

CASE 967-S-19

SUPPLEMENTAL MEMORANDUM #4
August 21, 2020

Petitioners: Bruce and Brody Block, d.b.a., Block Field Tiling, LLC

Request: Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.

Location: A 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.

Site Area: Special Use Permit Area is five acres

Time Schedule for Development: Already in use

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

STATUS

New information was received on August 20, 2020 from IEPA in response to Susan Burgstrom's FOIA request.

IEPA COMPLIANCE – AMENDED

The following evidence has been added starting as Item 9.G.6 regarding IEPA compliance:

- (6) On August 20, 2020, Planner Susan Burgstrom received a reply to her August 12, 2020, FOIA request to the IEPA. Highlights of the reply include the following:
 - a. Jennifer O'Hearn of the IEPA completed an Open Dump Inspection of the Block property on February 11, 2020. The results of that inspection were summarized in a letter to Bruce Block dated May 6, 2020. The letter to Mr. Block stated that four violations were observed that had been observed in previous inspections of his property on August 3, 2016; December 14, 2016; May 16, 2017; September 21, 2017; April 20, 2018; December 10, 2018; and November 1, 2019.
 - (a) Environmental Protection Act (415 ILCS 5) violation 21(a) continuing since August 11, 2015 is to "cause or allow the open dumping of any waste."
 - (b) Violation 21(e) continuing since August 11, 2015 is to "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."
 - (c) Violation 21(p)(1) continuing since August 11, 2015 is to "cause or allow the open dumping of any waste in a manner which results in...litter."
 - (d) Violation 21(p)(7) continuing since August 3, 2016 is to "cause or allow the open dumping of any waste in a manner which results in...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."

- b. Bruce Block had been present for the inspection.
- c. The following summary is excerpted from pages 2 and 3 of the Open Dump Inspection Report:
“In summary, much activity has occurred at the site. Around 30 cubic yards of brick was crushed from a former pile of brick. Around 40 cubic yards of asphalt was crushed. Around 30 cubic yards of concrete was apparently newly crushed. Around 5 cubic yards of lumber and plastic were removed. Around 10 cubic yards of concrete and asphalt were removed. Around 20 cubic yards of brick and concrete and 30 cubic yards of soil, brick and concrete were removed. A total of 125 cubic yards is estimated to have either been crushed or removed at the site.
- Much new material was observed including about 15 cubic yards of new painted concrete, unpainted concrete and soil, 40 cubic yards new bricks and 30 cubic yards new bricks, some with paint. A total estimated 85 cubic yards of new material came to the site.
- However, north and east of the barn show no signs of improvement with around 120 cubic yards of concrete that have been at the site since August 11, 2015. To the west of the grain bins a couple hundred cubic yards of ground asphalt that were observed previously have not left the site.”
- d. The report also listed the kind of tests that need to be made on any painted concrete or painted brick to confirm that such materials may be used as fill materials. Painted materials that fail those tests must be disposed of at a permitted landfill.
- e. The report also recounts the following conversation between Jennifer O’Hearn and Bruce Block:
“I asked Mr. Block how many tons of material he is processing and if he had records for what he has processed. He said he processed around 1,000 tons in 2019 and he does not have records for what he processed. I said the more records you keep showing material is not just sitting at the property, the better. I also said material north and east of the shed needs to be processed, as it could be considered open dumped because it has been sitting there, unprocessed for multiple years. He did say they had been better recycling material at the front of the property. I said the large pile of asphalt must be gone within four years of when it arrived onsite and 25% of the asphalt must be removed per year. He said some of the asphalt has already left the site. Finally, I asked him if he had an IEPA Bureau of Air Permit for the crusher. Mr. Block said he just obtained a ROSS permit for the 2018 model Rebel Crusher which he said had anti-pollution equipment on it. He said the BOA ROSS permit ID# is 091800AAA.”

ATTACHMENTS

- A IEPA FOIA response received August 20, 2020, with attachments:
- Letter from Todd Marvel with IEPA to Bruce Block dated May 6, 2020
 - Evaluation Report by IEPA Bureau of Land dated February 11, 2020



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/ 278-5800
Fax: 217/ 278-5808

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

May 6, 2020

AUG 20 2020

Bruce Block
P.O. Box 80
Broadlands, Illinois 61816

REVIEWER: RDH

Re: 0198000001 - Champaign County
Block, Bruce
Compliance File

Dear Mr. Bruce Block:

On February 11, 2020, your facility was inspected by Jennifer O'Hearn of the Illinois Environmental Protection Agency. The purpose of this inspection was to determine your facility's compliance with Illinois law and regulations related to solid waste management, as well as any solid waste permits the Illinois EPA has issued to your facility. At the time of the inspection, apparent violations found in previous inspections conducted on August 3, 2016, December 14, 2016, May 16, 2017, September 21, 2017, April 20, 2018, December 10, 2018, and November 1, 2019 were again observed and are listed below.

21(a), 21(e), 21(p)(1), 21(p)(7)

For your information, a copy of this inspection report is enclosed. Please contact Jennifer O'Hearn at 217/ 278-5800 if you have any questions regarding this inspection.

Sincerely,

Todd J. Marvel, Manager
Central Region/Field Operations Section
Bureau of Land

RECEIVED

AUG 20 2020

CHAMPAIGN CO. P & Z DEPARTMENT

Enclosure

cc: Bureau of Land File

**Bureau of Land – Field Operations Section
Evaluation Report**

General Facility Information			
BOL ID:	0198000001	Region:	Champaign
USEPA ID:	Not Applicable	County:	Champaign
Site Name:	Block, Bruce	Phone:	217/841-3080
Address:	.25 M W of 2500E & 400N	Latitude:	39.93837
City/State/Zip:	Broadlands, IL 61816	Longitude:	-87.99991
Permit No(s):	None		
Regulated As:	None		
Operational Status:	Open Dump		

Owner	Operator
Block, Bruce 200 W. Diller P.O. Box 80 Broadlands, IL 61816	Block, Bruce 200 W. Diller P.O. Box 80 Broadlands, IL 61816

Evaluation Details	
Evaluation Type	Open Dump Inspection
Evaluation Date	2/11/2020
Inspector(s)	O'Hearn, Jennifer
Person(s) Interviewed	Bruce Block
Previous Inspection Date	11/1/2019
Reference Complaint ID	2043

Observations	
Time	2:03-3:25PM
Weather Conditions (Description)	Mostly cloudy, 11 mph winds out of the West-Northwest
Temperature (°F)	39
Samples Collected (Yes/No)	N
Photos Taken (Yes/No)	Y

Executive Summary

On February 11, 2020, I conducted an open dump inspection at the Bruce Block site located 0.25 miles west of the intersection of 2500 E. C.R. & 400 N. C.R. on the north side of the road about two miles north of Broadlands in Ayers Township in Champaign County. I observed apparent continuing violations.

Evaluation Narrative

General Comments:

This inspection was conducted to determine the regulatory status and evaluate compliance with the solid waste provisions of the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Bruce Block and his son Brody Block were present during the inspection. The site is a fenced pasture lot which is surrounded by row-crop fields. There is a 3-sided loafing shed, some grain bins, an L-shaped concrete foundation and a few trees.

I drove into the site, parked and began the inspection. I observed a new pile of bricks and concrete with some painted bricks that according to Mr. Block are from the demolition of Kam's bar in Champaign, Illinois (photo 1). I then viewed piles of crushed concrete, some broken chunks of concrete, and further back large mound of milled, reclaimed asphalt pavement. There appeared to be more crushed concrete than in the previous inspection (photo 2). Next, I observed a pile of bricks and concrete with some painted bricks from a distance, where in the previous inspection there was mainly concrete (photo 3). Then, I observed piles of crushed brick and crushed concrete (photos 4 & 11). I then observed piles of concrete that have been at the site since August 11, 2015 and some brick and brick pieces (photos 5, 6, 7 & 17). Next, I observed an approximately thirty-cubic yard crushed brick pile, where in the previous inspection a thirty-cubic yard pile of uncrushed bricks was located (photo 8). I then viewed a loader being used at the site and newer mixed concrete and brick piles, concrete piles, and crushed brick piles. I also observed the previous locations of a 20-cubic yard pile of brick and concrete, now removed and a thirty-cubic yard pile of soil, brick and concrete, now removed (photo 9). Then, I observed a new pile of mostly crushed concrete with some bits of crushed brick mixed in (photo 10). I next viewed the previous location of a pile with brick, concrete, and one piece of dimensional lumber now with crushed brick, crushed concrete, splintered wood, etc. in a pile (photo 12). Next, I observed a pile of concrete, brick, soil, reclaimed asphalt pavement, painted concrete, dimensional lumber, etc. with some concrete removed and some apparent asphalt removed as compared to the previous inspection (photo 13). Then, I viewed new concrete, brick, painted concrete and soil in a pile (photo 14). Subsequently, I observed a new pile of soil, concrete, brick and dimensional lumber. Further back, I observed apparent metal as observed in the previous inspection. I also observed dimensional lumber and plastic had been removed from the area since the last inspection (photo 15). Then, I observed new concrete, brick, clay field tile, etc. in a pile (photo 16). I next observed new landscape waste, dimensional lumber and metal (photo 17). Next, I viewed a large-scale crusher and piles of newly crushed asphalt (photos 18 & 19). I observed an apparent new pile of crushed concrete and apparent crushed concrete pile as observed previously (photo 19). I viewed piles of broken concrete, some broken reclaimed asphalt, as observed in previous inspection (photo 20). Then, I observed piles of concrete as observed previously (photo 21). Finally, I observed a skid steer with a jack-hammer-like extension being used to break up pieces of concrete in the piles of concrete (photo 22).

In summary, much activity has occurred at the site. Around 30 cubic yards of brick was crushed from a former pile of brick (photos 8 & 9). Around 40 cubic yards of asphalt was crushed (photos 18 & 19). Around 30 cubic yards of concrete was apparently newly crushed (photo 2). Around 5 cubic yards of lumber and plastic were removed (photo 15). Around 10 cubic yards of concrete and asphalt were

removed (photo 13). Around 20 cubic yards of brick and concrete and 30 cubic yards of soil, brick and concrete were removed (photos 8 & 9). A total of 125 cubic yards is estimated to have either been crushed or removed at the site.

Much new material was observed including about 15 cubic yards of new painted concrete, unpainted concrete and soil (photo 14), 40 cubic yards new bricks (photo 16) and 30 cubic yards of new bricks, some with paint (photo 1). A total estimated 85 cubic yards of new material came into the site.

However, north and east of the barn show no signs of improvement with around 120 cubic yards of concrete that have been at the site since August 11, 2015. To the west of the grain bins a couple hundred cubic yards of ground asphalt (photo 2) that were observed previously have not left the site.

Note: Any painted concrete or brick should be tested by TCLP or SPLP extraction to confirm the paint does not exceed the Class I groundwater quality standards at 35 Illinois Administrative Code 620.410 for arsenic, cadmium, chromium (total), lead, mercury and zinc before recycling the material. Material contaminated with paint containing heavy metals should be disposed at a permitted landfill.

Interviews-Block, Bruce, owner of property

I called Mr. Block on the morning of February 11, 2020 and he said he would be working out at the site crushing concrete. I said I would see him out there this afternoon.

When I arrived at the site, I asked Mr. Block how many tons of material he is processing and if he had records for what he has processed. He said he processed around 1000 tons in 2019 and he does not have records for what he processed. I said the more records you keep showing material is not just sitting at the property, the better. I also said material north and east of the shed needs to be processed, as it could be considered open dumped because it has been sitting there, unprocessed for multiple years. He did say they had been better recycling material at the front of the property. I said the large pile of asphalt must be gone within four years of when it arrived onsite and 25% of the asphalt must be removed per year. He said some of the asphalt has already left the site. Finally, I asked him if he had an IEPA Bureau of Air Permit for the crusher. Mr. Block said he just obtained a ROSS permit for the 2018 model Rebel Crusher which he said had anti-pollution equipment on it. He said the BOA ROSS permit ID# is 019800AAA.

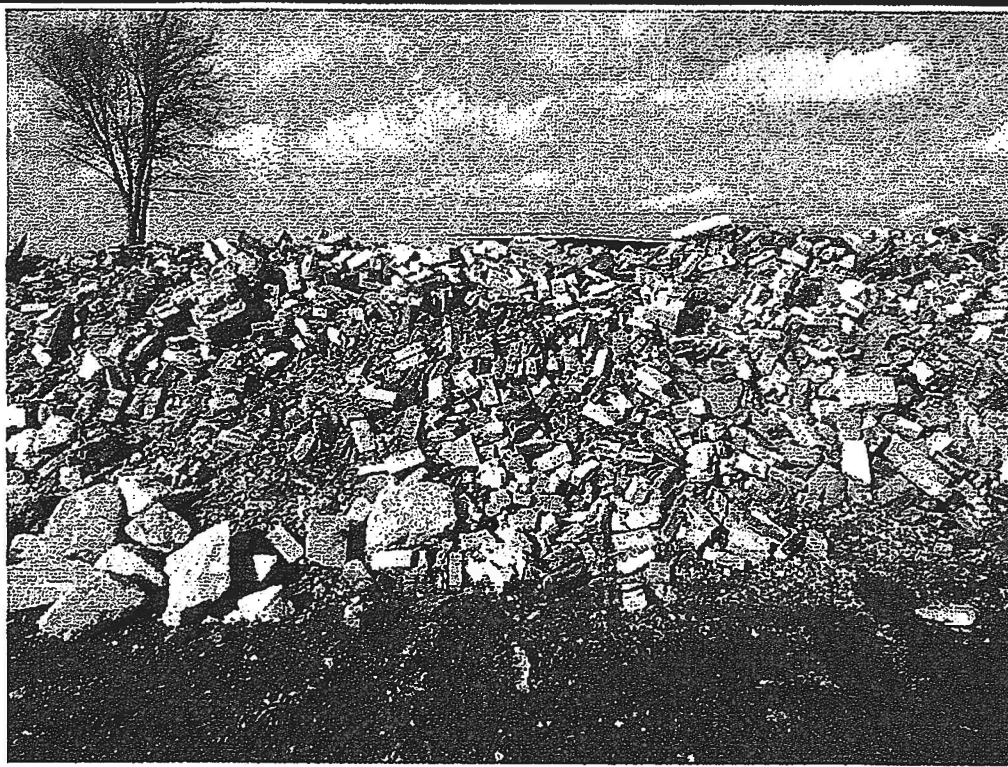
Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	8/3/2016	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris
Continuing	8/11/2015	21(a)	Cause or allow open dumping
Continuing	8/11/2015	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	8/11/2015	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter

Attachment Listing

ID	Type	Description
2	Email	Complaint email

Digital Photographs



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 1
Photo Date: 2/11/2020
Photo Time: 14:07:11
Direction: N
Taken By: Jennifer O'Hearn

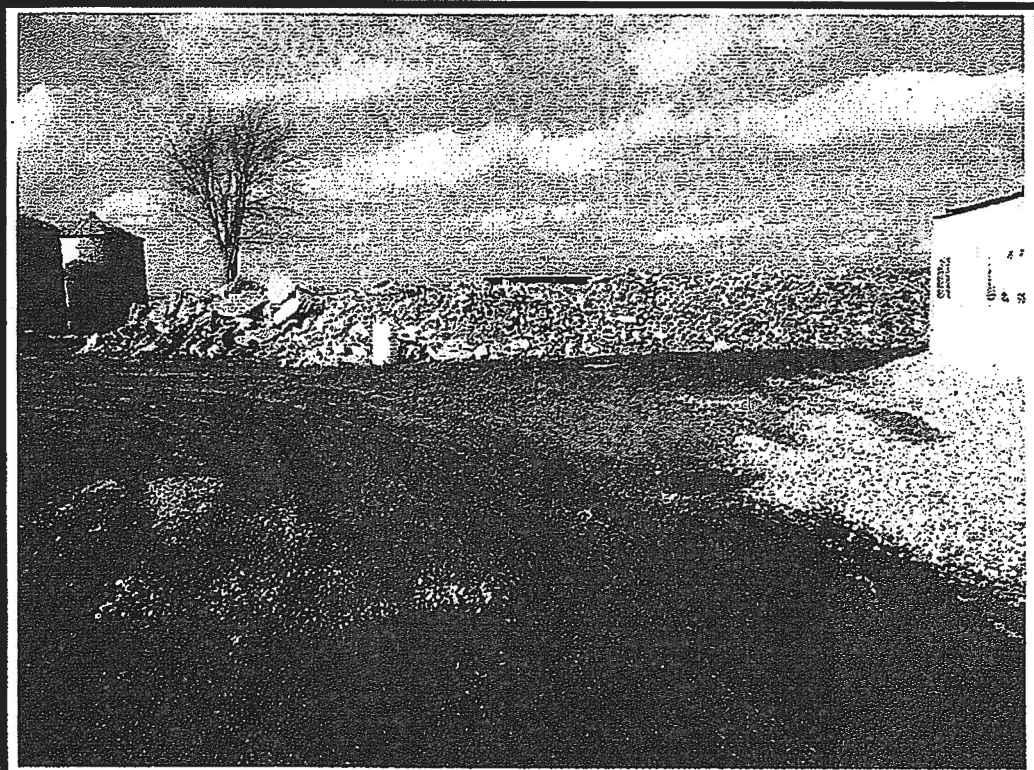
View of pile of bricks and
concrete with some painted
bricks.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 2
Photo Date: 2/11/2020
Photo Time: 14:08:12
Direction: NW
Taken By: Jennifer O'Hearn

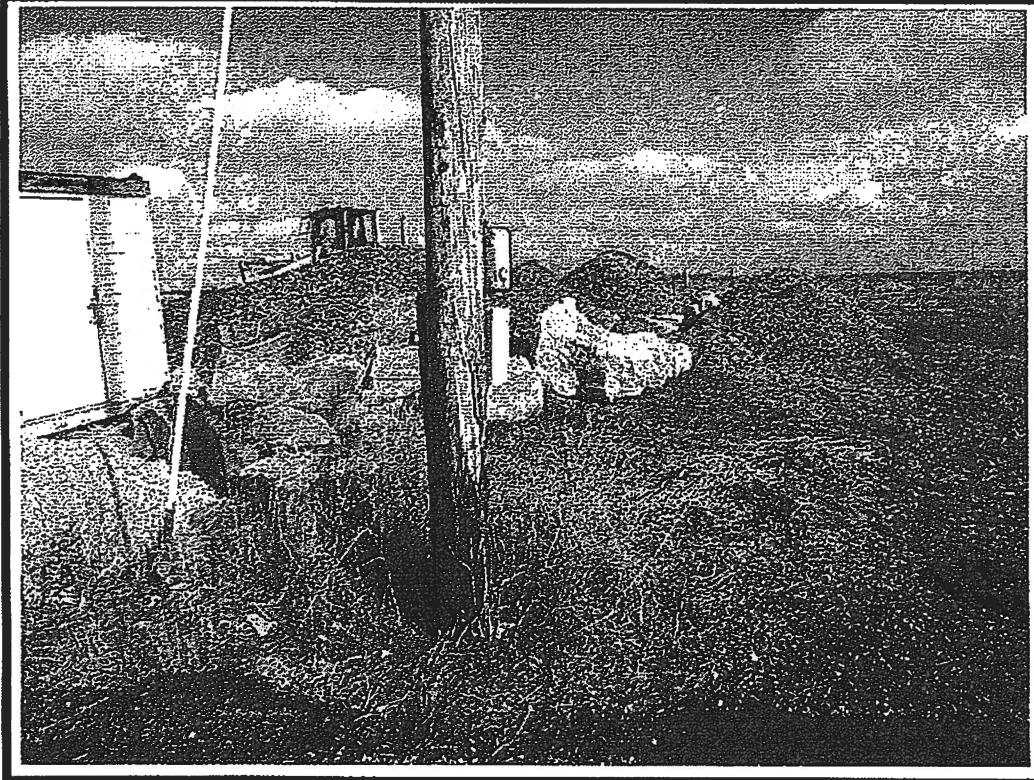
View of piles of crushed
concrete, some broken chunks
of concrete, and further back
large mound of milled,
reclaimed asphalt pavement.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 3
Photo Date: 2/11/2020
Photo Time: 14:08:19
Direction: N
Taken By: Jennifer O'Hearn

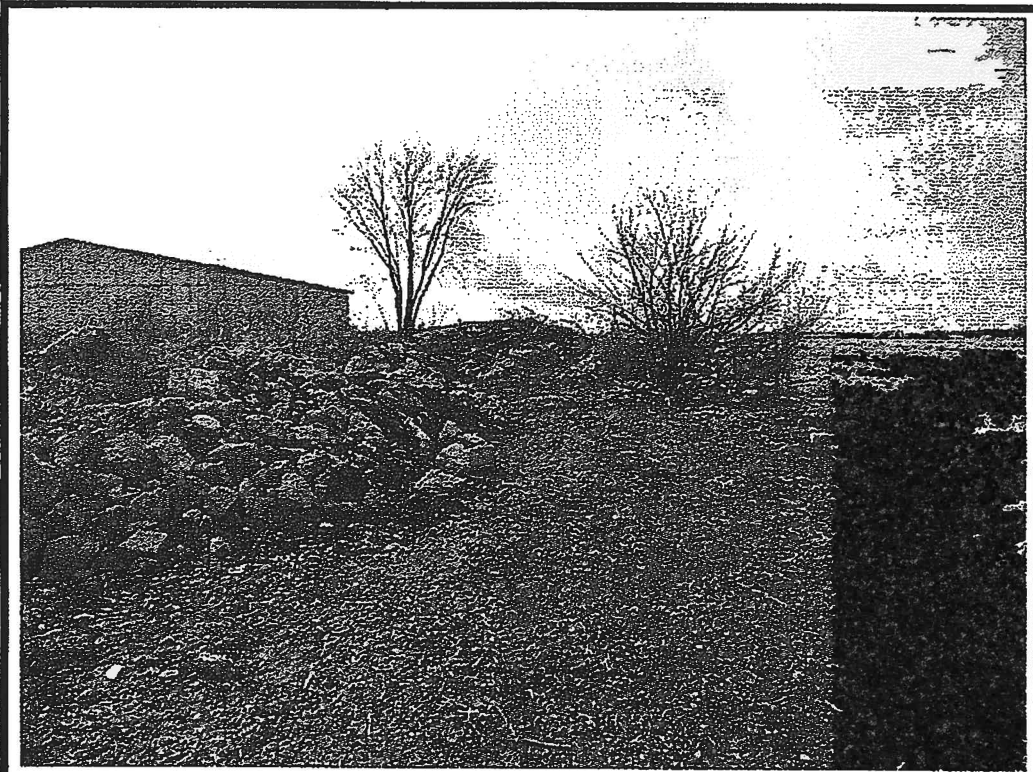
View of pile of bricks and
concrete with some painted
bricks from a distance.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 4
Photo Date: 2/11/2020
Photo Time: 14:08:29
Direction: NE
Taken By: Jennifer O'Hearn

View of piles of crushed brick.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 5
Photo Date: 2/11/2020
Photo Time: 14:28:14
Direction: W
Taken By: Jennifer O'Hearn

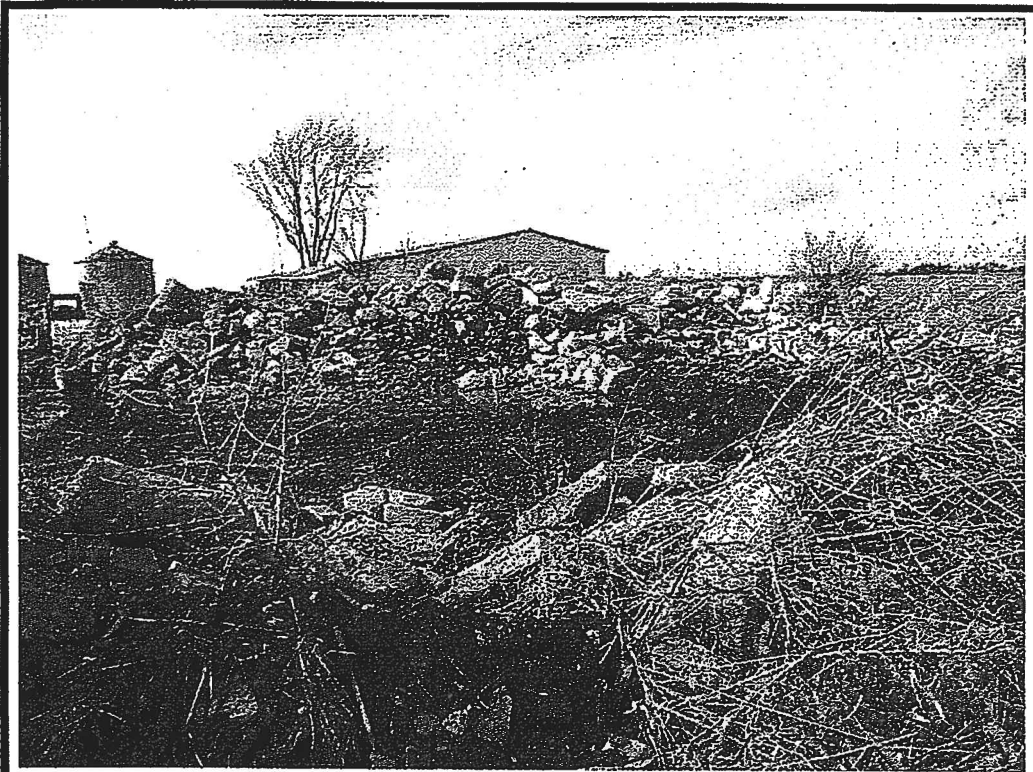
View of broken concrete piles
from which vegetation is
growing as previously
observed.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 6
Photo Date: 2/11/2020
Photo Time: 14:28:42
Direction: SW
Taken By: Jennifer O'Hearn

View of broken concrete piles
from which vegetation is
growing as previously
observed.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 7
Photo Date: 2/11/2020
Photo Time: 14:29:54
Direction: NW
Taken By: Jennifer O'Hearn

View of some brick and broken concrete piles from which vegetation is growing as previously observed.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 8
Photo Date: 2/11/2020
Photo Time: 14:33:08
Direction: N
Taken By: Jennifer O'Hearn

View of crushed brick pile, crushed concrete pile, mixed concrete and brick pile and concrete piles. A previously observed 30-cubic yard uncrushed brick pile apparently had been crushed.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 9
Photo Date: 2/11/2020
Photo Time: 14:33:13
Direction: NW
Taken By: Jennifer O'Hearn

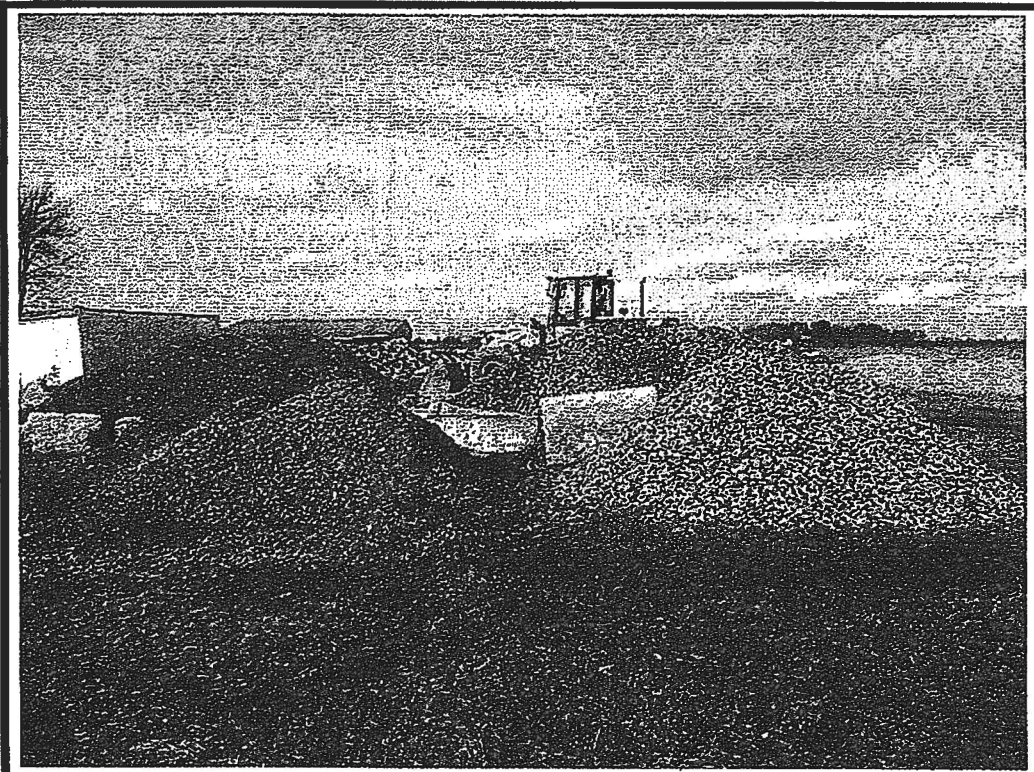
View of loader being used at the site and of newer mixed concrete and brick piles, concrete piles, and crushed brick piles. View of previous location of 20-cubic yard pile of brick and concrete now removed.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 10
Photo Date: 2/11/2020
Photo Time: 14:36:48
Direction: NE
Taken By: Jennifer O'Hearn

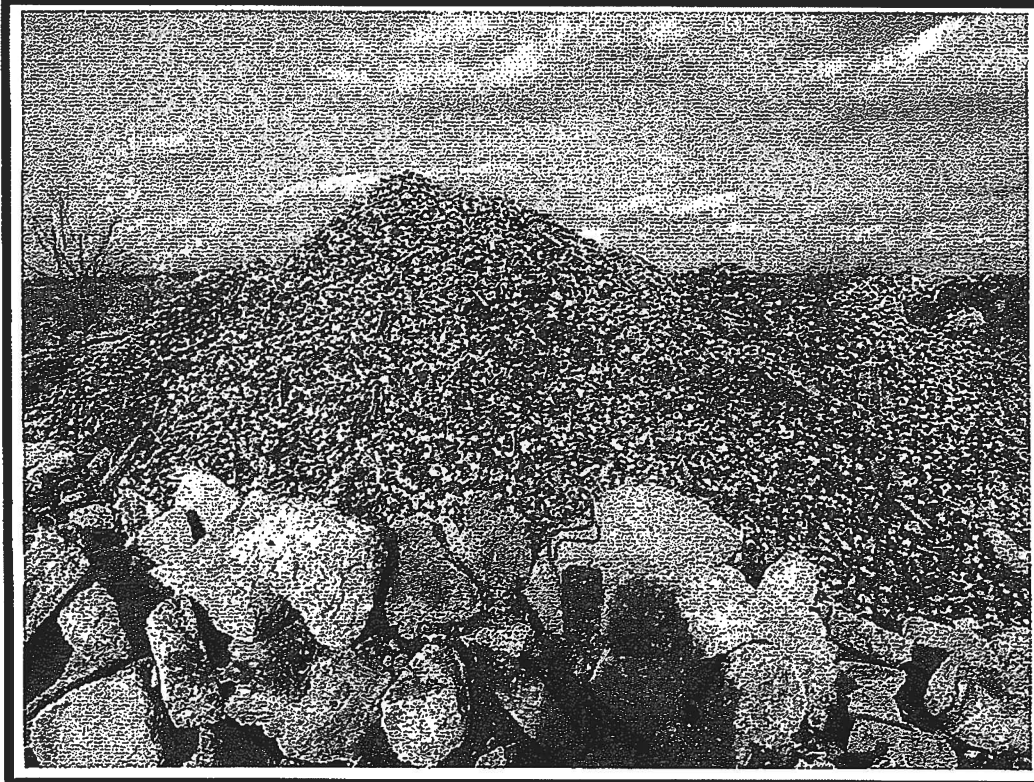
View of pile of mostly crushed concrete with some bits of crushed brick mixed in.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 11
Photo Date: 2/11/2020
Photo Time: 14:38:14
Direction: N
Taken By: Jennifer O'Hearn

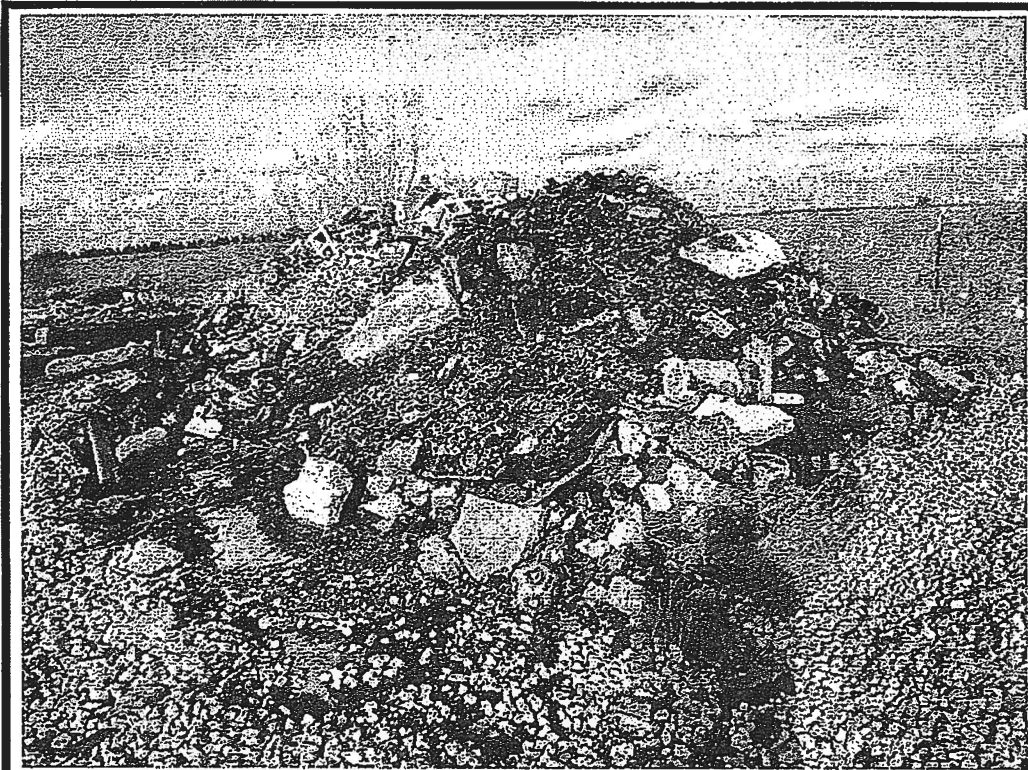
View of piles of varying amounts of crushed brick and crushed concrete.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 12
Photo Date: 2/11/2020
Photo Time: 14:40:13
Direction: E
Taken By: Jennifer O'Hearn

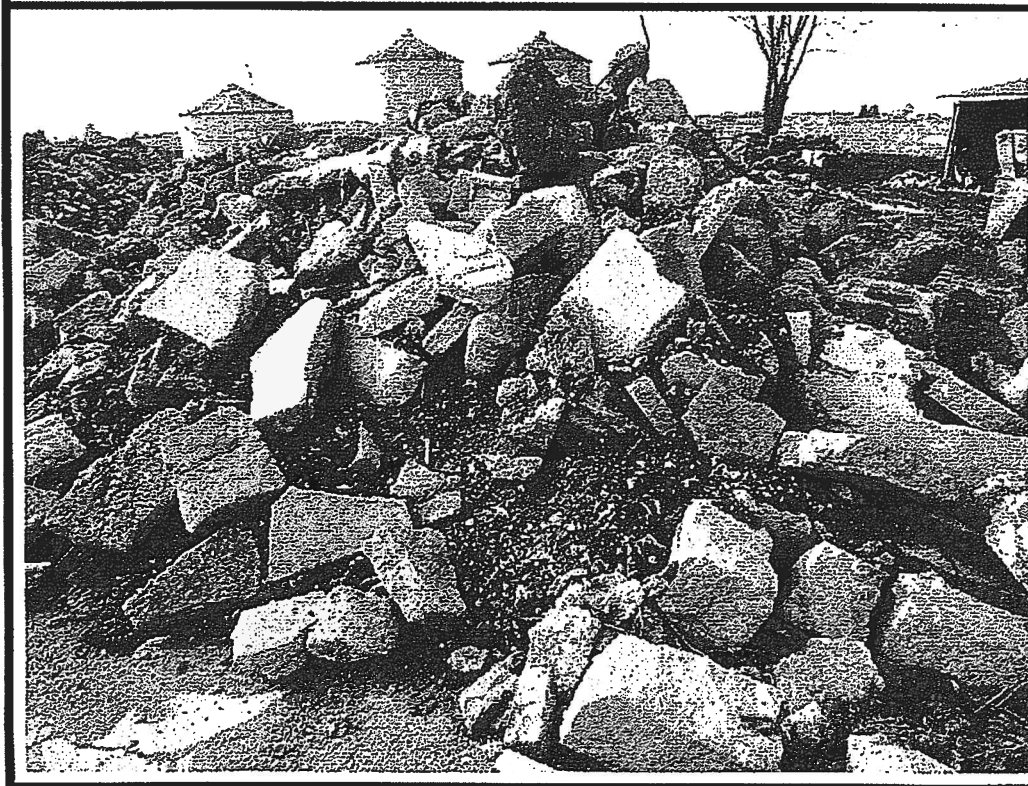
View of crushed brick, crushed concrete, splintered wood, etc. in pile.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 13
Photo Date: 2/11/2020
Photo Time: 14:51:07
Direction: NE
Taken By: Jennifer O'Hearn

View of pile of concrete, brick, soil, reclaimed asphalt pavement, painted concrete, dimensional lumber, etc. with some concrete removed and some apparent asphalt removed as compared to the previous inspection.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 14
Photo Date: 2/11/2020
Photo Time: 14:53:53
Direction: NW
Taken By: Jennifer O'Hearn

View of new concrete, brick, painted concrete and soil in a pile.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 15
Photo Date: 2/11/2020
Photo Time: 14:58:09
Direction: NW
Taken By: Jennifer O'Hearn

View of a new pile of soil, concrete, brick and dimensional lumber; further back, apparent metal as observed in the previous inspection; dimensional lumber and plastic removed from the area since the last inspection.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 16
Photo Date: 2/11/2020
Photo Time: 15:02:03
Direction: NE
Taken By: Jennifer O'Hearn

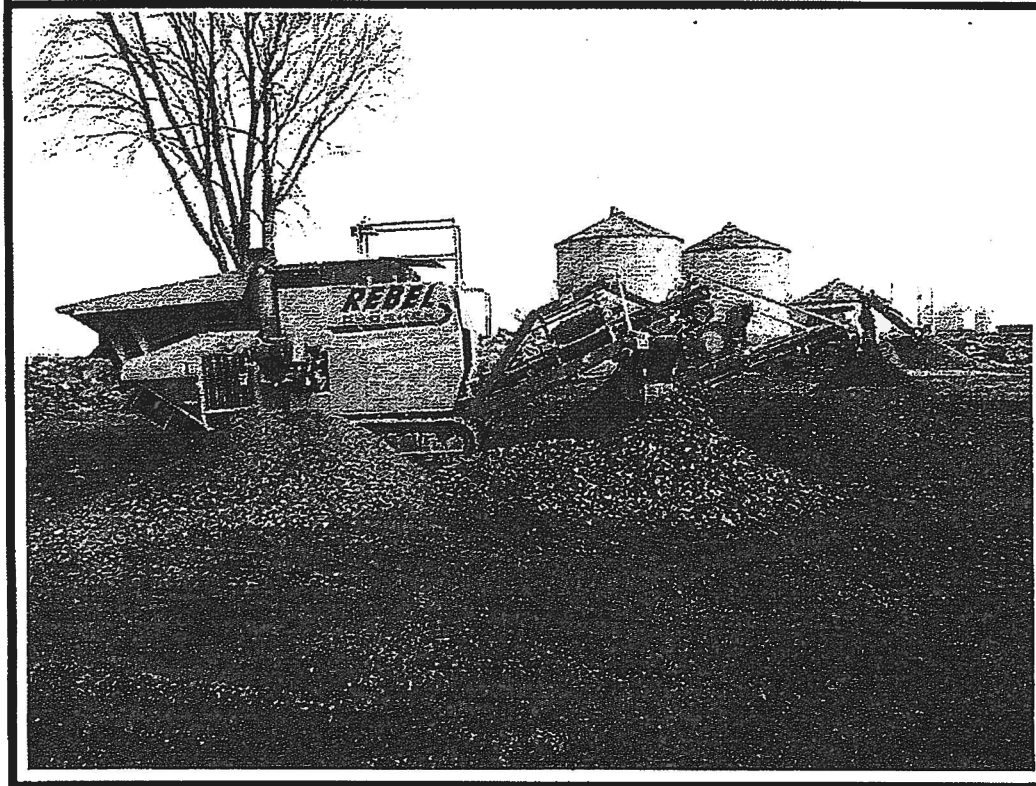
View of new concrete, brick, clay field tile, etc. in a pile.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 17
Photo Date: 2/11/2020
Photo Time: 15:03:30
Direction: NE
Taken By: Jennifer O'Hearn

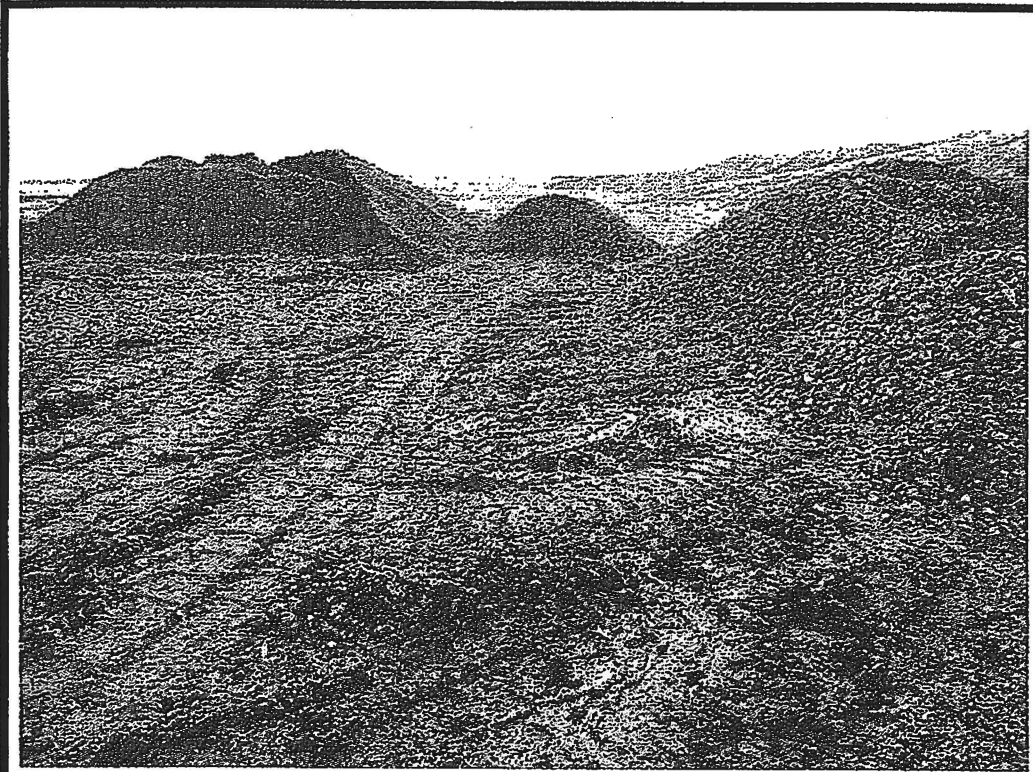
View of piles of concrete as before and new landscape waste, dimensional lumber and metal.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 18
Photo Date: 2/11/2020
Photo Time: 15:05:40
Direction: SE
Taken By: Jennifer O'Hearn

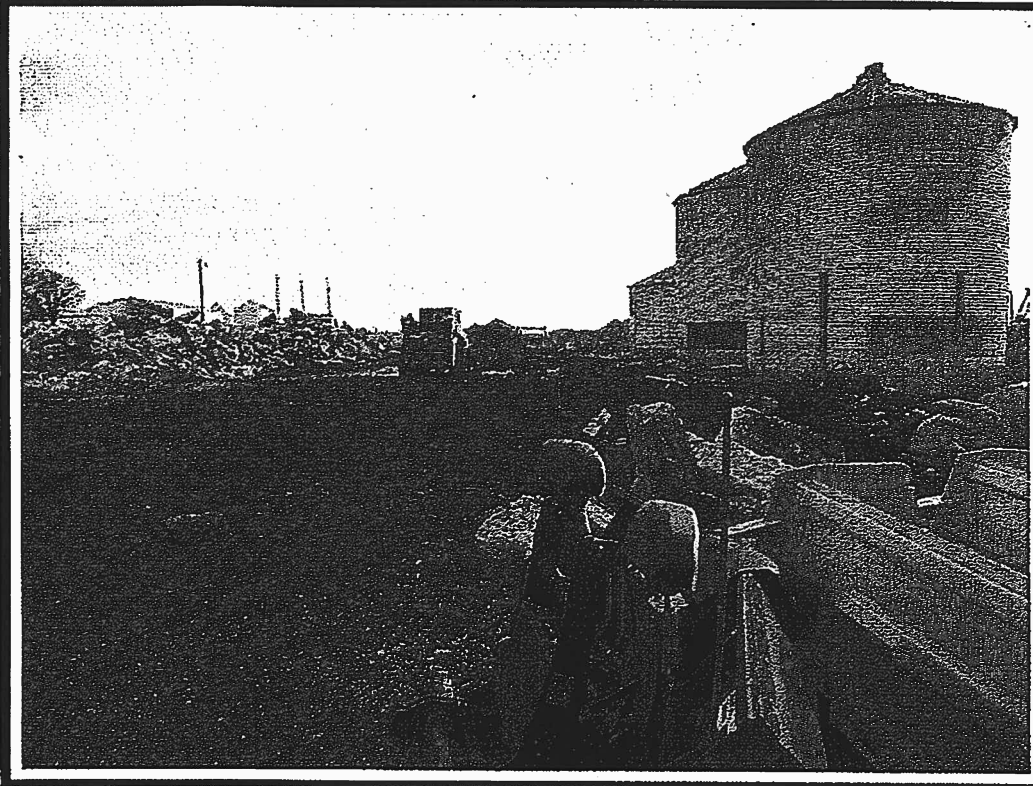
View of large-scale crusher and piles of newly crushed asphalt.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 19
Photo Date: 2/11/2020
Photo Time: 15:06:22
Direction: SW
Taken By: Jennifer O'Hearn

View of piles of apparent
crushed and milled asphalt.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 20
Photo Date: 2/11/2020
Photo Time: 15:08:07
Direction: S
Taken By: Jennifer O'Hearn

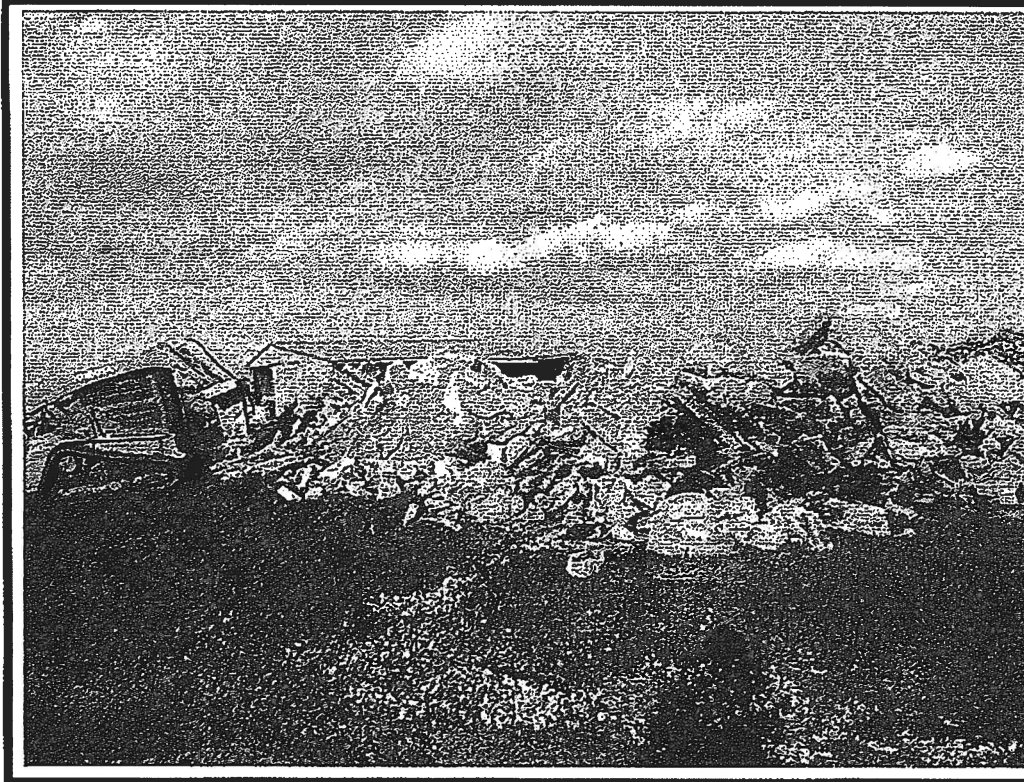
View of piles of broken
concrete, some broken
reclaimed asphalt, as observed
in previous inspection.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 21
Photo Date: 2/11/2020
Photo Time: 15:10:12
Direction: NE
Taken By: Jennifer O'Hearn

View of piles of concrete as
observed previously.



Site: Block, Bruce (0198000001)
Champaign County

Photo ID: 22
Photo Date: 2/11/2020
Photo Time: 15:18:11
Direction: NE
Taken By: Jennifer O'Hearn

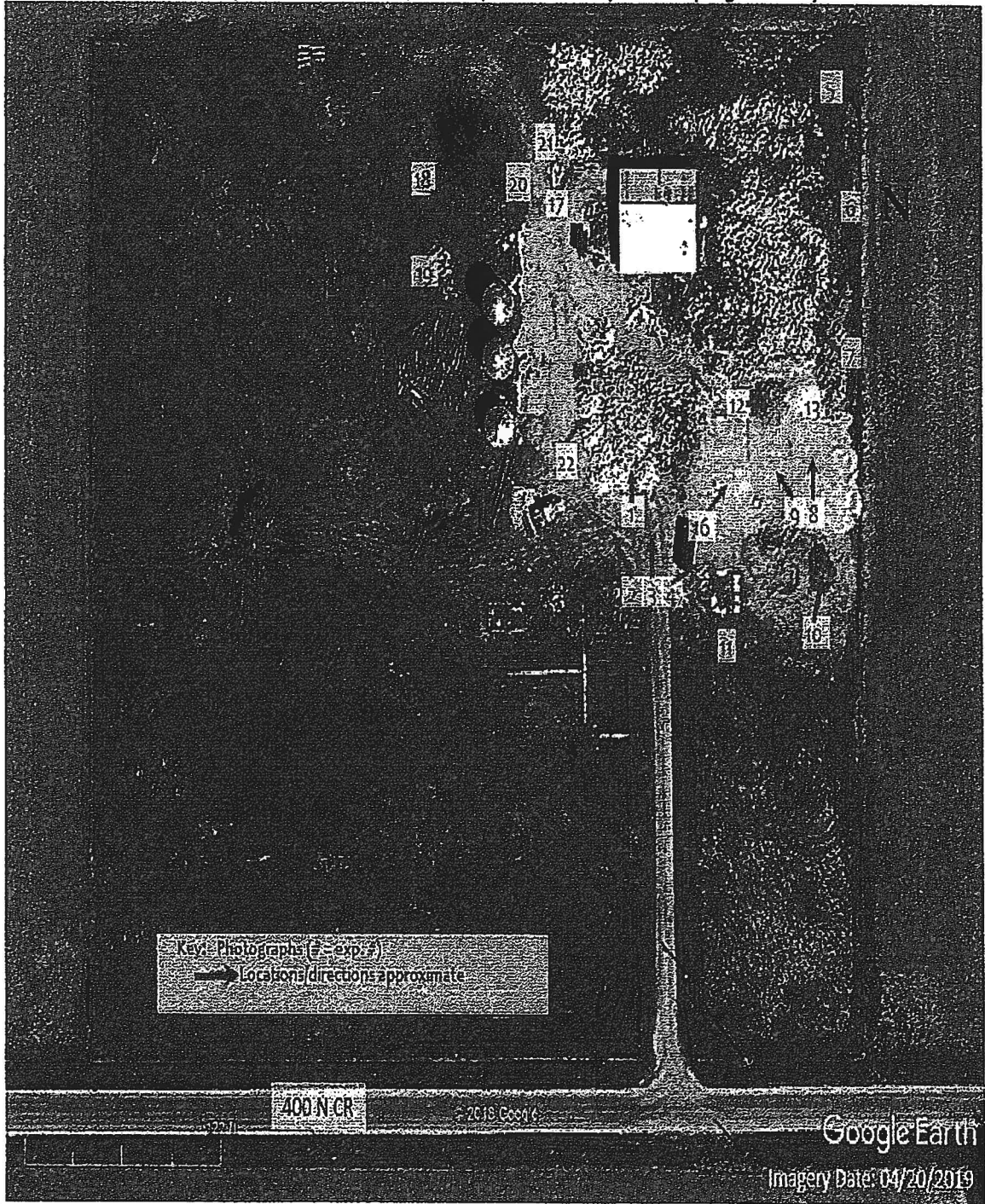
View of a skid steer with a jack-
hammer-like extension being
used to break up pieces of
concrete in the piles of
concrete.

Site Diagram(s)

Site Diagram 1: February 11, 2020 • Block, Bruce (0198000001) • Champaign County

Site #: 0198000001 County: Champaign
Site Name: Broadlands/Block, Bruce
City: Broadlands Inspector: J. O'Hearn
Date of Inspection: 02/11/2020

State of Illinois
Environmental Protection Agency
Site Sketch





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

JUN 02 2020

Mr. Bruce Block
P.O. Box 80
Broadlands, IL 61816

Re: 0190000000 -- Champaign County
Permit Log No. PS20-021
General Correspondence File
Permit Corr

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

AUG 20 2020

REVIEWER: RDH

Dear Mr. Block:

This letter is in response to your letter dated May 21, 2020 and received May 26, 2020 regarding whether a permit from the Illinois EPA, Bureau of Land (BOL) is required for a business crushing and recycling concrete and asphalt pavement. Section 3.160(b)(ii) of the Illinois Environmental Protection Act (Act) specifically excludes clean construction or demolition debris, which includes concrete and asphalt pavement, that is recycled such that it is separated or processed and returned to the economic mainstream in the form of raw materials or products if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with Section 3.160(b)(i) of the Act from being classified as a waste. Therefore, the concrete/asphalt recycling would not need a permit from the BOL. However, the crusher that you mentioned in your letter may need a permit from the Illinois EPA, Bureau of Air (BOA) for particulate emissions and, if you are disturbing more than an acre, a NPDES permit from the Bureau of Water (BOW) may be required. The BOA/Permit Section telephone number is 217/782-2113. The BOW/Water Pollution Control/Permit Section telephone number is 217/782-0610. Please contact them for clarification on whether a permit is needed from the BOW or BOA.

Any questions about this letter should be directed to Tom Hubbard at 217/524-3286.

Sincerely,

Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:TWH:0190000000-PS20-021-response

4302 N Main Street, Rockford, IL 61103 (815) 987-7760
595 S State Street, Elgin, IL 60123 (847) 608-3131
2125 S First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601