



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

RECEIVED
CLERK'S OFFICE

APR 16 2009

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

April 13, 2009

AC09-40

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 and Valerie Hill
IEPA File No. 51-09-AC; 1810055092—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

RECEIVED
CLERK'S OFFICE

APR 16 2009

STATE OF ILLINOIS
Pollution Control Board

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

AC 09-40
(IEPA No. 51-09-AC)

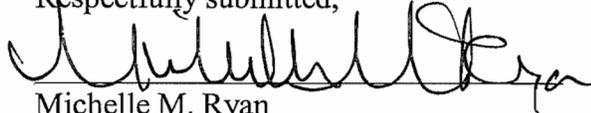
ORIGINAL

NOTICE OF FILING

To: Thomas 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: April 13, 2009

RECEIVED
CLERK'S OFFICE

APR 16 2009

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

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

AC 09-40
(IEPA No.51-09-AC)

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Thomas and Valerie Hill are the current owners ("Respondents") of a facility located at the following: Lot 18 Agnus Ussery Addition, Anna, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Anna/Hill (Ussery St.).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1810055092.
3. That Respondents have owned said facility at all times pertinent hereto.
4. That on March 4, 2009, Sheila Williams of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 4-13-09, 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 March 4, 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).

- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 31, 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: 4/13/09

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

RECEIVED
CLERK'S OFFICE
APR 16 2009
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

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

AC 09-40
(IEPA No. 51-09-AC)

FACILITY: Anna/Hill (Ussery St.)
COUNTY: Union
DATE OF INSPECTION: March 4, 2009

SITE CODE NO.: 1810055092
CIVIL PENALTY: \$3,000.00

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
CLERK'S OFFICE

APR 16 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.)
)
)
 Respondent.)

IEPA DOCKET NO.

ORIGINAL

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 March 4, 2009, between 1:10 p.m. and 1:24 p.m., Affiant conducted an inspection of a disposal site operated by Thomas & Valerie Hill, located in Union County, Illinois, and known as Anna/Hill (Ussery St.) by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1810055092 by the Agency.

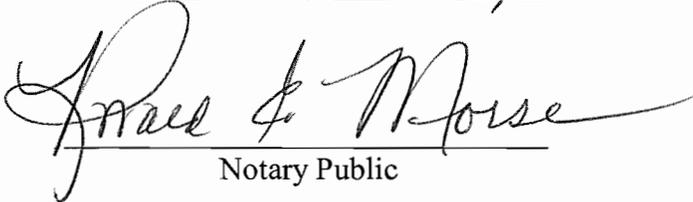
3. Affiant inspected said Anna/Hill (Ussery St.) site by an on-site inspection which included walking and photographing the site.

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 (Ussery St.).



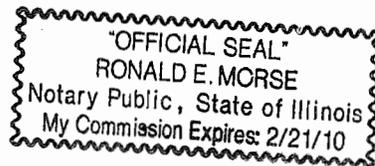
Subscribed and Sworn to before me

this 27th day of March, 2007



Notary Public

SRW:jkb/39601/03-26-09



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

**RECEIVED
POLYMER'S OFFICE**

APR 16 2009

County: Union LPC#: 1810055092 Region: STATE OF ILLINOIS
 Location/Site Name: Anna/Hill (Ussery St.) Pollution Control Board
 Date: 3/4/2009 Time: From 1:14 P.M. To 1:27 P.M. Previous Inspection Date: 11/13/2008
 Inspector(s): S. Williams Weather: sunny, ~50° F.
 No. of Photos Taken: # 6 Est. Amt. of Waste: 558 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: 09-050M
 Latitude: 37.45559 Longitude: -089.24291 Collection Point Description: Site Entrance
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS

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

Thomas & Valerie Hill
1995 Christian Chapel Rd.
Anna, IL 62906

ORIGINAL

	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 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 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 REGULATIONS	<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 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 # 1810055092

Inspection Date: 3/4/2009

	(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 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 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.

NARRATIVE INSPECTION REPORT

Date: March 4, 2009 Inspectors: Sheila Williams

Site Code: 1810055092 County: Union

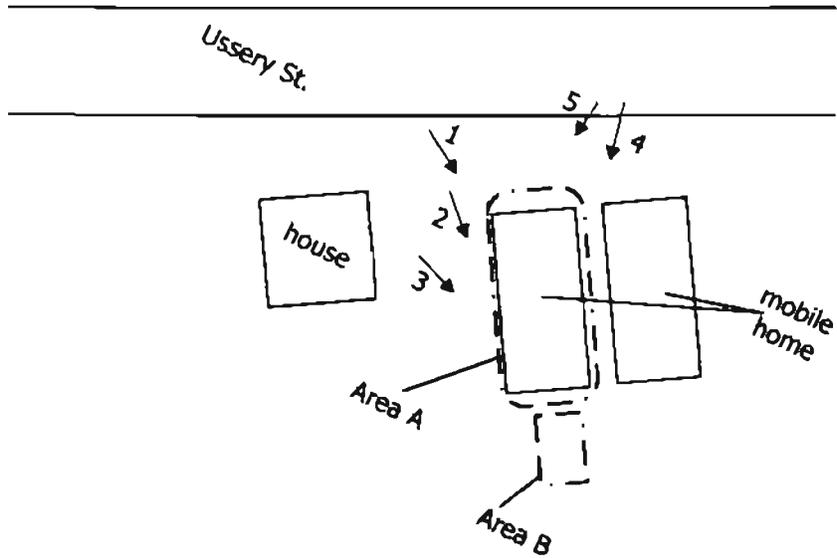
Site Name: Anna/Hill (Ussery St.) Time: 1:14 P.M. – 1:27 P.M.

GENERAL REMARKS

On March 4, 2009 a follow up inspection was conducted at the Anna/Hill (Ussery St.) site. The original inspection was conducted on November 13, 2008. It did not appear as though anyone was present at the site during the inspection. Photographs were not taken on the property of the open dump. This is because at another site, also belonging to the responsible party, I was denied access. Conditions at the site appeared to be much the same during both inspections.

Two areas of apparent violations were observed. These have been designated as Area A & Area B. Area A consisted of a dilapidated mobile home. It was apparent during the current inspection that the mobile home had fallen in on itself even more than previously observed. Also, the two appliance that had been sitting outside at the northern end of the structure had been removed. Area A was visually estimated to be approximately 530 cubic yards (65'x22'x10') in size. Area B appeared to be demolition debris on the ground. Area B was visually estimated to be approximately 28 cubic yards (20'x15'x2.5') in size.

According to the Union County Supervisor of Assessments Office, it is apparent Thomas & Valerie Hill of Anna receive the real estate tax bill for the piece of property on which this site is located.



Anna/Hill (Ussery St.)
#1810055092 - Union County
Not to Scale
Locations are Approximate
3/4/2009



DIGITAL PHOTOGRAPHS



Date: 3/4/2009
Time: 1:15 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 001
Comments: interior of mobile home is exposed



Date: 3/4/2009
Time: 1:16 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 002
Comments: demolition debris is on the ground to the south of the mobile home

File Names: 1810055092~03042009 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 3/4/2009
Time: 1:16 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 003
Comments: mobile home has fallen in on itself



Date: 3/4/2009
Time: 1:17 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 004
Comments: demolition debris is on the ground to the south of the mobile home

File Names: 1810055092~03042009 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 3/4/2009
Time: 1:18 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 005
Comments: street
view**



**Date: 3/4/2009
Time: 1:21 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 006
Comments:
demolition debris on
the ground to the
south of the mobile
home**

File Names: 1810055092~03042009 - [Exp. #].jpg

ORIGINAL

PROOF OF SERVICE

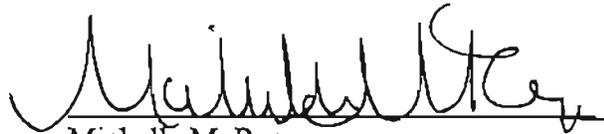
I hereby certify that I did on the 13th day of April, 2009 send by messenger mail to the Marion Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for hand delivery

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

RECEIVED
CLERK'S OFFICE
APR 16 2009
STATE OF ILLINOIS
Pollution Control Board

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