

Clerk of Pollution Control Board
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MAR 25 2008
STATE OF ILLINOIS
Pollution Control Board

In response to administrative citations issued by Jackson County

AC 08 Site Code 0778085005

AC 08-20

I hereby contest the citations.

Citation 1, open dumping:

Don Terry and I discussed the situation at my residence and he accepted my explanations for the property in question. He personally told me that I need not be concerned with administrative action as long as I continued working to organize. I have been continuing to do so. He did not give a deadline for completion. I have made considerable progress. On his last visit he references the he knocked on my door, he did not leave a note to contact him.

Citation 2, open burning:

I have not burned trash at my residence for over 5 years. The burn site he references was a recreational fire which accidentally was placed on top of 1 single hose. The site of charred grass he references is at most 4 feet across, hardly large enough to be used for open burning of refuse. As with any recreational fire, occasionally a few items may get thrown in during burning that do not necessarily belong, but it does not constitute open burning of rubbish.

Citation 3, construction debris:

I am currently building a post frame metal building on my premises I am also working on interior and exterior trim and roofing trim on my home which I built and have not yet completed.

I sill state again on his last visit that I was present for, he personally told me that I should not be concerned with any of these items, as he accepted my explanations as long as I continued making progress on organizing the "abandoned vehicles" as he called them, which I have been doing.

Comments on Mr. Terry's Photos:

I will follow the order he comments on them in his narrative.

#1-3: The metal barrels(1) are used to hold the oil from the cardboard/plastic containers(3) . I have recently started collecting used frying oil from a few restaurants to learn to make biodiesel for my tractors that I use in my grape growing operation. The

materials in photo 3 were recently removed from the shed to make room for building a small biodiesel reactor and not hauled to the landfill. It has since been removed.

#4 & 7: The “waste plastic” he mentions are 2 3000 gallon polypropylene tanks, a 2200 gallon poly tank a 6000 gallon poly tank, and a 1500 gallon poly tank. These are not waste, they were purchased in pursuit of a biodiesel producing operation. The fiberglass and metal are being removed for inspection of the tanks to be sure they are not damaged, and the damage hidden from sight. When enough metal and fiberglass insulation is removed, it is sold as scrap and disposed of. The tires he references are used spare tires I obtained for the smaller of my 2 tractors. They are the only tires on my premises that are not mounted on wheels and in use on a vehicle. None of these items are abandoned.

#5 & 6: See above in citations. Mr. Terry said he concluded, when actually he assumed that open burning of waste had occurred. It had not. The wire he mentioned is a part of the hose he mentioned. That was not intentional. It cost me a hose I had to replace. As far as I know, it is common practice to burn landscape materials and branches that are produced on the premises.

#8: Many of these items removed from my hose in normal cleaning operations, and had not been taken for disposal. Notice the plastic trash bags ready to be hauled away, and the mop bucket left to dry and be put away. A few other items were to be taken to be stored in my pole building.

#9 & 10: I am a home winemaker and grape grower. These cartons of wine bottles were obtained from a local winery for me to bottle my wine in, a friend needed to use the trailer I hauled them in, and while waiting for the return of the trailer, a rainstorm ruined the boxes, when the trailer was returned, I hauled them away for recycling.

#11 & 12: The vehicle is not abandoned. It was in the process of being repaired. The tires on the ground had come back from being repaired and had not been installed yet. The hood was open to charge the battery with jumper cables. The vehicle is and has been insured continuously for over 5 years. It is being stored until I start the above mentioned biodiesel operation. The vehicle was and is in running condition.

#13 – 16: The materials had not been open dumped. It would not be reasonable to conclude the materials had been transported here for disposal from another site, for several reasons. I previously spoke with MR. Terry about these items. I am in the process of building a pole barn for storage of many of these items. I purchased all of these items at auctions for the purpose of starting a restaurant, and have done so. The restaurant is located in Eddyville, Ky. I also use parts from these items as repair parts for several other establishments. I do not feel that being stored outside is detrimental to their condition, as many are constructed of stainless steel and their primary purpose now is as spare parts. Several of the items are still in usable condition and are functional.

#17,17,19,24: The vehicles were owned by me and being stored for future conversion projects. I had explained to Mr. Terry that they were only being kept for the engines and

drive trains. Those items were in fact being covered to protect them from weather for future use. The interiors of the vehicles were of no importance to me. I had started to organize them as Mr. Terry and I has spoken about.

#20: I can not help if Mr. Terry is not satisfied with my method of organization. The pile of pipe is used for irrigation, and for culverts under driveways. All of the pipe was purchased by me for specific purposes. It is not dumped

#21 – 23: The mobile home is in use as a storage building. It is not for living in it is not abandoned. I purchased it for the express purpose of storing personal property. It is perfectly acceptable for its current use. There was a storm that broke a window and the door. I was not concerned with it. He states the mobile home is not in use. It is in use as a storage unit. If he looked in it, he would have seen that. It is also sitting on normal blocking and tied down with steel earth anchors and metal strapping as is standard for protecting a mobile home from storm damage. I will agree that the refrigerator should have been taken to the scrap yard with one of the other loads of metal for recycling.

#25 & 26: This is 2 boxes of wood I obtained with the intended use for shelving in my pole barn, but found to be unsuitable. The landscape waste is just that and has been allowed to sit there awaiting burning.

#27 – 30: the vehicle is not missing a fender, as seen in the photo, it is right next to the vehicle. This vehicle is and has been continuously insured for over 15 years. It has been driven and is currently licensed with an antique vehicle plate. The license plate is not on the vehicle, but it has one. The lumber mentioned was used nearby and not returned to where it was gotten from. The metal was blown around by the same storm that destroyed the door on the mobile home and not returned to the location of the other metal. The “sign” is not a sign, it was a light I intended to use, but has been taken for recycling.

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