

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JUL 07 2008

COUNTY OF VERMILION, ILLINOIS,)
)
Complainant,)
)
v.)
)
CONNIE YOUNT,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board
AC No. 09
County File No. 08-03

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. Respondent, Connie Yount, is, and was at all times relevant to this Administrative Citation, the owner of property located at 546 Highland Park Road, Danville, County of Vermilion, State of Illinois.
2. Said property was operated as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1838045028.
3. On May 14, 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 May 14, 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 August 4, 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, checks shall be made payable in equal amounts (50% of the total penalty each) to:

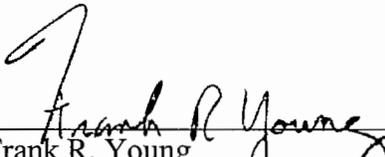
(1) the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276; and

(2) the County of Vermilion, Illinois, and mailed to the attention of Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832.

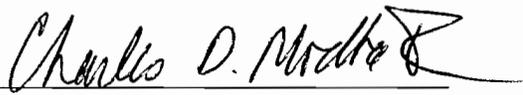
Respondent shall complete and return the enclosed Remittance Forms with payments to ensure proper documentation of payment.

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: 7/3/08



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

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUL 07 2008

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM TO ILLINOIS EPA

IN THE MATTER OF)
CONNIE YOUNT,)
)
)
)
Respondent)

AC No. 09-1
County File No. 08-03

Facility/Property: Connie Yount

County: Vermilion

Date of Inspection: May 14, 2008

Site Code No.: 1838045028

Civil Penalty to Illinois EPA: \$750.00 for each violation = \$1500.00

Date Remitted: _____

SSN/FEIN No.: _____

Signature: _____

NOTE

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 the Illinois Environmental Protection Trust Fund. Be sure your check is enclosed with this Remittance Form and mail to: Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

ORIGINAL

REMITTANCE FORM TO VERMILION COUNTY HEALTH DEPARTMENT

IN THE MATTER OF)
CONNIE YOUNT,)
)
)
)
Respondent)

AC No. 09-1
County File No. 08-03

RECEIVED
CLERK'S OFFICE
JUL 07 2008
STATE OF ILLINOIS
Pollution Control Board

Facility/Property: Connie Yount
County: Vermilion
Date of Inspection: May 14, 2008
Site Code No.: 1838045028
Civil Penalty to County: \$750.00 for each violation = \$1500.00
Date Remitted: _____
SSN/FEIN No.: _____
Signature: _____

NOTE

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

ORIGINAL

JUL 07 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)

CONNIE YOUNT,)

Respondent.)

AC No. 09-1
County File No. 08-03

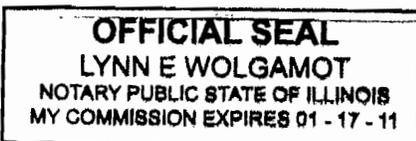
The Affiant, Douglas Toole, being first duly sworn, voluntarily deposes and states as follows:

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 May 14, 2008, between 2:00 and 2:25 p.m., Affiant conducted an inspection of property at 546 Highland Park Road, Danville, County of Vermilion, State of Illinois, owned by Connie Yount.
3. Affiants inspected the Connie Yount 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 546 Highland Park Road, Danville, County of Vermilion, State of Illinois, on May 14, 2008.

Douglas Toole
Douglas Toole

SIGNED and SWORN to before me this 24th day of June 2008, by Douglas Toole

Lynn E. Wolgamot
NOTARY PUBLIC



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF
CONNIE YOUNT,

)
)
)
)
)
)
Respondent.)

AC No. 09-1,
County File No. 08-03

RECEIVED
CLERK'S OFFICE
JUL 07 2008
STATE OF ILLINOIS
Pollution Control Board

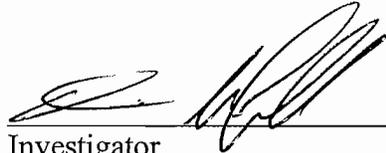
AFFIDAVIT OF SERVICE

ORIGINAL

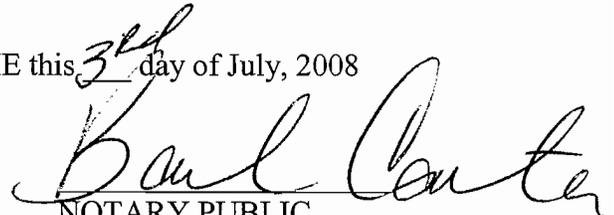
State of Illinois)
) ss
County of Vermilion)

I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Connie Yount, by leaving a copy of the same with (name):

Connie Yount, at (address): 546 Highland Park Rd at (time):
2:35 P.M., on (date): July 3, 2008.


Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 3rd day of July, 2008


NOTARY PUBLIC

THIS FILING IS SUBMITTED ON RECYCLED PAPER

OFFICIAL SEAL
BARB CARTER
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 10-31-11

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

ORIGINAL

County: Vermilion LPC#: 1838045028 Region: 4 - Champaign
 Location/Site Name: Danville / Yount
 Date: 05/14/2008 Time: From 2:00 p.m. To 2:25 p.m. Previous Inspection Date: 04/01/2008
 Inspector(s): Douglas Toole Weather: overcast, damp, breezy, 60 F
 No. of Photos Taken: # 04 Est. Amt. of Waste: 12 yds³ Samples Taken: Yes # No
 Interviewed: Charles Yount, Connie Yount Complaint #:
 Latitude: 40.0795 Longitude: -87.6150 Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Connie Yount
 546 Highland Park Road
 Danville, IL 61834

RECEIVED
 CLERK'S OFFICE
 JUL 07 2008
 STATE OF ILLINOIS
 Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input 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 # 1838045028

Inspection Date: 05/14/2008

	(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 #1838045028
Danville / Yount
FOS
05/14/08

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was reinspected on May 14, 2008, by Douglas Toole and Steve Spurlock of the Vermilion County Health Department. The weather was overcast, damp, breezy and about 60 degrees Fahrenheit. Four photos were taken of the site.

The site is located in Vermilion County, at 546 Highland Park Road in rural Danville, Illinois. The site is near Latitude 40.0795 and Longitude -87.6150.

By way of history, Connie Yount was cited on September 7, 2004 for the open dumping and open burning of waste – specifically a vacant mobile home on her property. Ms. Yount was issued an ACWN on October 15, 2004, and the property was returned to compliance on December 7, 2004.

The Vermilion County Health Department is involved in a county ordinance violation case against Ms. Yount concerning a derelict vehicle, a deteriorating mobile home, tires, household garbage and other refuse on her property at 546 Highland Park Road in rural Danville, Illinois. That case is recorded in Vermilion County Circuit Court as case #2007-OV-02. Ms. Yount was found guilty of the charges on May 25, 2007, received a fine and was ordered by the judge to clean up the property. She is next scheduled to appear in court regarding the case for a hearing on July 17, 2008.

INSPECTORS FINDINGS

I arrived at the property at 2:00 p.m. on May 4, 2008 to perform a reinspection. Connie Yount and her son, Charles, were present when I arrived, and accompanied me during the reinspection.

West of Ms. Yount's mobile home I observed a small barbecue pit with branches, a fan and household garbage in it (photo 1). Mr. Yount said he had not cleaned out the pit yet. I did not observe any evidence of recent waste-burning in the barbecue pit.



LPC #1838045028
Danville / Yount
05/14/08
Page 2 of 3

South of Ms. Yount's mobile home, I observed a small burn pile containing branches, boards, scrap metal and other refuse (photos 2, 3). The Younts said that they thought the pile contained only branches, and that it ignited accidentally from an ember that flew from the nearby burn barrel (photo 2).

On the southeast corner of the property, I observed a shallow pit containing partially burned boards, metal cans and other household garbage, as well as an unburned cardboard box and an unburned wooden frame (photo 4). Mr. Yount said he had not cleaned out this pit yet, either. Ms. Yount said she had just finished pumping the rainwater out of the pit. The items I observed in the pit appeared to be the same boards, metal cans, household garbage, cardboard box and wooden frame I observed on my previous inspections, and I did not observe any evidence of recent waste-burning in the pit.

Seventeen other photos were taken of the site, showing appliances, crutches, scrap metal, demolition debris, household garbage and other refuse. Those photos are part of the ordinance violation case, but are not part of the open dumping and open burning case alleged in this report, and are not included in this packet. I left the site at about 2:25 p.m.

On the Inspection Report Checklist for this reinspection, I estimated that there were 12 cubic yards of waste associated with the fire 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 associated with the fires may vary significantly from that estimation.

SUMMARY OF APPARENT VIOLATIONS

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

Section 9 (c) of the Act: No person shall ... cause or allow the open burning of refuse. Evidence of 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.

LPC #1838045028

Danville / Yount

05/14/08

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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 or allow the open dumping of any waste which results in ... open burning. Evidence of 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.

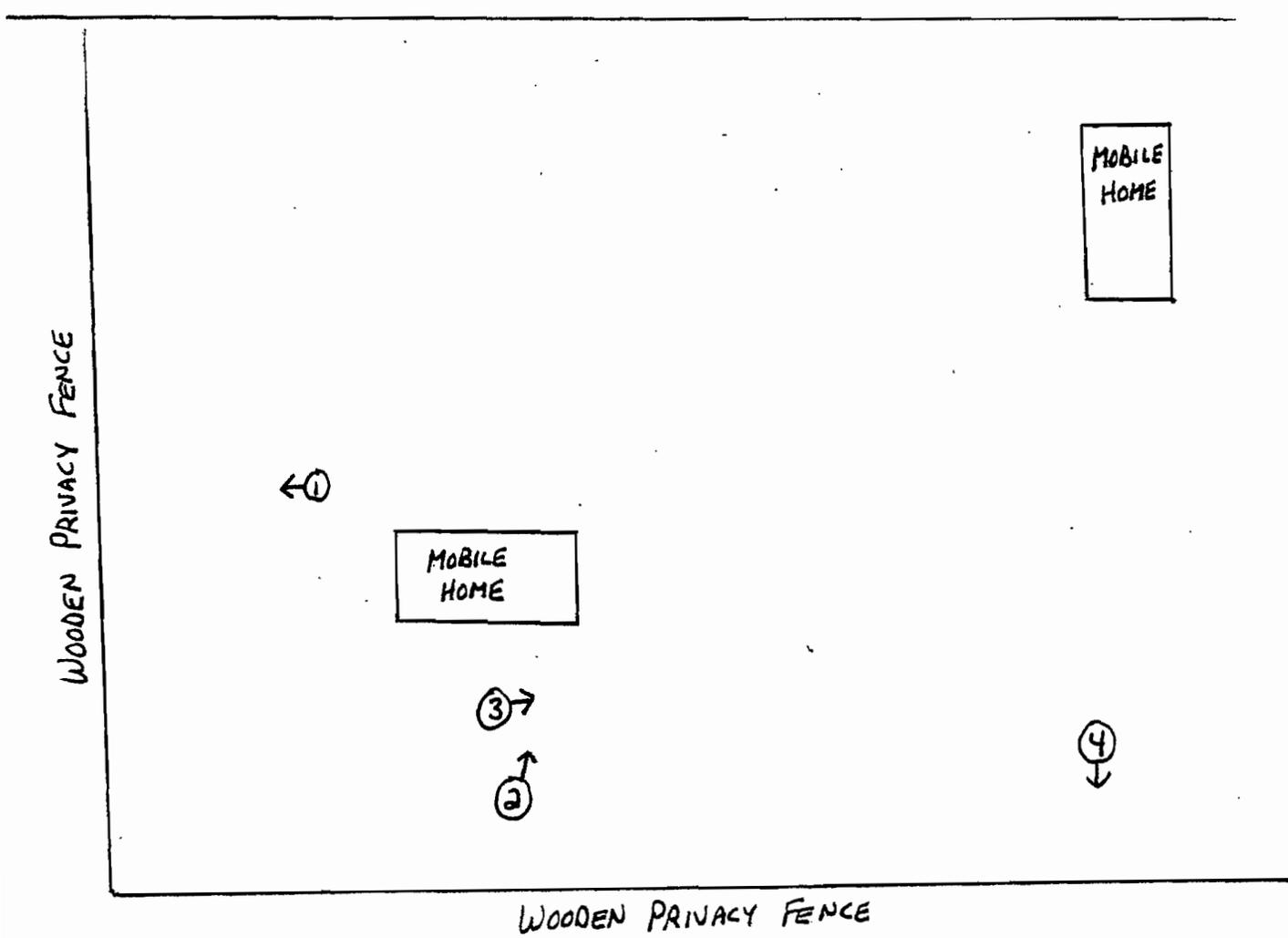
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: MAY 14, 2008 Inspector: DOUGLAS TOOLE
Site Code: 1 8 3 8 0 4 5 0 2 8 County: VERMILION
Site Name: DANVILLE / YOUNT Time: 2:00-2:25 P.M.

HIGHLAND PARK ROAD

4
N





INSPECTION PHOTOS

DATE: **MAY 14, 2008** | SITE #: **1838045028** | CO.: **VERMILION**
 TIME: **2:07 P.M.** | SITE NAME: **DANVILLE / YOUNT**

PHOTOGRAPH TAKEN BY: **DOUGLAS TOOLE**

COMMENTS: Pictures taken toward: **W**

BARBECUE PIT

ROLL #: PHOTO#: **1**



DATE: **MAY 14, 2008**
 TIME: **2:11 P.M.**

PHOTOGRAPH TAKEN BY: **DOUGLAS TOOLE**

COMMENTS: Pictures taken toward: **NE**

BURN PILE

ROLL #: PHOTO#: **2**





INSPECTION PHOTOS

DATE: MAY 14, 2008

SITE #: 1838045028

CO.: VERMILION

TIME: 2:12 P.M.

SITE NAME: DANVILLE / YOUNT

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: E

BURN PILE

ROLL #: PHOTO# 3



DATE: MAY 14, 2008

TIME: 2:16 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: S

PIT

ROLL #: PHOTO# 4



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

FRANK R. YOUNG
State's Attorney

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUL 07 2008

STATE OF ILLINOIS
Pollution Control Board

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

July 3, 2008

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

AC09-001

Re: Administrative Citation
Respondent: Connie Yount
AC Number:
County Case Number: 08-03
Site Code No: 1838045028

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 July 3, 2008.
Respondent's mailing address is:

Connie Yount
546 Highland Park Road
Danville, Illinois 61832

Sincerely,


Charles D. Mockbee IV