

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

RECEIVED
CLEAN'S OFFICE

NOV 15 2004

County: Massac

LPC#: 1270155057

Region: STATE OF ILLINOIS
Pollution Control Board

Location/Site Name: Metropolis/John Brown Painting

Date: 04/07/2004 Time: From 3:20 PM To 3:27 PM Previous Inspection Date: 10/23/2003

Inspector(s): K. Johnson Weather: Partly cloudy, mild, dry soil

No. of Photos Taken: # 3 Est. Amt. of Waste: 25 yds³ Samples Taken: Yes # No ☒

Interviewed: Kim Brown Complaint #: C-04-045-M

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

John Brown Painting
955 Country Club Road
Metropolis, IL 62960
618/524-1026

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS RECEIVED			
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"/>

EXHIBIT

LPC # 1270155057

Inspection Date: 04/07/2004

	(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"/>

Kent A. Johnson

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 # 1270155057 — Massac County
Metropolis/John Brown Painting
Inspector K. Johnson
April 7, 2004
FOS File

Open Dump Inspection Report Narrative

This unpermitted site was inspected on April 7, 2004 by this author representing the Agency. The investigation was conducted as a follow-up inspection to an October 23, 2003 inspection that revealed the open dumping and open burning of demolition debris and other solid waste. The inspection took place from approximately 3:20 to 3:27 P.M., and three photos were taken during that time {Photos 001-003}. Weather at the time of the inspection was partly cloudy and mild with dry soil. Ms. Kim Brown was interviewed at the time of the inspection. Trooper John Hunt of the Illinois State Police accompanied me to the site for security purposes. No samples were taken on this date.

General Remarks

This facility is located at 955 Country Club Road just north of Metropolis, IL (62960). The property is apparently owned and operated by John Brown, who lives at and receives mail at the above address. Mr. Brown's phone number is 618/524-1026, his FAX number is 618/524-7973, and his cell phone number is 270/366-2083. This location serves as both Mr. Brown's residence and a home base for his business, painting water towers. On this date, a real estate sign was present in the front yard, and Ms. Brown said that they were selling their property due to problems with neighbors.

Inspection Findings

Trooper Hunt escorted me to the site, and we pulled into the driveway. Shortly thereafter, a woman emerged from the house and asked if she could help us. I identified myself as well as the nature of the inspection. She later identified herself as Kim Brown, also indicating that she was not aware of any letters from the Illinois EPA. I explained that the Agency's certified letter was unclaimed, but did not return when it was re-sent via first class mail. Ms. Brown surmised that her son may have done something with it, thinking it was bad news from school, or her husband may have kept it and not said anything about it. Regardless, Ms. Brown indicated during this inspection that she would take care of the clean-up herself.

After we discussed the letter and the background of the case, I advised Ms. Brown that I would like to go back and take a look at the debris pile. She agreed, and accompanied me to the back of the property while Trooper Hunt waited at the driveway. I advised Ms. Brown that additional information had been received to indicate that new waste had been brought to the site. She pointed out that the pile was unchanged; the pile did appear to be in largely the same condition as

the previous inspection in October 2003 {Photos 001-003}. The pile was approximately 20' in diameter, containing an estimated 25 cubic yards of waste. Ms. Brown said that the ground had been too wet to allow for clean-up, but that she would personally take care of organizing the clean-up. I finished making site observations, answered Ms. Brown's questions with regard to the logistics of completing the clean-up, and left the site shortly thereafter. Trooper Hunt left the site at the same time.

Summary of Inspection Findings

On this date, the pile did not appear to have been burned recently, and there did not appear to be new waste added to the pile. Since no evidence of open burning was noted, the violations relating to open burning will be considered technically resolved as of the date of this inspection. For reference, those alleged violations resolved are Sections 9(a), 9(c), and 21(p)(3) of the [Illinois] Environmental Protection Act (the Act). It is noted that soil conditions were dry on this date, and the previous inspection was conducted nearly six months prior to this date. In addition, there has been no documentation provided to indicate the proper disposal of either the demolition debris or the blasting media noted during the previous inspection. Therefore, the open dumping violations and permit violations will remain outstanding at this time.

Violations of Sections 21(a), 21(p)(1), and 21(p)(7) are being cited because waste, specifically, demolition debris and blasting media, has been open dumped at this site, resulting in litter.

Violations of Sections 21(d)(1) and 812.101(a) are being cited because waste has been brought to this site, in spite of the fact that this facility is not a permitted waste-storage or waste-disposal facility. Further, no application for a permit has apparently been submitted for this facility.

Violations of Sections 21(d)(2) and 21(e) are being cited because violations of the Act and 35 Ill. Adm. Code were observed at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

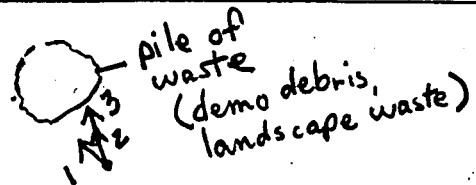
Inspection Date: April 7, 2004

Inspector: K. Johnson

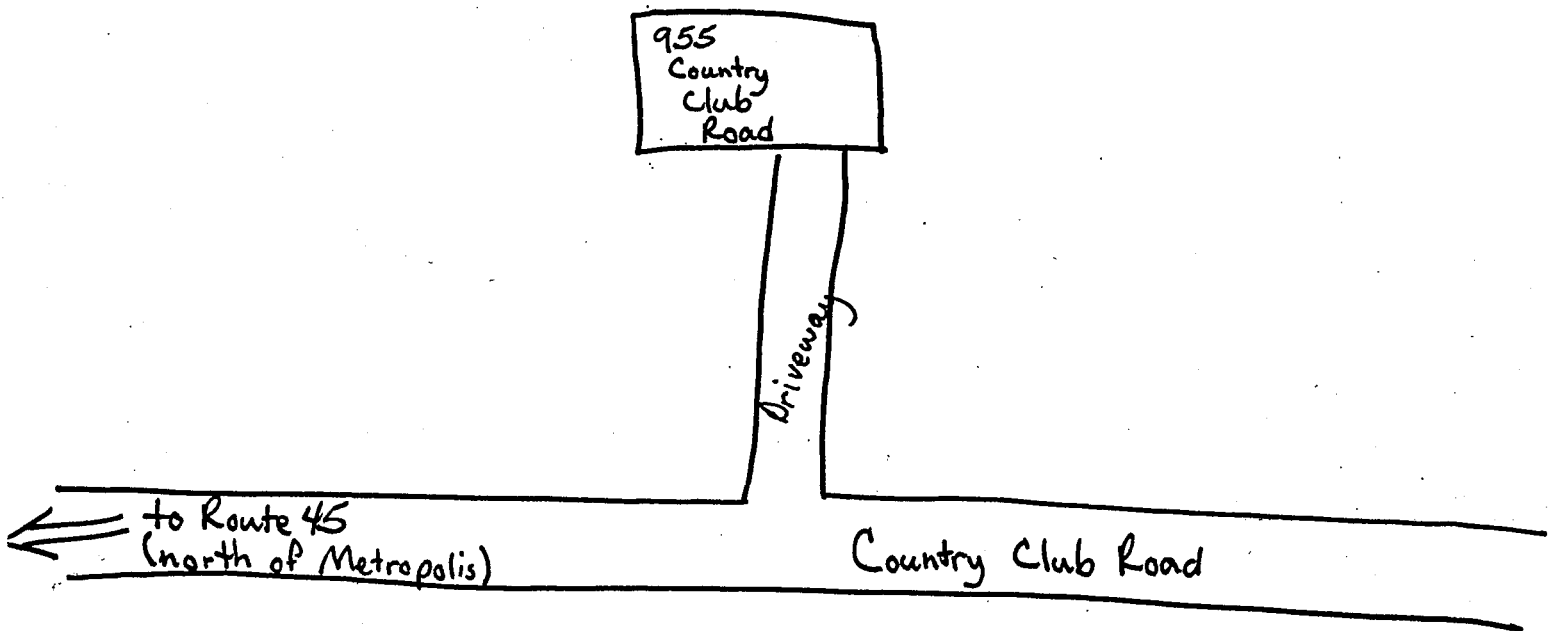
LPC #: 127 015 5057

County: Massac

Site Name: Metropolis/John Brown Painting



NORTH



Site sketch is not to scale.

LPC # 1270155057 — Massac County
Metropolis/John Brown Painting
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 4/7/04
TIME: 3:22 PM
DIRECTION: Northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1270155057~04072004-001
COMMENTS:



DATE: 4/7/04
TIME: 3:22 PM
DIRECTION: North-
northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1270155057~04072004-002
COMMENTS:



LPC # 1270155057 — Massac County
Metropolis/John Brown Painting
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 4/7/04
TIME: 3:23 PM
DIRECTION: North-
northwest
PHOTO by: K. Johnson
PHOTO FILE NAME:
1270155057~04072004-003
COMMENTS:

