

SEP 07 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF SANGAMON,)
)
 Complainant,)
)
 v.)
)
 James Withers;)
)
 Respondent.)

AC 05-22
 ADMINISTRATIVE CITATION
 SCDPH 04-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 James Withers ("Respondent") is a roofing contractor that is operating within Sangamon County, Illinois.
2. That the Respondent is the owner of real property that is commonly known as 3300 Ridgewood, Springfield, Sangamon County, Illinois.
3. 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 #1671000008.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

4. That Respondent has owned said property at all times pertinent hereto.

5. That on August 18, 2004, Allen Alexander and Adam Proctor of the Sangamon County Department of Public Health ("SCDPH") inspected the above-described property based on a complaint

VIOLATIONS

Based upon direct observations made by Allen Alexander and Adam Proctor during the course of their August 18, 2004 inspection of Respondent's property, the County of Sangamon has determined that Respondent has violated the Act as follows:

1. That Respondent caused 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 in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act as defined in Section 9 (a) of the Act, 415 ILCS 5/9(a) (2002); and

2. That Respondent caused or allowed the deposition of (i) general construction or demolition debris as defined in Section 3.160 of the Act, 415 ILCS 5/3.160 (2002), or (ii) clean construction or demolition debris as defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2002), a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (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 October 8, 2004, 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 (2002), 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

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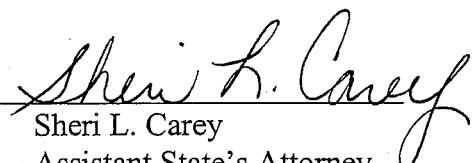
Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against Respondent.

- 4 -



James D. Stone, M.A.
Director
Sangamon County Department of Public Health

Date: 9/2/04

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

- 5 -

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REMITTANCE FORM

COUNTY OF SANGAMON,)	
)	
Complainant,)	
)	AC _____
v.)	ADMINISTRATIVE CITATION
)	SCDPH 04-AC-1
James Withers,)	
)	
Respondent.)	

FACILITY: Withers

LPC SITE CODE: 1678225044

COUNTY: Sangamon

DATE OF INSPECTION: August 18, 2004

CIVIL PENALTY: \$3,000.00

DATE REMITTED: _____

SSN: _____

SIGNATURE: _____

Please enter the date of your remittance, your Social Security Number, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Sangamon County Department of Public Health, James D. Stone, Director, 2501 North Dirksen Parkway, Springfield, Illinois 62702.

SEP 07 2004

STATE OF ILLINOIS
Pollution Control Board

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ADMINISTRATIVE CITATION

COUNTY OF SANGAMON,)
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 Complainant,)
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 v.)
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 James Withers,)
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 Respondent.)


AC 05-22
 ADMINISTRATIVE CITATION
 SCDPH 04-AC-1

AFFIDAVIT

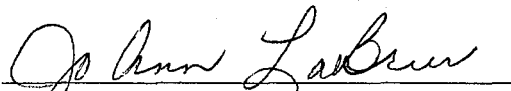
Affiant, Adam Proctor, being first duly sworn, voluntarily deposes and states as follows:

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 August 18, 2004, Affiant conducted an inspection of property located at 3300 Ridgewood, located in Sangamon County, Illinois.
3. Affiant inspected said property by an inspection which included walking on property 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.


Adam Proctor

Subscribed and sworn to before me this 2nd day of September, 2004.


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

RECEIVED
CLERK'S OFFICE

SEP 07 2004

County: Sangamon LPC#: 1678225044 Region: 5
Location/Site Name: Springfield/Withers, James
Date: 08/18/2004 Time: From 1015 To 1030 Previous Inspection Date: 06/082004
Inspector(s): A. Proctor, A. Alexander Weather: Mostly cloudy 75° F
No. of Photos Taken: # 14 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # _____ No
Interviewed: _____ Complaint #: _____

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

James Withers
3300 Ridgewood
Springfield, IL 62702

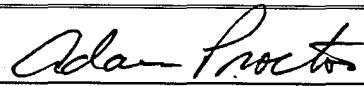
Cardinal Roofing
3300 Ridgewood
Springfield, IL 62702

	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 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 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 #

Inspection Date:

	(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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>



Signature of Inspector(s)

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.



MEMORANDUM

TO: SCDPH Environmental File

FROM: Allen Alexander, LEHP
Solid Waste Program Supervisor
Sangamon County Department of Public Health
Environmental Health Division

DATE: August 18, 2004

RE: LPC# 1678225044 - Springfield/Withers, James
Sangamon County

On August 18, 2004 an inspection of the above referenced property was conducted by Allen Alexander and Adam Proctor of this Department. Vehicles were present and television was on yet no one answered our knocks. Photos 001 thru 014 illustrate the site as it appeared on this date.

The following apparent violations were observed. The following items correspond to the numbers on the attached open dump checklist:

1. 9(a): A large amount of open dumped waste appeared to have been burned on the property. The burned waste appeared to consist of shingles, aerosol cans, garbage, paint cans, and white goods. The burn area measured approximately 12' by 20'. A nearby pile of open dumped shingles covering approximately 10' by 10' was unburned.
2. 9(c): See item 1.
5. 21(a): In addition to item 1, three (3) inoperable vehicles have been open dumped on the property
6. 21(d)(1): No permit has been granted for waste disposal at this site.

MAIN OFFICE 2501 North Dirksen Parkway Springfield, Illinois 62702	CHATHAM ROAD OFFICE 3130 Chatham Road, Suite B Springfield, Illinois 62704	ANIMAL CONTROL CENTER 2100 Shale Road Springfield, Illinois 62703
<ul style="list-style-type: none">• <i>Administrative Office:</i> Phone: (217) 535-3100 Fax: (217) 535-3104• <i>Environmental Health:</i> Phone: (217) 535-3101 Fax: (217) 535-3104• <i>Clinic/Personal Health Services:</i> Phone: (217) 535-3102 Fax: (217) 535-4155	<ul style="list-style-type: none">• <i>Child & Family Connections - Early Intervention</i> Phone: (217) 793-3990 Fax: (217) 793-3991 Toll-free: 1-888-217-3505• <i>Healthy Families Illinois</i> Phone: (217) 793-3990 Fax: (217) 793-3991	<ul style="list-style-type: none">Phone: (217) 535-3065Fax: (217) 535-3067

- 6. 21(d)(2): See item 6 above.
- 8. 21(p)(1): See item 5.
- 21(p)(3): See item 1.
- 21(p)(7): See items 1 and 5.
- 10. 812.101(a): No permit has been granted for waste disposal at this site

Additional Comments

The property is located at 3300 Ridgewood in Springfield Township and is owned by Jim and Linda Withers. According to Springfield phone book, Cardinal Roofing is also listed at this address. The phone number given (544-5171) is shared by James Withers and Cardinal Roofing at this address. See property record information in file. The original inspection was conducted on 6/8/04 and an administrative citation was requested but was unable to be served within the required sixty (60) days. The purpose of this inspection was to assess the status of compliance.

cc: DLPC Division File
DLPC/FOS Region 5



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH

JAMES D. STONE, M.A., DIRECTOR OF PUBLIC HEALTH

SITE SKETCH

Date of Inspection: 8/18/04 Inspector(s): A. Proctor/A. Alexander

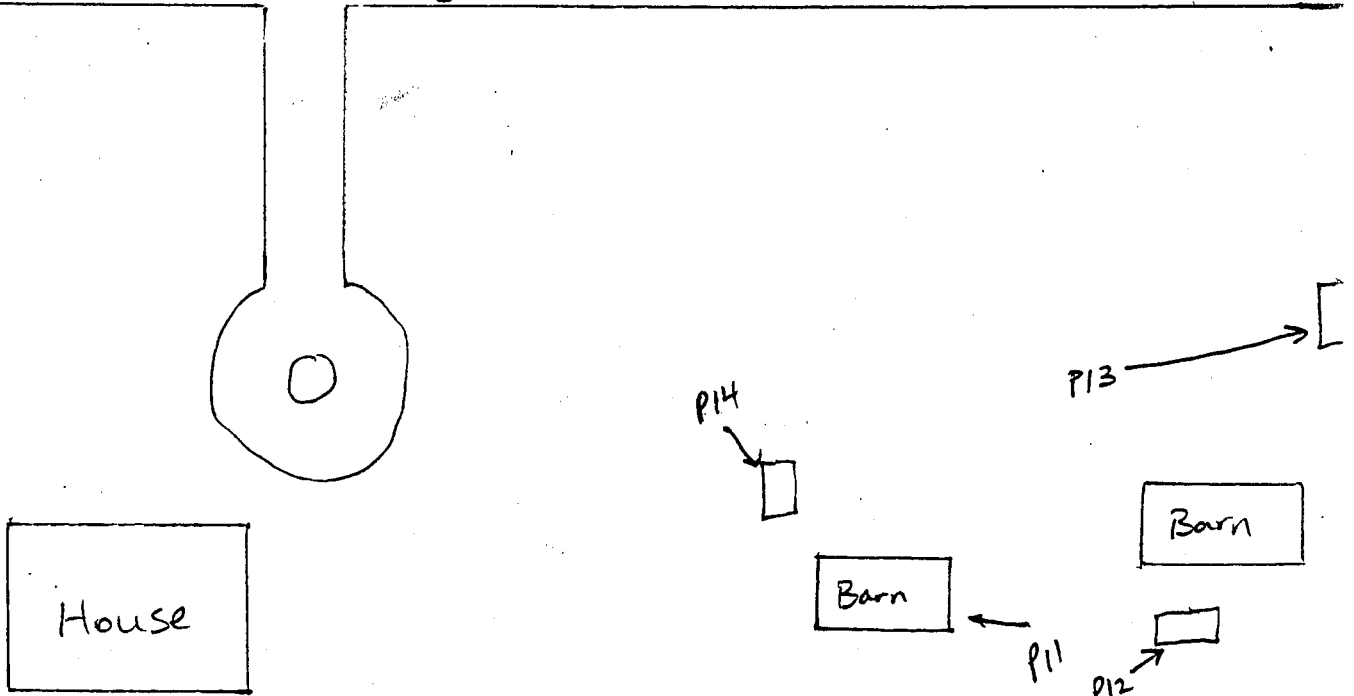
I.E.P.A. Site Code: 1670225044 County: SANGAMON

Site Name: Springfield/Withers, James Time: 10:15 am

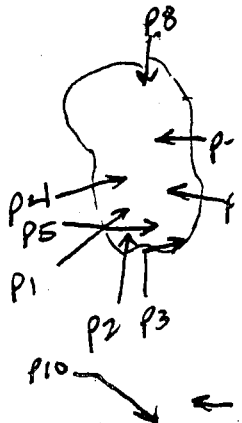
Measurements Approximate
Direction Of Photo →
Not to Scale



Ridgewood



Pond



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-001



PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-002



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-003



PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-004



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004

SITE #: 1678225044 SANGAMON COUNTY

TIME: 1015-1030

SITE NAME: Springfield/Withers, James

PHOTO BY: ap

DIRECTION:

PHOTO FILE NAME

08182004-ap-1678225044-
Springfield/Withers,
James-005



PHOTO BY: ap

DIRECTION:

PHOTO FILE NAME:

08182004-ap-
1678225044-
Springfield/Withers,
James-006



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-007

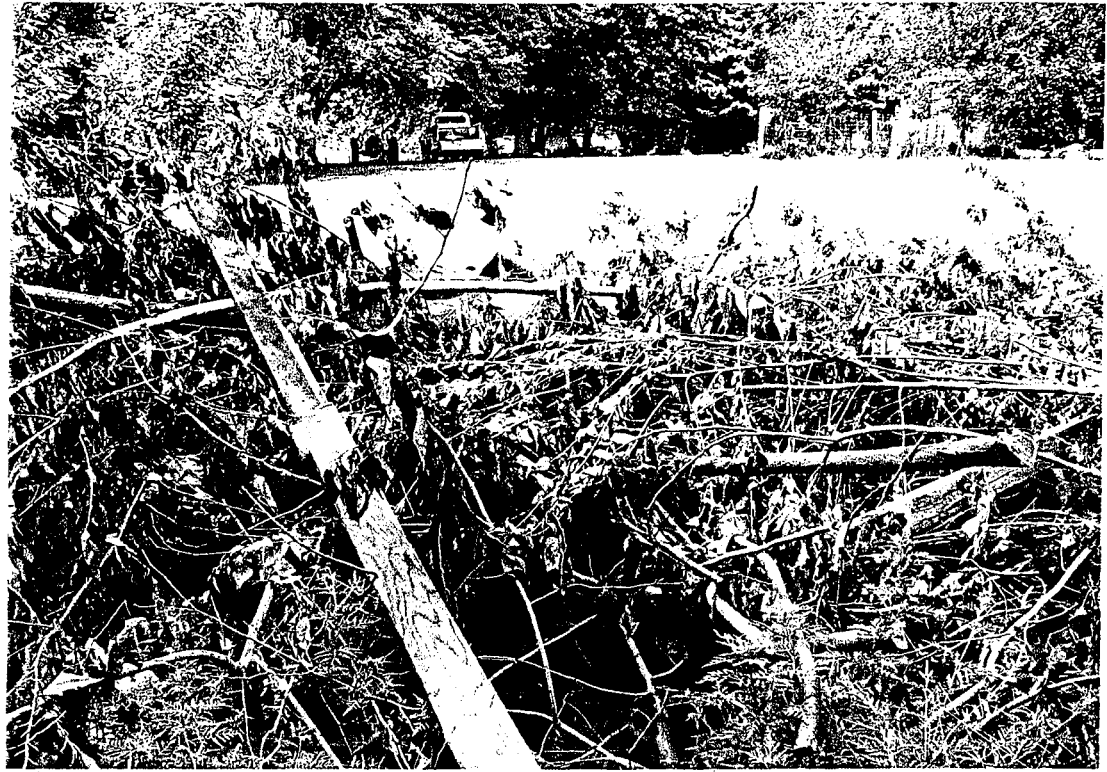


PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-008



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-009



PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-010



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-011



PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-012



SANGAMON COUNTY
DEPARTMENT OF PUBLIC HEALTH
2501 North Dirksen Parkway
Springfield, Illinois 62702
(217) 535-3101

DIGITAL INSPECTION PHOTOS

DATE: 08/18/2004	SITE #: 1678225044 SANGAMON COUNTY
TIME: 1015-1030	SITE NAME: Springfield/Withers, James

PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME
08182004-ap-1678225044- Springfield/Withers, James-013



PHOTO BY: ap
DIRECTION:
PHOTO FILE NAME:
08182004-ap- 1678225044- Springfield/Withers, James-014

