



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817  
TDD: (217) 782-9143

ORIGINAL

February 24, 2009

A 209-38

RECEIVED  
CLERK'S OFFICE

FEB 27 2009

STATE OF ILLINOIS  
Pollution Control Board

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

Re: Illinois Environmental Protection Agency v. Thomas, Wayne and Valerie Hill  
IEPA File No. 16-09-AC; 1818525013—Union County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was mailed to an inspector from the Marion Regional Office to be delivered to Respondent via hand delivery. As soon as I receive the affidavit of service, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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FEB 27 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
THOMAS, WAYNE and VALERIE HILL, )  
 )  
Respondents. )

AC 09-38  
(IEPA No. 16-09-AC)

**NOTICE OF FILING**

To: Thomas, Wayne and Valerie Hill  
1955 Christian Chapel Road  
Anna, IL 62906

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

Respectfully submitted,



Michelle M. Ryan  
Assistant Counsel

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

Dated: February 24, 2009



her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 2-24-09, Illinois EPA sent this Administrative Citation via Certified Mail No. N/A.

#### VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her January 9, 2009 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are 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 Respondents elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 15, 2009, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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) (2006), if Respondents fail to petition or elect 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 2/24/09

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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FEB 27 2009

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ORIGINAL

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 THOMAS, WAYNE and VALERIE HILL, )  
 )  
 )  
 )  
 Respondents. )

AC 09-38  
(IEPA No. 16-09-AC)

FACILITY: Anna/Hill

SITE CODE NO.: 1818525013

COUNTY: Union

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: January 9, 2009

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.

RECEIVED  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 27 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )

Complainant, )

v. )

Respondent. )

181  
XCO9-38

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Sheila Williams, 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 Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On January 9, 2009, between 11:22 a.m. and 12:24 p.m., Affiant conducted an inspection of a disposal site operated by Thomas Hill, Wayne Hill and Valerie Hill, located in Union County, Illinois, and known as Anna/Hill by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1818525013 by the Agency.

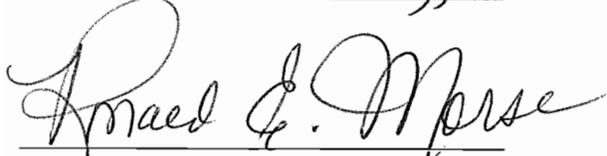
3. Affiant inspected said Anna/Hill site by an off-site inspection which included walking around the site and photographing the site.

4. As a result of the material actions 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 Anna/Hill.



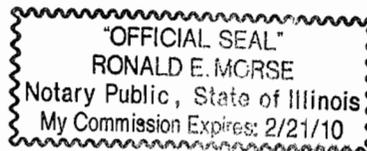
Subscribed and Sworn to before me

this 2<sup>ND</sup> day of February, 2009



Notary Public

SRW:jkb/39191/02-02-09





LPC # 1818525013

Inspection Date: 1/9/2009

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<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.

# **NARRATIVE INSPECTION REPORT**

Date: January 9, 2009 Inspector: Sheila Williams

Site Code: 1818525013 County: Union

Site Name: Anna/Hill Time: 11:22 A.M. – 12:24 P.M.

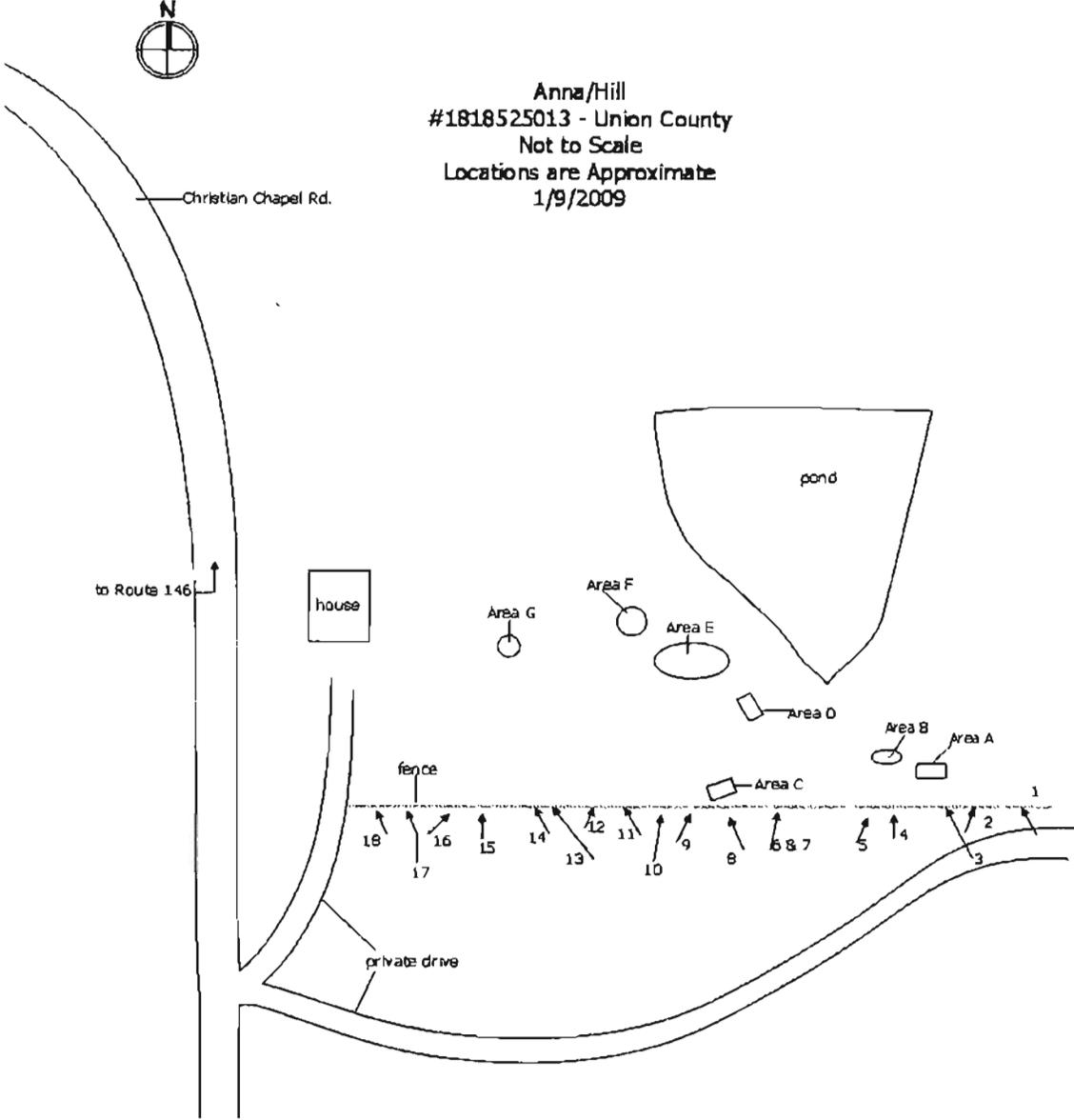
## **GENERAL REMARKS**

A follow up inspection was conducted on January 9, 2009 by Phil Fatka & myself. The initial inspection was done on November 15, 2007 at which time apparent violations pertained to open dumping including litter & demolition debris. All inspections have been conducted from off site because the owner did not want an Agency inspector on his property. Since the more recent March 12, 2008 inspection, a second complaint was received indicating the Hills had a hole dug in which waste was placed, burned & covered.

Conditions at the site appeared to be very similar to what was previously observed. Due to things like missing windows, tires apparently sunk into the ground & vegetation growing around & through vehicles, seven of the vehicles appeared to be waste. They were not in use, useable in their current conditions or being protected for future use. This was the case for much of the waste at the site. The vehicles are estimated to be approximately 65 cubic yards [7 vehicles (10'x5'x5')] in size. Seven other areas of apparent violations were observed. These have been designated as Area A – Area G. Area A was a bench type vehicle seat on the ground. It was visually estimated to be approximately .6 cubic yards (5'x2'x1.5') in size. Area B was the refuse in a truck bed. This waste appeared to consist of primarily vehicle parts. Area B was visually estimated to be approximately .5 cubic yards (3.5'x2.5'x1.5') in size. A truck topper on the ground with vegetation on & around it is Area C. It appeared there was some kind of rusted item partially sticking out from under the truck topper. Area C was visually estimated to be approximately one cubic yard (5.5'x4'x1.5') in size. Area D consisted of a damaged

vehicle seat, dimensional lumber & rusted metal in a trailer. It had vegetative growth around it. It appeared to be up gradient of the pond. Area D was visually estimated to be approximately 1.5 cubic yards (5'x4'x2') in size. Area E was some type of metal equipment with a tree growing through it & a small structure that appeared to be falling over. This refuse appeared to be up gradient of the pond. Area E was estimated to be approximately 19 cubic yards (10'x10'x5') in size. Area F consisted of unidentified but unnatural refuse up gradient of the pond. Area F was estimated to be approximately two cubic yards (5'x3'x3') in size. What appeared to be a vehicle engine on the ground with vegetation around it made up Area G. Area G was estimated to be approximately 1.5 cubic yards (4'x4'x2.5') in size. The two vehicles on the hill were still present. The car appeared to be in poor condition. The waste on the hill (mentioned in previous inspection reports) was not seen. It appeared ground work had been done in this area due to the appearance of disturbed soil & the lack of vegetation. Only two tires were visible where 21 had been seen during the March 12, 2008 inspection. A small amount of scattered debris was observed which included the two tires & unidentified metal.

Union County records indicate Thomas, Wayne & Valerie Hill still receive the tax bill for the piece of property on which this site is located.





**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009**  
**Time: 11:54 A.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 001**  
**Comments:**  
**dilapidated car**



**Date: 1/9/2009**  
**Time: 11:56 A.M.**  
**Direction: northeast**  
**Photo by: S. Williams**  
**Exposure #: 002**  
**Comments:**  
**dilapidated truck**

**File Names: 1818525013~01092009 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009**  
**Time: 11:57 A.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 003**  
**Comments: vehicle seat on the ground**



**Date: 1/9/2009**  
**Time: 11:57 A.M.**  
**Direction: north**  
**Photo by: S. Williams**  
**Exposure #: 004**  
**Comments: truck with vehicle parts & other debris in the bed**

**File Names: 1818525013~01092009 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009**  
**Time: 12:00 P.M.**  
**Direction: northeast**  
**Photo by: S. Williams**  
**Exposure #: 005**  
**Comments: truck with vehicle parts & other debris in the bed (same truck as 004) & unidentified rusted metal on the ground**



**Date: 1/9/2009**  
**Time: 12:01 P.M.**  
**Direction: northeast**  
**Photo by: S. Williams**  
**Exposure #: 006**  
**Comments: truck & dilapidated car**

**File Names: 1818525013~01092009 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009  
Time: 12:01 P.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 007  
Comments: truck & dilapidated car**



**Date: 1/9/2009  
Time: 12:03 P.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 008  
Comments: truck topper on the ground amongst vegetation – unidentified rusted metal observed under it**

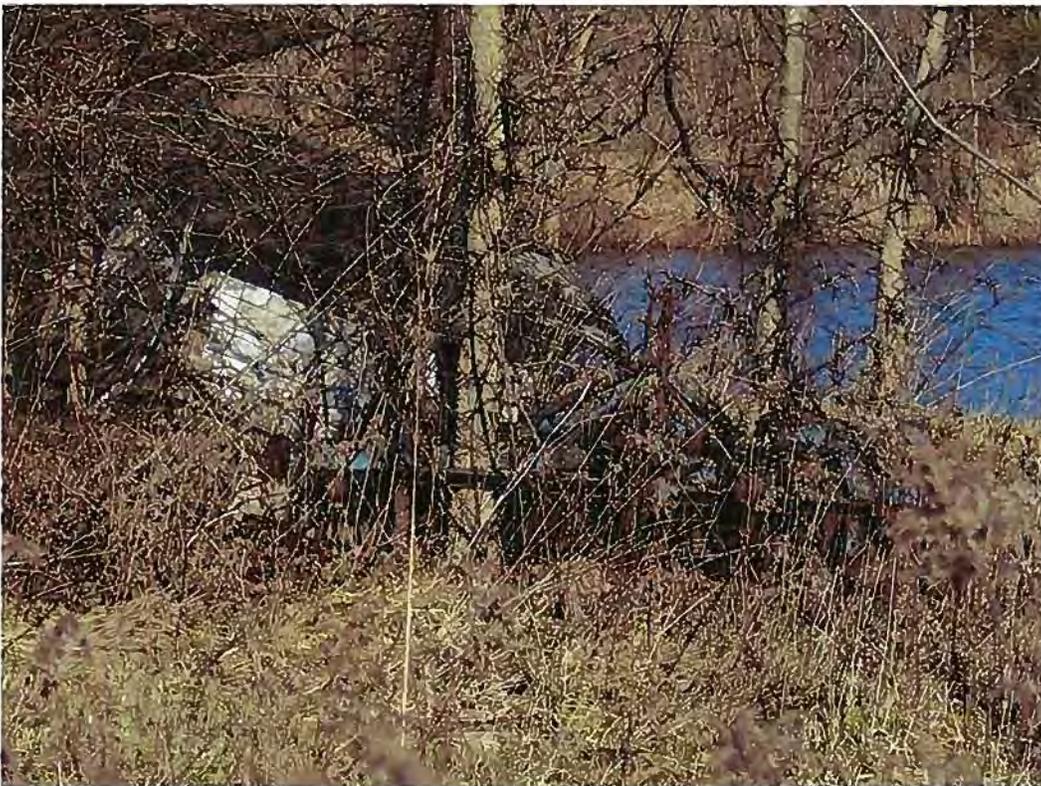
**File Names: 1818525013~01092009 - [Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



**Date:** 1/9/2009  
**Time:** 12:06 P.M.  
**Direction:** northeast  
**Photo by:** S. Williams  
**Exposure #:** 009  
**Comments:** damaged vehicle seat, dimensional lumber & rusted metal exposed to the elements with vegetation around – debris is up gradient of the pond



**Date:** 1/9/2009  
**Time:** 12:08 P.M.  
**Direction:** northeast  
**Photo by:** S. Williams  
**Exposure #:** 010  
**Comments:** some type of metal equipment has a tree growing through it & a small structure appears to be falling over – debris is up gradient of the pond

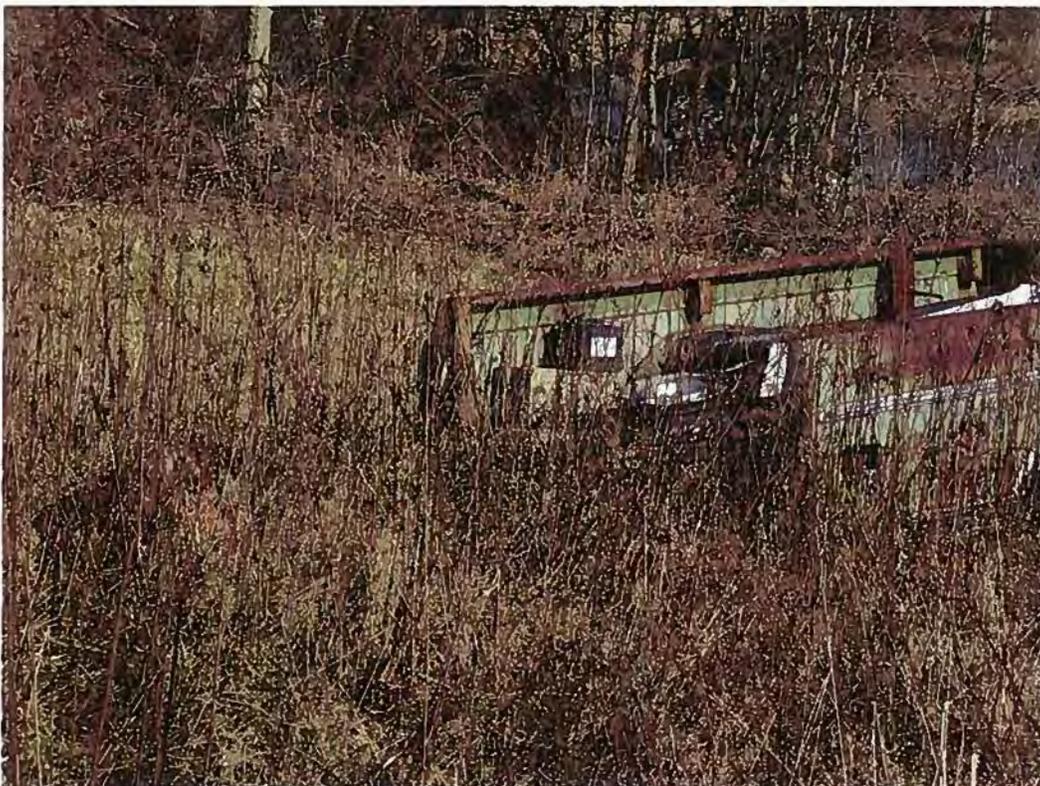
**File Names:** 1818525013~01092009 - [Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009  
Time: 12:10 P.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 011  
Comments: truck bed  
with vegetation  
growing around it &  
part of a decrepit  
truck cab with  
vegetation growing  
around & through it**



**Date: 1/9/2009  
Time: 12:11 P.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 012  
Comments: non-  
identified but  
unnatural debris up  
gradient of the pond (  
in the background) &  
truck bed with vehicle  
parts in it – both  
areas of debris are in  
vegetation**

**File Names: 1818525013~01092009 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009**  
**Time: 12:12 P.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 013**  
**Comments:**  
**dilapidated truck with**  
**a tire & other refuse**  
**in the bed amongst**  
**vegetation**



**Date: 1/9/2009**  
**Time: 12:13 P.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 014**  
**Comments:**  
**vehicle**  
**engine in the**  
**background, front end**  
**of the truck in photo**  
**013, & metal on the**  
**ground**

**File Names: 1818525013~01092009 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date:** 1/9/2009  
**Time:** 12:15 P.M.  
**Direction:** north  
**Photo by:** S. Williams  
**Exposure #:** 015  
**Comments:** car that appears to have at least one tire sunk in the ground



**Date:** 1/9/2009  
**Time:** 12:16 P.M.  
**Direction:** northeast  
**Photo by:** S. Williams  
**Exposure #:** 016  
**Comments:** two vehicles that appear to be in decent shape – both vehicle stickers are expired.

**File Names:** 1818525013~01092009 - [Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 1/9/2009**  
**Time: 12:17 P.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 017**  
**Comments: two tires**  
**amongst vegetation**



**Date: 1/9/2009**  
**Time: 12:18 P.M.**  
**Direction: northwest**  
**Photo by: S. Williams**  
**Exposure #: 018**  
**Comments: metal in**  
**vegetation**

**File Names: 1818525013~01092009 - [Exp. #].jpg**

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STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

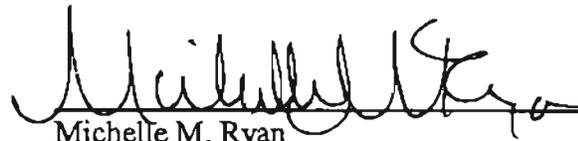
I hereby certify that I did on the 24th day of February, 2009 send by messenger mail to the Marion Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for hand delivery

To: Thomas, Wayne and Valerie Hill  
1955 Christian Chapel Road  
Anna, IL 62906

ORIGINAL

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

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



Michelle M. Ryan  
Assistant Counsel

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