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MAR 21 2005

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACOS-60

**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

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MAR 21 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
KEN EDWARDS, )  
 )  
Respondent. )

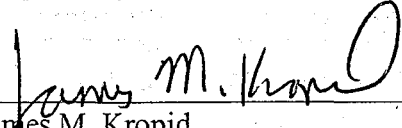
AC 05-60  
(IEPA No. 52-05-AC)

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,

  
\_\_\_\_\_  
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 14, 2005



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 Three Thousand Dollars (\$3,000.00). 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 April 15, 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 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.

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  
Illinois Environmental Protection Agency

Date: \_\_\_\_\_

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

REMITTANCE FORM

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**MAR 21 2005**

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

KEN EDWARDS,

Respondent.

AC *05-60*  
(IEPA No. 52-05-AC)

FACILITY: Woodburn/Edwards

SITE CODE NO.: 1178045001

COUNTY: Macoupin

CIVIL PENALTY: \$3,000.00

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. )  
)  
Ken Edwards )  
Respondent )  
)  
)

IEPA DOCKET NO.

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

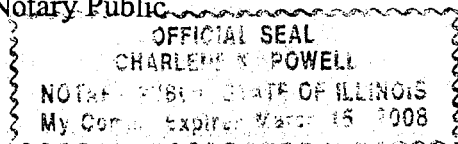
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 24, 2005 between 3:10 p.m. and 3:40 p.m., Affiant conducted an inspection of an open 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.

*Jan Mier*

Jan Mier

Subscribed and Sworn to Before Me  
this 31<sup>st</sup> day of January 2005

*Charlene K. Powell*  
Notary Public







LPC # 1178045001

Inspection Date: 1/24/05

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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	
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	
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"/>
<b>OTHER REQUIREMENTS</b>			
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"/>
			<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#1178045001 - Macoupin County  
Woodburn/Edwards  
FOS File**

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

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.

We departed at 3:40 p.m.

cc: DLPC/FOS – Springfield Region

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STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

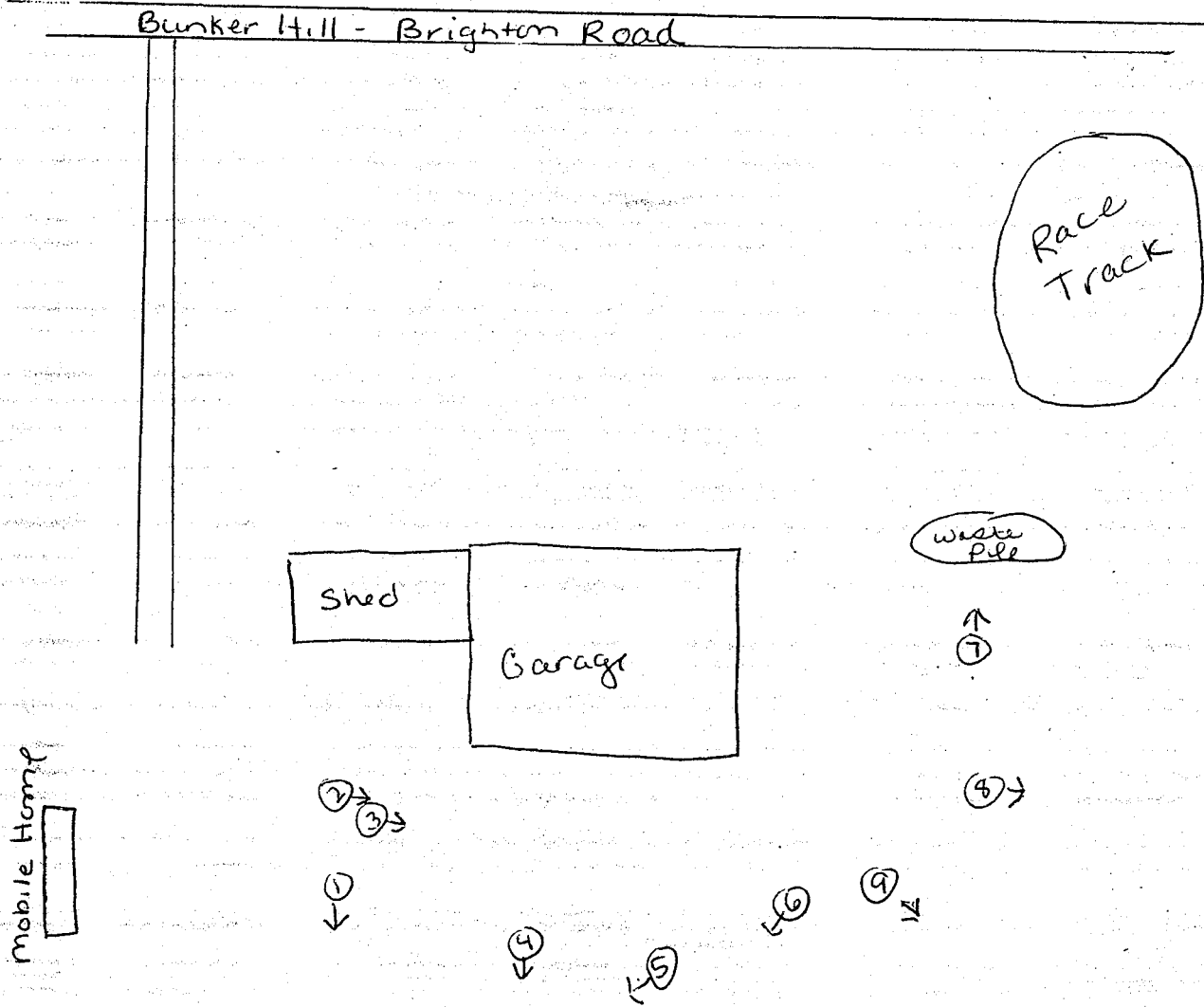
SITE SKETCH

Date of Inspection: 1/24/05  
Site Code: LPC#1178045001  
Site: Woodburn/Edwards

Inspector: Jan Mier  
County: Macoupin  
Time: 3:10 p.m. - 3:40 p.m.

Measurements Approximate  
Direction of Photo →  
Not to Scale

NORTH





## DIGITAL PHOTOGRAPHS



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

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



## 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



## 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



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

Pallets and lumber

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



## 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



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

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





**DIGITAL PHOTOGRAPHS**



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

**Unlicensed vehicles  
and parts**

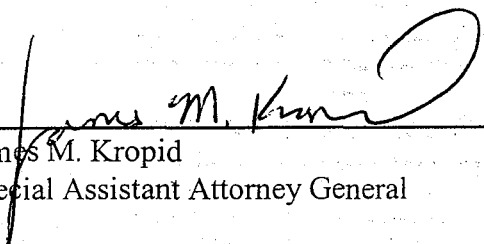
**PROOF OF SERVICE**

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

  
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