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SEP 13 2004

STATE OF ILLINOIS
Pollution Control Board

AC05-25

Jim Roberts
Montgomery County State's Attorney

Assistant State's Attorneys:
Chris Matoush
Katherine Pawlik

Victim Witness Coordinator:
Lena Beck

Montgomery County Courthouse
120 N. Main, Room 212
Hillsboro, IL 62049
(217) 532-9551
FAX (217) 532-9518

September 10, 2004

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation
County of Montgomery v. Ronald F. Simmons
Montgomery County No. 2004-02-AC; 1358145003 — Montgomery County
Inspection Date: July 29, 2004

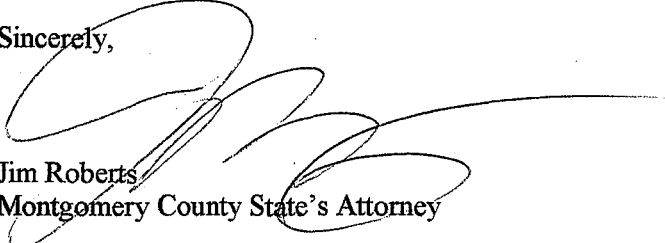
Dear Clerk Gunn:

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 Montgomery County Coordinated Services' Open Dump Inspection Checklist and report, issued to the above-reverenced respondent.

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, 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,


Jim Roberts
Montgomery County State's Attorney

Enclosure

cc: Montgomery County Coordinated Services, Bill Gonet
DLPC/FOS Springfield Region
Division of Land Pollution Control File

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

SEP 13 2004

STATE OF ILLINOIS
Pollution Control Board

County of Montgomery,)

Complainant,)

v.)

Ronald R. Simmons,)

Respondent.)

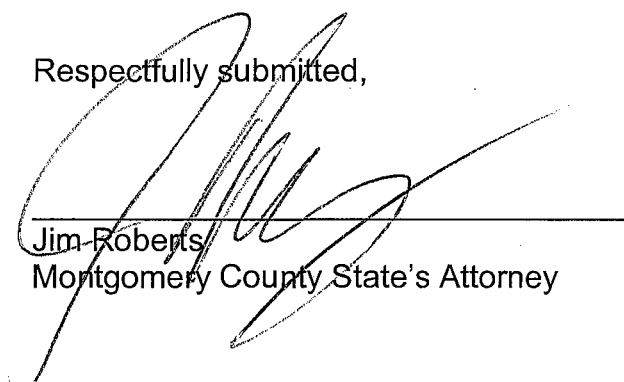
AC 05-25
Administrative Citation
(Montgomery County No. 2004-02-AC)

NOTICE OF FILING

To: Ronald F. Simmons
RR 1, Box 66
Bingham, IL 62011

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 and REPORT.

Respectfully submitted,



Jim Roberts
Montgomery County State's Attorney

Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

Dated: DATE *Sept 10, 2004*

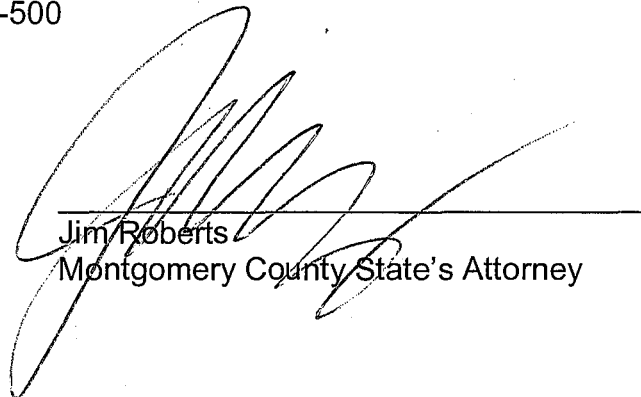
PROOF OF SERVICE

I hereby certify that I did on the 10 day of September, 2004 I send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST and REPORT

To: Ronald F. Simmons
RR 1, Box 66
Bingham, IL 62011

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



Jim Roberts
Montgomery County State's Attorney

Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

RECEIVED
CLERK'S OFFICE

SEP 13 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

County of Montgomery,)
)
 Complainant,)
)
 v.)
)
 Ronald R. Simmons,)
)
 Respondent.)

AC 05-25
Administrative Citation
(Montgomery County No. 2004-02-AC)

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 Montgomery pursuant to Section 4(r) of the Act, 415 ILCS 5/4(r) (2000),

FACTS

1. That Ronald F. Simmons is the present owner and/or operator of a facility located at the East Half (E½) of the Northeast Quarter (NE¼) of Section Twelve (12). Township Seven (7) North, Range Two (2) West of the Third Principal Meridian (3rd P.M.) The property is commonly known to Montgomery County as S. Fillmore Twp./Simmons, Ronald F.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1358145003.
3. That Respondent has owned and/or operated said facility at all times pertinent hereto.
4. That on July 29, 2004, Bill Gonet of the Montgomery County Coordinated Services' office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Bill Gonet during the course of his July 29, 2004 inspection of the above-named facility, Montgomery County 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) (2000).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2000), 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later October 15, 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 (2000), 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 Montgomery County 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) (2000), 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 Montgomery County Coordinated Services office and mailed to the attention of **Christine Daniels, County Coordinator, at P.O. Box 122, Hillsboro, Illinois 62049**. 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 the Respondent from the date payment is due up to and including the date that payment is received. The State's Attorney of Montgomery County may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

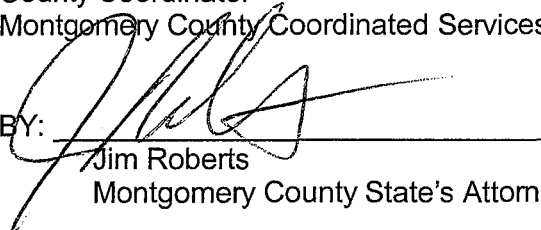
PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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 (2000). If Respondent elects to contest this Administrative Citation, then Respondent 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 State's Attorney of Montgomery County at the Montgomery County Courthouse, 120 North Main, Room 212, Hillsboro, Illinois 62049. 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 Respondent.



Christine Daniels
County Coordinator
Montgomery County Coordinated Services office

Date: Sept. 10, 2004

BY: 

Jim Roberts
Montgomery County State's Attorney

Prepared by: Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

County of Montgomery,)
)
Complainant,) AC
) Administrative Citation
v.) (Montgomery County No. 2004-02-AC)
)
Ronald F. Simmons,)
)
Respondent.)

AFFIDAVIT

Affiant, Bill Gonet, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Montgomery County Coordinated Services' office and has been so employed at all times pertinent hereto.
2. On July 29, 2004 between 12:10 p.m. and 12:40 p.m., Affiant conducted an inspection of the site in Montgomery County, Illinois, known as S. Fillmore Twp./Simmons, Ronald F., Site Code No. 1358145003.
3. Affiant inspected said S. Fillmore Twp./Simmons, Ronald F. site by an on-site inspection which included photographing the site.
4. As a result of the activities 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 the S. Fillmore Twp./Simmons, Ronald F.



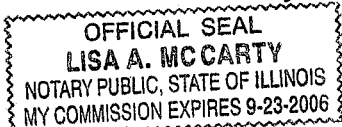
Subscribed and Sworn to before me

this 2nd day of September,

2004.



Notary Public



THIS FILING SUBMITTED ON RECYCLED PAPER

MONTGOMERY COUNTY COORDINATED SERVICES

Open Dump Inspection Checklist

County: Montgomery LPC#: 1358145003 Region: 5 - Springfield
 Location/Site Name: S. Fillmore Twp./Simmons, Ronald F.
 Date: 07/29/2004 Time: From 12:10 p.m To 12:40 p.m Previous Inspection Date: 05/05/2004
 Inspector(s): Bill Gonet Weather: 80 degrees F, partly cloudy, dry
 No. of Photos Taken: # 14 Est. Amt. of Waste: 300 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

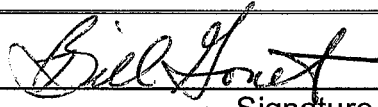
Responsible Party Mailing Address(es) and Phone Number(s):	Ronald F. Simmons RR 1 Box 66 Bingham, IL 62011 217/538-2330	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION 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 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 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 type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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"/>
			<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 MCCS or as limiting the MCCS'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.

MONTGOMERY COUNTY COORDINATED SERVICES
Historic Court House
P.O. Box 122
Hillsboro IL 62049

DATE: August 2, 2004

TO: Montgomery County Coordinated Services File

FROM: Bill Gonet, Montgomery County Solid Waste Inspector

SUBJECT: LPC # 1358145003-Montgomery County
S. Fillmore Twp./Simmons, Ronald F
FOS File

A re-inspection of the S. Fillmore Twp./Simmons, Ronald F. site was conducted on July 29, 2004. The site was previously inspected on March 17, 2003 and re-inspected on June 23, 2003, December 19, 2003, and May 5, 2004. During the May 5, 2004 inspection the following violations of the Environmental Protection Act were observed: 21(a) cause or allow open dumping, 21(d) conduct any waste-storage, waste-treatment, or waste-disposal operation: (1) without a permit, (2) in violation of any regulations or standards adopted by the board, 21(e) dispose, treat, store, or abandon any waste, or transport any waste into the state at/to sites not meeting requirements of act, 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, 55(a) no person shall: (1) cause or allow open dumping of any used or waste tire, and 812.101(a) failure to submit an application for a permit to develop and operate a landfill.

The site is located in a field on the east side of Muddy Trail in the SW¼ of Section 12 in South Fillmore Township. The property is owned by Mr. Ronald F. Simmons. The mailing address for the property owner is RR 1 Box 66, Bingham, IL 62011.

Site History

On March 20, 2003 an Administrative Citation Warning Notice (ACWN) and a copy of the March 17, 2003 inspection report were sent to Mr. Ronald F. Simmons by certified mail. No written response to the ACWN was received.

On June 27, 2003 an extension to the compliance deadline was granted until August 26, 2003. It was decided during a June 24, 2003 telephone conversation with Mr. Ronald Simmons that Mr. Simmons would either obtain a license to operate an automobile salvage yard or the site would be cleaned up by the compliance deadline.

On December 23, 2003 a letter stating that the site must be in complete compliance by April 30, 2004 and a copy of the December 19, 2003 inspection report were sent to Mr. Ronald Simmons by certified mail. The letter was returned unclaimed.

On February 3, 2004 at about 11:15 a.m. I hand delivered copies of the letter dated December 23, 2003 and the December 19, 2003 inspection report to the Ronald Simmons residence at 25E. Road, Box 66, Bingham, Illinois. These letters were accepted and signed for by Ms. Vickie Simmons.

On May 12, 2004 a letter from the Montgomery State's Attorney's Office and a copy of the May 5, 2004 inspection report was sent to Mr. Ronald Simmons by certified mail. This letter basically stated that if the site was not in complete compliance by July 15, 2004, then Montgomery County Coordinated Services would be pursued further enforcement action through the Montgomery County State's Attorney's Office.

Site Inspection

I arrived at the site at 12:10 p.m. The temperature was about 80°F with partly cloudy skies. The wind was still and the soil condition was dry. No one was met at the site during the inspection.

Observed at the site during the previous inspection were about 43 abandon vehicles, several white goods, several pieces of junk agricultural equipment, scrap metal, and an estimated 40 used or waste tires both on and off rims. The attached photos show that all of the above mentioned wastes still remained at the site. Due to the tall vegetation some of the wastes at the site, such as the white goods in photo 010, could not be photographed; however, these wastes were observed by walking through the tall vegetation and standing on the waste.

Shown in photo 009 are additional wastes that had been open dumped since the previous inspection. These wastes consisted of one white good, a chair, dimensional lumber, and tin.

It appeared that no attempt had been made to comply with the corrective actions stated in the ACWN and in the letter from the Montgomery County State's Attorney's Office.

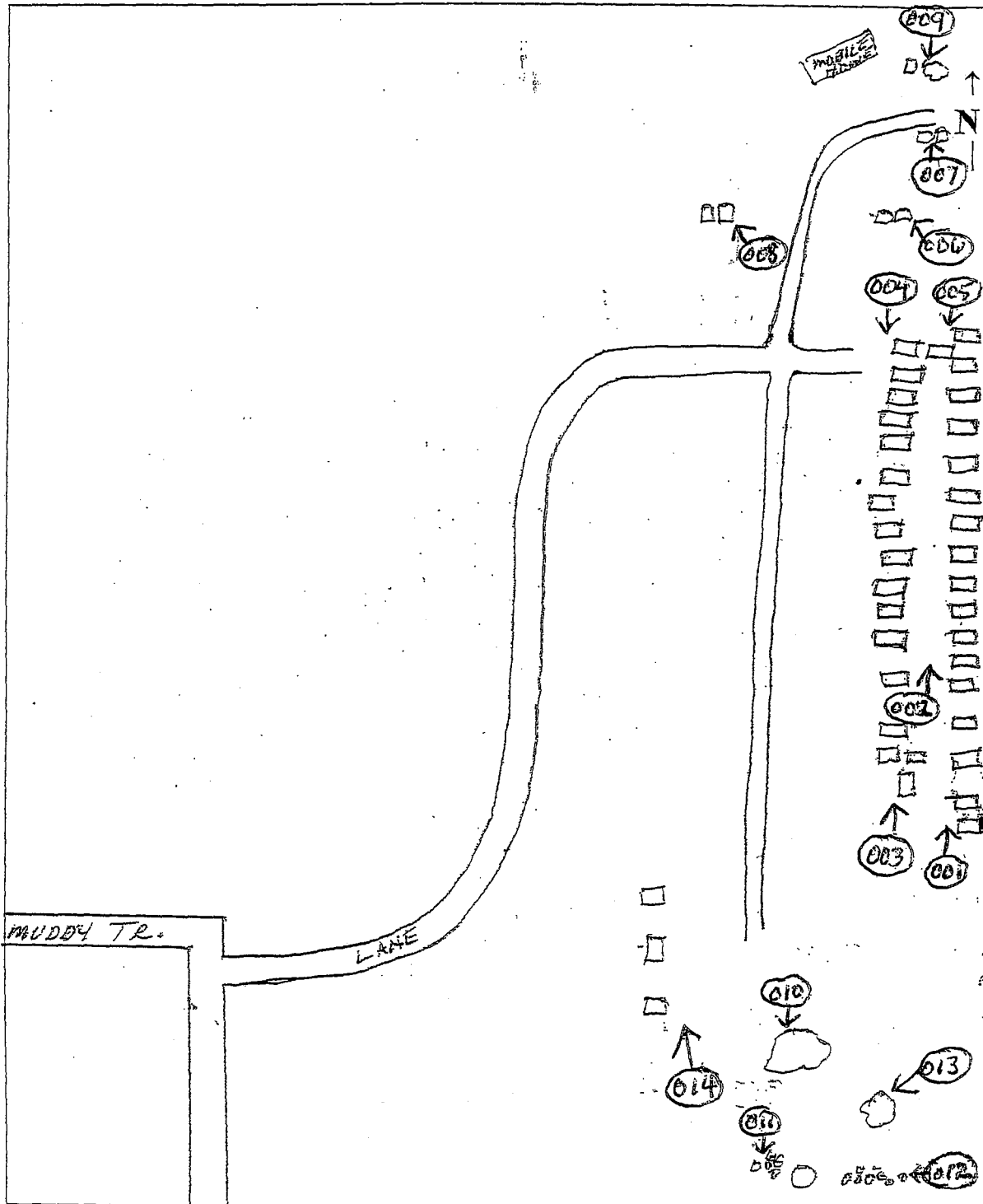
I left the site at 12:40 p.m.

See attached Open Dump Checklist for apparent violations.

cc: DLPC/Division File
DLPC/FOS-Springfield Region
Montgomery County State's Attorney, Jim Roberts

OPEN DUMP SITESKETCH

LPC#	1358145003
Site Name	S. Fillmore Twp./Simmons, Ronald F.
Location	Muddy Trail, S. Fillmore Twp.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:16 p.m.
DIRECTION: north
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-001
COMMENTS: Abandoned vehicles.



DATE: July 29, 2004
TIME: 12:16 p.m.
DIRECTION: north
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-002
COMMENTS: Abandoned vehicles.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:16 p.m.
DIRECTION: north
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-003
COMMENTS: Abandoned vehicles.



DATE: July 29, 2004
TIME: 12:18 p.m.
DIRECTION: south
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-004
COMMENTS: Abandoned vehicles.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:19 p.m.
DIRECTION: south
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-005
COMMENTS: Abandoned vehicles.



DATE: July 29, 2004
TIME: 12:20 p.m.
DIRECTION: northwest
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-006
COMMENTS: Scrap vehicles & metal.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:20 p.m.
DIRECTION: north
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-007
COMMENTS: White good.



DATE: July 29, 2004
TIME: 12:22 p.m.
DIRECTION: northwest
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-008
COMMENTS: White goods.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004

TIME: 12:26 p.m.

DIRECTION: south

PHOTO by: Bill Gonet

PHOTO FILE NAME:

1358145003~07292004-009

COMMENTS: White good, lumber, tin,
chair.



DATE: July 29, 2004

TIME: 12:29 p.m.

DIRECTION: south

PHOTO by: Bill Gonet

PHOTO FILE NAME:

1358145003~07292004-010

COMMENTS: White goods & scrap
metal.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:30 p.m.
DIRECTION: south
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-011
COMMENTS: Tires.



DATE: July 29, 2004
TIME: 12:31 p.m.
DIRECTION: west
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-012
COMMENTS: Tires.



LPC # 1358145003 – Montgomery County
S. Fillmore Twp./Simmons, Ronald F.
FOS File

DIGITAL PHOTOGRAPHS

DATE: July 29, 2004
TIME: 12:32 p.m.
DIRECTION: southwest
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-013
COMMENTS: White goods.



DATE: July 29, 2004
TIME: 12:33 p.m.
DIRECTION: north
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1358145003~07292004-014
COMMENTS: Agricultural equipment.

