



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

John J. Kim, Interim Director

RECEIVED
CLERK'S OFFICE

JUL 13 2012

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

July 11, 2012

Ac13-2

ORIGINAL
RETURN TO CLERK'S OFFICE

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Greg Klehm
IEPA File No. 147-12-AC; 1050605060—Livingston County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package. This package consists of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist and Transfer Station Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

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JUL 13 2012
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

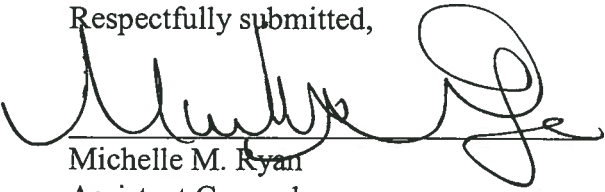
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GREG KLEHM,)
)
Respondent.)

AC 13-2
(IEPA No. 147-12-AC)

NOTICE OF FILING

To: Greg Klehm
15723 E. 200 N Road
Pontiac, IL 61764

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, OPEN DUMP INSPECTION CHECKLIST, and TRANSFER STATION INSPECTION CHECKLIST.

Respectfully submitted,

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: July 11, 2012

5. That on 7-11-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1411.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his May 23, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined 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) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2010).
- (3) That Respondent 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) (2010).
- (4) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is 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 Six Thousand Dollars (\$6,000.00). 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 August 1, 2012, 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 (2010), 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 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) (2010), 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 (2010). 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.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 7/9/2012

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

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JUL 13 2012
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
GREG KLEHM,)
Respondent.)

AC 13-2
(IEPA No. 147-12-AC)

FACILITY: Pontiac/G & N Transfer
SITE CODE NO.: 1050605060
COUNTY: Livingston
CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: May 23, 2012

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

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JUL 13 2012

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)
)
)
)
)
Greg Klehm,)
)
)
)
Respondent)

IEPA DOCKET NO.

AC13-2

Affiant, Dustin Burger, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 23, 2012, between 11:10 A.M. and 11:40 A.M., Affiant conducted an inspection of the site in Livingston County, Illinois, known as Pontiac/G&N Transfer near Pontiac, Illinois, Illinois Environmental Protection Agency Site No. 1050605060.
3. Affiant inspected said Pontiac/G&N Transfer site by an on-site inspection which included 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 the Pontiac/G&N Transfer site.

Dustin Burger

Subscribed and Sworn to before me
this 15th day of June,
2012.

Beverly Marie Carver
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Livingston LPC#: 1050605060 Region: 4 - Champaign
 Location/Site Name: Pontiac/G & N Transfer
 Date: 05/23/2012 Time: From 11:10AM To 11:40AM Previous Inspection Date: 05/17/2012
 Inspector(s): Dustin Burger Weather: Clear, dry, 70s
 No. of Photos Taken: # 19 Est. Amt. of Waste: 400 yds³ Samples Taken: Yes # No
 Interviewed: Mrs. Greg Klehm Complaint #:
 Latitude: N40.9482 Longitude: W-88.6362 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Other - Googlemaps

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

G & N Transfer, Greg Klehm
15723 E 2000 N Road
Pontiac, IL 61764
815/8422778

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JUL 13 2012

STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 # 1050605060

Inspection Date: 05/23/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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 and subsection (k) of Section 55 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 ♦ Field Operations Section ♦ Champaign

LPC#1050605060—Livingston County
Pontiac/G & N Transfer
FOS File
May 23, 2012 Inspection
Inspector: Dustin Burger
Complaint No. C12-098-CH

Narrative Inspection Report

I conducted an open dump inspection at the above referenced facility on May 23, 2012. The inspection lasted from approximately 11:10 until 11:40 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Nineteen photos and no samples were taken. Mrs. Klehm, the joint property owner with Greg Klehm, was interviewed during the inspection.

This inspection was conducted as a follow-up to my May 17, 2012 inspection. During that inspection, Champaign FOS received a complaint alleging Greg Klehm of G & H Transfer, was demolishing a building at 212 N. Prairie Street in Pontiac and bringing the waste to his property at 15723 E 220N Road to be burned and buried. G & H Transfer was cited in 2006 for open dumping and open burning construction and demolition debris by Ken Keigley.

When I arrived at the site on May 17, I met Mrs. Greg Klehm, who was attending horses at the time. She said all the debris from the demolition project was disposed of at the landfill, and she had the disposal tickets. As I drove in I had noticed a pile of landscape waste and a pile of demolition debris located on the west side of the property. She accompanied me to take a closer look at the pile. One pile contained the remains of a large tree, but had some pieces of demolition debris sticking out of the bottom of the pile and more along the north and west sides of the pile. In addition, another pile of demolition debris was located right next to the landscape waste pile. Mrs. Klehm said the demolition debris was dumped in that location temporarily because her husband needed the roll-off box that was holding it for another job.

To me it looked as if the material was staged to be burned, but since there was no evidence of burning at the time of the inspection, I did not plan on citing any waste disposal violations at this time. The dumping of the waste on the ground to be transferred would still be considered the transfer of wastes without a permit issued by IEPA.

In addition to the pile of construction debris, the site also contained approximately 40 tires stored outside without rims. G & H has a tire hauling permit issued by the Agency. Mrs. Klem said the

tires are loaded into a truck for disposal at a tire recycling she thought was named L & R. It had not rained in over a week, so I did not note any water in the tires. I informed Mrs. Klem that all tires should be stored in a manner than keep water from accumulating inside them.

When I returned to the office and started preparing my report, I used Googlemaps to prepare a site map of the site. The satellite image I found from October 2011 showed the farm and storage buildings, but behind the buildings and silos and hidden from view from the driveway where I was during the first inspection, I found a large open dump. The satellite photo clearly showed two large piles of tires, and an open topped trailer filled with tires. Additional piles of what looked like waste were also observed.

May 23, 2012 Inspection

In response to the aerial photo, I conducted another inspection on May 23, 2012. When I arrived, I saw two men loading tires into a semi-trailer and asked if Greg or his wife was present. The man identified himself and Greg's son, and said neither were home, but said I could do my inspection.

I started at the area that formerly held a pile of landscape west on the west side of the property. The pile of landscape waste had been burned, and the wood and construction debris that I had also observed had not been removed before it was burned. I observed pieces of metal and partially burned dimensional lumber in the burn pile. The larger 30 cubic yard pile of demolition debris was still present next to the burn pile (photos 1-4).

I then walked clockwise around the site. North of the horse barn I found two large piles of demolition debris and large pile of tires. One 30 cubic yard pile contained demolition debris similar to the pile near the burn pile (photo 5). The second pile contained what looked like construction rather than demolition debris. It contained pallets, plastic, cardboard, plastic buckets, and insulation. The tire pile contained approximately 400 tires off rims. Most of the tires had accumulated water, and I photographed two of them (photos 7 and 13). On the eastern side of the property, I found several truckloads of masonry debris, including concrete and bricks (photo 13).

Behind the easternmost shed, I found a huge pile of construction and demolition debris. The pile contained three truckloads of mixed wood, lumber, shingles, siding, drywall, and pieces of furniture (photo 15, 16). Farther back in the pile toward the east were the burned remains of waste, including bedsprings, metal, and ash (photos 17-18).

As I was photographing the last pile, Mrs. Klehm found me and waved from near the house. I walked to her and explained that I had found the larger open dump from the aerial photograph. She said her husband planned to clean up the material. I said I appreciated the fact that they had started to remove the tires, but there wasn't much of an excuse for a garbage hauler to dump and burn waste on their property. I told her that it was evident that the demolition debris had not been removed from the landscape waste pile before it was burned. She asked me if it was permissible to have a bonfire. I replied that it was okay to have a recreational fire, but you can't burn waste.

I said if she had a legitimate small fire for a cookout, it is permissible, but if you burn a large pile of demolition debris like what is near the burn area, then that is clearly waste disposal.

I briefly explained the enforcement process, and said I did not know whether we would send a formal violation notice or administrative citation letter. I then left the site.

Regulatory Status

This site is regulated as an unpermitted waste transfer station and an open dump. Large amounts of general construction and demolition debris have been dumped and burned. Hundreds of tires were observed, many with water accumulated inside. Despite instructions to remove all demolition waste from a pile of landscape waste before burning, the waste was still burned.

Apparent violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Wastes were open burned, causing air pollution in Illinois.**

2. Pursuant to Section 9(c) of the Act , in relevant part, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Wastes were open burned, causing air pollution in Illinois.**

3. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Wastes were observed open dumped at this site.**

4. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted without a permit.**

5. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted in violation of the Act and Regulations**

6. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted that does not meet the requirements of the Act or Regulations.**

7. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

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 liquid discharge from the dump site; or
7. deposition of:
 - (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
 - (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reasons: **Waste was observed open dumped resulting in: 21(p)(1) Litter, 21(p)(3) Open Burning and 21(p)(7) deposition of general and clean construction and demolition debris**

8 Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Waste tires were observed opened dumped at the property.**

9. Pursuant to Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)), no person shall cause or allow water to accumulate in used or waste tires.

A violation of Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)) is alleged for the following reason: **Waste tires were observed opened dumped at the property in a manner that allowed water to accumulate inside the tires.**

10. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Wastes were disposed at this site without a permit to develop a landfill.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File**

**DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-001.jpg
COMMENTS: Demo waste pile &
burned pile of mixed demo waste
and landscape waste**



**DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-002.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-003.jpg
COMMENTS: Close-up of burn pile



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-004.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-005.jpg
COMMENTS: Demo waste beind the
farm buildings



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-006.jpg
COMMENTS: Tires off rims





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-007.jpg
COMMENTS: Water in tires



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-008.jpg
COMMENTS: Demo debris





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-009.jpg
COMMENTS: Construction debris



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-010.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-011.jpg
COMMENTS:



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-012.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-013.jpg
COMMENTS:



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: Northeast
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-014.jpg
COMMENTS: Truck load of
masonry debris





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-015.jpg
COMMENTS:



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-016.jpg
COMMENTS: C & D debria





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-017.jpg
COMMENTS: older/burned debris



DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-018.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 23, 2012
TIME: 11:10-11:40AM
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05232012-019.jpg
COMMENTS: Truck being loaded with
tires.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Livingston LPC#: 1050605060 Region: 4 - Champaign
 Location/Site Name: Pontiac/G & N Transfer
 Date: 06/01/2012 Time: From 11:00AM To 11:15AM Previous Inspection Date: 05/23/2012
 Inspector(s): Dustin Burger Weather: Clear, dry, 70s
 No. of Photos Taken: # 11 Est. Amt. of Waste: 400 yds³ Samples Taken: Yes # _____ No
 Interviewed: Unnamed older woman Complaint #: _____
 Latitude: N40.9482 Longitude: W-88.6362 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Other - Googlemaps

Responsible Party Mailing Address(es) and Phone Number(s):	G & N Transfer, Greg Klehm 15723 E 2000 N Road Pontiac, IL 61764 815/8422778	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 # 1050605060

Inspection Date: 05/23/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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 and subsection (k) of Section 55 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 ♦ Field Operations Section ♦ Champaign

LPC#1050605060—Livingston County
Pontiac/G & N Transfer
FOS File
June 1, 2012 Inspection
Inspector: Dustin Burger
Complaint No. C12-098-CH

Narrative Inspection Report

I conducted an open dump reinspection at the above referenced facility on June 1, 2012. The inspection lasted from approximately 11:00 until 11:15 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Nineteen photos and no samples were taken. This inspection was conducted as a follow-up to my May 23, 2012 inspection in response to a call from the Livingston County Health Department.

I received a call On May 31, 2012 from Donnie Simmons representing the Livingston County Health Department. Mr. Simmons said that he heard that there was a fire at the G & N Transfer facility the following weekend. He received a report that demolition debris had been burned and the local Sheriff's office had responded. Simmons said the local Sheriff has refused to cite open burning citations. I called the Sheriff's Department and learned a deputy had responded, but the owners had said they were having a bonfire.

I drove to the site the next day and arrived at approximately 11:00 A.M. I met an older lady that identified herself as one of Klehm's parents (I do not recall which one). She said Mrs. Klehm was at an appointment and would not be back for a few hours. I told her I wished to see if the pile of demolition debris had been burned and asked if she wanted to join me. She declined.

I walked to the area on the west side of the property where I had observed the pile of demolition debris previously. The pile of demolition debris was gone, and a large burn spot was evident where the pile had been. Pieces of burned lumber, and a grinding wheel were present in the pile, which were not present during the previous inspection (photos 1-5).

I then walked around the site again, following the same route as my previous inspection. Behind the horse barn the pile of tires had been removed (photo 6). One pile of demolition debris was still present (photo 7), but the pile of construction debris had been placed into a roll-off box.

Behind the shed on the east side of the property, a large trailer had been filled with some of the C & D debris. This gave a clearer view of the area where waste had been burned in the past (photo 8).

Back in the main driveway, I noted two roll-off had waste inside, and a pile of regular household garbage that was not present during my previous inspections had been dumped nearby (photos 10-11), indicating waste was still being transferred without a permit, despite two previous warnings.

Regulatory Status

This site is regulated as an unpermitted waste transfer station and an open dump. Large amounts of general construction and demolition debris have been dumped and burned. Despite two previous warnings, demolition waste was apparently burned again, and waste was still being transferred without a permit. Most of the tires observed on the ground have been removed.

Apparent violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Wastes were open burned, causing air pollution in Illinois.**

2. Pursuant to Section 9(c) of the Act , in relevant part, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Wastes were open burned, causing air pollution in Illinois.**

3. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Wastes were observed open dumped at this site.**

4. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted without a permit.**

5. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted in violation of the Act and Regulations**

6. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **A waste storage and waste disposal operation is being conducted that does not meet the requirements of the Act or Regulations.**

7. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

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 liquid discharge from the dump site; or
7. deposition of:
 - (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
 - (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

8. A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reasons: **Waste was observed open dumped resulting in: 21(p)(1) Litter, 21(p)(3) Open Burning and 21(p)(7) deposition of general and clean construction and demolition debris**

9. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Wastes were disposed at this site without a permit to develop a landfill.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-001.jpg
COMMENTS:



DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-003.jpg
COMMENTS:



DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-004.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-005.jpg
COMMENTS:



DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-006.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-007.jpg
COMMENTS:



DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-008.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-09.jpg
COMMENTS:



DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-010.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: June 1, 2012
TIME: 11:00-11:15AM
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~06012012-011.jpg
COMMENTS:



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Transfer Station Inspection Checklist

County: Livingston LPC#: 1050605060 Region: 4 - Champaign
 Location/Site Name: Pontiac/G & N Transfer
 Date: 05/17/2012 Time: From 11:20AM To Noon Previous Inspection Date: 01/17/2007
 Inspector(s): Dustin Burger Weather: Clear, dry, 70s
 No. of Photos Taken: # 4 Samples Taken: Yes # _____ No
 Interviewed: Mrs. Greg Klehm Facility Phone No.: 815/842-2778

Permitted Owner Mailing Address

Greg Klehm
 15723 E 2000 N Road
 Pontiac, Illinois 61764

Permitted Operator Mailing Address

AUTHORIZATION:

1. OP Permit _____ 2. Unpermitted:

	SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit or in Violation of Any Conditions of a Permit (See Permit Provisions)	<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 type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
9.	21.6(a)	KNOWINGLY MIX LIQUID USED OIL WITH MUNICIPAL WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
10.	22.14	SETBACK REQUIREMENTS	<input type="checkbox"/>
11.	22.22(a)	KNOWINGLY MIX LANDSCAPE WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>

12.	22.23(f)	KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY IN A LANDFILL	<input type="checkbox"/>
13.	22.28(a)	COLLECT WHITE GOODS FOR THE PURPOSE OF DISPOSAL BY LANDFILLING	<input type="checkbox"/>
14.	55(b)(1)	KNOWINGLY MIX ANY USED OR WASTE TIRES, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
15.	56.1	NO PERSON SHALL:	
	(b)	Cause or Allow the Delivery of Any Potentially Infectious Medical Waste for Transport, Storage, or Transfer Without Proper Packaging	<input type="checkbox"/>
	(d)	Cause or Allow the Delivery or Transfer of Any Potentially Infectious Medical Waste for Transport Without Permits and/or Manifests	<input type="checkbox"/>
	(e)	Cause or Allow the Acceptance of Any Potentially Infectious Medical Waste for Purposes of Transport, Storage or Transfer Without Proper Packaging and Storage	<input type="checkbox"/>
	(g)	Cause or Allow Any Potentially Infectious Medical Waste Storage or Transfer Without a Permit	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	807.201	CAUSING OR ALLOWING THE DEVELOPMENT OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input type="checkbox"/>
18.	807.202	CAUSING OR ALLOWING THE USE OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input checked="" type="checkbox"/>
	(a)	OPERATING A SITE WHICH REQUIRES A DEVELOPMENTAL PERMIT	<input checked="" type="checkbox"/>
	(b)	OPERATING A SITE WITH OUT A PERMIT OR NOT SUBMITTING A PERMIT 90 PRIOR TO THE DATE ON WHICH SUCH PERMIT IS REQUIRED	<input checked="" type="checkbox"/>
	(c)	PERMITS HAVE EXPIRED PRIOR TO SITE COMPLETION OR CLOSURE, OR HAVE BEEN REVOKED	<input type="checkbox"/>
19.	807.210	SUPPLEMENTAL PERMITS	<input type="checkbox"/>
20.	808.121(a)	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
21.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>
22.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	<input type="checkbox"/>
23.	809.501	MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS	
	(a)	Delivery of Special Waste to Hauler	<input type="checkbox"/>
	(e)	Retention of Special Waste Manifests	<input type="checkbox"/>

OTHER REQUIREMENTS

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1050605060—Livingston County
Pontiac/G & N Transfer
FOS File
May 17, 2012 Inspection
Inspector: Dustin Burger
Complaint No. C12-098-CH

Narrative Inspection Report

I conducted an complaint inspection at the above referenced facility on May 17, 2012. The inspection lasted from approximately 9:30-10:15 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Four photos and no samples were taken. Mrs. Klehm, the joint property owner with Greg Klehm, was interviewed during the inspection.

Champaign FOS received a complaint alleging Greg Klehm of G & H Transfer, was demolishing a building at 212 N. Prairie Street in Pontiac and bringing the waste to his property at 15723 E 220N Road to be burned and buried. G & H Transfer was cited in 2006 for open dumping and open burning construction and demolition debris by Ken Keigley.

When I arrived at the site, I met Mrs. Greg Klehm, who was attending horses at the time. She said all the debris from the demolition project was disposed of at the landfill, and she had the disposal tickets. As I drove in I had noticed a pile of landscape waste and a pile of demolition debris located on the west side of the property. She accompanied me to take a closer look at the pile. One pile contained the remains of a large tree, but had some pieces of demolition debris sticking out of the bottom of the pile and more along the north and west sides of the pile. In addition, another pile of demolition debris was located right next to the landscape waste pile. Mrs. Klehm said the demolition debris was dumped in that location temporarily because her husband needed the roll-off box that was holding it for another job.

To me it looked as if the material was staged to be burned, but since there was no evidence of burning at the time of the inspection, I am not citing any waste disposal violations at this time. The dumping of the waste on the ground to be transferred would still be considered the transfer of wastes without a permit issued by IEPA.

In addition to the pile of construction debris, the site also contained approximately 40 tires stored outside without rims. G & H has a tire hauling permit issued by the Agency.

Mrs. Klem said the tires are loading into a truck for disposal at a tire recycling she thought was named L & R. It had not rained in over a week, so I did not note any water in the tires. I informed Mrs. Klem that all tires should be stored in a manner than keep water from accumulating inside them.

Apparent violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **A waste storage site was being operated at this site without a permit.**

2. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **A waste storage site was being conducted at this site in violations of the regulations adopted by the Board.**

3. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Waste were being stored at this site which does not meet the requirements of the Act or Regulations.**

4. Pursuant to 35 Ill. Adm. Code Section 807.201, subject to such exemption as expressly provided in Section 21(e) (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e)) of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

A violation of 35 Ill. Adm. Code 807.201 is alleged for the following reason: **A new solid waste management facility was developed without a permit issued by the Agency.**

5. Pursuant to 35 Ill. Adm. Code Section 807.202(a), New Solid Waste Management Sites subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1982, ch. 111 1/2, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

A violation of 35 Ill. Adm. Code 807.202(a) is alleged for the following reason: **A solid waste management site was being operated with an operating permit.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 17, 2012
TIME: 11:20-Noon
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05172012-001.jpg
COMMENTS: Demo debris pile on
gorund



DATE: May 17, 2012
TIME: 11:20-Noon
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05172012-002.jpg
COMMENTS: Lumber in possible burn
pile





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1050605060--Livingston County
Pontiac/G & N Transfer
FOS File

DATE: May 17, 2012
TIME: 11:20-Noon
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05172012-003.jpg
COMMENTS: Demo debris in
landscape waste pile



DATE: May 17, 2012
TIME: 11:20-Noon
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1050605060~05172012-004.jpg
COMMENTS: Tire accumulation



PROOF OF SERVICE

I hereby certify that I did on the 11th day of July 2012, 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, OPEN DUMP INSPECTION CHECKLIST, and TRANSFER STATION INSPECTION CHECKLIST

To: Greg Klehm
15723 E. 200 N Road
Pontiac, IL 61764

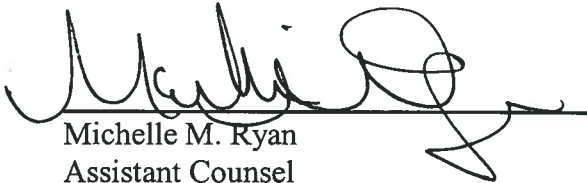
RECEIVED
CLERK'S OFFICE

JUL 13 2012

STATE OF ILLINOIS
Pollution Control Board

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: John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



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Assistant Counsel

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