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SEP 18 2006

STATE OF ILLINOIS  
Pollution Control Board

AC07-15

## 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 James R. Thompson 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**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
GLENN and BRENDA YORK, )  
 )  
Respondents. )

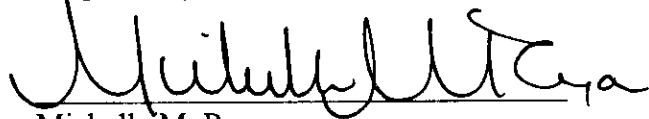
AC 07-15  
(IEPA No. 252-60-AC)

**NOTICE OF FILING**

To: Glenn and Brenda York  
P.O. Box 187  
Jacksonville, Illinois 62650

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: September 12, 2006



## VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her July 26, 2006 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) (2004).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 October 15, 2006, 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 (2004), 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) (2004), 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, 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, 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 (2004). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

Douglas P. Scott  
Douglas P. Scott, Director *by me*  
Illinois Environmental Protection Agency

Date: 9/11/06

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

**RECEIVED**  
CLERK'S OFFICE

SEP 18 2006

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

GLENN and BRENDA YORK,

Respondents.

AC

07-15

(IEPA No. 252-06-AC)

FACILITY: Jacksonville/York

SITE CODE NO.: 1370200046

COUNTY: Morgan

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: July 26, 2006

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  
Open Dump Inspection Checklist**

County: MORGAN LPC#: 1370200046 Region: 5 - Springfield  
 Location/Site Name: JACKSONVILLE/YORK  
 Date: 07/26/2006 Time: From 12:50 P To 1:05 P Previous Inspection Date: 02/08/2006  
 Inspector(s): JAN MIER Weather: 95 F, SUNNY  
 No. of Photos Taken: # 5 Est. Amt. of Waste: 75 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: NO ONE ON SITE Complaint #:     

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

GLENN AND BRENDA YORK  
1847 S. MAIN ST.  
JACKSONVILLE, IL 62650

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>



LPC # 1370200046

Inspection Date: 07/26/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

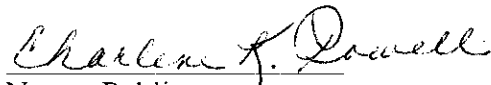
IN THE MATTER OF:	)	
	)	
Illinois Environmental	)	
Protection Agency	)	
	)	
vs.	)	IEPA DOCKET NO.
	)	
Glenn and Brenda York	)	
Respondent	)	
	)	
	)	

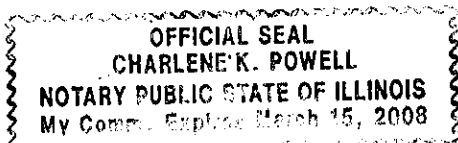
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 July 26, 2006, between 12:40 p.m. and 1:050 p.m., Affiant conducted an inspection of an open dump, located in Morgan County, Illinois and known as *Jacksonville/York* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1370200046 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

Subscribed and Sworn to Before Me  
this 31<sup>st</sup> day of Aug., 2006

  
 \_\_\_\_\_  
 Notary Public



**Illinois Environmental Protection Agency  
Inspection Narrative**

LPC#1370200046 - Morgan County  
Jacksonville/York  
Inspection Date -7/26/06  
Inspected by Jan Mier, IEPA/FOS Springfield Region  
FOS File

On July 26, 2006, I conducted an inspection at the above-referenced site. The site is registered tire storage facility. Several semi trailers are on site containing used tires. Glenn York, who owns the property, along with his wife Brenda, (see attached property deed) has a tire retail store (LPC#1370405004) located at 1847 S. Main in Jacksonville, IL. He keeps used tires for stock for his retail store in the semi trailers. While the retail business previously was located on this site, the building is now rented out.

I arrived at 12:50 p.m. No one was on site. I walked the site. All the semi trailers that contained used tires did not have door closed on them, but I did not observe water in any of the used tires. On the southwest corner of the building, I observed open dumped wastes approximately 12' by 15' in size, containing inner tubes, shingles, used tires, a pallet, and plastic buckets (see photo #001). Several used tires that were off the rim were noted on the ground, such as the one in photo #002. Open dumped wastes that had previously been burned were noted on the south edge of the property (see photo #003). It contained aluminum cans, plastic bottles, lumber, car parts and household refuse. Several more off the rim used tires were observed in vegetation on the south side (see photo #004). An unlicensed semi, with no doors or windshield, was observed sitting in vegetation (see photo #005). A pile of approximately 20 off the rim used tires was also observed between two semi trailers on site. A photo of those used tires did not turn out because I had run out of room on my camera. I departed at 1:05 p.m.

Mr. York's site has been in and out of compliance with the Act and used tire Regulations for many years. He was cited for open dumping in the 9/19/05, 3/8/05, 9/10/03, and the 8/22/02 inspections. The open dumped waste was removed, only to re-occur at a later date.

cc: DLPC/FOS - Springfield Region



## DIGITAL PHOTOGRAPHS



Date: 7/26/06  
Time: 12:5 p.m.  
Direction: NW  
Photo by: Jan Mier  
Exposure #: 001  
Comments:

Inner tubes, shingles,  
used tires, plastic  
buckets



Date: 7/26/06  
Time: 12: p.m.  
Direction: N  
Photo by: Jan Mier  
Exposure #: 002  
Comments:

Off rim used tire in  
vegetation

File Names: 1370200046 ~ 07262006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 7/26/06  
Time: 12:5 p.m.  
Direction: S  
Photo by: Jan Mier  
Exposure #: 003  
Comments:

Burn pile with cans,  
bottles, car parts, and  
household refuse



Date: 7/26/06  
Time: 12: p.m.  
Direction: SE  
Photo by: Jan Mier  
Exposure #: 004  
Comments:

Off the rim used tires

File Names: 1370200046 ~ 07262006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 7/26/06  
Time: 1:00 p.m.  
Direction: NW  
Photo by: Jan Mier  
Exposure #: 005  
Comments:

Unlicensed semi truck

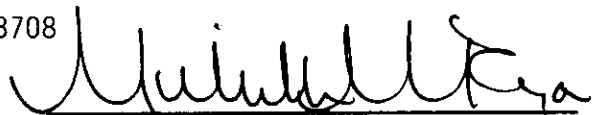
**PROOF OF SERVICE**

I hereby certify that I did on the 12th day of September 2006, 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: Glenn and Brenda York  
P.O. Box 187  
Jacksonville, Illinois 62650  
Cert # 7004 2510 0001 8590 3715

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  
Cert # 7004 2510 0001 8590 3708



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