

May 04, 2006

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation - (William Slane)
AC# 191-05-06
Site Code 1910200003
Inspection Date: March 21, 2006

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Mr. William Slane.

The Respondent's mailing address is 129 Lamard St., Geff, Illinois 62842. I will send you the date, and proof of such, of service of the Citation on the Respondent. The site is known as the Slane, William site.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

Kevin Kakac
Wayne County States Attorney

enclosures

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

County of Wayne,)
)
Complainant,)
)
v.) AC 191-05-06
)
Mr. William Slane,)
)
Respondent,)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent is the present occupant and in control and possession of a facility located in the County of Wayne, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1910200003. The facility is known to the Agency as the Slane, William site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On March 21, 2006, Field Inspector, Clark D. Griffith, inspected the facility. A true and correct copy of the inspection report, along with his affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, Clark D. Griffith's, direct observation, he has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on March 21, 2006, an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed littering at the facility in violation of 415 ILCS 5/21(p)(1).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of \$1500.00 for each violation specified above in paragraph 1. This is a total of \$1500.00 for this Citation. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$1500.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than July 08, 2006. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Wayne County's Treasurer Office and mailed to the attention of Donna Vaughan, Wayne County Treasurer,

Fairfield, Illinois, 62837. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Wayne County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you 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. A copy of the Petition for Review shall be filed with the Wayne County States Attorney.

Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.

Your original Petition must be filed with the Clerk of the Board at:

Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

A copy must also be sent to:

Wayne County State's Attorney
P.O. Box 641
Fairfield, IL 62837

DATED: _____, 2006

Wayne County State's Attorney

REMITTANCE FORM

County of Wayne,)
)
 Complainant,)
)
 v.) A.C. #191-05-06
)
 Mr. William Slane,)
)
 Respondent.)

FACILITY: SLANE, WILLIAM SITE

COUNTY: WAYNE

DATE OF INSPECTION: MARCH 21, 2006

SITE CODE: 1910200003

CIVIL PENALTY: \$1500.00

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Wayne County Treasurers Office
Wayne County Courthouse
307 East Main St.
Fairfield, IL 62837

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Wayne,)
Complainant,)
)
V.) AC#191-05-06
Mr. William Slane)
Respondent.)

AFFIDAVIT

Affiant, Clark Griffith, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Wayne County Health Department and has been so employed at all times pertinent hereto.

2. On March 21, 2006, between 11:13 a.m. and 11:15 a.m., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Wayne County, Illinois, and known as the Slane, William Dumpsite by the County of Wayne. Said site has been assigned site code number 1910200003 by the county.

3. Affiant inspected said open dumpsite site by an on-site inspection which included 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 Slane, William Dumpsite.

Subscribed and Sworn to before me
this ____ day of _____, 2006.

Notary Public

PROOF OF SERVICE

I hereby certify that I did on the 8th day of May 2006, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: William Slane
129 Lamard St.
Geff, IL 62842

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, 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

Kevin Kakac
Wayne County States Attorney

Wayne County States Attorney
P.O. Box 641
Fairfield, Illinois 62837
(618) 842-3433

WAYNE COUNTY HEALTH DEPARTMENT

P.O. BOX 645, FAIRFIELD, ILLINOIS 62837
PH. 618 842-5166

May 04, 2006

Wayne County Enforcement Decision Group Meeting Minutes

Re: Slane, William
DLPC #1910200003
Compliance File

A telephone conference with members of the Wayne County Enforcement Decision Group was held on the dates of April 10, April 20 and May 03, 2006. Topic of discussion involved the Slane, William site (DLPC #1910200003). I recommend serving Mr. William Slane with an Administrative Citation for his failure to comply with Violation Notice #L-2005-WY007 in a timely manner. Those contacted include the following: Martha Heflin, Wayne County Health Department Administrator, Gary Steele, IEPA representative and Kevin Kakac, Wayne County States Attorney. All members of the group agree that I serve this citation as recommended. If you have questions regarding these meeting minutes please contact me at the above phone listing.

Sincerely,

Clark D. Griffith

CC: Kevin Kakac
Martha Heflin
Gary Steele