

OFFICE OF THE STATE'S ATTORNEY ORIGINAL
VERMILION COUNTY
FIFTH JUDICIAL CIRCUIT OF ILLINOIS

FRANK R. YOUNG
State's Attorney

RECEIVED
CLERK'S OFFICE
JUN 10 2008
STATE OF ILLINOIS
Pollution Control Board

COURT HOUSE
7 NORTH VERMILION STREET
DANVILLE, ILLINOIS 61832
(217) 554-7750
FAX (217) 554-7775

June 3, 2008

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

AC08-33

Re: Administrative Citation
Respondent: Rex Greene
AC Number:
County Case Number: 08-01
Site Code No: 1838015006

To Whom It May Concern:

Enclosed for filing with the Board is the Administrative Citation Package issued to the above-captioned Respondent. I am forwarding an original and nine complete copies of the Administrative Citation with the attached filed inspector's Affidavit and inspection report.

Service of the Administrative Citation was completed on June 2, 2008.

The Respondent paid the penalty of \$3000 and it was received by the Vermilion County Health Department on June 3, 2008.

Respondent's mailing address is:

Rex Greene
P.O. Box 32
East Lynn, Illinois 60932

Sincerely,



Charles D. Mockbee IV

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JUN 10 2008

COUNTY OF VERMILION, ILLINOIS,)
)
Complainant,)
)
v.)
)
REX GREENE,)
)
Respondent.)

AC No. 08-33 STATE OF ILLINOIS
Pollution Control Board

County File No. 08-01

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. Tina Vohs is, and was at all times relevant to this Administrative Citation, the owner of property located at 41660 N. Main Street, East Lynn, County of Vermilion, State of Illinois.
2. Said property was operated by Respondent, Rex Greene, as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1838015006.
3. On April 7, 2008, Douglas Toole of the Vermilion County Health Department inspected the above-described property. Douglas Toole's Affidavit and a copy of their inspection report are attached hereto and made a part hereof by reference.

VIOLATIONS

On the basis of the direct observation of Douglas Toole, the County of Vermilion has determined that on April 7, 2008, Respondent was conducting an unlicensed open dump at the above-described address, which is required to have a permit pursuant to 415 ILCS 5/21(a) of the Act, in a manner which resulted in the following conditions:

- A. Open dumping resulting in litter was observed at the site, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in...litter; and

- B. Open dumping resulting in open burning was observed at the site, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in...open burning.

CIVIL PENALTY

Pursuant to section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each of the above-mentioned violations. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each violation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

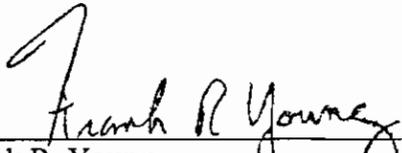
You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board, at the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 North Vermilion Street, Danville, Illinois 61832.

If you acknowledge the violation cited herein, the civil penalty specified above shall be due and payable no later than June 30, 2008. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed against you.

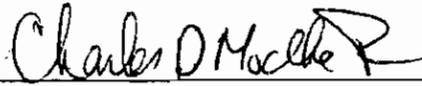
When payment is made, your check should be made payable to the County of Vermilion, Illinois, and mailed to the Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832, together with a completed copy of the Remittance Form attached hereto.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation.

Dated: 5/30/09



Frank R. Young
State's Attorney for Vermilion County

By: 

Charles D. Mockbee IV
Assistant State's Attorney

Prepared by:
Charles D. Mockbee IV
Office of the State's Attorney
7 N. Vermilion St.
Danville, IL 61832
217-554-7750

By:
Charles D. Mockbee IV

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

JUN 10 2008

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF
REX GREENE,

)
)
)
)
)
)
Respondent)

AC No. 08-33
County File No. 08-01

Facility/Property: 41660 N. Main Street, East Lynn, Illinois,

County: Vermilion

Date of Inspection: April 7, 2008

Site Code No.: 1838015006

Civil Penalty: \$1500.00 for each violation = \$3000.00

Date Remitted:

SSN/FEIN No.:

Signature:

NOTE

Vermilion

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College Street, Danville, Illinois 61832.

RECEIVED
CLERK'S OFFICE

JUN 10 2008

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF)
)
REX GREENE,)
)
Respondent.)

AC No. 08-33
County File No. 08-01

The Affiant, Douglas Toole, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On April 7, 2008, between 11:45 a.m. and 12:00 p.m., Affiant conducted an inspection of property at 41660 Main Street, East Lynn, County of Vermilion, State of Illinois, owned by Tina Vohs.
3. Affiants inspected the Butler/Vohs-Greene site by an on-site inspection, which included walking on the site.
4. Prior to said inspection, Affiant had reviewed Illinois Environmental Protection Agency permits issued to the subject site.
5. As a result of the activities referred to in paragraphs 2, 3 and 4 above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the accompanying Inspection Report Narrative, Site Sketch and photographs, 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 property at 41660 Main Street, East Lynn, County of Vermilion, State of Illinois, on April 7, 2008.

Douglas Toole

Douglas Toole

SIGNED and SWORN to before me this 27 day of May, 2008, by Douglas Toole

Lynn E. Wolgamot

NOTARY PUBLIC



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

AC

County: Vermilion LPC#: 1838015006 Region: 4 - Champaign
 Location/Site Name: Butler / Vohs - Greene
 Date: 04/07/2008 Time: From 11:45 a.m To 12:00 p.m Previous Inspection Date: _____
 Inspector(s): Douglas Toole, Lindsay Nagle Weather: cloudy, breezy, dry, 60 F
 No. of Photos Taken: # 04 Est. Amt. of Waste: 30 yds³ Samples Taken: Yes # _____ No
 Interviewed: Rex Greene Complaint #: _____
 Latitude: 40.4680 Longitude: -87.8008 Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Tina Vohs 41660 N. Main Street East Lynn, IL 60932 </div>	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Rex Greene P.O. Box 32 East Lynn, IL 60932 (217) 375-4450 </div>
---	---

	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	<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 # 1838015006

Inspection Date: 04/07/2008

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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"/>
OTHER REQUIREMENTS			
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"/>

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.



PUBLIC HEALTH IS PRICELESS

VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S.
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING
200 SOUTH COLLEGE, SUITE A
DANVILLE, IL 61832
PHONE/TDD 217 431-2662
FAX 217 431-7483
www.vchd.org

LPC #1838015006
Butler / Vohs - Greene
FOS
04/07/08

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was initially inspected on April 7, 2008, by Douglas Toole and Lindsay Nagle of the Vermilion County Health Department. The weather was overcast, breezy, dry, and about 60 degrees Fahrenheit. Four photos were taken of the site.

The site is located in Vermilion County, behind 41660 Main Street in East Lynn, Illinois. According to records at the Vermilion County Supervisor of Assessments office, the property is owned by Tina Vohs.

In 2007, I investigated an open burning complaint involving the open burning of demolition debris at the adjacent property, 41664 North Main Street. That case involved a worker who demolished the house at 41664 North Main Street under the direction of Rex Greene, and who then set fire to the debris – although, Mr. Greene said, against his instructions. That case is filed as Butler / Greene, LPC#1838015004.

INSPECTORS FINDINGS

I received a complaint on the morning of April 7, 2008 about the burning of waste near Greene Welding and Hardware in East Lynn. We arrived at the site at about 11:45 a.m. on April 7, 2008 and observed a burn pile behind 41660 Main Street (photo 1). No one was present when we arrived, and no one accompanied us during the inspection.

The burn pile contained tree stumps and branches, as well as a few wooden planks (photos 1-3), two metal cans (photos 2-4) and other scrap metal – including what appeared to be the frame to some outdoor furniture (photo 4). We left the property at about 11:45 a.m.



LPC #1838015006
Butler / Vohs - Greene
04/07/08
Page 2 of 3

We then drove up the street to Greene Welding & Hardware, and spoke with Mr. Greene, who said his employees burned the stumps, branches and some other items that got swept up with the branches. Mr. Greene said the burning was taking place on privately owned land, as opposed to his company-owned land. I said that neither private individuals nor companies were allowed to burn metal cans and other scrap metal. I said that he may be held at least partially responsible for the burning. We left his office at about 12:00 p.m.

On the Inspection Report Checklist for this inspection, I estimated that there were 30 cubic yards of waste on the site. No measurements were performed to arrive at that estimation, only my observations at the time. The actual amount of waste on the site may vary significantly from that estimation.

SUMMARY OF APPARENT VIOLATIONS

ILLINOIS ENVIRONMENTAL PROTECTION ACT (415 ILCS 5/1 et seq.)

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. Contaminants on the site were discharged into the environment in a manner that tends to cause air pollution.

Section 9 (c) of the Act: No person shall ... cause or allow the open burning of refuse. The open burning of refuse was observed on the site.

Section 21 (a) of the Act: No person shall ... cause or allow the open dumping of any waste. The open dumping of waste was observed on the site.

Section 21 (d)(1) of the Act: No person shall ... conduct any waste storage, waste-treatment, or waste-disposal operation without ... a permit granted by the Agency. No Agency permit to conduct a waste storage, waste-treatment, or waste-disposal operation for the site was issued.

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 the Act. Violations of the Illinois Pollution Control Board Regulations were observed at the site where waste storage, waste-treatment, or waste-disposal operations were taking place.

Section 21(e) of the Act: No person shall ... dispose, treat, store or abandon any waste ... except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder. The storage and disposal of waste was occurring at a site which did not meet the requirements of the Illinois Environmental Protection Act and the Illinois Pollution Control Board Regulations.

Section 21 (p)(1) of the Act: No person shall ... cause or allow the open dumping of any waste which results in ... litter. Open dumping of waste resulting in litter was observed at the site.

Section 21 (p)(3) of the Act: No person shall ... cause of allow the open dumping of any waste which results in ... open burning. The open dumping of waste resulting in open burning was observed at the site.

Section 21 (p)(7) of the Act: No person shall ... cause or allow the open dumping of any waste which results in ... the deposition of general construction or demolition debris; or clean construction or demolition debris. Open dumping resulting in the deposition of general and clean construction and demolition debris was observed at the site.

ILLINOIS POLLUTION CONTROL BOARD; 35 ILLINOIS ADMINISTRATIVE CODE,
SUBTITLE G
(REGULATIONS)

Section 812.101 of the Regulations: ... All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) [415 ILCS 5/21(d)], shall submit to the Agency an application for a permit to develop and operate a landfill. The application 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. No such application for a permit to develop and operate a landfill was submitted.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: APRIL 7, 2008

Inspector: DOUGLAS TOOLE

Site Code: 1838015006

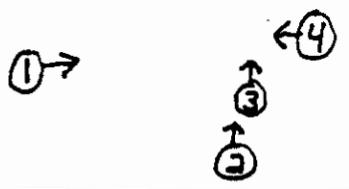
County: VERMILION

Site Name: BUTLER / VOHS - GREENE

Time: 11:45 A.M. - 12:00 P.M.



MAIN STREET



WALNUT STREET



INSPECTION REPORT

DATE APRIL 7, 2008

SITE = 1838015006

CO VERMILION

TIME 11:45 A.M.

SITE NAME BUTLER / VOHS - GREENE

PHOTOGRAPH TAKEN BY DOUGLAS TOOLE

COMMENTS: Pictures take toward E

VIEW OF SITE

FROM WEST



ROLL # PHOTO# 1

DATE: APRIL 7, 2008

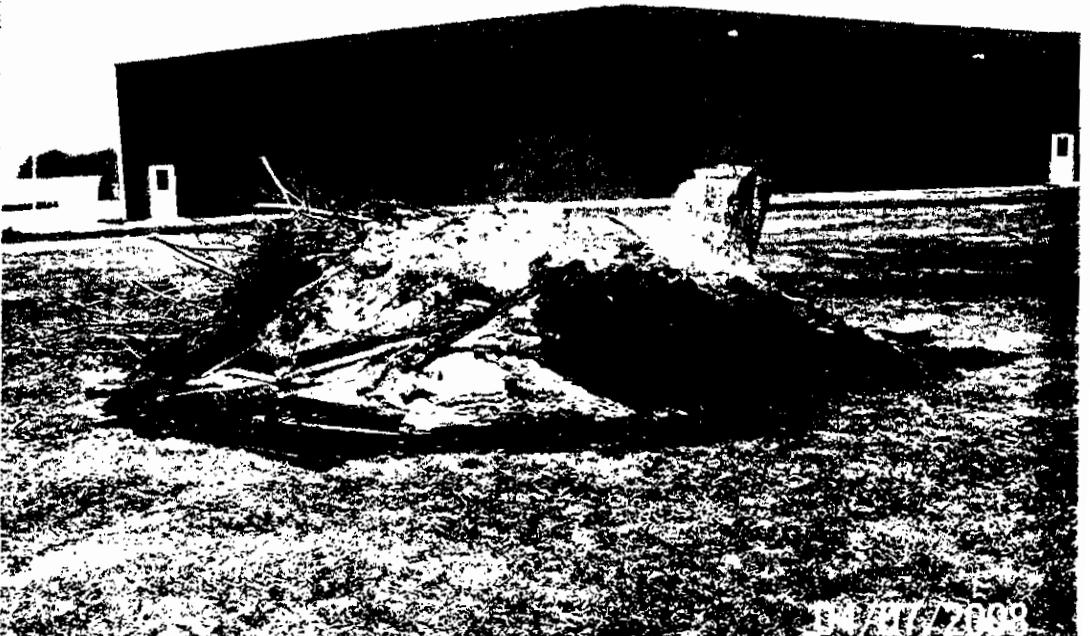
TIME: 11:47 AM.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures take toward: N

VIEW OF SITE

FROM SOUTH



ROLL # PHOTO# 2

IL 882 7870
LPC 375 3/2302

APR 7 2008



INSPECTION PHOTOS

DATE APRIL 7, 2008

SITE # 1838015006

DE VERMILION

TIME 11:47 AM.

STEIN NAME BUTLER / VOHS-GREENE

PHOTOGRAPHER TAKEN

BY DOUGLAS TOOLE

COMMENTS: Pictures taken

toward: N



CLOSER SHOT

OF AREA

FROM PHOTO #2

ROLL #

PHOTO# 3

DATE: APRIL 7, 2008

TIME: 11:48 A.M.

PHOTOGRAPH TAKEN

BY: DOUGLAS TOOLE

COMMENTS: Pictures take

toward: W



VIEW OF SITE

FROM EAST

ROLL #

PHOTO# 4

1838015006

1838015006



Latitude: 40.4680
Longitude: -87.8008

Notes:

Butler / Vohs - Greene
LPC #1838015006

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University of next level, here I come

MAPQUEST



4200 N

Green St

Walnut St
Broadway
Butler St
Moores St

East Lynn

670 E

4100 N

880 E

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