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FEB 14 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC 05-55

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.**

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 HAROLD BRULEY,)
)
 Respondent.)

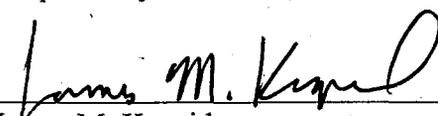
AC 05-55
 (IEPA No. 36-05-AC)

NOTICE OF FILING

To: Harold Bruley
 850 West Jackson
 Virden, Illinois 62690

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,



 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: February 9, 2005

VIOLATIONS

Based upon direct observations made by Steve Townsend during the course of his January 7, 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).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2002).

- (3) That Respondents 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 March 31, 2005, 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 *Renee*
Illinois Environmental Protection Agency

Date: 2/9/05

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

Open Dump Inspection Checklist

County: Macoupin LPC#: 1174105030 Region: 5 - Springfield
 Location/Site Name: Virden/Bruley
 Date: 01/07/2005 Time: From 14:04 To 14:24 Previous Inspection Date: 03/07/2003
 Inspector(s): S. Townsend Weather: 30 ° F ~ Overcast - moist soil cond
 No. of Photos Taken: # 10 Est. Amt. of Waste: 4000+ yds³ Samples Taken: Yes # No
 Interviewed: N/A Complaint #: C-99-050-C

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

Mr. Harold Bruley
 850 W. Jackson
 Virden, IL 62690

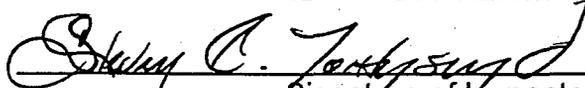
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	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 checked="" 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 # 1174105030

Inspection Date: 1-7-05

	(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 checked="" 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"/>


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.

IEPA - BOL/FOS MEMORANDUM

DATE: January 18, 2005
TO: DLPC/Division File
FROM: S. Townsend, DLPC/FOS
SUBJECT: LPC # 1174105030 - Macoupin County
Virден/Bruley
C-99-050-C
FOS FILE

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On January 7, 2005, this author conducted a follow-up inspection at the above referenced facility (hereafter Bruley). A complaint was received that alleged an open dump was being run on the 800 block of West Jackson St. in Virден, IL. Apparent violations were found during previous inspections. This inspection was conducted to see if the site had been cleaned-up. I drove along Jackson St. past the site from the east end to the west end of the 800 block and saw that wastes were still on-site. I stopped at the site and parked the car. As I got out of the car I saw a man coming out of a mobile home on-site. The man was not Mr. Harold Bruley. I introduced myself and asked if Mr. Bruley was home. I was told he was at work. I told him I was there to inspect the site. I asked if Mr. Bruley would be home soon. The man said not until after 5. The man said I should try after 5 or before 9 and then went back inside. I walked around the site and photographed it.

This site still had much of the waste seen during the initial 1999 inspection. Additional wastes have been added since 1999. South of the mobile homes where two areas where open burning of wastes, including tires, appears to have occurred (see photos 1174105030~01072005-003 and 004). Other wastes included mobile homes with missing walls or in semi gutted or gutted condition, appliances, demolition debris, autos and auto parts, metal, and wood (see photos 1174105030~01072005-001 through 010). Wastes on site appeared to be somewhat more sorted than the previous inspection on March 7, 2003.

During the March 7, 2003, inspection Mr. Bruley told me that he would clean up the site. The site has not been cleaned up. At that time Mr. Bruley also said that he would be using some of the demolition debris both on-site and in a park. At that time I told Mr. Bruley that any items he wished to use as building materials should be stored as such. I suggested that they be stacked in one location and if possible tarped. I also said that the most important thing was to actually use them and not let them sit and become unusable. Most of these materials have not been used as of the January 7, 2005, inspection.

Apparent violations are noted in the attached checklist.

cc: DLPC/FOS-Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: January 7, 2005
Site Code: 1174105030
Site Name: Bruley

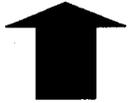
Inspector: S. Townsend
County: Macoupin
Time: 14:04 to 14:24

Photo File 1174105030~01072005

Measurements Approximate
Direction of Photo ↙

NORTH

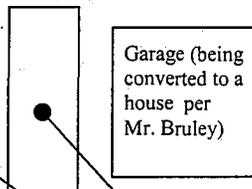
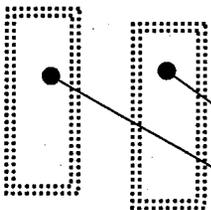
Not To Scale



001 ↙ 002 ↘

W. Jackson St.

008 ↙ 009 ↘ 010 ↘



Garage (being converted to a house per Mr. Bruley)

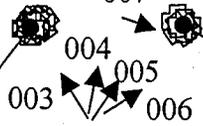
House of the next-door neighbor

Bricks



007 ↘

Mobile Homes



Burned Waste

Henrietta St.

Linder St.

Bronaugh St.

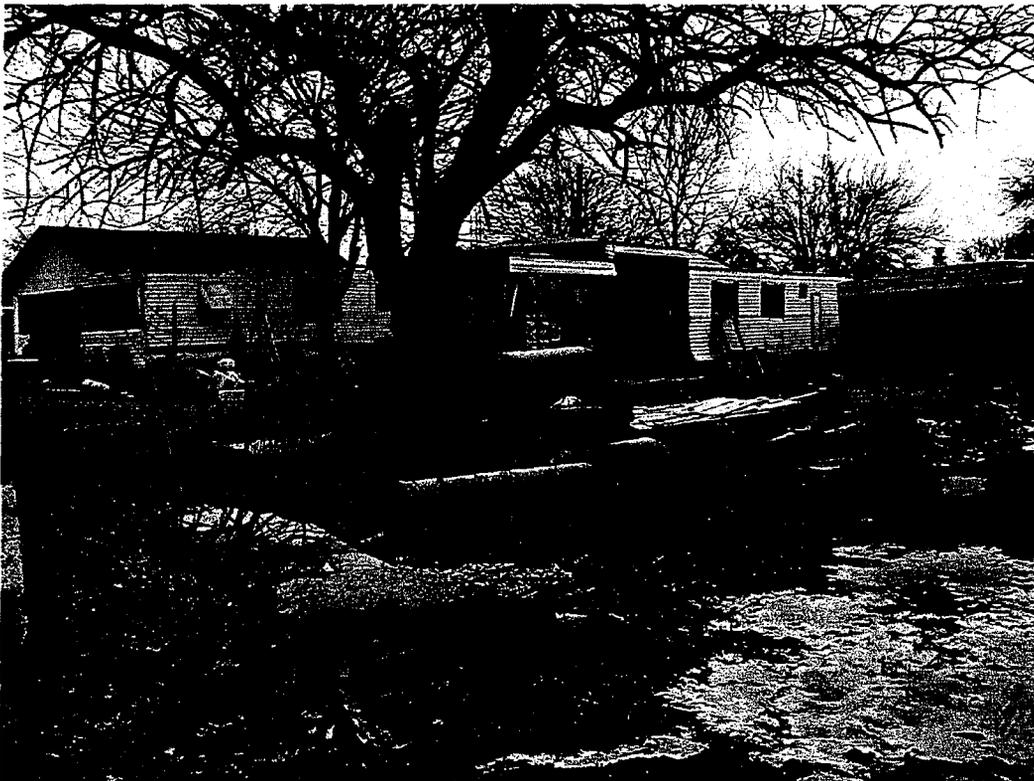
002 ↙



DIGITAL PHOTOGRAPHS File Names: 1174105030~01072005-[Exp. #].jpg



Date: Jan. 7, 2005
Time: 13:10
Direction: S-SE
Photo by: S. Townsend
Exposure #: 001
Comments:
Damaged mobile homes, demolition debris, metal, wood and other wastes.



Date: Jan. 7, 2005
Time: 13:10
Direction: SE
Photo by: S. Townsend
Exposure #: 002
Comments:
Damaged mobile homes, demolition debris, metal, wood and other wastes.



DIGITAL PHOTOGRAPHS File Names: 1174105030~01072005-[Exp. #].jpg



Date: Jan. 7, 2005
Time: 13:17
Direction: NW
Photo by: S. Townsend
Exposure #: 003
Comments:
Damaged mobile home, van, burned waste (including burned tires), metal, wood and other wastes.



Date: Jan. 7, 2005
Time: 13:17
Direction: N-NW
Photo by: S. Townsend
Exposure #: 004
Comments:
Burned wastes, metal, damaged mobile home and other wastes.



DIGITAL PHOTOGRAPHS File Names: 1174105030~01072005-[Exp. #].jpg



Date: Jan. 7, 2005
Time: 13:18
Direction: N-NE
Photo by: S. Townsend
Exposure #: 005
Comments:
Burned waste,
demolition debris,
metal, and other
wastes.



Date: Jan. 7, 2005
Time: 13:18
Direction: NE
Photo by: S. Townsend
Exposure #: 006
Comments:
Concrete, metal, and
other wastes.



DIGITAL PHOTOGRAPHS File Names: 1174105030 ~ 01072005-[Exp. #].jpg



Date: Jan. 7, 2005
Time: 13:19
Direction: E-SE
Photo by: S. Townsend
Exposure #: 007
Comments:
Burned waste and metal.



Date: Jan. 7, 2005
Time: 13:21
Direction: SW
Photo by: S. Townsend
Exposure #: 008
Comments:
Equipment, metal, trailer and automobile (note: white Ford Taurus in background is a State of Illinois vehicle driven to site by the inspector).



DIGITAL PHOTOGRAPHS File Names: 1174105030 ~ 01072005-[Exp. #].jpg



Date: Jan. 7, 2005
Time: 13:22
Direction: S-SE
Photo by: S. Townsend
Exposure #: 009
Comments:
Shed, equipment, parts wood, metal and old garage (being converted to house according to Mr. Bruley)



Date: Jan. 7, 2005
Time: 13:22
Direction: SE
Photo by: S. Townsend
Exposure #: 010
Comments:
Vehicles, trailers and metal.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

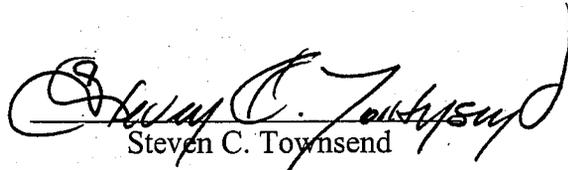
AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 Harold Bruley)
)
 Respondent.)

IEPA DOCKET NO.

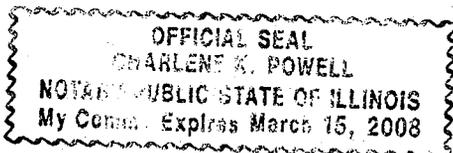
Affiant, Steven C. Townsend, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 7, 2005, between 2:04 PM and 2:24 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Macoupin County, Illinois, and known as Virden/Bruley by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1174105030 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Virden/Bruley 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 Virden/Bruley open dump.


 Steven C. Townsend

Subscribed and Sworn To before me
 This 7th day of January, 2005

Charlene K. Powell



PROOF OF SERVICE

I hereby certify that I did on the 9th day of February 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: Harold Bruley
850 West Jackson
Virden, Illinois 62690

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



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