122004-015

Comments:

Rusted tractor with trees growing through it



Date: 8/12/04

Time: 2:28 p.m.

Direction: SE

Photo by: Jan Mier

Photo File Name:

1250105007~08122004-016

Comments:

Dilapidated wooden structure





DIGITAL PHOTOGRAPHS

LPC #1250105007 — Mason County
Easton/Riggins Rust Ranch
FOS File

Date: 8/12/04
Time: 2:28 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-017
Comments:

Abandoned vehicles



Date: 8/12/04
Time: 2:33 p.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1250105007~08122004-018
Comments:

Used tires on rim, metal, hoses and
lumber



1250105007~08122004.doc

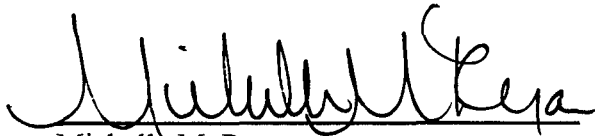
PROOF OF SERVICE

I hereby certify that I did on the 29th day of September 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: Charles L. Riggins
10364 N. CR 2800 E
Easton, Illinois 62633

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