



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM,

DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

RECEIVED
CLERK'S OFFICE

FEB 20 2013

STATE OF ILLINOIS
Pollution Control Board

February 14, 2013

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

AC13-38

ORIGINAL

Re: Illinois Environmental Protection Agency v. Jeff Wuebbels
IEPA File No.29-13-AC: 0278050002—Clinton 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, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump 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
by JCR

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 20 2013

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JEFF WUEBBELS,)
)
Respondent.)

AC 13-38
(IEPA No. 29-13-AC)

NOTICE OF FILING

To: Jeff Wuebbels
10017 Berlin Road
Germantown, IL 62245

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
Assistant Counsel
by JAR

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

Dated: February 14, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 20 2013

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 JEFF WUEBBELS,)
)
)
)
)
 Respondent.)

AC 13-38

(IEPA No. 29-13-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2010).

FACTS

1. That Jeff Wuebbels is the current operator ("Respondent") of a facility located at 10017 Berlin Road, Germantown, Clinton Champaign County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Germantown Township/Wuebbels.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0278050002.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on January 2, 2013, Michelle E. Cozadd of the Illinois Environmental Protection Agency's ("Illinois EPA") Collinsville Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 2-14-2013 Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 6109.

VIOLATIONS

Based upon direct observations made by Michelle E. Cozadd during the course of her January 2, 2013 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).

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 One Thousand Five Hundred Dollars (\$1,500.00). 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 March 15, 2013, 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.

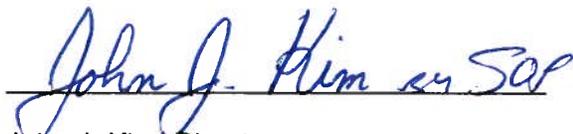
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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.

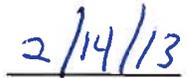
PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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.

Handwritten signature of John J. Kim in blue ink, written over a horizontal line.

John J. Kim, Director
Illinois Environmental Protection Agency

Date:

Handwritten date "2/14/13" in blue ink, written over a horizontal line.

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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FEB 20 2013

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 JEFF WUEBBELS,)
)
)
)
)
)
)
 Respondent.)

AC 13-38
 (IEPA No. 29-13-AC)

FACILITY: Germantown Township/Wuebbels
 SITE CODE NO.: 0278050002
 COUNTY: Clinton
 CIVIL PENALTY: \$1,500.00
 DATE OF INSPECTION: January 2, 2013

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

AFFIDAVIT

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FEB 20 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant)
)
vs.)
)
JEFF WUEBBELS,)
Respondent)

IEPA DOCKET NO.

AC13-38

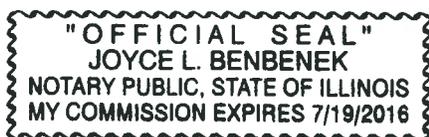
Affiant, Michelle E. Cozadd, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 2, 2013, between 1:50 PM and 2:10 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Clinton County, Illinois, and known as Germantown Township/Wuebbels by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #0278050002 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Germantown Township/Wuebbels open dump site by an on-site inspection that 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 Germantown Township/Wuebbels open dump.

Michelle E. Cozadd
Michelle E. Cozadd

Subscribed and Sworn To before me
This 7 day of February, 2013

Joyce L. Benbenek



Inspection Date: 01.02.13

	(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 checked="" 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 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"/>

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 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.
- 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
BUREAU OF LAND

LPC #0278050002 - Clinton County
Germantown Twp/Wuebbels
FOS File

Inspector: Michelle Cozadd
Date of Inspections: December 11, 2012
& January 2, 2013

LPC #1630105424 - St. Clair County
Belleville/Golden Globe Physical Resource Management Group
FOS File

December 10, 2012

On December 10, 2012, the Illinois EPA received a call from Jeff Kampwerth, Fire Chief of the Germantown Fire Department. Per Chief Kampwerth, on December 4, 2012 the Germantown Fire Department responded to a tire fire at 10017 Berlin Road. This is the residence of Jeff Wuebbels.

December 11, 2012

This initial inspection was conducted in response to a complaint of open burning of used tires. The inspection took place from approximately 11:15 a.m. to 12:00 p.m. Nine digital photographs were taken and the weather conditions were sunny and about 35°F. Mr. Dewel Wuebbels was interviewed during the inspection.

The site is a rural residence which is located at 10017 Berlin Road near Germantown, Illinois. The property owners are listed on the attached warranty deed and tax information as Wilbert and Laura Wuebbels. Mr. Dewel Wuebbels explained that he and his father, Jeff Wuebbels, reside at the site. Mr. Dewel Wuebbels accompanied me to area north of the residence beyond a large earthen berm extending east and west. Mr. Wuebbels indicated that he was in the process of cleaning up the debris from the recent fire. The attached photo #001 shows a bobcat near a pile of charred debris and charred tire wire. A burn pile was located just north of this debris pile as illustrated in the attached photos #002, #003, and #004. The burn pile contained large sheets of damaged dimensional lumber, ashes, charred tire remnants and charred tire wire.

Mr. Wuebbels explained that he brought the plywood sheets home before he found out they were dry rot and could not be used. I explained to Mr. Wuebbels that the dimensional lumber in addition to the used tires or any other waste materials could not be disposed by open burning. I advised Mr. Wuebbels to contact me after the area is cleaned up and prior to any placement of fill in the sunken area. In addition, I stated that receipts must be obtained to document the proper disposal or recycling of the wastes.

There were a pile of 800+ used tires observed on the west side of the residence as shown in the attached photos #005 through #009. Mr. Wuebbels stated that a "Rick" or a "Rich" placed the tires at the site. He stated that he did not know the gentleman's last name but he was a friend of his father. Mr. Dewel Wuebbels explained that his father was inside sleeping since he works the night shift. I gave Mr. Dewel Wuebbels my business card and requested that Mr. Jeff Wuebbels contact me regarding the used tires.

December 12, 2012

On December 12, 2012, Chris Cahnovsky and I received a call from Rick Jenkins of Golden Globe Physical Resource Management (1630105424). Mr. Jenkins claims brought the tires to the Wuebbels property to be used to build a building. He claimed he had spoken with Todd Marvel of the Illinois EPA and that he was in the process of getting a beneficial use determination from the Illinois EPA. He stated that he had not submitted any request to the Illinois EPA for the determination. Jenkins claimed he did not know how the fire started or why the tires were burned. He stated he placed them on the property to build a building. He claimed that as he unloaded the tires and the tires were stacked in rows so the walls could be built. The poles were on-site and the site had been graded for the building.

According to Jenkins he started moving tires to the Wuebbels property about two to three months ago. He estimated that he hauled about 1,500 tires to the site. He picked the tires up from his customers and collect a fee from the customers for the removing the tires. He claimed to have some receipts from the tire shops for these tires. He was reluctant to tell us the names of any of his customers. It was explained to Mr. Jenkins that his tire hauling permit was expired and he was not allowed to haul over 20 tires at a time.

Also on December 12, 2012, Chris Cahnovsky of the Illinois EPA spoke telephonically with the Clinton County Zoning Administrator, Joyce Lucas. Per County records, 10017 Berlin Road is owned by Wilbert and Laura Wuebbels of 605 Mills Street in Germantown, Illinois. The property is 10 acres and is located in a flood plain. The Administrator was asked if Jeff Wuebbels or Rick Jenkins had applied for a building permit to construct a building made of tires. The Administrator stated that no permit has been applied for and a permit would not be issued because the property is in a flood plain.

December 13, 2012

The Illinois EPA received a copy of the Germantown Rural Fire Protection Districts fire report for the December 4, 2012 tire fire (attached). The fire department received the alarm at 9:12 pm (21:12). Per the fire report, Dulle Wuebbels was burning the rubber off to obtain the steel to make some money.

December 17, 2012

On December 17, 2012 Chris Cahnovsky spoke telephonically with Jeff Wuebbels. According to Wuebbels, he was approached by Rich Jenkins about building a building made of tire on his property. Per, Wuebbels he requested and allowed Jenkins to bring tires on his property to building a building. Wuebbels explained that Jenkins told him that he (Jenkins) would obtain all the permits from Illinois EPA. Wuebbels stated that once he allowed Jenkins to bring out tires Jenkins started "bring tires out like crazy". Wuebbels was asked about how Jenkins transported the tires to his home. He stated that Jenkins brought the tires to the site in an enclosed trailer about the size of a car hauler and that he brought more than 20 tires out at a time. It was explained to Wuebbels that the tires could not be used to build building because a special use determination was not received by Illinois EPA and he had no Clinton County building permit. He was instructed to begin removing the tires to a site authorized to accept tires. He explained that Jenkins had been out and was removing the tires 20 at a time.

January 2, 2013

This follow-up inspection took place due to a second report of a fire occurring on December 31, 2012. Mr. Chris Cahnovsky, DLPC/FOS Collinsville Regional Manager and I arrived at the site. We knocked on the front door and the garage door. I placed my business card on the garage door when there was no response and we proceeded with the inspection. The follow-up inspection took place from about 1:50 p.m. to 2:10 p.m. and twelve digital photographs were taken. The weather conditions were about 25°F and sunny with about one inch of snow accumulation on the ground. No one was interviewed during the follow-up inspection.

Additional open burning had taken place north of the berm as shown in the attached photos #001 through #004 and #007. A close-up of charred tire wire is illustrated in the attached photo #004. The attached photos #005 and #006 show the pile of debris and tire wire observed near the berm. This debris pile appeared unchanged since the previous inspection on December 11, 2012.

The large pile of 800+ used tires on the east side of the residence also appeared unchanged since the last inspection. The used tires are shown in the attached photos #008 through #012. I obtained a copy of the Germantown Police Department report for this second fire.

The apparent open dumping violations observed during the inspections are listed on the attached inspection reports. Section 3.305 of the [Illinois] Environmental Protection Act (“Act”) defines “open dumping” as the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill. Refuse is defined as waste pursuant to Section 3.385 of the Act. The damaged dimensional lumber and used tires would be regarded as open dumping at this site. Furthermore, the open dumping of waste was caused or allowed in a manner that resulted in litter. In Illinois, litter is defined in Section 3(a) of the Litter Control Act as any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to any garbage, trash, refuse, debris, ... abandoned vehicle, motor vehicle parts... or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly.

The used tires were hauled to the site by Mr. Richard Jenkins. Mr. Jenkins was registered as Golden Globe Physical Management with transporter number T7634. The registration expired on May 31, 2012.

Summary of Apparent Violations

9(a) of the Act	Cause or allow air pollution
9(c) of the Act	Open burning
21(a) of the Act	Open dumping
21(d)(1) of the Act	Conduct a waste-disposal operation without a permit
21(d)(2) of the Act	Conduct a waste-disposal operation in violation of any

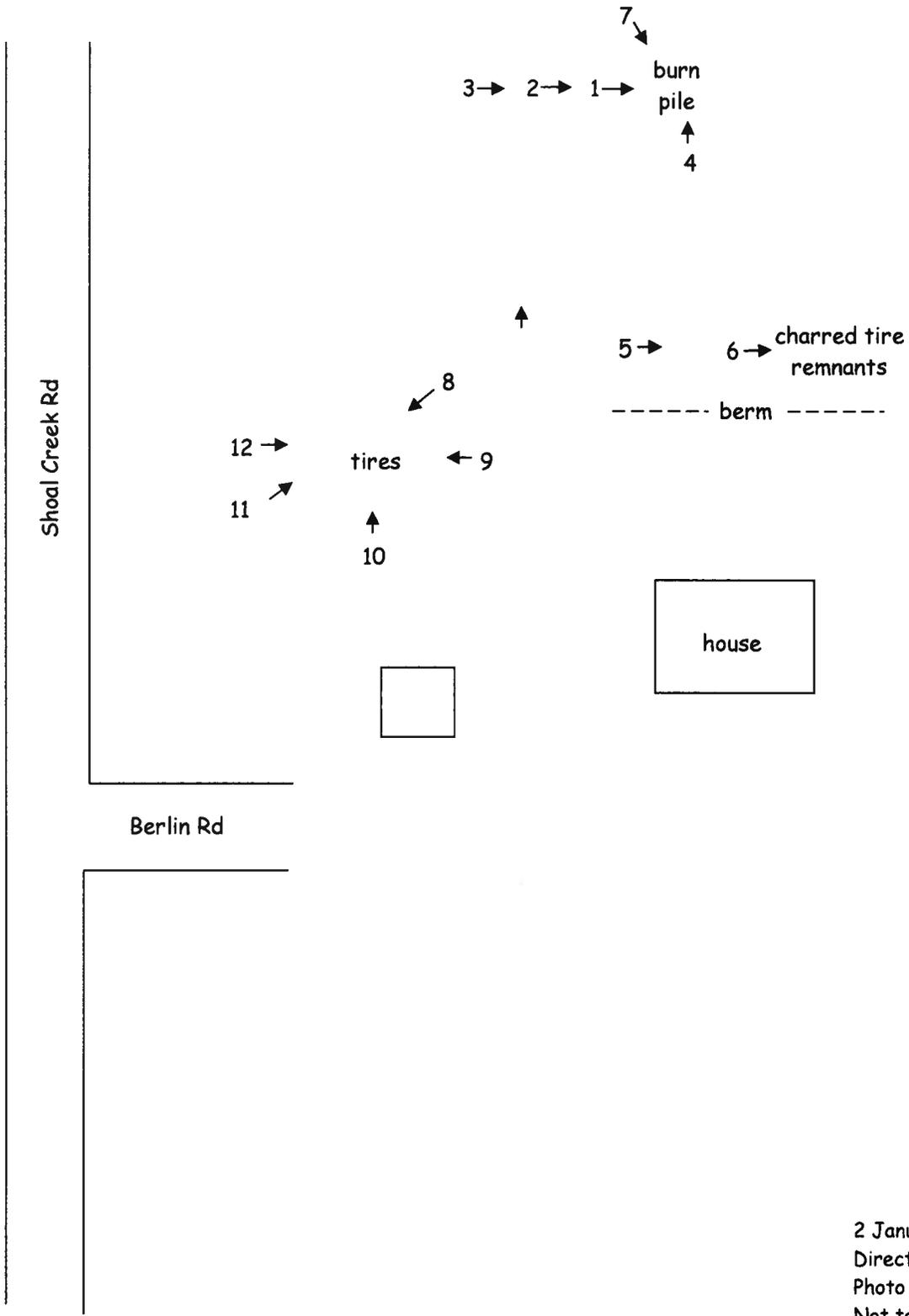
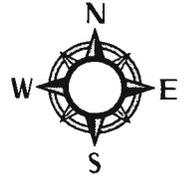
regulations adopted by the Illinois Pollution Control Board.

- 21(e) of the Act Dispose of waste at a site that does not meet the requirements of the Act and regulations.
- 21(p)(1) of the Act Cause or allow open dumping of waste which results in litter
- 21(p)(3) of the Act Cause or allow open dumping of waste which results in open burning
- 21(p)(7) of the Act Cause or allow open dumping of waste which results in deposition of general construction or demolition debris
- 55(a)(1) of the Act Cause or allow the open dumping of any used or waste tire
- 55(a)(2) of the Act Cause or allow the open burning of any used or waste tire

cc: BOL/FOS Collinsville Region



SITE SKETCH



2 January 2013 Inspection
Direction of Photo →
Photo Locations Approximate
Not to Scale



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 1:55 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 001
Comments:



Date: 2 January 2013
Time: 1:56 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 002
Comments:

File Names: 0278050002~01022013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 1:57 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 003
Comments:



Date: 2 January 2013
Time: 1:57 p.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 004
Comments:

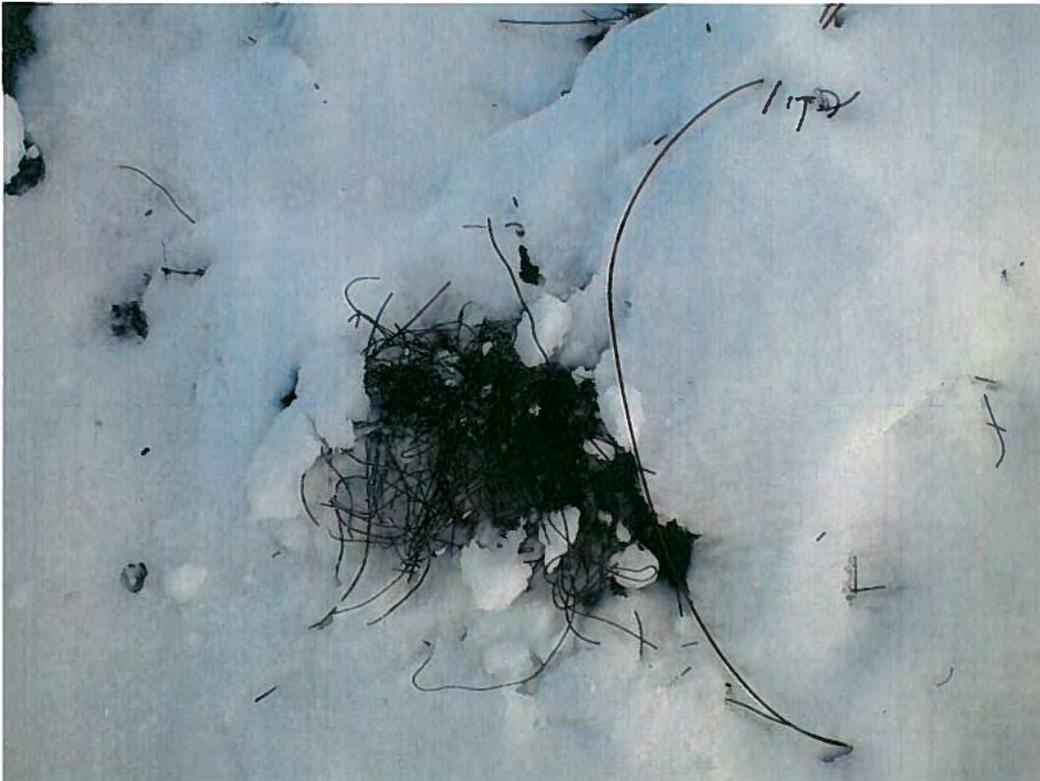
File Names: 0278050002~01022013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 1:57 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 005
Comments:



Date: 2 January 2013
Time: 1:58 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 006
Comments:

File Names: 0278050002~01022013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 1:58 p.m.
Direction: SE
Photo by: M. Cozadd
Exposure #: 007
Comments:



Date: 2 January 2013
Time: 2:00 p.m.
Direction: SW
Photo by: M. Cozadd
Exposure #: 008
Comments:

File Names: 0278050002~01022013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 2:00 p.m.
Direction: W
Photo by: M. Cozadd
Exposure #: 009
Comments:



Date: 2 January 2013
Time: 2:00 p.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 010
Comments:

File Names: 0278050002~01022013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 2 January 2013
Time: 2:00 p.m.
Direction: NE
Photo by: M. Cozadd
Exposure #: 011
Comments:



Date: 2 January 2013
Time: 2:01 p.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 012
Comments:

File Names: 0278050002~01022013-[Exp. #].jpg

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Clinton LPC#: 0278050002 Region: 6 - Collinsville
 Location/Site Name: Germantown Twp/Wuebbels
 Date: 12.11.12 Time: From 11:15 a.m. To 12:00 p.m. Previous Inspection Date: _____
 Inspector(s): Michelle Cozadd Weather: 35°F and sunny
 No. of Photos Taken: # 9 Est. Amt. of Waste: 60 yds³ Samples Taken: Yes # _____ No
 Interviewed: Dewel Wuebbels Complaint #: C-2013-037
 Latitude: 38°29'37.78" Longitude: 89°30'53.51" Collection Point Description: center of site
 Collection Method: google earth website

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

Jeff Wuebbels
 10017 Berlin Rd
 Germantown, IL 62245
 618.978.4452

	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"/>

Inspection Date: 12.11.12

	(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 checked="" 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 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"/>

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 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.
- 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
BUREAU OF LAND

LPC #0278050002 - Clinton County
Germantown Twp/Wuebbels
FOS File

Inspector: Michelle Cozadd
Date of Inspections: December 11, 2012
& January 2, 2013

LPC #1630105424 - St. Clair County
Belleville/Golden Globe Physical Resource Management Group
FOS File

December 10, 2012

On December 10, 2012, the Illinois EPA received a call from Jeff Kampwerth, Fire Chief of the Germantown Fire Department. Per Chief Kampwerth, on December 4, 2012 the Germantown Fire Department responded to a tire fire at 10017 Berlin Road. This is the residence of Jeff Wuebbels.

December 11, 2012

This initial inspection was conducted in response to a complaint of open burning of used tires. The inspection took place from approximately 11:15 a.m. to 12:00 p.m. Nine digital photographs were taken and the weather conditions were sunny and about 35°F. Mr. Dewel Wuebbels was interviewed during the inspection.

The site is a rural residence which is located at 10017 Berlin Road near Germantown, Illinois. The property owners are listed on the attached warranty deed and tax information as Wilbert and Laura Wuebbels. Mr. Dewel Wuebbels explained that he and his father, Jeff Wuebbels, reside at the site. Mr. Dewel Wuebbels accompanied me to area north of the residence beyond a large earthen berm extending east and west. Mr. Wuebbels indicated that he was in the process of cleaning up the debris from the recent fire. The attached photo #001 shows a bobcat near a pile of charred debris and charred tire wire. A burn pile was located just north of this debris pile as illustrated in the attached photos #002, #003, and #004. The burn pile contained large sheets of damaged dimensional lumber, ashes, charred tire remnants and charred tire wire.

Mr. Wuebbels explained that he brought the plywood sheets home before he found out they were dry rot and could not be used. I explained to Mr. Wuebbels that the dimensional lumber in addition to the used tires or any other waste materials could not be disposed by open burning. I advised Mr. Wuebbels to contact me after the area is cleaned up and prior to any placement of fill in the sunken area. In addition, I stated that receipts must be obtained to document the proper disposal or recycling of the wastes.

There were a pile of 800+ used tires observed on the west side of the residence as shown in the attached photos #005 through #009. Mr. Wuebbels stated that a "Rick" or a "Rich" placed the tires at the site. He stated that he did not know the gentleman's last name but he was a friend of his father. Mr. Dewel Wuebbels explained that his father was inside sleeping since he works the night shift. I gave Mr. Dewel Wuebbels my business card and requested that Mr. Jeff Wuebbels contact me regarding the used tires.

December 12, 2012

On December 12, 2012, Chris Cahnovsky and I received a call from Rick Jenkins of Golden Globe Physical Resource Management (1630105424). Mr. Jenkins claims brought the tires to the Wuebbels property to be used to build a building. He claimed he had spoken with Todd Marvel of the Illinois EPA and that he was in the process of getting a beneficial use determination from the Illinois EPA. He stated that he had not submitted any request to the Illinois EPA for the determination. Jenkins claimed he did not know how the fire started or why the tires were burned. He stated he placed them on the property to build a building. He claimed that as he unloaded the tires and the tires were stacked in rows so the walls could be built. The poles were on-site and the site had been graded for the building.

According to Jenkins he started moving tires to the Wuebbels property about two to three months ago. He estimated that he hauled about 1,500 tires to the site. He picked the tires up from his customers and collect a fee from the customers for the removing the tires. He claimed to have some receipts from the tire shops for these tires. He was reluctant to tell us the names of any of his customers. It was explained to Mr. Jenkins that his tire hauling permit was expired and he was not allowed to haul over 20 tires at a time.

Also on December 12, 2012, Chris Cahnovsky of the Illinois EPA spoke telephonically with the Clinton County Zoning Administrator, Joyce Lucas. Per County records, 10017 Berlin Road is owned by Wilbert and Laura Wuebbels of 605 Mills Street in Germantown, Illinois. The property is 10 acres and is located in a flood plain. The Administrator was asked if Jeff Wuebbels or Rick Jenkins had applied for a building permit to construct a building made of tires. The Administrator stated that no permit has been applied for and a permit would not be issued because the property is in a flood plain.

December 13, 2012

The Illinois EPA received a copy of the Germantown Rural Fire Protection Districts fire report for the December 4, 2012 tire fire (attached). The fire department received the alarm at 9:12 pm (21:12). Per the fire report, Dulle Wuebbels was burning the rubber off to obtain the steel to make some money.

December 17, 2012

On December 17, 2012 Chris Cahnovsky spoke telephonically with Jeff Wuebbels. According to Wuebbels, he was approached by Rich Jenkins about building a building made of tire on his property. Per, Wuebbels he requested and allowed Jenkins to bring tires on his property to building a building. Wuebbels explained that Jenkins told him that he (Jenkins) would obtain all the permits from Illinois EPA. Wuebbels stated that once he allowed Jenkins to bring out tires Jenkins started "bring tires out like crazy". Wuebbels was asked about how Jenkins transported the tires to his home. He stated that Jenkins brought the tires to the site in an enclosed trailer about the size of a car hauler and that he brought more than 20 tires out at a time. It was explained to Wuebbels that the tires could not be used to build building because a special use determination was not received by Illinois EPA and he had no Clinton County building permit. He was instructed to begin removing the tires to a site authorized to accept tires. He explained that Jenkins had been out and was removing the tires 20 at a time.

January 2, 2013

This follow-up inspection took place due to a second report of a fire occurring on December 31, 2012. Mr. Chris Cahnovsky, DLPC/FOS Collinsville Regional Manager and I arrived at the site. We knocked on the front door and the garage door. I placed my business card on the garage door when there was no response and we proceeded with the inspection. The follow-up inspection took place from about 1:50 p.m. to 2:10 p.m. and twelve digital photographs were taken. The weather conditions were about 25°F and sunny with about one inch of snow accumulation on the ground. No one was interviewed during the follow-up inspection.

Additional open burning had taken place north of the berm as shown in the attached photos #001 through #004 and #007. A close-up of charred tire wire is illustrated in the attached photo #004. The attached photos #005 and #006 show the pile of debris and tire wire observed near the berm. This debris pile appeared unchanged since the previous inspection on December 11, 2012.

The large pile of 800+ used tires on the east side of the residence also appeared unchanged since the last inspection. The used tires are shown in the attached photos #008 through #012. I obtained a copy of the Germantown Police Department report for this second fire.

The apparent open dumping violations observed during the inspections are listed on the attached inspection reports. Section 3.305 of the [Illinois] Environmental Protection Act (“Act”) defines “open dumping” as the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill. Refuse is defined as waste pursuant to Section 3.385 of the Act. The damaged dimensional lumber and used tires would be regarded as open dumping at this site. Furthermore, the open dumping of waste was caused or allowed in a manner that resulted in litter. In Illinois, litter is defined in Section 3(a) of the Litter Control Act as any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to any garbage, trash, refuse, debris, ... abandoned vehicle, motor vehicle parts... or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly.

The used tires were hauled to the site by Mr. Richard Jenkins. Mr. Jenkins was registered as Golden Globe Physical Management with transporter number T7634. The registration expired on May 31, 2012.

Summary of Apparent Violations

9(a) of the Act	Cause or allow air pollution
9(c) of the Act	Open burning
21(a) of the Act	Open dumping
21(d)(1) of the Act	Conduct a waste-disposal operation without a permit
21(d)(2) of the Act	Conduct a waste-disposal operation in violation of any

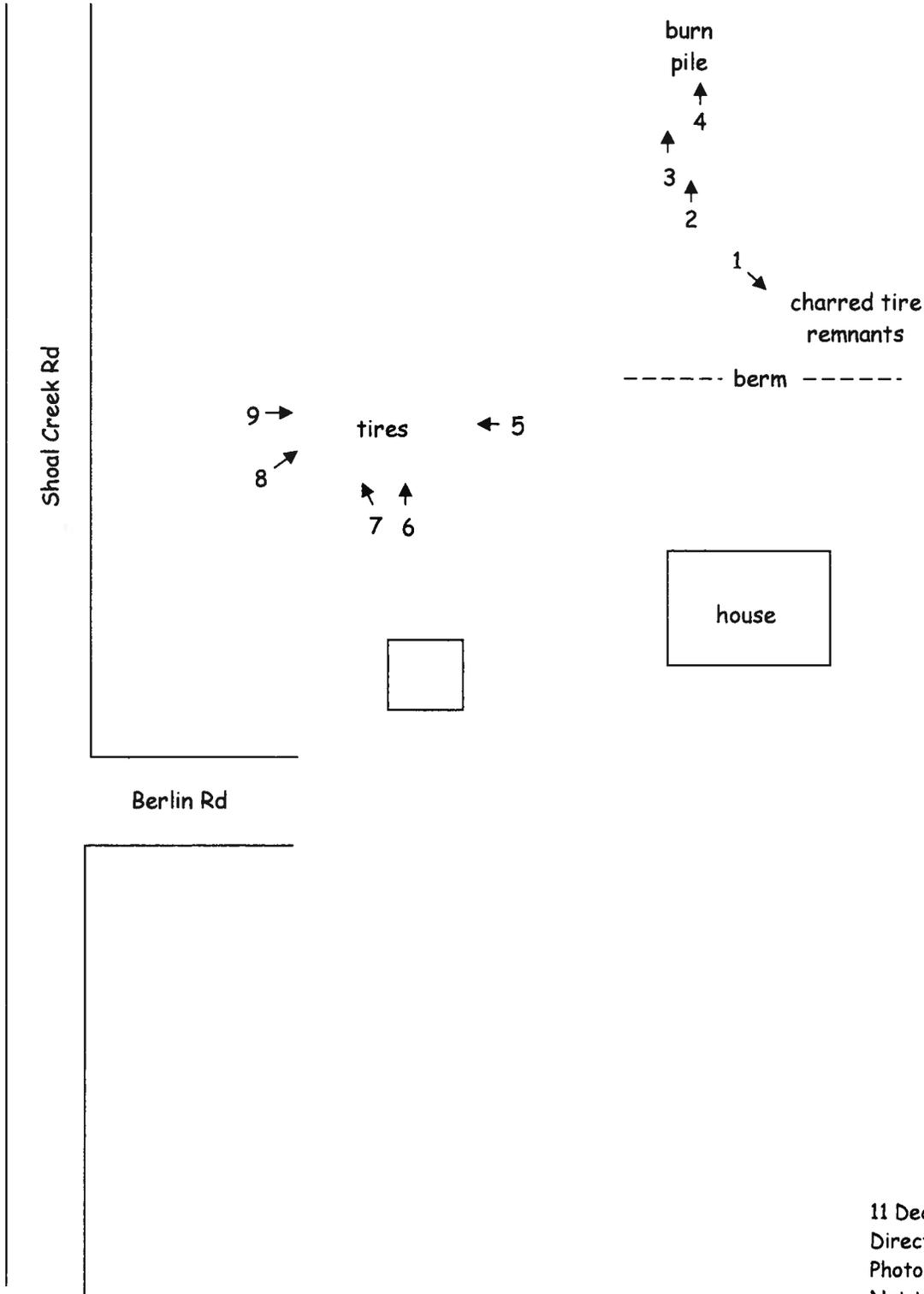
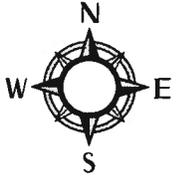
regulations adopted by the Illinois Pollution Control Board.

- 21(e) of the Act Dispose of waste at a site that does not meet the requirements of the Act and regulations.
- 21(p)(1) of the Act Cause or allow open dumping of waste which results in litter
- 21(p)(3) of the Act Cause or allow open dumping of waste which results in open burning
- 21(p)(7) of the Act Cause or allow open dumping of waste which results in deposition of general construction or demolition debris
- 55(a)(1) of the Act Cause or allow the open dumping of any used or waste tire
- 55(a)(2) of the Act Cause or allow the open burning of any used or waste tire

cc: BOL/FOS Collinsville Region



SITE SKETCH



11 December 2012 Inspection
Direction of Photo →
Photo Locations Approximate
Not to Scale



DIGITAL PHOTOGRAPHS



Date: 11 December 2012
Time: 11:26 a.m.
Direction: SE
Photo by: M. Cozadd
Exposure #: 001
Comments:



Date: 11 December 2012
Time: 11:26 a.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 002
Comments:

File Names: 0278050002~12112012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11 December 2012
Time: 11:26 a.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 003
Comments:



Date: 11 December 2012
Time: 11:27 a.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 004
Comments:

File Names: 0278050002~12112012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11 December 2012
Time: 11:29 a.m.
Direction: W
Photo by: M. Cozadd
Exposure #: 005
Comments:



Date: 11 December 2012
Time: 11:30 a.m.
Direction: N
Photo by: M. Cozadd
Exposure #: 006
Comments:

File Names: 0278050002~12112012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11 December 2012
Time: 11:30 a.m.
Direction: NW
Photo by: M. Cozadd
Exposure #: 007
Comments:



Date: 11 December 2012
Time: 11:30 a.m.
Direction: NE
Photo by: M. Cozadd
Exposure #: 008
Comments:

File Names: 0278050002~12112012-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 11 December 2012
Time: 11:30 a.m.
Direction: E
Photo by: M. Cozadd
Exposure #: 009
Comments:

NO PHOTO

PROOF OF SERVICE

I hereby certify that I did on the 14th day of February 2013, 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: Jeff Wuebbels
10017 Berlin Road
Germantown, IL 62245

RECEIVED
CLERK'S OFFICE

FEB 20 2013

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


Michelle M. Ryan
Assistant Counsel


Illinois Environmental Protection Agency
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