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CLERK'S OFFICE

JAN 28 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC04-41

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

**RECEIVED**  
CLERK'S OFFICE

JAN 28 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

CHERYL CLAYTON,

Respondent.

AC

(IEPA No. 15-04-AC)

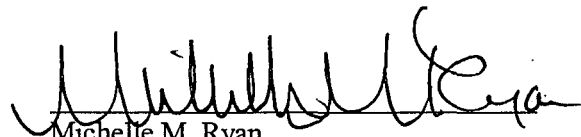
**NOTICE OF FILING**

To: Cheryl Clayton  
P.O. Box 5245  
Quincy, Illinois 62305

Dennis Woodworth, Attorney  
435 Hampshire Street  
Quincy, Illinois 62301

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

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

Dated: January 22, 2004

**JAN 28 2004**

### ADMINISTRATIVE CITATION

AC 04-211  
(IEPA No. 15-04-AC)

Based upon direct observations made by Jan Mier during the course of her December 29, 2003 inspection of the above-named site, 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) (2002).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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, 2004, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano  
Renee Cipriano, Director *by me*  
Illinois Environmental Protection Agency

Date:

1/22/04

Prepared by: Susan 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

## REMITTANCE FORM

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

CHERYL CLAYTON,

Respondent.

AC

(IEPA No.15-04-AC)

FACILITY: Marblehead/Clayton

SITE CODE NO.: 0018075006

COUNTY: Adams

**CIVIL PENALTY: \$1,500.00**

DATE OF INSPECTION: December 29, 2003

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

IN THE MATTER OF: )

Clayton, Cheryl )

Respondent. )

) IEPA DOCKET NO.  
)  
)

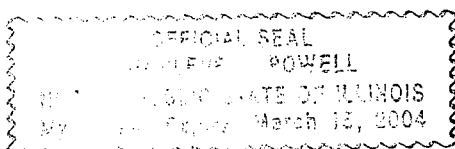
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 29, 2003 between 12:55 p.m. and 1:15 p.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Marblehead/Clayton* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#0018075006 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said *open dump*.

*Jan Mier*

Subscribed and Sworn to Before Me  
this 7<sup>th</sup> day of January, 2004

*Charlene K. Powell*  
Notary Public





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: ADAMS LPC#: 0018075006 Region: 5 - Springfield  
 Location/Site Name: MARBLEHEAD/CLAYTON  
 Date: 12/29/03 Time: From 12:55 PM To 1:15 PM Previous Inspection Date: 7/7/03  
 Inspector(s): JAN MIER Weather: 30F, OVERCAST AND WINDY  
 No. of Photos Taken: # 8 Est. Amt. of Waste: 80 yds<sup>3</sup> Samples Taken: Yes #      No ☒  
 Interviewed: NO ONE ON SITE Complaint #: C-03-101-C

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

CHERYL CLAYTON  
 P.O. BOX 5245  
 QUINCY, IL 62305

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 IEPA-DLPC

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input 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 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	<input 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 # 0018075006

Inspection Date: 12/29/03

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input 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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

\_\_\_\_\_  
Signature of Inspector(s)

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 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  
Inspection Narrative

LPC#0018075006 - Adams County  
Marblehead/Clayton  
C-03-101-C  
FOS File

Inspection Date – 12/29/03  
Inspector – Jan Mier

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On December 29, 2003, I conducted a re-inspection at the above – referenced site. The property owner, Cheryl Clayton, was sent an Administrative Citation Warning Notice (ACWN) on August 1, 2003. The ACWN gave a deadline date of September 1, 2003 for removing the waste on site and September 15, 2003 for submitting copies of receipts for disposal of waste. The response by Ms. Clayton's attorney, Dennis Woodworth, stated a portion of the property inspected did not belong to Ms. Clayton. This was researched at the Adams County courthouse, and a deed to the property east of the house foundation was found. Mr. Woodworth had stated the house had burnt down in February of 2003 and Ms. Clayton and her husband were advised by the Payson Fire Department to burn the remaining shell to the ground, if there was no wind present, which they did. The area surrounding the house foundation did belong to Cheryl Clayton. Mr. Woodworth also stated Ms. Clayton would remove the debris from the foundation and dispose of it in a local landfill. No receipts have been received from Ms. Clayton. I tried calling Mr. Woodworth two times and left messages concerning the Clayton property. These calls were not returned and I was unable to contact Ms. Clayton about re-inspecting the property.

I arrived at 12:55 p.m. The weather was 30<sup>0</sup> F, windy and overcast. I observed a child's table and chair and wading pool within the foundation that was not observed during my previous inspection (see photo #001). Two piles of burnt waste were still on site (see photo #002). The foundation still contained the burnt remains of the house and, in addition, a fan and a child's toy refrigerator were observed (see photo #003).

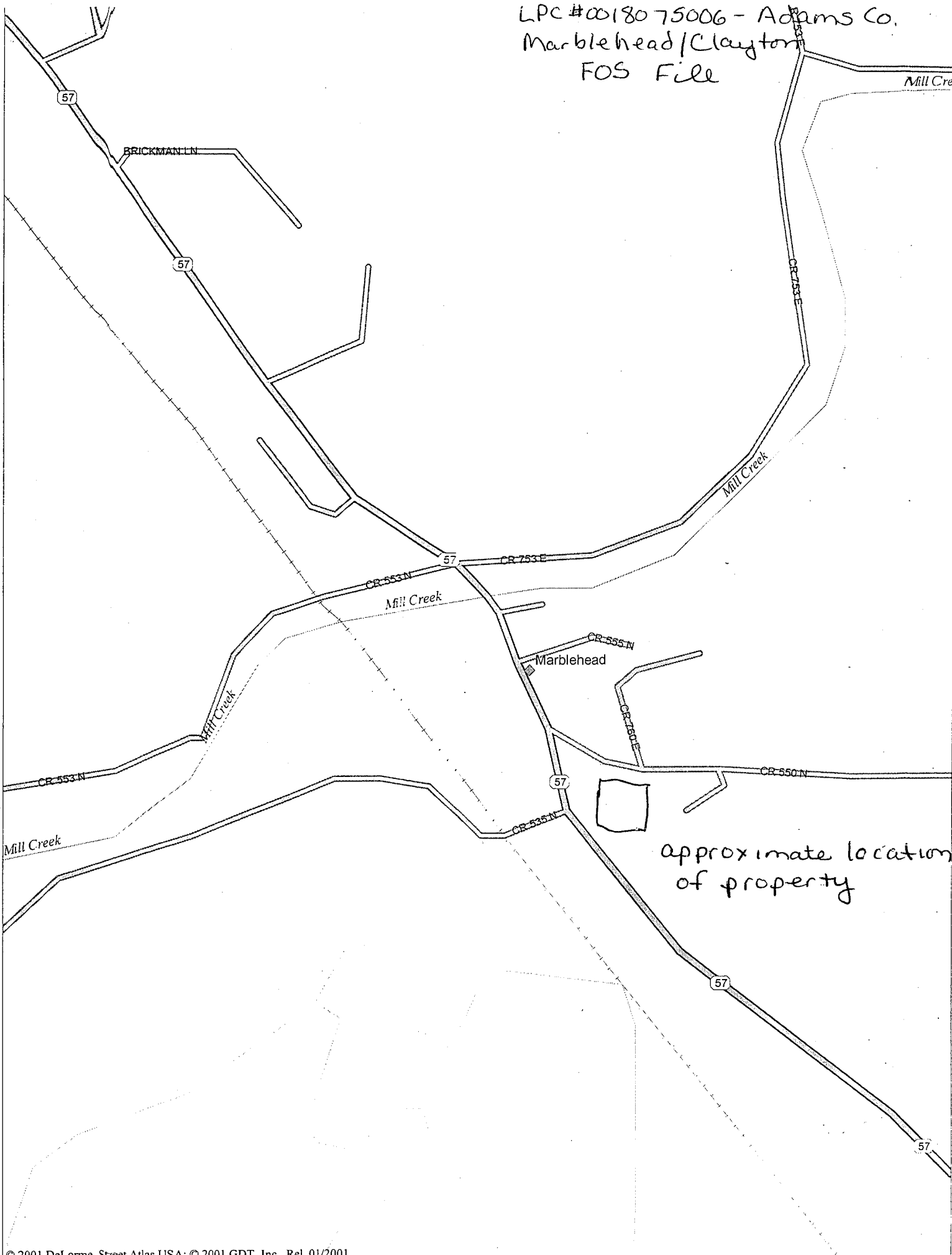
I walked to the south side of the property and behind a shed on site were eight tires off the rim (see photo #004). These were observed during the previous inspection. Around the shed were also an old sewing machine cabinet, a high chair and bicycle (see photo #005). I was able to see down the ravine that is on the south and west side of the property since the frost had taken the weeds down. There I observed waste had been deposited. On the south side in the ravine were a washer, a stove, plastic, metal items and children's plastic toys (see photo #006). On the west side in the ravine I observed an appliance, a plastic garbage bin, plastic and household refuse (see photo #007).

Under the south end of the foundation a cistern or well had been covered by a board (see photo #008). I notified the Adams County Health Department about this. I departed at 1:15 p.m.

Violations observed at the time of the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region  
Leonard Schnellbecker – Adams County Health Department

LPC #0018075006 - Adams Co.  
Marblehead/Clayton  
FOS File



STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

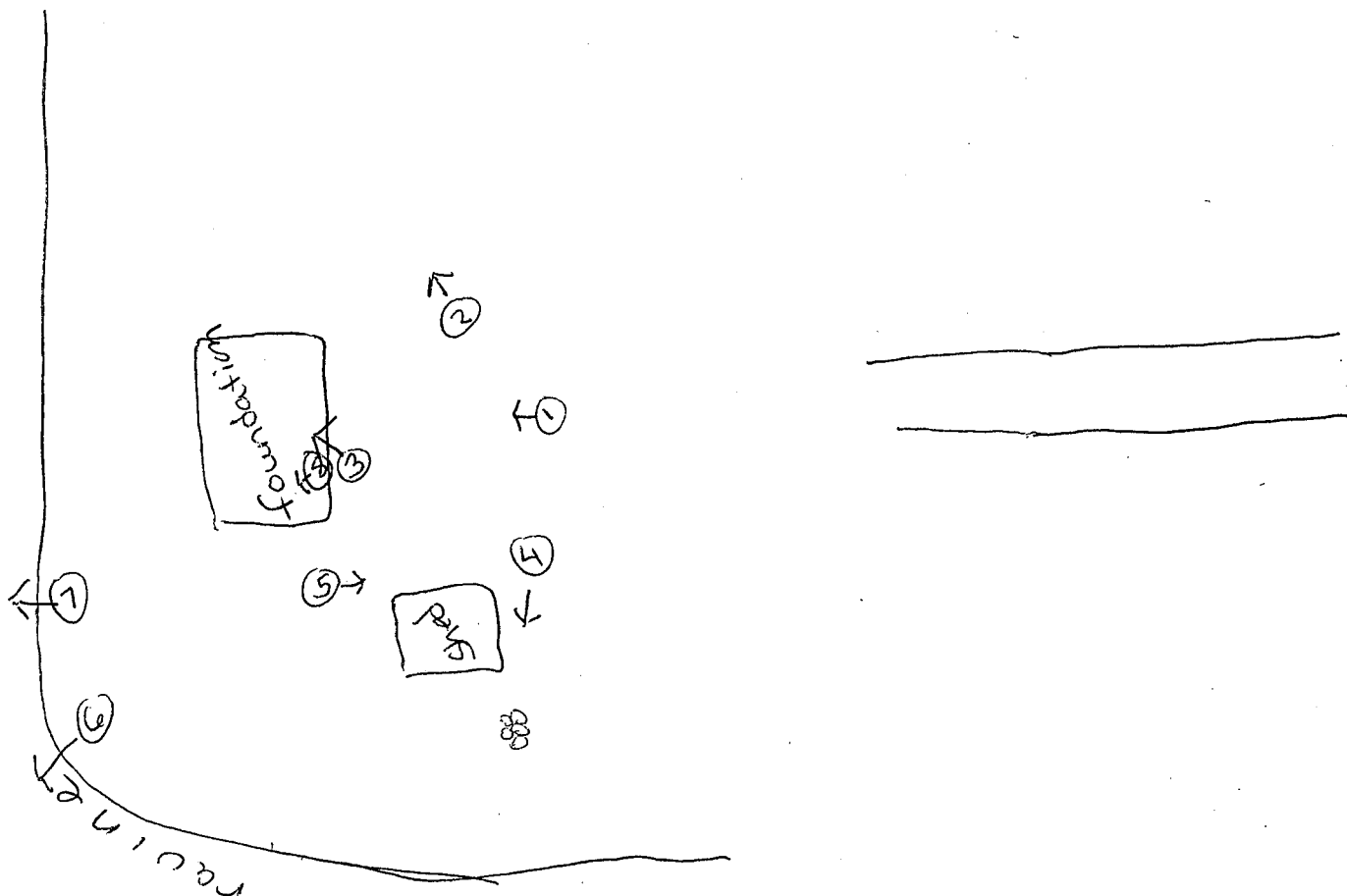
SITE SKETCH

Date of Inspection: 12/29/03  
Site Code: LPC#0018075006  
Site: Marblehead/Clayton

Inspector: Jan Mier  
County: Adams  
Time: 12:55 p.m. - 1:15 p.m.

Measurements Approximate  
Direction of Photo →  
Not to Scale

NORTH





**Illinois Environmental Protection Agency  
Bureau of Land**

## ***DIGITAL PHOTOGRAPHS***

**LPC #0018075006 — County  
Marblehead/Clayton  
FOS File**

**Date:** 12/29/03  
**Time:** 12:57 p.m.  
**Direction:** W  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-001  
**Comments:**

Foundation of burnt house with  
lumber, plastic piping, plastic toys



**Date:** 12/29/03  
**Time:** 12:58 p.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-002  
**Comments:**

One of the burn piles on site





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #0018075006 — County**  
**Marblehead/Clayton**  
**FOS File**

**Date:** 12/29/03

**Time:** 12:59 p.m.

**Direction:** NW

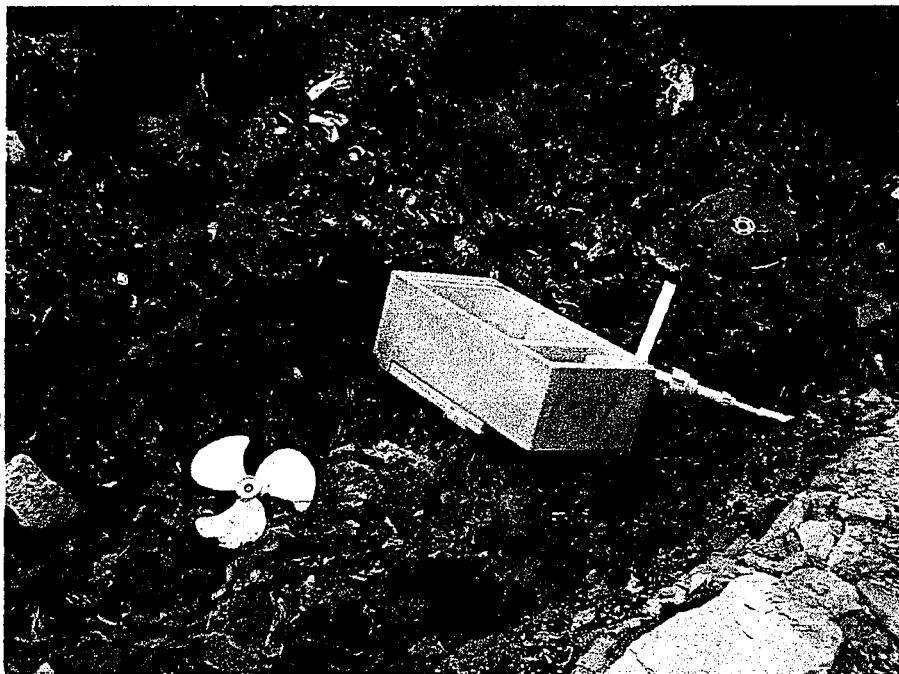
**Photo by:** Jan Mier

**Photo File Name:**

0018075006~12292003-003

**Comments:**

Looking down into basement of  
foundation with brick concrete, fan  
and child's plastic furniture



**Date:** 12/29/03

**Time:** 12:59 p.m.

**Direction:** S

**Photo by:** Jan Mier

**Photo File Name:**

0018075006~12292003-004

**Comments:**

Off the rim tires on site







Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #0018075006 — County**  
**Marblehead/Clayton**  
**FOS File**

**Date:** 12/29/03  
**Time:** 1:00 p.m.  
**Direction:** E  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-005  
**Comments:**

Old sewing machine with bicycle  
and high chair



**Date:** 12/29/03  
**Time:** 1:05 p.m.  
**Direction:** SW  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-006  
**Comments:**

Looking down ravine at  
appliances, toilet, scrap metal and  
household refuse





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC #0018075006 — County**  
**Marblehead/Clayton**  
**FOS File**

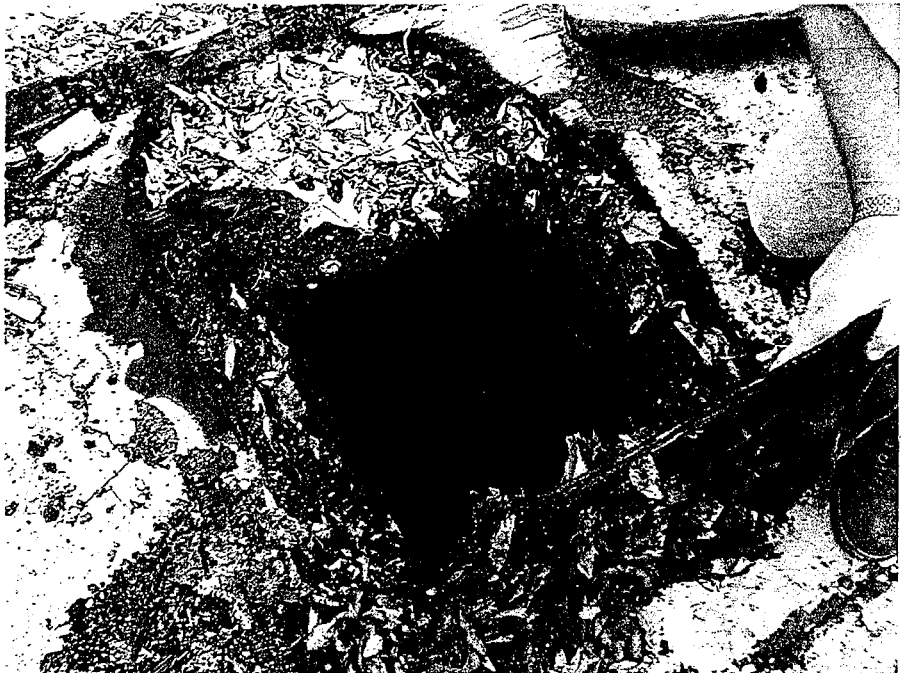
**Date:** 12/29/03  
**Time:** 1:06 p.m.  
**Direction:** W  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-007  
**Comments:**

Looking down ravine at washing  
machine, concrete, metal and  
plastic



**Date:** 12/29/03  
**Time:** 1:07 p.m.  
**Direction:** SW  
**Photo by:** Jan Mier  
**Photo File Name:**  
0018075006~12292003-008  
**Comments:**

Looking down at cistern or well  
that was covered by board



## PROOF OF SERVICE

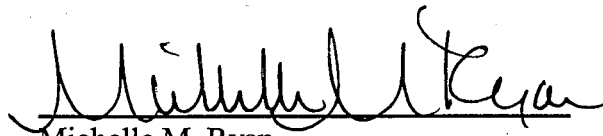
I hereby certify that I did on the 22nd day of January 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Cheryl Clayton  
P.O. Box 5245  
Quincy, Illinois 62305

Dennis Woodworth, Attorney  
435 Hampshire Street  
Quincy, Illinois 62301

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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

  
Michelle M. Ryan  
Special Assistant Attorney General

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