

JUL 28 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

COUNTY OF SANGAMON,)
)
Complainant,)
)
v.)
)
William McGlauchlen,)
)
Respondent.)

AC 04-2
ADMINISTRATIVE CITATION
SCDPH 03-AC-2

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 ("Act"), 415 ILCS 5/31.1, (2000) and delegated to the County of Sangamon pursuant to Section 4(r) of the Act, 415 ILCS 5/4(r) (2000).

FACTS

1. That William McGlauchlen ("Respondent") is the owner and operator of a facility located at 1616 North Dirksen Parkway, Springfield, Sangamon County, Illinois, operating under the name of The Cove.

2. That said property is an open dump operating without an Illinois Environmental Protection Agency ("IEPA") Operating Permit and is designated with IEPA Land Pollution Control #1678225041.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on July 3, 2003, Rochelle Gillespie and Kelly Buchholz of the Sangamon County Department of Public Health ("SCDPH") inspected the above-described property. A copy of their inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Rochelle Gillespie and Kelly Buchholz during the course of their July 3, 2003 inspection of the property, the County of Sangamon has determined that Respondent has violated 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); and
2. That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning , a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (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 Three Thousand Dollars (\$3,000.00). 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 September 8, 2003, 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 (2003), 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 County of Sangamon 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.

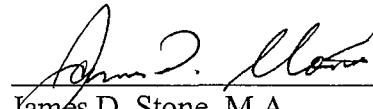
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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 Sangamon County Department of Public Health and mailed to the attention of James D. Stone, Director of the Sangamon County Department of Public Health, 2501 North Dirksen Parkway, Springfield, Illinois 62702. 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 Respondent from the date

payment is due up to and including the date that payment is received. The State's Attorney of Sangamon County may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued. In addition to the previously assessed civil penalty and/or hearing costs and/or interest, the State's Attorney of Sangamon County will seek to recover his costs of litigation.

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 Petition for Review with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Sangamon County State's Attorney, Attention: Sheri L. Carey, 2501 North Dirksen Parkway, Springfield, Illinois 62702. Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), 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 Respondent.

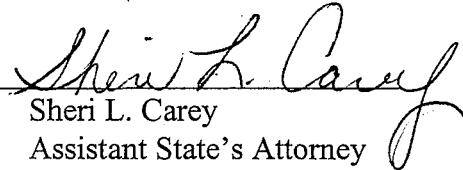


James D. Stone, M.A.

Director

Sangamon County Department of Public Health

Date: 7/25/03

BY: 
Sheri L. Carey
Assistant State's Attorney

Prepared by: Sheri L. Carey
Assistant State's Attorney
Sangamon County
2501 North Dirksen Parkway
(217) 535-3100

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ADMINISTRATIVE CITATION

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COUNTY OF SANGAMON,)
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 Complainant,)
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 William McGlauchlen,)
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 Respondent.)

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ADMINISTRATIVE CITATION
SCDPH 03-AC-1

AFFIDAVIT

Affiant, Rochelle Gillespie, being first duly sworn, voluntarily deposes and states as follows:

1. That Affiant is a solid waste inspector employed by the Sangamon County Department of Public Health and certified by the Illinois Environmental Protection Agency and has been so employed and certified at all times pertinent hereto.
2. That on July 3, 2003, Affiant conducted an inspection of property located at 1616 N. Dirksen Parkway, located in Sangamon County, Illinois.
3. Affiant inspected said property by an inspection which included walking on property adjacent to it and photographing the property.
4. As a result of the action referred to in Paragraph 3 above, Affiant completed the inspection report 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 facility.

Rochelle Gillespie
Rochelle Gillespie

Subscribed and sworn to before me this 22nd day of July, 2003.

Jo Ann Labrier
Notary Public

