



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE

MAR - 9 2005

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

March 7, 2005

AC05-54

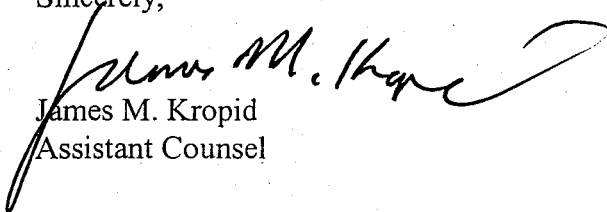
Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Ray Logsdon Estate, Logsdon Sand and Gravel and M.K. O'Hara Construction, Inc.
IEPA File No. 33-05-AC; 0178020009—Cass County

Dear Ms. Gunn:

Enclosed is a complete copy of the Narrative Re-inspection Report Document for the above referenced case. During copying of the report, some pages were inadvertently left out. The Administrative Citation was sent to you February 7, 2005. I apologize for any inconvenience this may cause.

Sincerely,


James M. Kropid
Assistant Counsel

Enclosure

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

MAR - 9 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

RAY LOGSDON ESTATE, LOGSDON SAND)
and GRAVEL, and M.K. O'HARA)
CONSTRUCTION, INC.,)

Respondents.)

AC 05-54
(IEPA No. 33-05-AC)

NOTICE OF FILING

To: Ray Logsdon Estate
c/o John Logsdon
617 W. Main Street
Beardstown, Illinois 62618

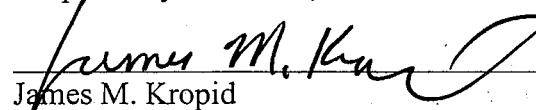
Logsdon Sand and Gravel
300 W. Main Street
P.O. Box 319
Beardstown, Illinois 62618

M.K. O'Hara Construction, Inc.
c/o Madalyn O'Hara, President
U.S. Highway 67 South
R.R. #2, Box 104
Beardstown, Illinois 62618

Craig Myers, Registered Agent
M.K. O'Hara Construction, Inc.
900 E. 15th Street, P.O. Box 139
Beardstown, Illinois 62618

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 NARRATIVE RE-INSPECTION REPORT DOCUMENT.

Respectfully submitted,


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

Dated: March 7, 2005

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: January 7, 2005

TO: Land Division File

FROM: Charlie King, DLPC/FOS – Springfield Region

SUBJECT: LPC # 0178020009 – Cass County
Beardstown/Logsdon Sand & Gravel
No complaint number (Referred by Alan Grimmitt,
IEPA/BOA – FOS)
FOS File

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of an inspection conducted at the subject site on December 15, 2004 from approximately 1:05 p.m. until 1:40 p.m., by this author. David C. Jansen, Manager, DLPC/FOS – Springfield Region, and Kristen Laughridge, Assistant Attorney General (AAG), Illinois Attorney General's Office (IAGO), accompanied me on the re-inspection. The re-inspection was conducted to follow-up the October 20, 2004 site inspection. The re-inspection revealed that although the numerous truck loads of brick, rock and dirt that were observed during the October 20, 2004 inspection had been flattened out and/or removed, numerous wastes were still present.

It should be noted that other wastes were observed at this site by this author on August 16, 2004. Those wastes consisted primarily of wood and asphalt wastes, and were found to be placed there by the City of Beardstown's Public Works Department. The owners of the site were found to have allowed the City to temporarily place the wastes there. When confronted, the City quickly cleaned up the site and submitted copies of receipts documenting proper cleanup. The site was then re-inspected on August 23, 2004. Both of these inspections were discussed in this author's Narrative Inspection and Re-inspection Report Document Memorandum to the Land Division File, dated October 13, 2004. The Illinois EPA subsequently sent a letter to both parties (Logsdon Sand and Gravel, and, the City of Beardstown) dated October 15, 2004. That letter acknowledged that the site was cleaned up and mentioned that both parties stated that open dumping would not occur again. However, before that letter was received by the respondents, also on or about October 15, 2004, Mr. Troy Logsdon, one of the respondents, telephoned this inspector and stated that he had received several loads of dirt, asphalt and broken brick at the site, as planned. These were the piles addressed previously in this report that were observed on October 20, 2004. He stated that it was for the development of a truck and semi-trailer holding area. However, when he went down to inspect it, he found out that it

had metals and some other wastes strung throughout. He stated that he would have to get the contractor who placed it there to clean it up. I agreed, and asked who that contractor was. Mr. Logsdon told me that it was Kenny O'Hara of O'Hara Construction. Actually, the Corporation name filed with the Illinois Secretary of State is M. K. O'Hara Construction, Inc. My November 10, 2004 Memorandum to the Land Division File, should be reviewed for additional information.

Logsdon Sand and Gravel is located at 300 W. Main Street, P.O. Box 319, Beardstown, IL 62618, which is operated by Troy and Todd Logsdon. The Illinois EPA contact is Troy Logsdon. The business telephone number is 217/323-1565. Troy Logsdon's cell phone number is 217/370-7739. The site referenced herein is south of the business, immediately north of the U. S. Route 67 Bridge, on the east bank. It abuts the Illinois River. Sand and gravel are placed on, and removed from, both trucks and barges at that location. A copy of a USGS aerial photograph of the site is attached.

Once part of the Ray Logsdon Estate, and so named at one time by the Illinois EPA, the site is now known as Logsdon Sand and Gravel. Ray Logsdon is deceased, and his sons, Troy and Todd, operate Logsdon Sand and Gravel. The land where the site is located is made up of two parcels. One is under property tax number 03-007-001-00 (SW Corner of the SW Quarter of the Northwest Section), and consists of two acres. The other is under property tax number 03-007-012-00 (Pt of the SW Quarter of the NW Section), which is 1.52 acres (see attached deeds). These are described as land lots, not cropland. They are in Section 15, Township 18N, Range 12W. Troy and Todd Logsdon operated part of their business on these parcels.

Upon arrival at the site on December 15, 2004, the weather was partly cloudy with an air temperature was approximately 25°. Surface soil conditions were mostly dry, but were wet in places.

During the re-inspection, 14 photographs were taken with a digital camera. They show the conditions at the site on the day of the re-inspection. From the re-inspection, the previous inspection report and the re-inspection photos a partially computer generated map of the site was developed by this author. It shows the approximate layout of the site as well as the approximate locations and directions of the re-inspection photographs. The digital camera provides a three-digit number for each photograph, i.e., 001, 002, etc. This is how the photographs are referred to in this narrative and in the Digital Photographs. However, real numbers were used on the Site Sketch to save space, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this report.

Upon arrival, we observed that the previously observed two large areas of piles of apparent clean fill, consisting mostly of brick, rock and dirt, but also metals and other wastes, had been flattened and/or mostly removed, as shown in photo #s 001 and 002. A few piles of mostly clean fill remained, as shown in photo # 003. During observation of the northeast area of the site, burned general household refuse, wood, cans, a fuel filter, glass and bottles were observed in an area measuring approximately 5' x 3' x 2', as shown in photo # 004. There had been a lot of rain recently, and there was considerable

standing water at the site, as shown in photo # 005. Also shown in that photo were a small amount of processed wood wastes, measuring approximately 2' x 2' x 1', shown in photo # 005. Photo # 006 shows metal in standing water and ice, estimated to measure approximately 8' x 3' x 3'. Moving to the south and southwest, photo # 007 shows the flattened area of the site. Concrete nearby was observed. Some chunks had protruding rebar, as shown in photo # 008. A busted toilet and a car battery were also observed in that approximately 3' x 2' x 2' area, shown in photo # 009. Just southeast of that area, large tractor and car tires were observed, as was dumped corn and metal culvert pipes as shown in photo # 010. In total, six tractor tires (including three on the north side of the access road) and three car tires were observed. Pieces of shingles and processed wood were observed in an area approximately 15' x 6' x 2', shown in photo # 011. An old metal hopper was also observed on its side in standing water and ice, shown in photo # 012. It measured approximately 12' x 6' x 6'. Photo # 013 shows fill placed on the ground up to water that connects with the Illinois River in the background. The purpose of this photo is to show the proximity of the river to the site. During periods of high water, this area undoubtedly floods. Back towards the east and northeast, stacks of metal and wood utility poles are shown in photo # 014. There were two stacks of metals like the one shown in the photograph, perpendicular to each other. Each one measured approximately 15' x 8' x 5'. There were 10 poles measuring on average, approximately 15' x 2' x 2'.

During the inspection, apparent violations of the Illinois Environmental Protection Act (Act) and the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC) were observed and are alleged. Those apparent violations of the Act are Sections: 12(a), 12(d), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(4), 21(7) and 55(a)(1). An apparent violation of the regulations, 35 IAC, is Section 812.101(a). The Open Dump Inspection checklist that accompanies this report provides additional details.

OTHER COMMENTS

1. Troy Logsdon agreed to telephone this author and inform me when Kenny O'Hara returned to clean up the multiple rock piles of metals, wood and other wastes. However, no such telephone call was received.
2. The total amount of wastes that were observed at this site during the re-inspection comprised approximately 103 cu. yds. That waste volume was calculated as follows:

<u>Waste Description</u>	<u>Size of Waste Area</u>	<u>Totals</u>
Shingles and wood	15' x 6' x 2' =	180
Metal hopper	12' x 6' x 6' =	432
Large metal units	15' x 8' x 5' x 2 units =	1200
Utility poles	15' x 2' x 2' x 10 units =	600
Miscellaneous rebar	5' x 2' x 2' =	20
Burned refuse northeast side	5' x 3' x 2' =	30
Other miscellaneous wastes	15' x 6' x 2' =	180

Metals in water (northeast)	8' x 3' x 3'	=	72
Toilet and car battery	3' x 2' x 2'	=	12
Used tires, tractor	3' x 2' x 1' x 6 tires	=	36
Used tires, small	2' x 1' x 1' x 3 tires	=	+ 6
			<u>2,772</u>

* 2,772 / 27 (conversion factor of cu. ft. to cu. yds.) = 102.66 or 103 cu. yds.

This does not include the volume of "clean construction or demolition debris" at the site, or the volume of wastes other than clean construction or demolition debris that may have been buried at the site. Clean construction or demolition debris used in a manner that defines it as a "waste" must also be removed from the site.

3. No one approached us at the site.

CK

cc: BOA/FOS – Alan Grimmatt
DLPC/FOS – Springfield Region
DLPC/Greg Richardson

PROOF OF SERVICE

I hereby certify that I did on the 7th day of March 2005, send by U.S. Mail 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 NARRATIVE RE-INSPECTION REPORT DOCUMENT

To: Ray Logsdon Estate
c/o John Logsdon
617 W. Main Street
Beardstown, Illinois 62618

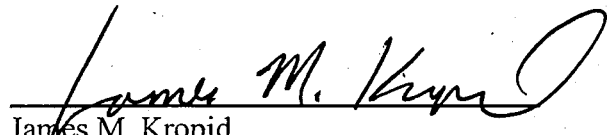
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U.S. Highway 67 South
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Beardstown, Illinois 62618

Craig Myers, Registered Agent
M.K. O'Hara Construction, Inc.
900 E. 15th Street, P.O. Box 139
Beardstown, Illinois 62618

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. 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


James M. Kropid
Special Assistant Attorney General

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