

RECEIVED
CLERK'S OFFICE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AUG 26 2004

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, 312-814-5026

STATE OF ILLINOIS
Pollution Control Board

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR



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

August 24, 2004

AC05-18

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

Re: Illinois Environmental Protection Agency v. William Shrum
IEPA File No. 409-04-AC; 1458420001—Perry County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

INFORMATIONAL NOTICE !!!

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.**

RECEIVED
CLERK'S OFFICE
AUG 26 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
WILLIAM SHRUM,)
)
Respondent.)

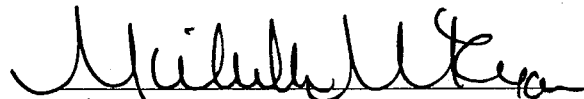
AC 05-18
(IEPA No. 409-04-AC)

NOTICE OF FILING

To: William Shrum
6694 Shamrock Road
Tamaroa, Illinois 62888

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: August 24, 2004

RECEIVED
CLERK'S OFFICE

AUG 26 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
WILLIAM SHRUM,)
)
)
)
)
Respondent.)

AC 05-18
(IEPA No. 409-04-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 William Shrum ("Respondent") is the present operator of a facility located approximately 3 ½ miles northwest of Tamaroa, Perry County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Tamaroa/William Shrum #2.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1458420001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on July 2, 2004, Kent Johnson of the Illinois Environmental Protection Agency's Marion 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 Kent Johnson during the course of his July 2, 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).

- (2) That Respondent 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

On September 6, 2001, the Board found William Shrum in violation of Section 21(p)(1) of the Act in AC 02-01.

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 that violation. 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 the violation of 21(p)(7) of the Act, 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 September 15, 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 *to me*
Illinois Environmental Protection Agency

Date: 8/24/04

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

WILLIAM SHRUM)

Respondent.)

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Kent Johnson, 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 July 2, 2004, between 2:15 P.M. and 2:50 P.M., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Perry County, Illinois, and known as the William Shrum # 2 site by the Illinois Environmental Protection Agency. Said site has assigned site code number 1458420001.

3. Affiant inspected said William Shrum # 2 site by an on-site inspection which included walking and photographing the site.

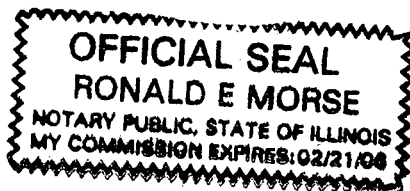
4. As a result of the material actions referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said William Shrum # 2 site.

Kent Johnson

Subscribed and Sworn to before me

this 3rd day of August, 2004.

Ronald E. Morse
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Perry LPC#: 1458420001 Region: 7 - Marion
 Location/Site Name: Tamaroa/William Shrum # 2
 Date: 07/02/2004 Time: From 2:15 PM To 2:50 PM Previous Inspection Date: _____
 Inspector(s): K. Johnson, P. Clapp (Perry Co.) Weather: Partly cloudy, warm, dry soil
 No. of Photos Taken: # 8 Est. Amt. of Waste: ~ 500 yds³ Samples Taken: Yes # _____ No
 Interviewed: None (no one on-site) Complaint #: C-04-150-M

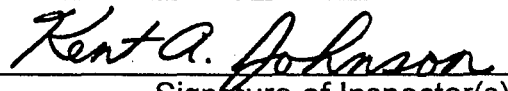
Responsible Party Mailing Address(es) and Phone Number(s):	William Shrum 6694 Shamrock Road Tamaroa, IL 62888-2149 618/496-3630	<div style="border: 1px solid black; padding: 10px; transform: rotate(-10deg);"> <p>RECEIVED AUG 04 2004 IEPA-DLPC</p> </div>
---	---	--

	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	<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	<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 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 # 1458420001

Inspection Date: 07/02/2004

	(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 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"/>



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

Bureau of Land

LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
Inspector K. Johnson
July 2, 2004
FOS File

Complaint Inspection Report Narrative

This unpermitted site was inspected on July 2, 2004 by this author representing the Agency. The inspection was conducted in response to a complaint alleging the open dumping of solid waste including demolition debris and pallet pieces. The inspection was conducted from approximately 2:15 to 2:50 P.M., and I took eight photos during that time. No interviews were conducted and no samples were taken during the inspection. Weather at the time of the inspection was partly cloudy and warm with dry soil conditions. Mr. Paul Clapp of the Perry County Solid Waste Authority accompanied me during this inspection.

General Remarks

This site is located in Perry County, Illinois approximately 3 ½ miles northwest of Tamaroa. The site sits north of the intersection of Shamrock and Corgan Roads. William Shrum, 6694 Shamrock Road, Tamaroa, IL 62888, apparently owns the property; Mr. Shrum's phone number is 618/496-3630. Mr. Shrum also reportedly operates a pallet recycling business out of the same address as his residence. The name of the company is Pre-Fab Recycled Pallet Company, and the phone number is 618/496-3600. According to records obtained from the Perry County Supervisor of Assessments and County Clerk's offices, Mr. Shrum became the owner of this property on February 19, 2004 (PIN # 1-42-0250-041; Book 763, Page 298). Complainant information indicates that waste was brought to this site since that time.

Inspection Findings

Mr. Clapp and I arrived at the site, noting a lack of vegetation and debris in the reported area of concern. After making observations from off-site, we entered the property and began to make closer observation of waste on the site. Waste noted included demolition debris and what appeared to be pallet boards {Photos 001, 003-005}. Other waste included metal, a tire, and what may be a mattress {Photo 002}. The debris had been spread throughout an area that was estimated to be 90' wide and 75' back into the property {Photos 006-007}; the material had apparently been spread in a manner to level a low area {Photo 008}. The maximum depth at the back of the area was approximately 4', as estimated by observations of a vertical drop at the north end.

Part of the waste was charred, indicating that it had been burned. However, the surrounding area was not scorched; as such, the waste may have been burned elsewhere and brought to this

**LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
July 2, 2004 complaint investigation**

location for disposal. Vehicle tracks were observed throughout the area, and there was no on-site source of generation; therefore, the waste is believed to be from off-site.

Summary of Inspection Findings

This site is northwest of Tamaroa, east of Mr. Shrum's residence/business at 6694 Shamrock Road. Mr. Shrum owns this property; as such, the following apparent violations are being cited against Mr. Shrum as the responsible party for this site. It is noted that similar violations have previously been cited against Mr. Shrum and/or his business, Pre-Feb Recycled Pallet Company.

Sections 21(a), 21(p)(1), and 21(p)(7) are being cited because waste, including demolition debris and pallet pieces, have been open dumped resulting in litter at this facility.

Sections 21(d)(1) and 812.101(a) are being cited because this facility does not have a permit to accept waste, nor is there any evidence that an application has been submitted to seek such a permit.

Sections 21(d)(2) and 21(e) are being cited because violations of the Act and Board regulations were observed at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

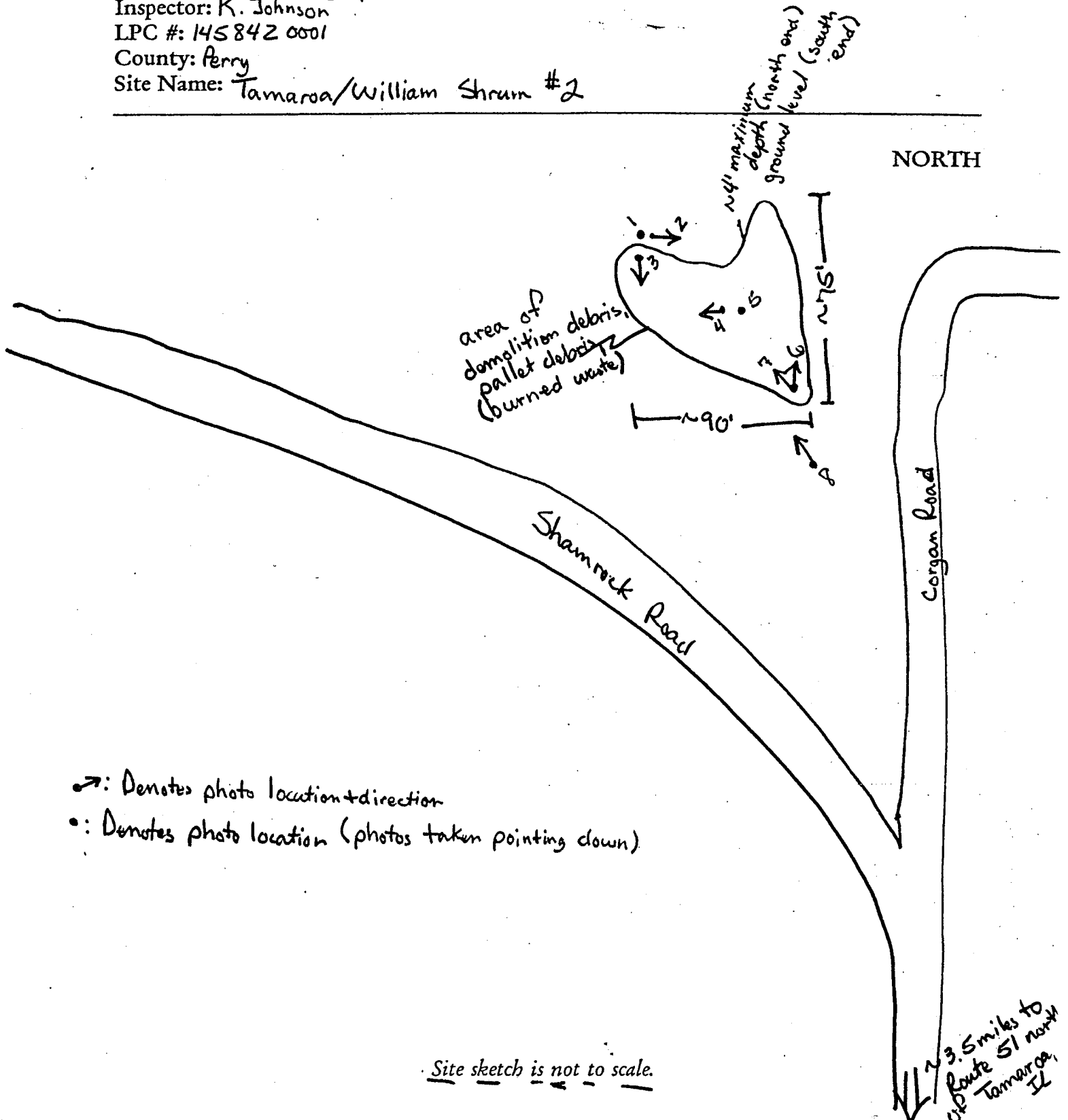
Inspection Date: July 2, 2004

Inspector: K. Johnson

LPC #: 145842 0001

County: Perry

Site Name: Tamaroa/William Shrum #2



NORTH

area of demolition debris, pallet debris (burned waste)

Shamrock Road

Corgan Road

→: Denotes photo location + direction

•: Denotes photo location (photos taken pointing down)

Site sketch is not to scale.

3.5 miles to up Route 51 north Tamaroa, IL

LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 7/2/04
TIME: 2:40 PM
DIRECTION: Down
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-001
COMMENTS:



DATE: 7/2/04
TIME: 2:42 PM
DIRECTION: East-
southeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-002
COMMENTS:



LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 7/2/04
TIME: 2:42 PM
DIRECTION: South
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-003
COMMENTS:



DATE: 7/2/04
TIME: 2:43 PM
DIRECTION: West
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-004
COMMENTS:



LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 7/2/04
TIME: 2:44 PM
DIRECTION: Down
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-005
COMMENTS:



DATE: 7/2/04
TIME: 2:45 PM
DIRECTION: North
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-006
COMMENTS:



LPC # 1458420001 — Perry County
Tamaroa/William Shrum # 2
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 7/2/04
TIME: 2:45 PM
DIRECTION: Northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-007
COMMENTS:



DATE: 7/2/04
TIME: 2:47 PM
DIRECTION: Northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1458420001~07022004-008
COMMENTS:



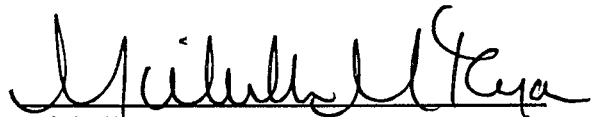
PROOF OF SERVICE

I hereby certify that I did on the 24th day of August 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: William Shrum
6694 Shamrock Road
Tamaroa, Illinois 62888

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