

OFFICE OF THE STATE'S ATTORNEY  
VERMILION COUNTY  
FIFTH JUDICIAL CIRCUIT OF ILLINOIS

DEC 20 1996  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

MICHAEL D. CLARY  
STATE'S ATTORNEY

COURT HOUSE  
7 NORTH VERMILION STREET  
DANVILLE, ILLINOIS 61832  
(217) 431-2570  
FAX (217) 431-7458

December 18, 1996

Ms. Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

Certified Mail  
Return Receipt Requested

AC 97-45

Re: Administrative Citation  
Respondent: Elvis Ford  
AC Number:  
County Case No: 96-05  
Site Code No: N/A

Dear Ms. Gunn:

Enclosed for filing with the Board is the Administrative Citation package issued to the above-captioned Respondent. I am forwarding an original and nine complete copies of the Administrative Citation with the attached field inspector's Affidavit and inspection report. The Respondent cited is the owner of an unpermitted open dump site.

The Administrative Citation was served on the Respondent by certified mail. I will forward the green card showing the date of service as soon as it is received from the postal service. The Respondent's mailing address is: Elvis Ford, 669 Don Avenue, Danville, Illinois 61832.

If the Respondent pays the civil penalty without filing a Petition for Review, I will send notice immediately for your records.

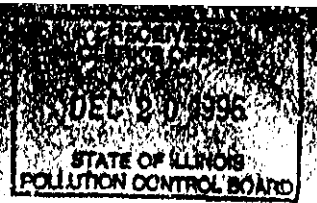
Thank you for your assistance in this matter.

Sincerely,

*Michael D. Clary*  
MICHAEL D. CLARY  
State's Attorney

Encl.

ADMINISTRATIVE CITATION



COUNTY OF VERMILION, ILLINOIS, )  
Complainant, )  
v. )  
ELVIS FORD )  
Respondent )

AC 97-45  
County File No. 96-05

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. That Respondent, Elvis Ford, was the owner and occupier of a property located at 669 Don Avenue, Danville Township, within the County of Vermilion, State of Illinois, known as tract number DOR 864 D (hereinafter referred to as the "subject property") at all times relevant to this Administrative Citation.
2. That the subject property is not licensed as, nor does it fulfill the requirements of a sanitary landfill.
3. That on November 18, 1996, Douglas Toole of the Vermilion County Health Department inspected the subject property. A copy of the inspection report is attached hereto and made a part hereof.

## **VIOLATIONS**

On the basis of the direct observation of Douglas Toole, the County of Vermilion has determined that on November 18, 1996, Respondent allowed open dumping on the subject property in violation of section 21(a) of the Act, 415 ILCS 5/21(a), in a manner which resulted in litter at the site, as prohibited by section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1). Respondent also allowed open burning of the litter on the subject property in violation of section 21(a) of the Act, 415 ILCS 5/21(a), in a manner as prohibited by section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3).

## **CIVIL PENALTY**

Pursuant to section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4), Respondent herein is subject to a civil penalty for each of the above mentioned violations in the sum of Five Hundred Dollars (\$500.00), for a total civil penalty of One Thousand Dollars (\$1,000.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the One Thousand Dollar (\$1,000.00) statutory penalty for the violation.

## **PROCEDURE FOR CONTESTING**

### **THIS ADMINISTRATIVE CITATION**

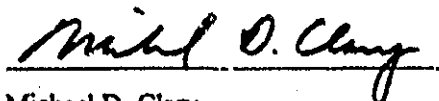
You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 N. Vermilion St., Danville, Illinois 61832. The Petition for Review must be filed with the Illinois Pollution Control Board within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued.

If you acknowledge the violation cited herein, the civil penalty specified above shall be due and payable no later than January 23, 1997. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof, or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the County of Vermilion, Illinois, and mailed to the Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation.

DATED: 12/13/96



Michael D. Clary

State's Attorney for Vermilion County

Prepared by:

Michael D. Clary  
Office of the State's Attorney  
7 N. Vermilion St.  
Danville, IL 61832  
(217) 431-2570

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF  
ELVIS FORD

)  
)  
Respondent. )

AC No. \_\_\_\_\_  
County File No. 96-05

**CERTIFICATE OF SERVICE BY CERTIFIED MAIL**

I, the undersigned, certify that I have served the attached Administrative Citation (County File No. 96-05) by Certified Mail upon the following person:

Elvis Ford  
669 Don Avenue  
Danville, Illinois 61832

by enclosing a copy of said Administrative Citation in a sealed envelope addressed as shown above, with postage affixed and fully pre-paid, and depositing the same in the U.S. Mail at Danville, Illinois before 5:00 p.m. on December 18, 1996.

  
Michael D. Clary

Prepared by:

Michael D. Clary  
Office of the State's Attorney  
7 North Vermillion Street  
Danville, Illinois 61832  
(217) 431-2570

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF  
ELVIS FORD

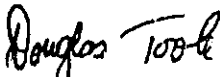
AC No. \_\_\_\_\_  
County File No. 96-05

Respondent.

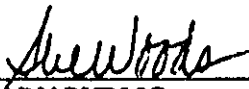
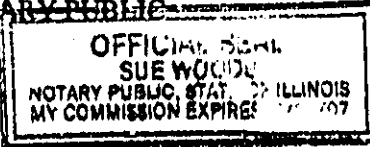
The Affiant, Douglas Toole, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On November 18, 1996, between 10:20 a.m. and 10:25 a.m., Affiant conducted an inspection of a property located at 669 Don Avenue, Danville Township, within the County of Vermilion, State of Illinois, known as tract number DOR 864 D (hereinafter referred to as the "Subject Property").
3. Affiant inspected the Subject Property by an on-site inspection which included walking on the site.
4. Prior to said inspection, Affiant had reviewed Illinois Environmental Protection Agency files and determined that Elvis Ford did not hold a valid permit to dispose of waste on the Subject Property.
5. As a result of the activities referred to the paragraphs 3 and 4 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 Subject Property.

FURTHER Affiant sayeth not.

  
\_\_\_\_\_  
Douglas Toole

SIGNED and SWORN to before me this 18th day of December, 1996, by Douglas Toole.

  
\_\_\_\_\_  
NOTARY PUBLIC  


**THIS FILING IS SUBMITTED ON RECYCLED PAPER  
REMITTANCE FORM**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF** )  
**ELVIS FORD** )  
Respondent. )

**AC No.** \_\_\_\_\_  
**County File No.** 96-05

**Facility/Property:** in Danville Township;

**County:** Vermilion

**Date of Inspection:** November 18, 1996

**Site Code No.:** N/A

**CIVIL PENALTY:** \$ 1,000.00

**DATE REMITTED:** \_\_\_\_\_

**SSN/FEIN NO.:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**NOTE**

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College, Danville, Illinois, 61832.





I.P.C.#: 1838045003

Inspection Date: 11/18/96

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
<b>ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		

*Douglas Toole*

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.
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.
7. Statutory effective date: through 1/10/95.
8. Regulatory effective date: through 7/21/94.



# VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S.  
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING  
200 SOUTH COLLEGE, SUITE A  
DANVILLE, IL 61832  
PHONE/TDD 217 431-2662  
FAX 217 431-7483

LPC #1838045003  
Danville/Ford  
FOS  
11/18/96

## OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was reinspected on November 18, 1996, by Douglas Toole of the Vermilion County Health Department. The weather was cloudy, damp and about 40 degrees Fahrenheit. Eight photos were taken of the site.

The site is located in Vermilion County, southeast of Danville, Illinois. Specifically, the site is located at the east end of Don Avenue in rural Danville.

## INSPECTORS FINDINGS

I arrived on the site at about 10:20 a.m. on November 18, 1996. No one else was present during my reinspection. In general, there appeared to be more refuse on the site than there was on the September 25, 1996 reinspection.

There were more wooden power poles on the southwest part of the site (photos 1, 2). Next to the power poles was a small waste pile containing tires, boards, roofing shingles, insulation, an appliance and other refuse (photo 3). Next to the northern mobile home were two small piles containing tires, scrap metal, boards and other refuse (photo 4).

The main waste pile still contained mattress springs, a toilet seat, boards, scrap metal and other refuse -- some of which appeared to be partially burned (photos 5-8). It appeared that fresh, unburned refuse such as carpeting, boards and scrap metal had been recently added to the west side of the main waste pile (photo 5). I left the site at about 10:25 a.m.

On the Inspection Report Checklist for this reinspection, I estimated that there were 60 cubic yards of waste on the site. No measurements were performed to arrive at that estimation, only my observations at the time. The actual amount of waste on the site may vary significantly from that estimation.



*An Equal Opportunity Employer*

SUMMARY OF APPARENT VIOLATIONS

ILLINOIS ENVIRONMENTAL PROTECTION ACT (415 ILCS 5/1 et seq.)

Section 21 (a) of the Act: No person shall...cause or allow the open dumping of any waste. Open dumping was observed on the site.

Section 21 (d)(1) of the Act: No person shall...conduct any waste storage, waste-treatment, or waste-disposal operation without...a permit granted by the Agency. No such permit was issued.

Section 21 (d)(2) of the Act: No person shall...conduct any waste-storage, waste-treatment, or waste disposal operation...in violation of any regulations or standards adopted by the Board under the Act. Violations of the Illinois Pollution Control Board Regulations were observed at the site.

Section 21 (p)(1) of the Act: No person shall...cause or allow the open dumping of any waste in a manner which results in...litter. Litter was observed on the site.

Section 21 (p)(3) of the Act: No person shall...cause or allow the open dumping of any waste in a manner which results in...open burning. Evidence of open burning was observed on the site.

Section 55 (a)(1) of the Act: No person shall...cause or allow the open dumping of any used or waste tire. Waste tires were observed on the site.

ILLINOIS POLLUTION CONTROL BOARD, 35 ILLINOIS ADMINISTRATIVE CODE,  
SUBTITLE G  
(REGULATIONS)

Section 807.201 (a) of the Regulations:...No person shall cause or allow the development of any new solid waste management site...without a development permit issued by the Agency. No such permit was issued.

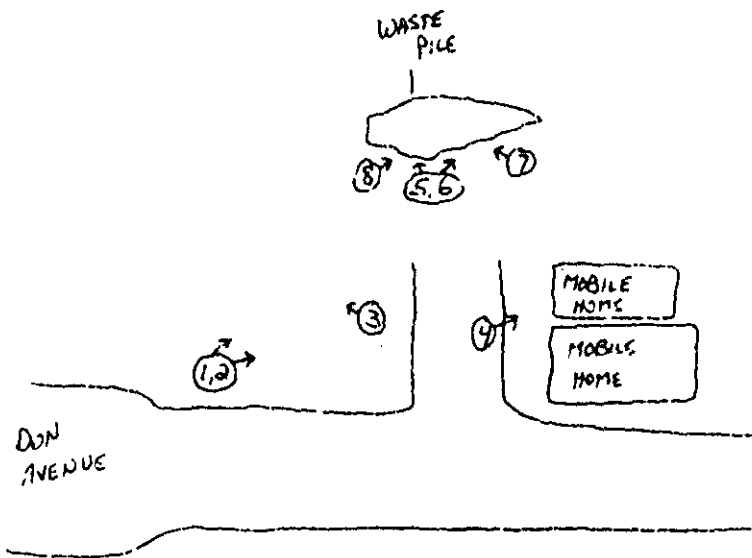
Section 807.202 (a) of the Regulations:...No person shall cause or allow the use or operation of any solid waste management site for which a development permit is required under Section 807.201 without an operating permit issued by the Agency. No such permit was issued.

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: NOVEMBER 18, 1996 Inspector: DOUGLAS TOOLE  
Site Code: 1 8 3 8 0 4 5 0 0 3 County: VERMILION  
Site Name: DANVILLE/FORD Time: 10:20-10:25 A.M.

4  
N

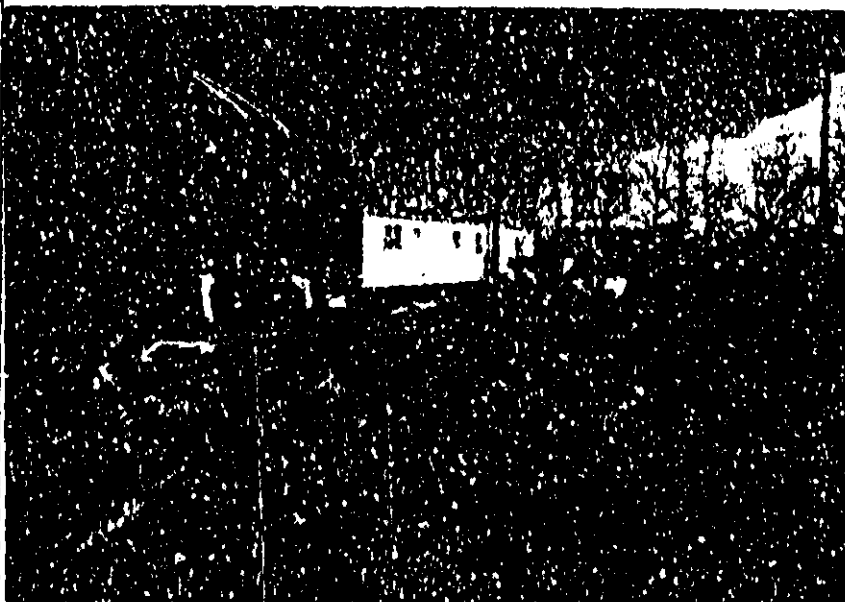




# INSPECTION PHOTOS

DATE: 11 / 18 / 96	SITE #: 1 8 3 8 0 4 5 0 0 3 CO.: VERMILION
TIME: 10:21 a.m.	SITE NAME: DANVILLE / FORD
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE	
COMMENTS: Pictures taken toward: NE	
VIEW FROM WEST END OF SITE; 1ST OF 2 PANORAMIC SHOTS	
ROLL #                  PHOTO # 1	

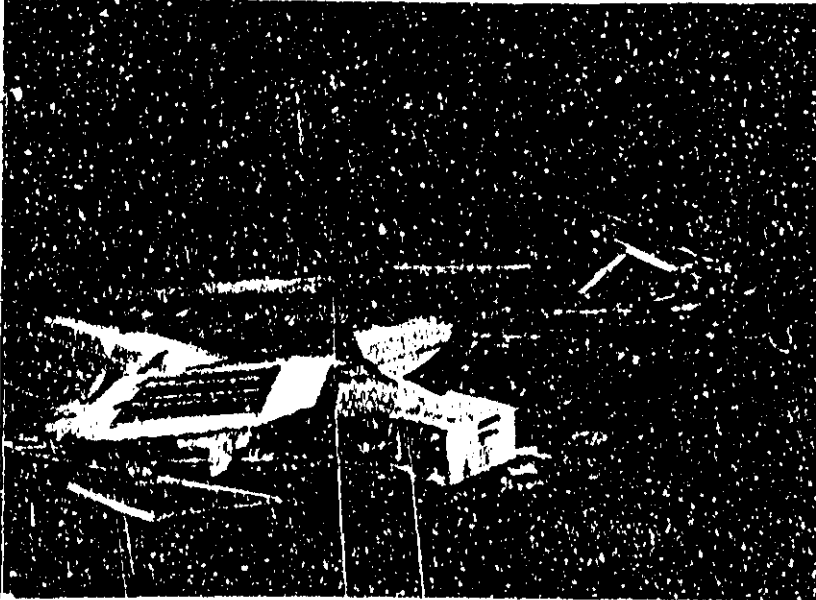
DATE: 11 / 18 / 96
TIME: 10:21 a.m.
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE
COMMENTS: Pictures taken toward: NE
VIEW FROM WEST END OF SITE; 2ND OF 2 PANORAMIC SHOTS
ROLL #                  PHOTO # 2

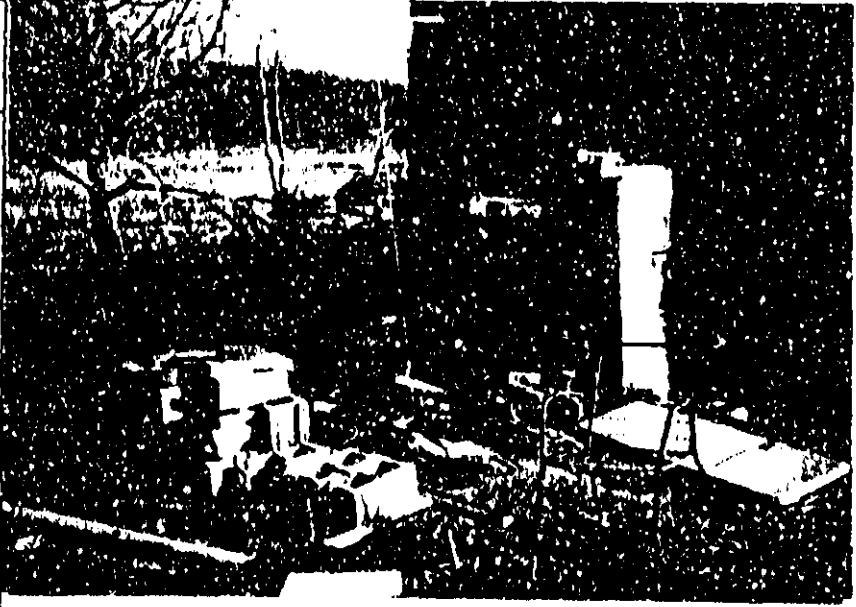


FOS



# INSPECTION PHOTOS

DATE: 11 / 18 / 96	SITE #: 1 8 3 8 0 4 5 0 0 3 CO VERMILION
TIME 10:22 A.M.	SITE NAME: DANVILLE / FORD
PHOTOGRAPH TAKEN BY DOUGLAS TOOLE	
COMMENTS: Pictures taken toward: NW	
CLOSER SHOT OF AREA FROM PHOTO # 1	
ROLL #          PHOTO # 3	

DATE: 11 / 18 / 96	
TIME: 10:22 A.M.	
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE	
COMMENTS: Pictures taken toward: NE	
CLOSER SHOT OF AREA FROM PHOTO # 1	
ROLL #:          PHOTO #: 4	

FOS



# INSPECTION PHOTOS

DATE: 11 / 18 / 96	SITE #: 1 8 3 8 0 4 5 0 0 3 CO: VERMILION
TIME: 10:23 A.M.	SITE NAME: DANVILLE / FORD
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE	
COMMENTS: Pictures taken toward: NW	
NORTH PART OF SITE; 1ST OF 2 PANORAMIC SHOTS	
ROLL # PHOTO # 5	


DATE: 11 / 18 / 96
TIME: 10:23 A.M.
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE
COMMENTS: Pictures taken toward: NE
NORTH PART OF SITE; 2ND OF 2 PANORAMIC SHOTS
ROLL # PHOTO # 6



FOS



# INSPECTION PHOTOS

DATE: 11 / 18 / 96	SITE # 1 8 3 8 0 4 5 0 0 3 CO: VERMILION
TIME: 10:23 A.M.	SITE NAME: DANVILLE / FORD
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE	
COMMENTS: Pictures taken toward: NW	
SAME AREA FROM PHOTO # 5	
ROLL #                  PHOTO # 7	

DATE: 11 / 18 / 96
TIME: 10:24 A.M.
PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE
COMMENTS: Pictures taken toward: NE
SAME AREA FROM PHOTO # 6
ROLL #                  PHOTO # 8

