

WAYNE COUNTY HEALTH DEPARTMENT
P.O. BOX 645, FAIRFIELD, ILLINOIS 62837
PH. 618 842-5166/FAX 618 842-3305

June 08, 2006

Julian Buchanan
Rt. #3, Box 400
Fairfield, Illinois 62837

Re: LPC #1910405002– Wayne County
Arrington Twp./Buchanan, Julian
Compliance File

Dear Mr. Buchanan:

On May 16, 2006, an inspection of the above referenced site was conducted by Clark D. Griffith representing the Illinois Environmental Protection Agency. The purpose of this inspection was to determine the site's compliance with the Illinois Environmental Protection Act and 35 Illinois Administrative Code.

For your information, a copy of the inspection report is enclosed.

Should you have any questions regarding this inspection, please contact Clark D. Griffith at 618 842-5166.

Sincerely,

Clark D. Griffith

Enclosure

bc: Division File
Regional File
Wayne County States Attorney

June 15, 2006

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

Re: Administrative Citation - (Julian Buchanan)
AC# 191-06-06
Site Code 1910405002
Inspection Date: May 16, 2006

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Mr. Julian Buchanan.

The Respondent's mailing address is Rt. #3, Box 400, Fairfield, Illinois 62837. I will send you the date, and proof of such, of service of the Citation on the Respondent. The site is known as the Buchanan, Julian 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

County of Wayne,)	
)	
Complainant,)	
)	
v.)	AC 191-06-06
)	
Mr. Julian Buchanan,)	
)	
Respondent.)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Wayne.

Wayne County States Attorney

Kevin Kakac

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Wayne,)	
)	
Complainant,)	
)	
v.)	AC 191-06-06
)	
Mr. Julian Buchanan,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Julian Buchanan Rt. #3, Box 400, Fairfield, Illinois 62837

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.

Kevin Kakac

June 15, 2006

Wayne County States Attorney
P.O. Box 641
Fairfield, Illinois 62837

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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

County of Wayne,)
)
 Complainant,)
)
 v.) AC 191-06-06
)
 Mr. Julian Buchanan,)
)
 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 # 1910405002. The facility is known to the Agency as the Buchanan, Julian site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On May 16, 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 May 16, 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 August 17, 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. #191-06-06
)
 Mr. Julian Buchanan,)
)
 Respondent.)

FACILITY: BUCHANAN, JULIAN SITE

COUNTY: WAYNE

DATE OF INSPECTION: MAY 16, 2006

SITE CODE: 1910405002

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#191-06-06
Mr. Julian Buchanan)
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 May 16, 2006, between 12:36 p.m. and 12:39 p.m., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Wayne County, Illinois, and known as the Buchanan, Julian Dumpsite by the County of Wayne. Said site has been assigned site code number 1910405002 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 Buchanan, Julian Dumpsite.

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

Notary Public

PROOF OF SERVICE

I hereby certify that I did on the 15th day of June 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: Julian Buchanan
Rt. #3, Box 400
Fairfield, IL 62837

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

June 12, 2006

Wayne County Enforcement Decision Group Meeting Minutes

Re: Buchanan, Julian
DLPC #1910405002
Compliance File

A telephone conference with members of the Wayne County Enforcement Decision Group was held on June 12, 2006. Topics of discussion involved the Buchanan, Julian site (DLPC #1910405002) and service of Administrative Citation to Mr. Julian Buchanan for his failure to comply with Violation Notice #L-2005-WY001 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 service of citation is necessary. 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

WAYNE COUNTY HEALTH DEPARTMENT

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

June 12, 2006

Wayne County Enforcement Decision Group Meeting Minutes

Re: Buchanan, Julian
DLPC #1910405002
Compliance File

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Sincerely,

Clark D. Griffith

CC: Kevin Kakac
Martha Heflin
Gary Steele

***** AG 2006 055 *****
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: WAYNE LPC#: 1910405002 Region: 7 - Marion
 Location/Site Name: Arrington Twp./Buchanan, Julian
 Date: 05/16/2006 Time: From 12:36 pm To 12:39 pm Previous Inspection Date: 01/03/2006
 Inspector(s): Clark D. Griffith Weather: 61° Fahrenheit/Cloudy
 No. of Photos Taken: # 03 Est. Amt. of Waste: 60 yds³ Samples Taken: Yes # _____ No
 Interviewed: Mr. Julian Buchanan Complaint #: _____

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

Julian Buchanan
Rt. #3, Box 400
Fairfield, Illinois 62837
618 839-3152

	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 # 1910405002

Inspection Date: 05/16/2006

	(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"/>

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.

DIGITAL INSPECTION PHOTOGRAPHS

1910405002~05162006.doc

SITE#: 1910405002	CO.: Wayne
SITE NAME: Buchanan, Julian	

DATE: 05/16/2006
TIME: 12:36 pm
PHOTO TAKEN BY: Clark D. Griffith
COMMENTS: Pictures taken toward: Northwest



Photo File Name: 1910405002~05162006-001
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DATE: 05/16/2006
TIME: 12:36 pm
PHOTO TAKEN BY: Clark D. Griffith
COMMENTS: Pictures taken toward: Northwest



Photo File Name: 1910405002~05162006-002
--

DIGITAL INSPECTION PHOTOGRAPHS

1910405002~05162006.doc

DATE: 05/16/2006

SITE#: 1910405002

CO.: Wayne

TIME: 12:36 pm

SITE NAME: Julian Buchanan

PHOTO TAKEN BY:
Clark D. Griffith

COMMENTS: Pictures taken toward:

West



Photo File Name:

1910405002~0516006-003

DATE:

TIME:

PHOTO TAKEN BY:
Clark D. Griffith

COMMENTS: Pictures taken toward:

No Picture

Photo File Name:

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
NARRATIVE INSPECTION REPORT DOCUMENT

Review Date: 05-16-06 Reviewer: Clark D. Griffith

Site Code: #1910405002 County: Wayne County

Site Name: Buchanan, Julian Time: 12:36 pm-12:39 pm

GENERAL REMARKS

On May 16, 2006 a follow-up inspection is conducted at the Buchanan, Julian Dumpsite (DLPC #1910405002) located at the southwest quarter of Sims Crossroads(Rt. #15 and Arrington Twp. road #900E) in Wayne County, Illinois. Inspection is conducted between 12:36 pm and 12:39 pm. Weather conditions at time of inspection are considered fair with an air temperature of 61° Fahrenheit and cloudy skies overhead. Legal description of the location is as follows: Northwest quarter of the northeast quarter, Section 09, T.2S.-R.5-6E. of the Arrington Twp. in Wayne County, Illinois.(GPS Coord. N38.22.216°/W088.27869°)

Follow-up inspection reveals clean-up of scrap metal at the southwest corner of this property has yet to occur.(see all available photographs)(see site sketch) Mr. Julian Buchanan has failed to complete clean-up in a timely manner. File has been referred to the Wayne County Enforcement Decision Group for their consideration.

The following condition(s), which would constitute a violation, were observed at time of inspection:

Line #5 & #8- To cause or allow open dumping (Section 21(a) of the Act) To cause or allow the open dumping of any waste in a manner which results in litter.(Section 21(p)(1) of the Act) Sctrap metal is allowed to accumulate at the southwest corner of the property. These observed conditions represent an area where the open dumping of waste has occurred, thereby causing or allowing litter.

Line #7-To dispose, treat, store, or abandon any waste, or transport any waste into the state at/to sites not meeting requirements of Act and Regulation.(Section 21(e) of the Act) The site in question does not meet the requirements of the Act and Regulations necessary for the storage and/or abandonment of any waste.

Line #6 and #10- Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency.(Section 21(d)(1) of the Act) Conducting any waste-storage, waste-treatment, or waste-disposal operation in violation of any Regulations or Standards adopted by the Illinois Pollution Control Board.(Section 21(d)(2) of the Act) Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency.(Section 812.101(a) of the Regulations) There is no record that a permit has been issued by the Agency to operate a waste disposal site at this location. This site is in violation of Regulations or Standards adopted by the Illinois Pollution Control Board.

Inspection is completed on May 16, 2006 at 12:39 pm.