

**RECEIVED**  
CLERK'S OFFICE

JUL 19 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACOS-08

**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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JUL 19 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 TED HARRISON and GERALD S. GILL, )  
 )  
 Respondents. )

AC 05-08  
 (IEPA No. 330-04-AC)

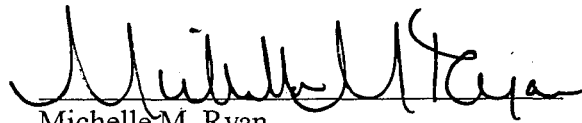
NOTICE OF FILING

To: Ted Harrison  
 P.O. Box 3185  
 Quincy, Illinois 62305

Gerald S. Gill  
 100 Redbud Road, P.O. Box 200  
 Virginia, Illinois 62691

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: July 16, 2004

**JUL 19 2004**

**STATE OF ILLINOIS**  
**Pollution Control Board**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
TED HARRISON and GERALD S. GILL )  
 )  
 )  
 )  
Respondents. )

AC 05-08  
(IEPA No. 330-04-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 Ted Harrison is the former owner and operator, and Gerald S. Gill is the current owner (collectively "Respondents") of a facility located east of Garner Road in the SE quarter of Section 35, T. 18 N, R 10 W, in Sangamon Valley Township, Cass County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Virginia/Ted Harrison Oil.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0170255004.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on May 26, 2004, David C. Jansen of the Illinois Environmental Protection Agency's Springfield 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 David C. Jansen during the course of his May 26, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 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), Respondents are 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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than August 13, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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 Respondents fail to petition or elect 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, Respondents' 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents shall file a 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 wee*  
Illinois Environmental Protection Agency

Date: 7/16/04

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. )

IEPA DOCKET NO. )

Ted Harrison, and )  
Gerald S. Gill )

Respondents. )

Affiant, *David C. Jansen*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a Regional Manager and 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 May 26, 2004 between 1:55 p.m. and 3:05 p.m., Affiant conducted an inspection of an open dump, located in Cass County, Illinois and known as *Virginia/Ted Harrison Oil* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 0170255004 by the Agency.

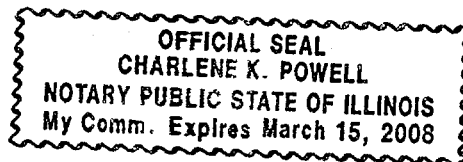
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.

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.

*David C. Jansen*  
\_\_\_\_\_  
David C. Jansen

Subscribed and Sworn to Before Me  
this 29 day of June, 2004

*Charlene K. Powell*  
\_\_\_\_\_  
Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: CASS LPC#: 0170255004 Region: 5 - Springfield  
 Location/Site Name: VIRGINIA/TED HARRISON OIL  
 Date: 05/26/2004 Time: From 1:55 pm To 3:05 pm Previous Inspection Date: 12/03/2003  
 Inspector(s): DAVID C. JANSEN, WILLIAM ZIERATH Weather: 70 F, sunny, muddy  
 No. of Photos Taken: # 15 Est. Amt. of Waste: 300+ yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: No one Complaint #:     

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

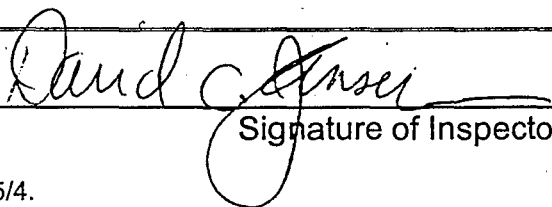
Ted Harrison Box 3185 Quincy, IL 62305 217-228-7918	Gerald S. Gill 100 Redbud Road Box 200 Virginia, IL 62691 217-323-2840
--	--

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 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 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 # 0170255004

Inspection Date: 05/26/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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 type="checkbox"/>
<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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input checked="" type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input checked="" 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"/>

  
\_\_\_\_\_  
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  
Soil Treatment Facility Inspection Checklist**

County: **CASS**                      LPC#: **0170255004**                      Region: **SPRINGFIELD**

Location/Site Name: **VIRGINIATED HARRISON OIL CO.**

Date: **05/26/2004**                      Time: From **13:55** To **15:05**                      Previous Inspection Date: **12/3/2003**

Inspector(s): **David C. Jansen, William Zierath**                      Weather: **Sunny, 70°F, Muddy**

No. of Photos Taken: **18**                      Samples Taken:                      Yes#                      No **X**

Interviewed: **No one**                      Complaint #:

Owner/Operator Mailing Address(es) and Phone Number(s):	TED HARRISON OIL CO., INC. 49 <sup>th</sup> and Kochs Lane P.O. Box 3185, Quincy, IL 62305 217-228-7918	TED HARRISON OIL CO., INC. 49 <sup>th</sup> and Kochs Lane P.O. Box 3185, Quincy, IL 62305 217-228-7918
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**PERMIT No: 1995-084-DE/OP & 1997-332**

	SECTION	DESCRIPTION	VIOL.
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	12(f)	NPDES PERMIT	
6.	21(a)	CAUSE OR ALLOW OPEN DUMPING	
7.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<b>X</b>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
8.	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	

9.	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	
	(2)	Scavenging	
	(3)	Open burning	
	(4)	Deposition of waste in standing or flowing waters	
	(5)	Proliferation of disease Vectors	
	(6)	Standing or flowing discharge from the dump site	
	(7)	Deposition of general or clean construction or demolition debris	
<b>OTHER REQUIREMENTS</b>			
10.		APPARENT VIOLATION OF: ( ) IPCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
11.	OTHER:	848.202(b)(5) - storing tires without preventing accumulation of water within 14 days of receipt	X
		55(c) – failure to notify of tire storage activities	X
		55(d) – failure to register as a tire storage site	X
12.	PERMIT CONDITION:	Permit No. 1997-332 - Failure to meet clean up objectives and complete closure of the facility by November 1, 1998 in accordance with Special Condition 31 of Permit No. 1995-084-DE/OP (as modified and issued on 1/4/96)	X
	PERMIT CONDITION:	Special condition #15 of Permit No. 1995-084-DE/OP & 1997-332 - Applying waste within 200 feet of a private well	X
	PERMIT CONDITION:	Special Condition #4 of Permit No. 1995-084-DE/OP & 1997-332 – Soil exceeding clean up objectives not removed and disposed at a permitted landfill	X
	PERMIT CONDITION:	Special Condition #24 of Permit No. 1995-084-DE/OP & Permit No. 1997-332 – failure to make facility operating record immediately available upon request (requested 1/4/01)	X
	PERMIT CONDITION:	Special Condition #18 of Permit No. 1995-084-DE/OP & Permit No. 1997-332 – Failure to bioremediate soil and continue process until cleanup objectives are met or soil removal is required	X
	PERMIT CONDITION:	Special Condition #32 of Permit No. 1995-084-DE/OP & Permit No. 1997-332 – modifying facility without submitting application for supplemental permit	X
		The facility had placed “clean” soil in an area south of the soil treatment area instead of in the “clean soil area” as specified in their Permit No. 1995-084 application	X

	The facility has not constructed a perimeter berm to a height sufficient to prevent run-on or run-off of surface water as specified in their application for Permit No. 1995-084 DE/OP	X
--	--	---

Signature of Inspector(s) David C. Hunter Wt EJ

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
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).

**BOL/FOS SPRINGFIELD REGION  
MEMORANDUM**

**DATE:** June 23, 2004  
**TO:** DLPC/Division File  
**FROM:** David C. Jansen, BOL/FOS Springfield Region Manager  
**SUBJECT:** LPC # 0170255004 - Cass County  
Virginia/Ted Harrison Oil  
FOS File

On May 26, 2004, accompanied by Bill Zierath, BOL/FOS Springfield Region, I inspected the above site, which contains an Illinois EPA permitted soil treatment facility, and open dumped waste (see attached aerial photos, and site diagram from the Log No. 1995-084 permit application for the site location). We arrived at the north end of the soil treatment portion of the site at about 1:55 p.m. It was about 70°F, sunny, and very muddy in the treatment cell. The gate to the soil treatment area was open, and no one was on site when we arrived.

I noted that 2 truck trailers, a corn planter, and a blue Ford Pickup had been added to the area south of the gate, but north of the treatment area. In this same area was a previously seen IH Fleet Star dump truck containing approximately 120 off rim used tires (see attached photo # -001). This truck had a new State of Illinois Antique Vehicle (AV) plate, # 85-983 AV, expiration date 12/04, on it. The off rim tires in this truck contained water. The tires inside this truck are shown in the attached photo # -003.

The blue Ford pickup truck was without rear tires, and was supported by a stack of 4 on rim used tires at each corner of its rear bumper. 2 on rim used tires were leaning against the stacks of tires also (see attached photo # -002).

Just west of the Ford pickup was an old Ford fuel tanker truck (see attached photo # -004), that was not plated. Proceeding west of the fuel truck, and parked in the weeds along the north edge of the soil treatment area were: a red Chevy dump truck, license plate 85 984 AV, containing 5 on rim used tires; a red Ford dump truck, license plate 85 985 AV, containing 18 off rim used tires, some of which contained water (see attached photo # -005); a red Chevy dump truck, license plate 85 980 AV, containing 9 off rim used tires, a small tree growing through the bed, and miscellaneous junk; a brown Ford pick up truck, license plate 85 982 AV, containing a vehicle rear end, and other junk (see attached photo # -006); and a faded green Chevy truck, license plate 85 986 AV, containing miscellaneous junk. These old trucks have been seen during previous inspections in the same location. The trucks are parked right at the north edge of the bare soil in the permitted soil treatment area (see attached photo # -007).

North of the aforementioned line of trucks was a white Ford flat bed truck, that was not plated; and a blue and white Ford panel or step van, license plate 85 979 AV, containing miscellaneous junk. All the antique vehicle license plates observed had not been seen during previous inspections, looked new, and had expiration dates of 12/04. There was

no indication that any of the trucks that now had antique plates had been recently worked on, repaired, or moved.

North of the Ford panel van were 2 small pick up trucks and 2 small cars seen during previous inspections in the same location.

At the west edge of the permitted soil treatment area was the leachate tank, with its attached fill pipe leading west from the treatment area, and an open standpipe in the center of the tank (see attached photo # -008). The tank was full of liquid, as observed through the standpipe.

Near the SW corner of the permitted soil treatment area was an area where drainage off the treatment area to the west had eroded soil (see attached photo # -009), and exposed the underlying plastic liner and a rubber drain hose (see attached photo # -010). There was standing water in this south part of the treatment area, which was very muddy (see attached photos # -011 & -012). There were large rubber tire tracks visible in the bare soil of the treatment area.

South of the permitted treatment area was a large area of bare soil, where run-off drains toward a weedy ravine to the south (see attached photo # -013). There were large rubber tire tracks visible in the soil. Soil from the center of this area had eroded into the north end of a weedy ravine (see attached photo # -015). To our recollection this area had not been used previously for the deposit of soil removed from the treatment area. This bare soil area had the rough shape of a bow tie.

A soil disc was parked on bare soil next to the rubber tired soil scraper that was located south of the SW corner of the permitted soil treatment area (see attached photo # -014). The scraper is apparently used to pick up presumably treated soil from the permitted treatment area, and deposit it south of the permitted treatment area. The disc is apparently used to till the soil in the permitted treatment area. The area where the disc and scraper were parked has been used for the deposition of soil removed from the permitted treatment area in the past. Most of it was weedy on this day.

Soil had eroded (see attached photo # -016) near the NE edge of the bare soil area that was shown in photo # -013. The soil has been eroded by run-off from the SE corner of the permitted treatment area (see attached photo # -017). Drainage is down a ravine toward a neighbor's pond to the east.

Per the approved 1995-084 permit application, the treatment area was supposed to have perimeter berms that were to be "constructed to a height sufficient to prevent run-on or run-off of surface water." Photos # -009, -010, -016 & -017 show that run-off from the treatment area is not being prevented. Soil erosion has also been noted on the slope uphill of the leachate tank in the past. Information about the run-off from the permitted portion of the facility will be forwarded to the Illinois EPA's Bureau of Water for their information and review.

East of the NE corner of permitted soil treatment area, approximately 60 feet away, is a neighbor's private well in the lawn (see attached photo # -018). The lawn is down slope of the permitted treatment area. The neighbor's fence is approximately 21 feet from the edge of the bare soil. According to the site permit, condition # 15, waste was prohibited from being applied within 200 feet of any private wells. The well will need to be sampled to verify whether it has been contaminated by any activities at the permitted area.

Any recent activity at the Illinois EPA permitted portion of the site appears to have been limited to tilling, removing and depositing soil. The Illinois EPA has received no analytical data from any recent sampling of any soil in or outside the treatment area. Information requested, and the work required to be performed by the site's permit, as outlined in Violation Notice L-2000-01410, dated January 4, 2001, have not been submitted or completed. It appears that soil has been recently removed from the treatment area and placed in the aforementioned bare soil area that drains toward ravines south of the treatment area.

Per the attached Illinois Secretary of State Corporation File Detail Report, Ted Harrison Oil Co., Inc. is in good standing, and its registered agent is Margaretta Harrison.

We left the permitted treatment area at about 2:30 p.m., and went to the Gerald S. Gill property (see attached aerial photo) formerly owned by Ted and Margaretta Harrison to check on the progress of clean up there. During past inspections, I have found Mr. Harrison at this location, removing wastes and other items, rather than at the permitted portion of the site. No one was at this location when we arrived.

Per a Warranty Deed filed in Cass County on August 5, 2002, Ted and Margaretta Harrison deeded this portion of the site to Mr. Gill on July 20, 2002. Discarded wastes, including general refuse, lumber, scrap metal, old farm equipment, rusty tanks, old trucks, cars, and semi-trailers, old fuel pumps, a large number of used tires, concrete, brick, and chemical wastes in drums and other containers were first observed by the Illinois EPA on what is now the Gill property on May 30, 2002, prior to the sale of the property.

As a result of that inspection, a Violation Notice dated July 19, 2002 was sent to Mr. Harrison. Mr. Harrison's attorney, Stephen Hedinger, sent a September 5, 2002 response to the VN to the Illinois EPA. That response was rejected by the Illinois EPA in a letter dated September 25, 2002. In this letter, Mr. Hedinger was informed that the Illinois EPA still held Mr. Harrison responsible for the waste that he left on the property. This responsibility to finish clean up on the property was reiterated to Mr. Harrison in an Illinois EPA letter to Mr. Harrison dated July 2, 2003, and in a letter to Mr. Harrison and Mr. Gill dated December 19, 2003. In the December 19, 2003 letter, Mr. Gill and Mr. Harrison were also advised that Mr. Gill was also responsible for cleaning up any waste on his property, and that failure to do so could result in an Administrative Citation against both men. No response to this letter has been received.



Much progress has been made removing the aforementioned wastes, but receipts or manifests documenting proper disposal or recycling of all the wastes removed to date have not been provided. In addition, much waste remains to be removed and properly disposed, as noted below.

Upon arrival at Mr. Gill's property, we noted an open dumped pile of about 20 cubic yards in volume containing wood, metal, wallboard, 3 rolls of wood fencing, clay tile, a window frame, and concrete blocks located NE of the maintenance shed on the Gill property (see attached photo # -019).

Near the aforementioned pile on the ground were scattered wood and wallboard, a seat cushion, metal, and insulation (see attached photo # -020) next to a semi-trailer, which was not plated, and had its tires partially buried in the ground. Nearby, inside a rusty semi-trailer that had no roof, and which was not currently plated, were 4 old refrigerators, a washer, a dryer, and other old equipment (see attached photo # -021).

Northeast of the semi-trailers, along a weedy fence and tree line south of the access road were discarded tire sidewalls, and cut sections of used tires, some of which were holding water (see attached photo # -022). The tire sidewalls in this photo were also depicted in photo # -003 taken on November 6, 2003. I estimated there were approximately 10 to 20 cubic yards of sidewalls and cut used tires here. Following the fence and tree line further to the northeast, were more discarded tire sidewalls, cut tire sections, used tires on rim, treads, inner tubes, and some whole off rim used tires containing water. I estimated there were approximately 60 to 80 cubic yards of used tires or parts of used tires scattered here (see attached photos # -023, -024, & -025).

North of the aforementioned tires and access road, were a pile of lumber and drywall, a stack of 10 used car tires off rim, a pile of carpeting, and a stack of 9 used spare car tires and 1 used truck tire on rim, all shown in attached photo # -026.

Southwest of the maintenance shed on site wood chips have been discarded down the slope of the ravine south of road near the site entrance (see attached photos # -027 & -030). Other wastes such as lumber, metal, cardboard, and plastic have been observed discarded in this ravine in the past, as noted in photos # -003 & -004 taken on December 17, 2002. Thick weeds prevented us from seeing, or traveling safely to, the bottom of the ravine.

West of this ravine, piled up outside the gate at the entrance was a 15-yard long by 12-foot wide by 4-foot high pile containing concrete, brick, dirt, asphalt, wood and metal (see attached photo # -028). An old house trailer that was seen during previous inspections parked north of the road at the site entrance was no longer present.

North of the aforementioned ravine, a pallet and a pile of wood chips (see attached photo # -029) had been discarded at the top of and down the slope of a ravine north of the access road. Running water could be heard down in the ravines on both sides of the

access road. The flowing water, and whether any waste was in it, could not be seen due to heavy vegetation.

Amidst tall weeds on the south side of the access road, south of the SW corner of the maintenance shed, were an empty drum, a drum with unknown liquid inside, and discarded sheet metal (see attached photo # -031).

It should be noted that drums and containers of unknown chemical wastes that were first discovered here during the May 30, 2002 inspection, and which were one of the subjects of the Violation Notice dated July 19, 2002 sent to Mr. Harrison, have not been accounted for. Mr. Hedinger, in his September 5, 2002 response to the VN, stated that Harrison Oil had retained consultants to analyze the contents of the drums and containers, and determine whether they were hazardous or special wastes (per 35 I.A.C. 722.111 and 808.121 requirements). Those results have not yet been submitted, and the disposition of those drums and containers and their contents has not been determined.

Near the NW corner of the maintenance shed were some piles containing discarded old lumber, plastic pipe, and a blue drum with a hole in it (see attached photos # -032 & -033).

We left the site at about 3:05 p.m.

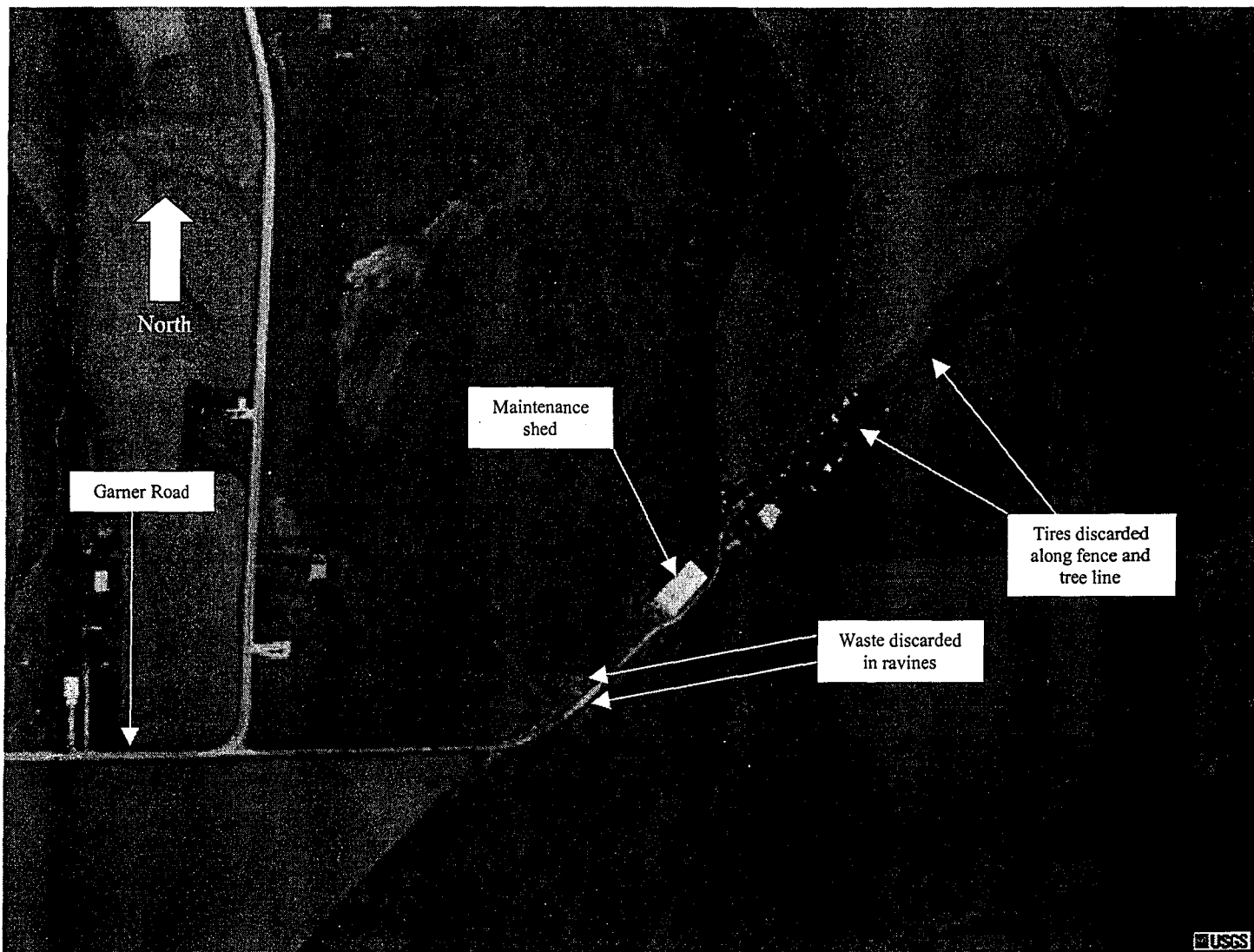
Apparent violations noted at the unpermitted portion of the site are listed in the attached open dump inspection checklist.

Apparent violations noted at the permitted portion of the site are listed in the attached soil treatment facility inspection checklist.

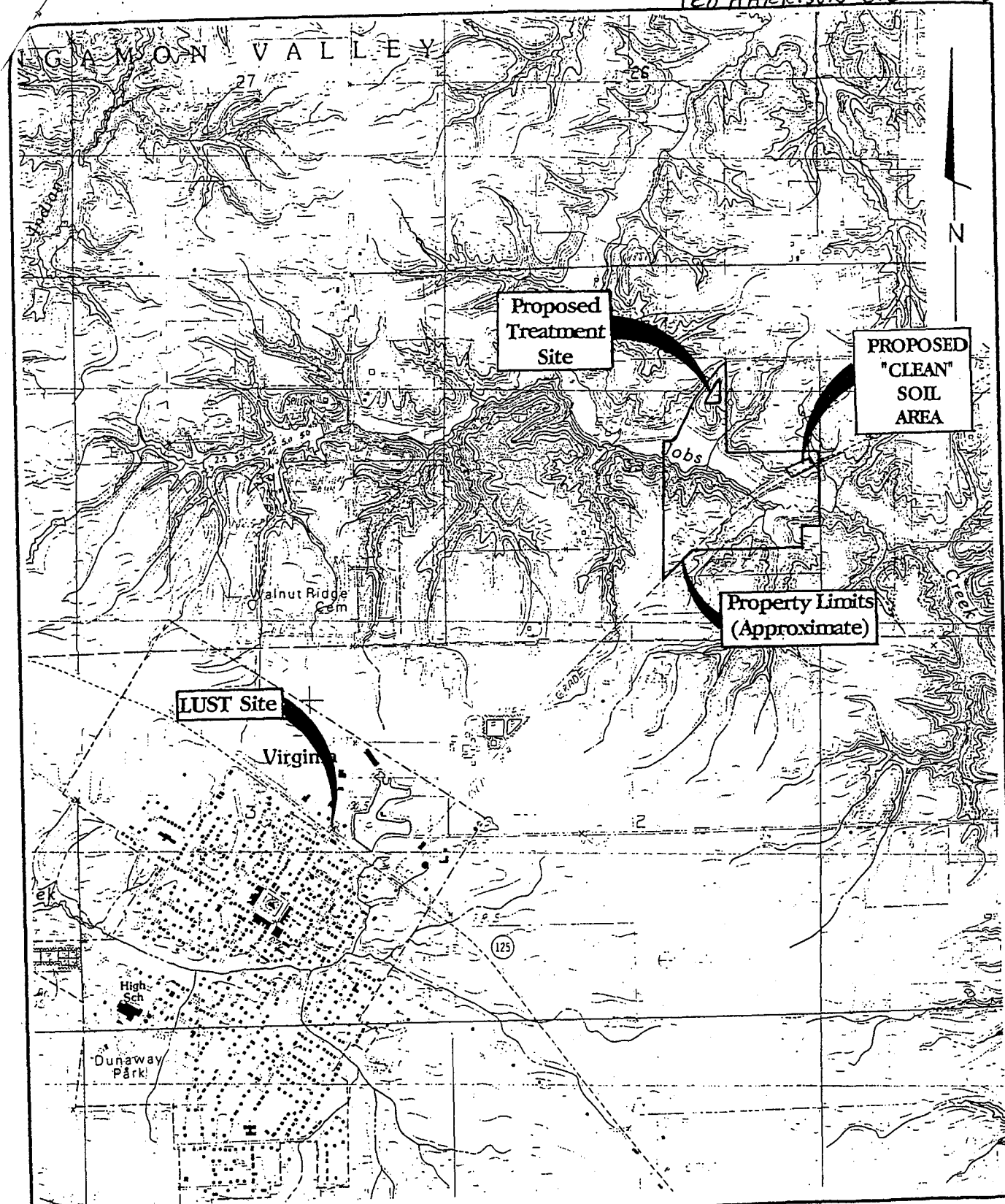
cc: DLPC/FOS – Springfield Region  
DWPC/FOS – Springfield Region  
DLC, Greg Richardson  
IAGO, Del Haschemeyer

LPC # 0170255004 – Cass County  
Virginia/Ted Harrison Oil Company  
FOS File

April 5, 1998 USGS aerial photo



LP# 0170255004  
TED HARRISON OIL FDS file



**RAPPS**

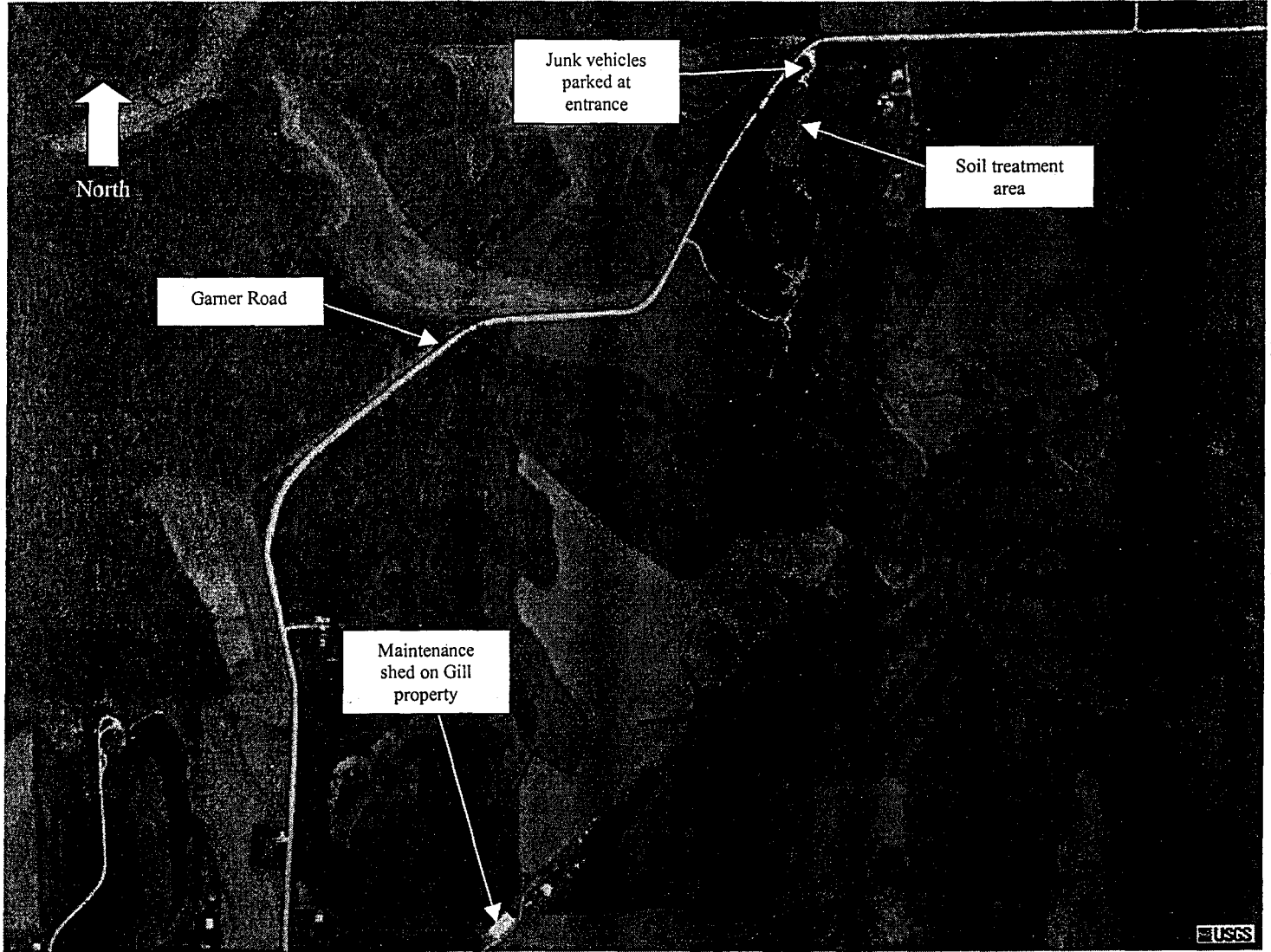
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1601 BROADWAY • MT. VERNON, IL 62864 • (618) 244-2611

**FIGURE 3-1**  
**SITE LOCATION MAP**  
**HARRISON OIL CO., INC.**  
**VIRGINIA, ILLINOIS**  
**INCIDENT #920778**

LPC # 0170255004 – Cass County  
Virginia/Ted Harrison Oil Company  
FOS File

April 5, 1998 USGS aerial photo





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 1:57 p.m.

**Direction:** N

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-001

**Comments:** IH dump truck  
containing approximately 120 off  
rim used tires, 2 trailers, and a corn  
planter parked inside gate at north  
entrance to IL EPA permitted soil  
treatment area



**Date:** 05/26/2004

**Time:** 1:58 p.m.

**Direction:** S

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-002

**Comments:** Ford pickup truck  
without rear tires, supported by a  
stack of 4 on rim used tires at each  
corner of rear bumper, plus 2 on  
rim used tires





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 1:59 p.m.

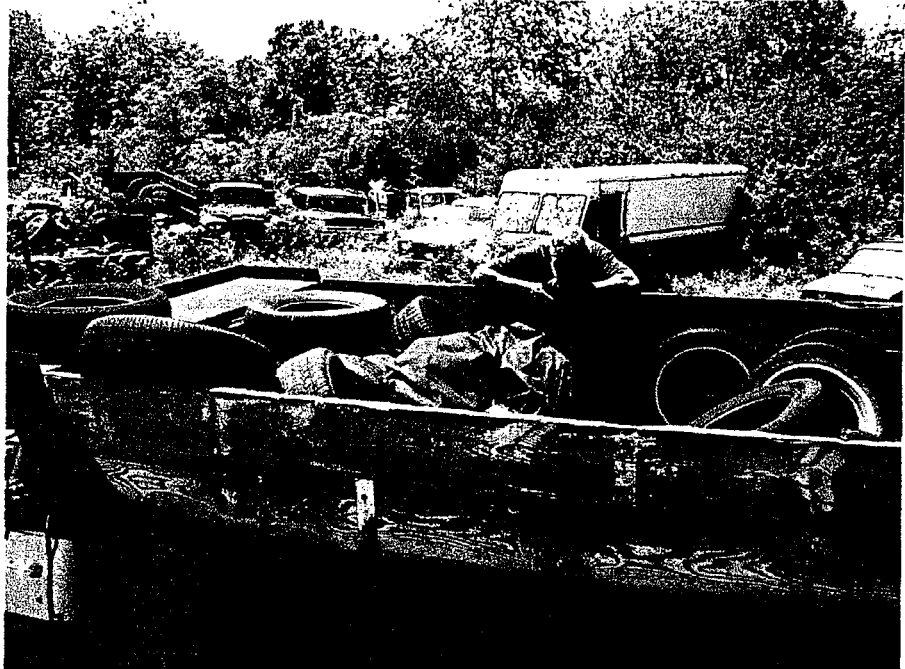
**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-003

**Comments:** uncovered used tires  
inside IH dump truck shown in  
photo # -001; trucks containing  
used tires in background



**Date:** 05/26/2004

**Time:** 2:00 p.m.

**Direction:** S

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-004

**Comments:** north end of  
permitted soil treatment area, Ford  
pick up truck, and old Ford fuel  
truck





## *DIGITAL PHOTOGRAPHS*

**LPC # 0170255004 — Cass County**  
**Virginia/Ted Harrison Oil**  
**FOS File**

**Date:** 05/26/2004

**Time:** 2:06 p.m.

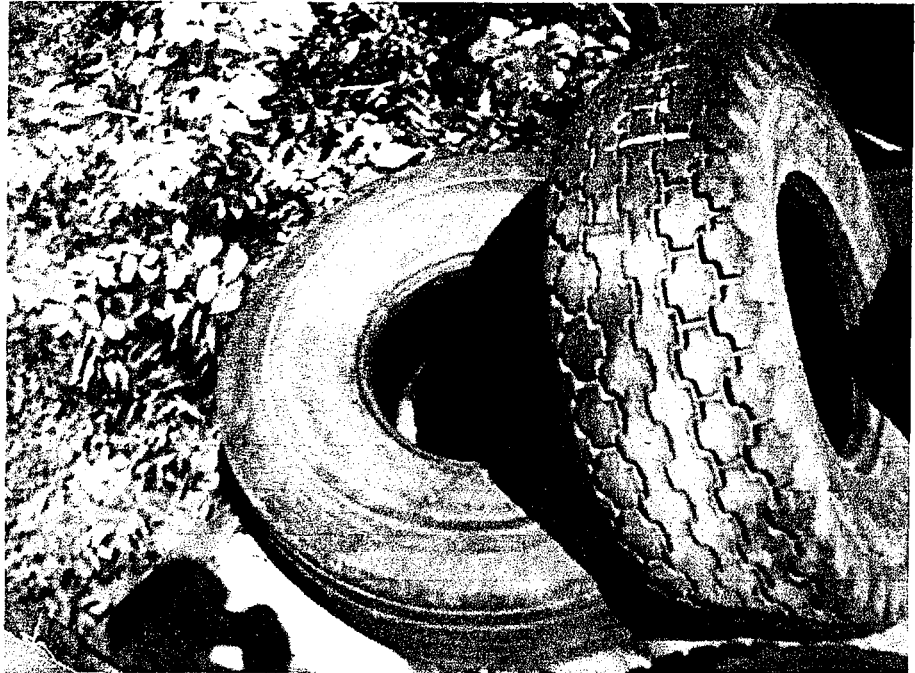
**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-005

**Comments:** used tires containing  
water at back end of truck



**Date:** 05/26/2004

**Time:** 2:11 p.m.

**Direction:** N

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-006

**Comments:** trucks parked just  
north of NW corner of permitted  
soil treatment area







## *DIGITAL PHOTOGRAPHS*

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:11 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-007

**Comments:** trucks parked at north edge of permitted soil treatment area



**Date:** 05/26/2004

**Time:** 2:13 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-008

**Comments:** leachate tank at west edge of permitted soil treatment area, with attached fill pipe at right and open stand pipe in center of tank





## *DIGITAL PHOTOGRAPHS*

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:14 p.m.

**Direction:** SW

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-009

**Comments:** area near SW corner  
of permitted soil treatment area  
where drainage to west has eroded  
soil and exposed plastic liner and  
rubber drain hose



**Date:** 05/26/2004

**Time:** 2:15 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-010

**Comments:** plastic liner and  
rubber drain hose exposed by  
erosion at location shown in photo  
# -009





## *DIGITAL PHOTOGRAPHS*

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:15 p.m.

**Direction:** N

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-011

**Comments:** SW corner of  
permitted soil treatment area



**Date:** 05/26/2004

**Time:** 2:15 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-012

**Comments:** south half of  
permitted soil treatment area





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:15 p.m.

**Direction:** E

**Photo by:** D.C. Jansen

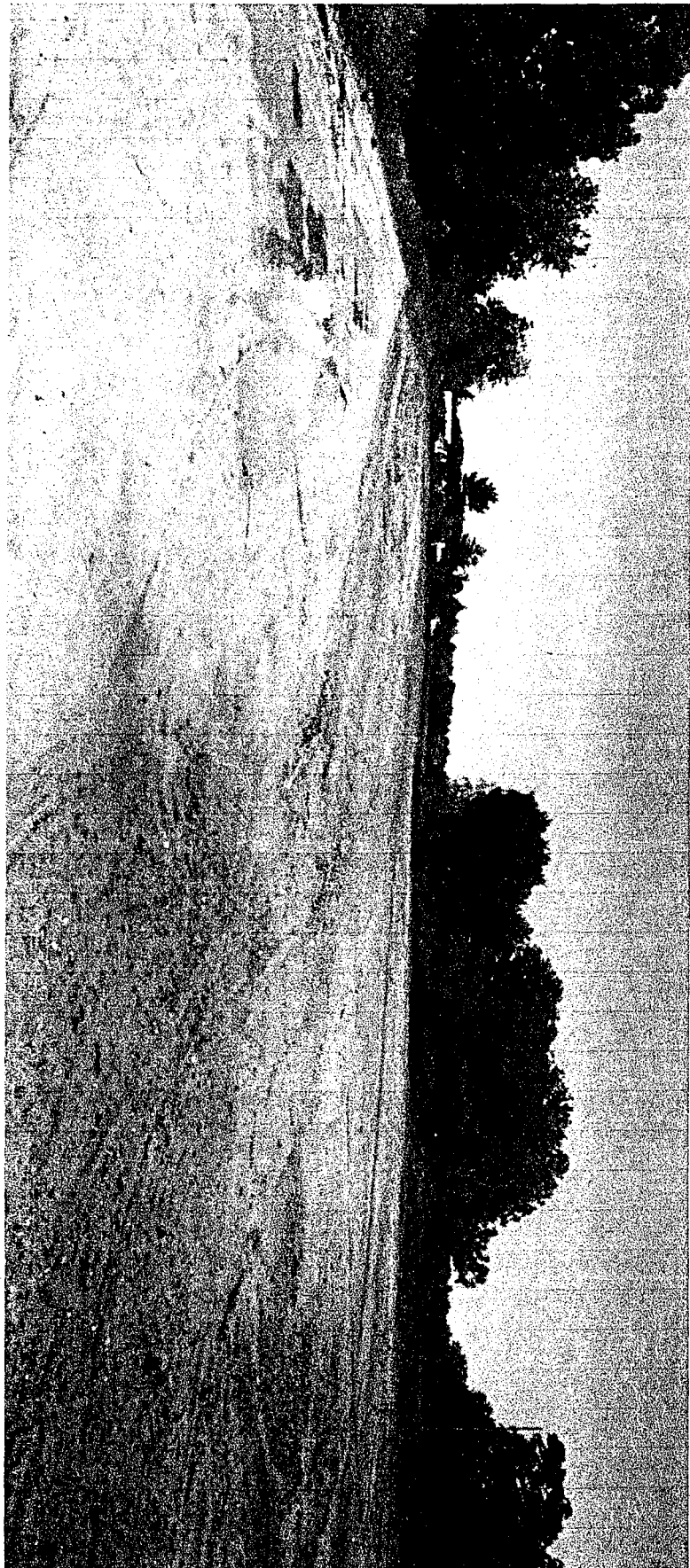
**Photo File Name:**

0170255004~05262004-011

-012 stitched

**Comments:** photos # -011 and

-012 stitched together





## *DIGITAL PHOTOGRAPHS*

LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File

**Date:** 05/26/2004

**Time:** 2:16 p.m.

**Direction:** E

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-013

**Comments:** area of bare soil south of permitted soil treatment area that drains toward weedy ravine at right



**Date:** 05/26/2004

**Time:** 2:16 p.m.

**Direction:** S

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-014

**Comments:** disc parked next to soil scraper located south of permitted soil treatment area





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:19 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-015

**Comments:** eroded area in bare  
soil area shown in photo # -013;  
soil scraper in background



**Date:** 05/26/2004

**Time:** 2:22 p.m.

**Direction:** E

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-016

**Comments:** soil eroding near NE  
edge of bare soil area. Drainage is  
toward neighbor's pond to east







## *DIGITAL PHOTOGRAPHS*

LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File

**Date:** 05/26/2004

**Time:** 2:23 p.m.

**Direction:** N

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004-05262004-017

**Comments:** eroded area also  
shown in photo # -016, and SE  
corner of permitted soil treatment  
area in background



**Date:** 05/26/2004

**Time:** 2:25 p.m.

**Direction:** N

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004-05262004-018

**Comments:** NE corner of  
permitted soil treatment area  
showing neighbor's fence, and well  
approximately 60 feet down slope  
to east





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:35 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-019

**Comments:** open dumped pile of wood, metal, wallboard, 3 rolls of wood fencing, clay tile, a window frame, and concrete blocks located northeast of shed on Gill property



**Date:** 05/26/2004

**Time:** 2:36 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-020

**Comments:** scattered wood, wallboard, a seat cushion, metal, and insulation next to semi-trailer also shown in photo # -019







## DIGITAL PHOTOGRAPHS

LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File

**Date:** 05/26/2004

**Time:** 2:39 p.m.

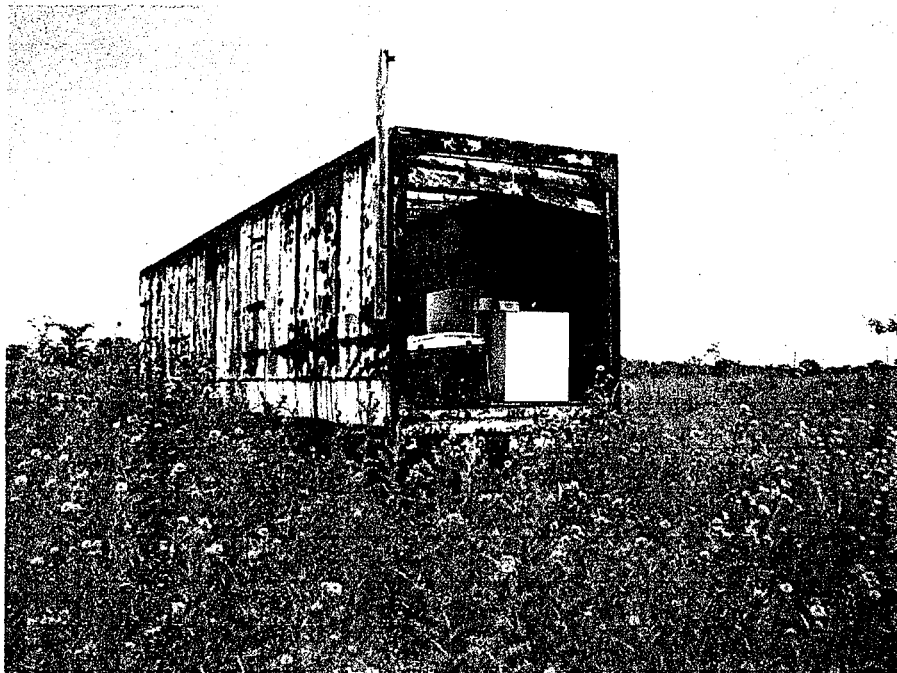
**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-021

**Comments:** rusty semi-trailer  
without a roof, containing 4 old  
refrigerators, washer, dryer, and  
other old equipment



**Date:** 05/26/2004

**Time:** 2:43 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-022

**Comments:** tire sidewalls, and cut  
sections of used tires, some  
holding water, discarded along  
fence line





## *DIGITAL PHOTOGRAPHS*

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:46 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-023

**Comments:** tire sidewalls, cut tires  
sections, and some whole off rim  
used tires discarded along fence  
line



**Date:** 05/26/2004

**Time:** 2:47 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-024

**Comments:** whole tires, on and off  
rim, and tire sidewalls discarded  
along fence line





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 2:48 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-025

**Comments:** tire inner tubes, tire sidewalls and whole used tires discarded along fence line



**Date:** 05/26/2004

**Time:** 2:51 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-026

**Comments:** pile of lumber, and drywall, stack of 10 off rim used tires to right of lumber, pile of carpeting, and stack of 9 spare on rim used tires and 1 used truck tire on rim in background to left of dead tree





## *DIGITAL PHOTOGRAPHS*

LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File

**Date:** 05/26/2004

**Time:** 2:56 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-027

**Comments:** wood chips discarded  
down slope of ravine south of road  
near site entrance



**Date:** 05/26/2004

**Time:** 2:56 p.m.

**Direction:** NE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-028

**Comments:** pile containing broken  
concrete, brick, dirt, asphalt, wood  
and metal piled near site entrance





## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 3:00 p.m.

**Direction:** W

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-029

**Comments:** pile of wood chips  
discarded at top of and down slope  
of ravine north of road near site  
entrance



**Date:** 05/26/2004

**Time:** 3:00 p.m.

**Direction:** SW

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-030

**Comments:** wood chips discarded  
down slope of ravine south of road  
near site entrance





## *DIGITAL PHOTOGRAPHS*

LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File

**Date:** 05/26/2004

**Time:** 3:01 p.m.

**Direction:** SE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-031

**Comments:** empty drum at left,  
drum with liquid at right, and  
discarded sheet metal, all located  
south of road near site entrance



**Date:** 05/26/2004

**Time:** 3:02 p.m.

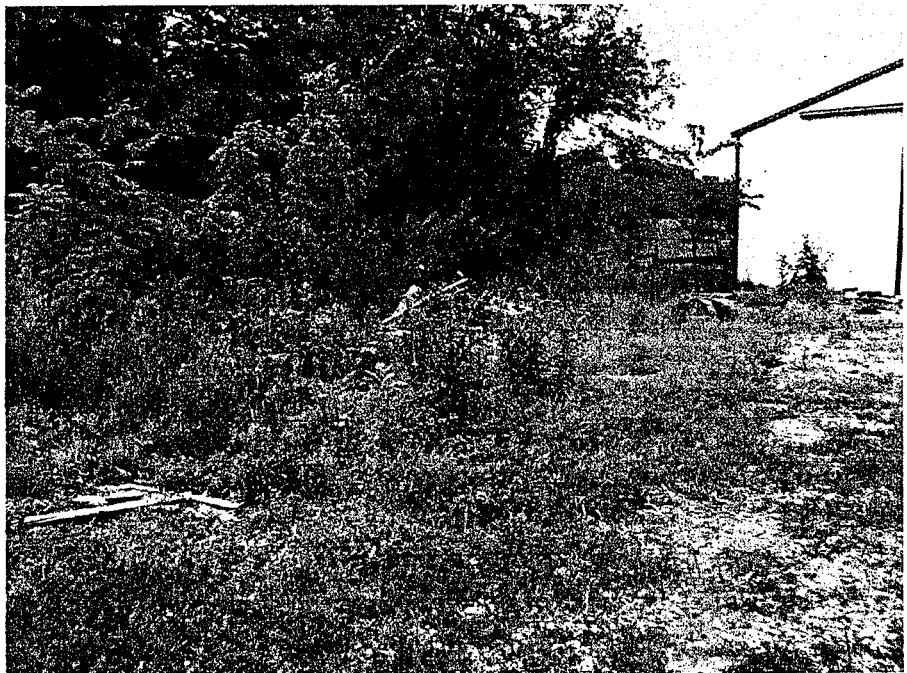
**Direction:** SE

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-032

**Comments:** discarded old lumber,  
and blue drum with hole in it, near  
NW corner of shed







Illinois Environmental Protection Agency  
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## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 3:02 p.m.

**Direction:** E

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004-05262004-032

-033 stitched

**Comments:** photos # -032 and

-033 stitched together



0170255004-05262004.doc



Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC # 0170255004 — Cass County  
Virginia/Ted Harrison Oil  
FOS File**

**Date:** 05/26/2004

**Time:** 3:02 p.m.

**Direction:** E

**Photo by:** D.C. Jansen

**Photo File Name:**

0170255004~05262004-033

**Comments:** discarded old lumber,  
and plastic pipe near NW corner of  
shed





**PROOF OF SERVICE**

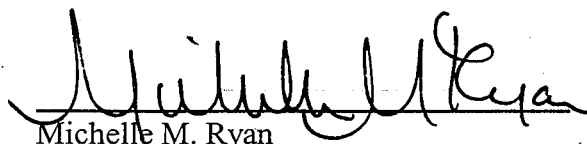
I hereby certify that I did on the 16th day of July 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Ted Harrison  
P.O. Box 3185  
Quincy, Illinois 62305

Gerald S. Gill  
100 Redbud Road, P.O. Box 200  
Virginia, Illinois 62691

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