



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9817  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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CLERK'S OFFICE

MAY 05 2008

STATE OF ILLINOIS  
Pollution Control Board

AC 08-30

(217) 782-9817  
TDD: (217) 782-9143

May 1, 2008

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

Re: Illinois Environmental Protection Agency v. Thomas, Wayne and Valerie Hill  
IEPA File No. 66-08-AC; 1818525013—Union County

Dear Mr. Therriault:

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 Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

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,

Michelle M. Ryan  
Assistant Counsel

Enclosures

bcc: Susan Konzelmann, DLC #21  
Mike Davison, Division of Land Pollution Control #24  
Division of Land Pollution Control File Room #24 (Compliance File)  
Anna/Hill  
1818525013—Union County  
Sheila Williams, Marion Regional Office

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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MAY 05 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 THOMAS, WAYNE and VALERIE HILL, )  
 )  
 Respondents. )

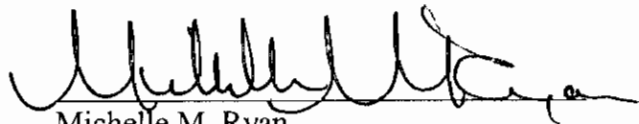
AC 08-30  
 (IEPA No. 66-08-AC)

**NOTICE OF FILING**

To: Thomas, Wayne and Valerie Hill  
 1955 Christian Chapel Road  
 Anna, Illinois 62906

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.

Respectfully submitted,



Michelle M. Ryan  
 Assistant Counsel

Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276  
 (217) 782-5544

Dated: May 1, 2008

**RECEIVED**  
CLERK'S OFFICE  
MAY 05 2008  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
THOMAS, WAYNE and VALERIE HILL, )  
Respondents. )

AC 08-30  
(IEPA No. 66-08-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, 415 ILCS 5/31.1 (2006).

FACTS

1. That Wayne, Thomas and Valerie Hill are the owners of a facility located on two pieces of land at the following legal addresses: SEC 31, TWP 12, RNG 1E, PT OF SW SE & consists of 4.55 acres; and SEC 6, TWP 13, RNG 1E, NW NE PT NE CORNER NORTH 1/2 OF THE NW & consists of 6.09 acres located in Anna, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Anna/Hill.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1818525013.
3. That Respondents have owned said facility at all times pertinent hereto.

4. That on March 12, 2008, Sheila Williams of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

#### VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her March 12, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2006).
  
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris; or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency 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.

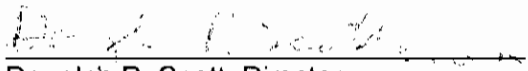
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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 Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents 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 Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents 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 Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. 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 Respondents.

  
\_\_\_\_\_  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 5/1/08

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544





BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

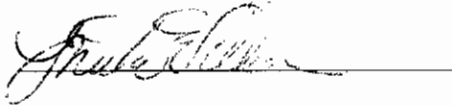
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 )  
 v. ) IEPA DOCKET NO.  
 )  
 )  
 )  
 Respondent. )

AFFIDAVIT

Affiant, Sheila Williams, being first duly sworn, voluntarily deposes and states as follows:

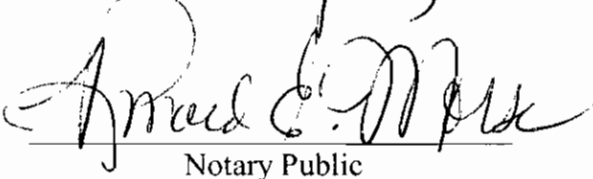
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 12, 2008, between 11:02 a.m. and 11:25 a.m., Affiant conducted an inspection of a disposal site operated by Thomas Hill, Wayne Hill and Valerie Hill, located in Union County, Illinois, and known as Anna/Hill by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1818525013 by the Agency.
3. Affiant inspected said Anna/Hill site by an on-site inspection which included walking and 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 Anna/Hill.

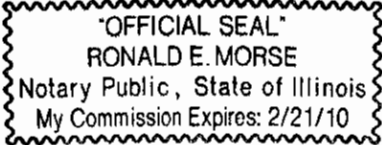


Subscribed and Sworn to before me

this 3rd day of July 2008



Notary Public





LPC # 1818525013

Inspection Date: 3/12/2008

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<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"/>

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.

# **NARRATIVE INSPECTION REPORT**

Date: March 12, 2008 Inspector: Sheila Williams

Site Code: 1818525013 County: Union

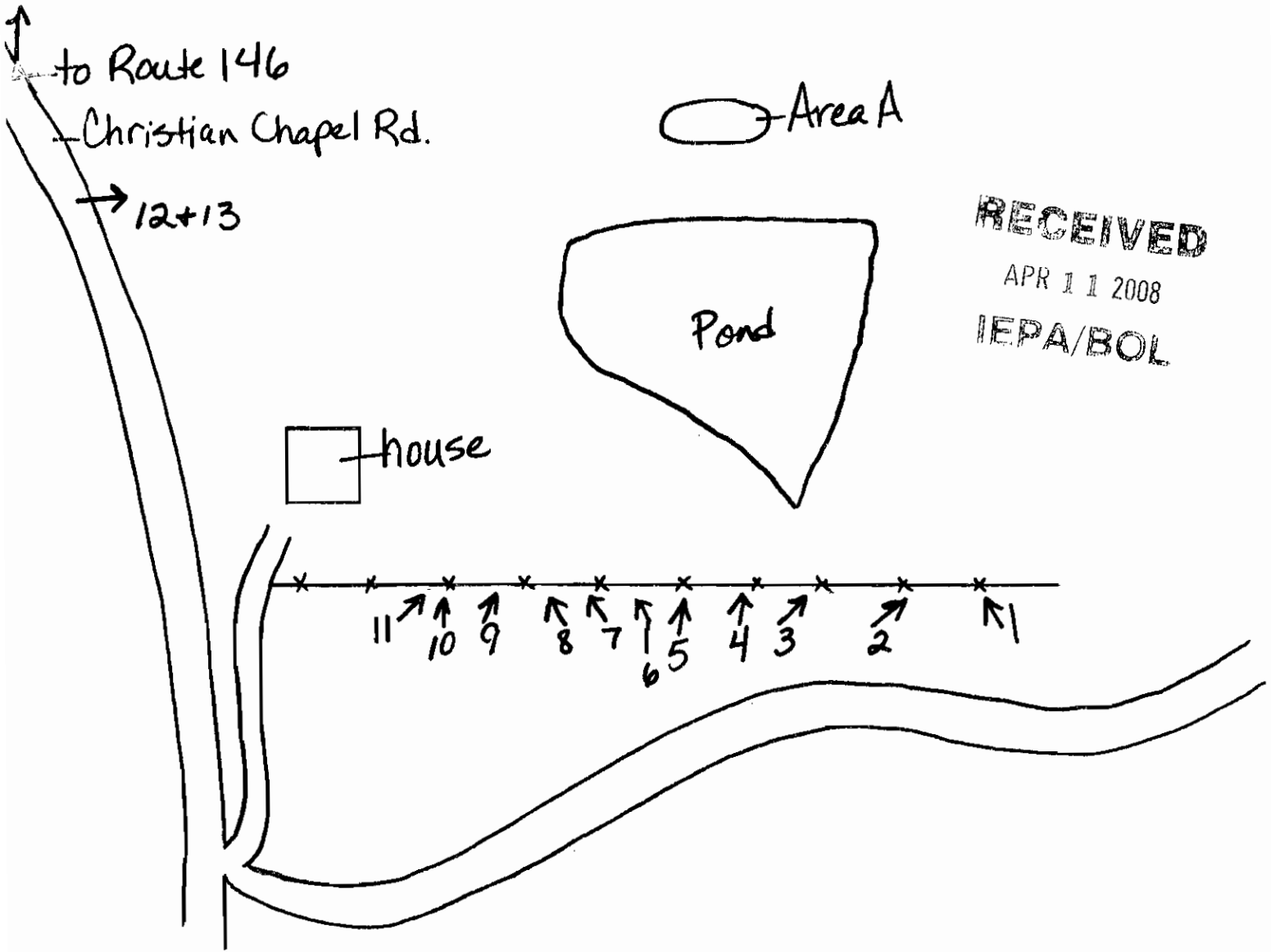
Site Name: Anna/Hill Time: 11:05 A.M. – 11:25 A.M.

## **GENERAL REMARKS**

A follow up inspection was conducted on March 12, 2008. The initial inspection was done on November 15, 2007 at which time apparent violations pertained to open dumping including litter & demolition debris. Because the property owner did not want me on his property during the initial inspection, the current inspection was conducted from off site, also.

Waste at the site appeared to be the same as what was observed during the initial inspection except that an orange truck was gone. The remaining seven vehicles appeared to be in the same positions & same conditions as what was observed during the first inspection. Two of the vehicles held various vehicle parts. The previously observed demolition debris present deep on the property resting on a hill, a truck topper & two tires were still present. Additional items observed during the current inspection (probably due to less dense vegetation) were 21 tires, an engine block & what appeared to be a damaged vehicle seat with exposed foam padding. All of these items mentioned are considered waste because they are not in use, not usable in their current conditions and/or they are not being protected for future use.

The apparently abandoned vehicles are estimated to be 65 cubic yards (7 vehicles [10'x5'x5']) in total. The debris on the hill has been designated as Area A. Area A was visually estimated to be approximately 21 cubic yards (30'x7.5'x2.5') in size. Area B consists of the newly found tires. These are estimated to be approximately two cubic yards (21 tiresx.1104 cubic yards) in size.



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#1818525013-Union County  
Anna/Hill  
Not to Scale  
Locations are Approximate  
3-12-08



**DIGITAL PHOTOGRAPHS**



**Date: 3/12/2008  
Time: 11:05 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 001  
Comments:  
dilapidated car**



**Date: 3/12/2008  
Time: 11:08 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 002  
Comments:  
debilitated truck**

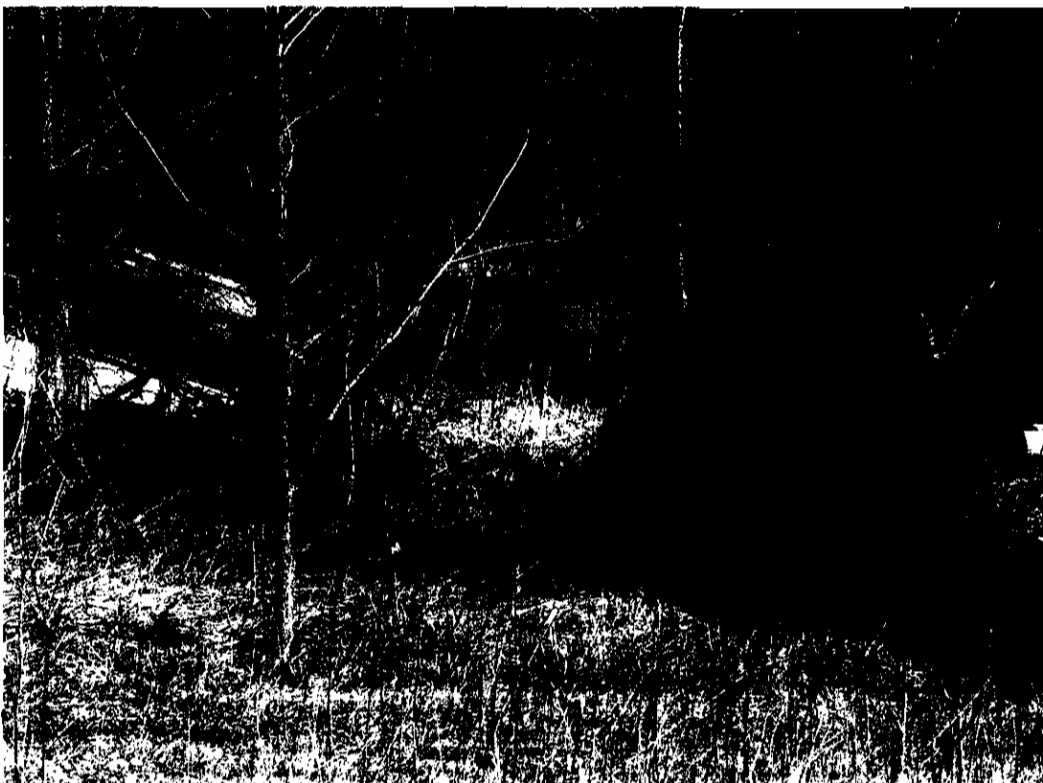
**File Names: 1818525013~03122008 - [Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 3/12/2008  
Time: 11:09 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 003  
Comments: two trucks, one with debris in the bed



Date: 3/12/2008  
Time: 11:10 A.M.  
Direction: north  
Photo by: S. Williams  
Exposure #: 004  
Comments: metal & what appears to be a damaged seat with exposed foam padding

File Names: 1818525013~03122008 - [Exp. #].jpg

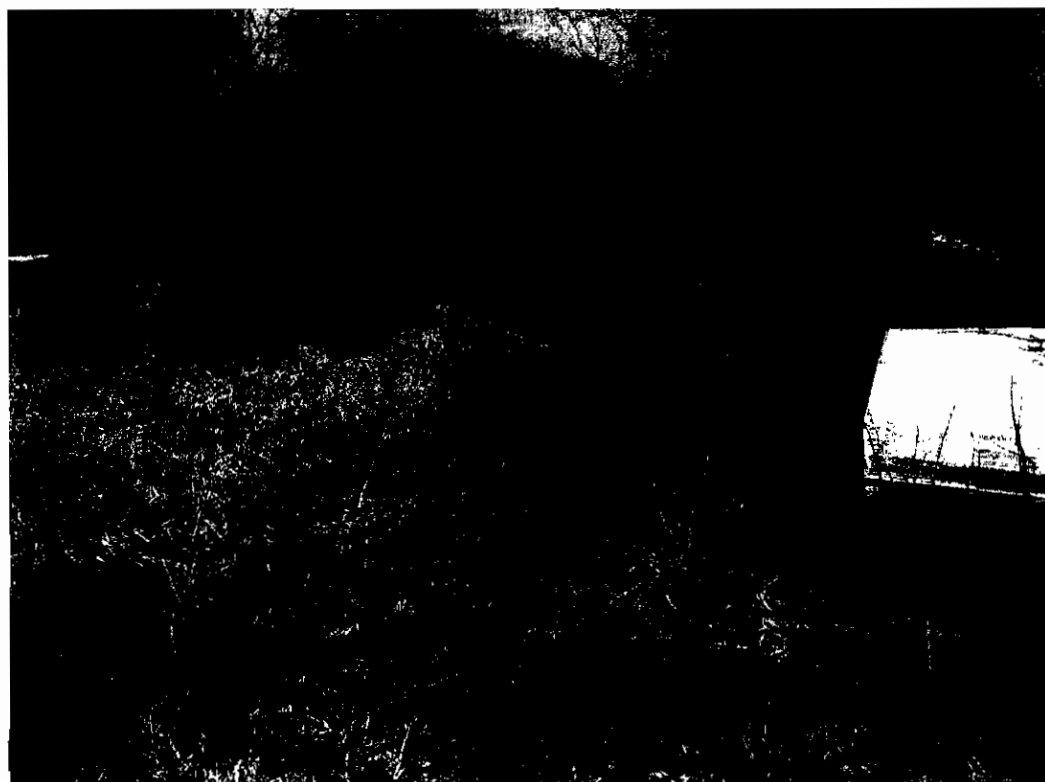




**DIGITAL PHOTOGRAPHS**



**Date: 3/12/2008  
Time: 11:12 A.M.  
Direction: north  
Photo by: S. Williams  
Exposure #: 005  
Comments: truck  
topper**



**Date: 3/12/2008  
Time: 11:12 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 006  
Comments: two tires**

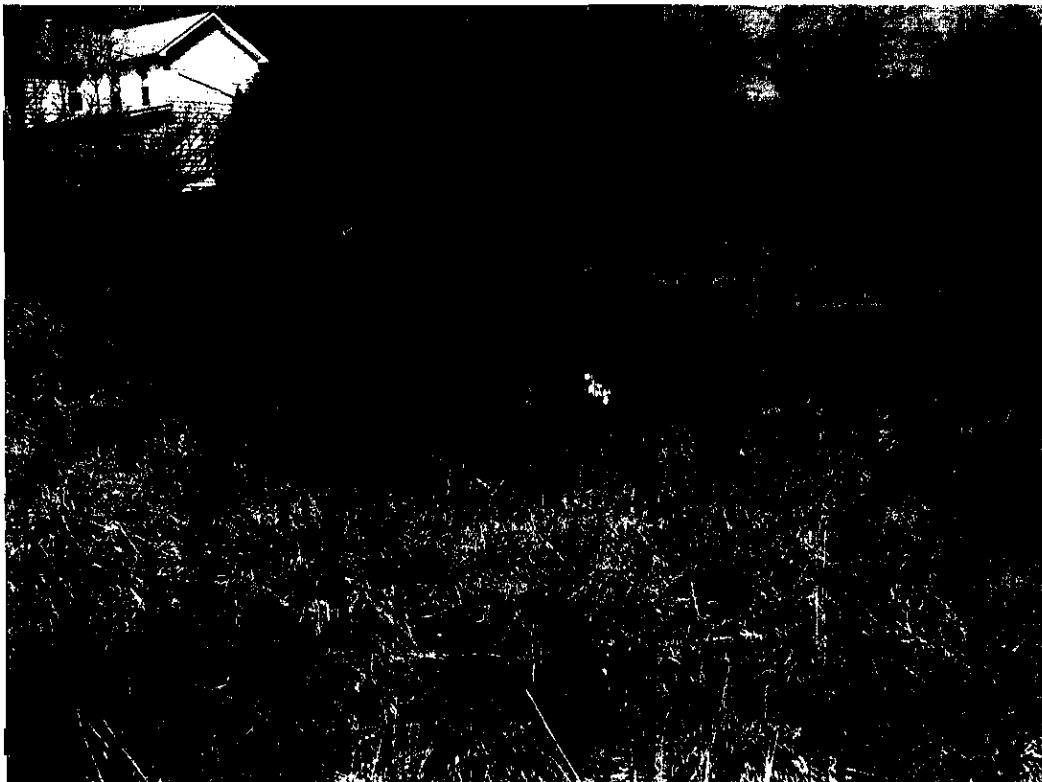
**File Names: 1818525013~03122008 - [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 3/12/2008  
Time: 11:13 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 007  
Comments: remains  
of a truck & trailer  
bed**



**Date: 3/12/2008  
Time: 11:14 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 008  
Comments: engine  
block & a dilapidated  
truck holding a  
variety of rusted  
metal**

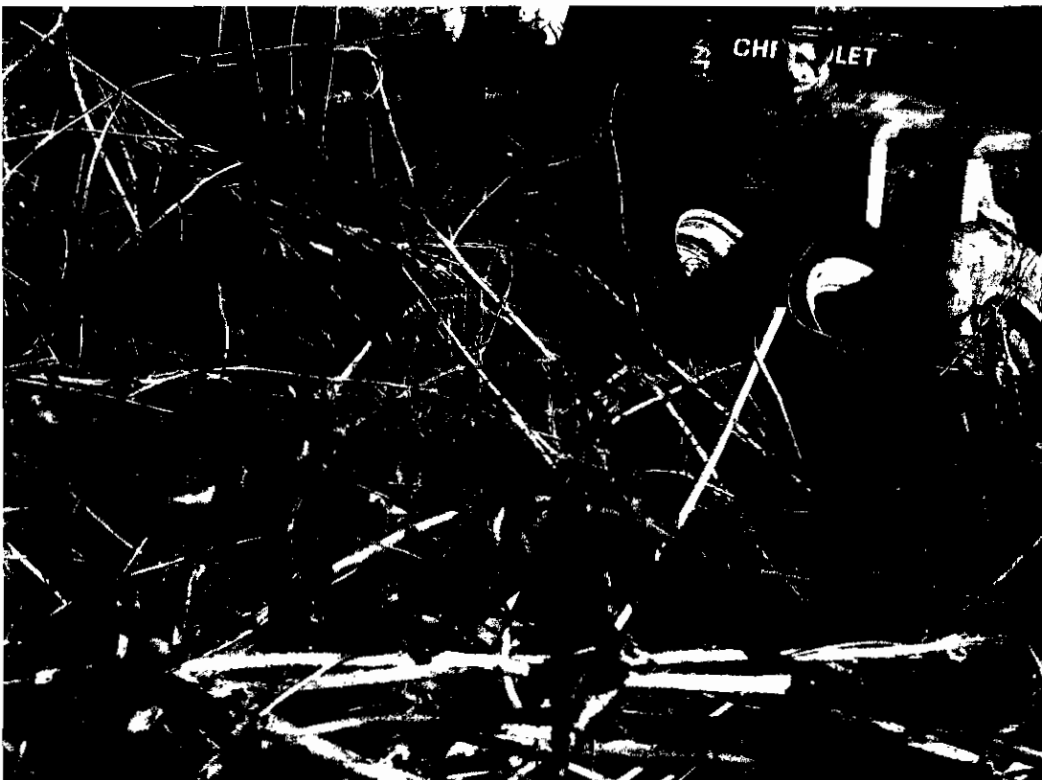
**File Names: 1818525013~03122008 - [Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 3/12/2008  
Time: 11:15 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 009  
Comments: vehicle  
that appears to have  
at least one tire sunk  
into the ground



Date: 3/12/2008  
Time: 11:18 A.M.  
Direction: north  
Photo by: S. Williams  
Exposure #: 010  
Comments: tires  
amongst vegetation

File Names: 1818525013~03122008 - [Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 3/12/2008  
Time: 11:19 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 011  
Comments: tires  
covered by vegetation



Date: 3/12/2008  
Time: 11:24 A.M.  
Direction: east  
Photo by: S. Williams  
Exposure #: 012  
Comments: a truck, a  
car & waste on the  
ground

File Names: 1818525013~03122008 - [Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 3/12/2008  
Time: 11:24 A.M.  
Direction: east  
Photo by: S. Williams  
Exposure #: 013  
Comments: a truck, a  
car & waste on the  
ground**

**File Names: 1818525013~03122008 - [Exp. #].jpg**

1818525015 - Union Co  
Anna/Hill

Witness

The variety of waste is Lumber that ~~is~~ <sup>was</sup> removed from my property in Anna after tearing down what was left of a trailer. as far as containers of oil being dumped is bull there are no containers of oil on my property period. As far as my collection of cars I don't see a problem some of them (EXposure 002 is a 1967 chev Impala it has a factory 300 horsepower 327, muncie M-21 4 speed transmission + factory air. I have owned it for over 20 years plan to restore it when I'm able to retire. The motor is worth around 7 hundred to 8 hundred dollars. The transmission when I parked it 10-12 year ago was worth 400 dollars ~~now~~ now its worth over 1200 dollars. I have been offered over 1200 dollars for the front grille of this car. Grand total of around 3100 dollars or three parts of this car. Ask any car person about this or research price on Internet

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EXposure 003 bought truck to fix my sons truck  
put front end (4 wheel drive), transmission + rear end in  
his truck. under the hood of this truck is a freshly  
rebuilt 350 engine value 500 to 700 dollars, using the  
truck as storage for engine

EXposure 004 parts truck to restore another one  
of my vehicle 1969 Chevy half-ton pickup This truck  
is a factory original big block truck. it is a C.S.T.  
Custom Sport truck That has a 396 cuin engine 400  
turbo transmission + air conditioned. research this and  
see how many true original trucks like this are  
still around I looked on internet 10 years ago or longer  
and in rough but restorable shape truck appraised for  
over \$10,000 dollars Then

EXposure 005 truck is Josh Kaufmans status unsure  
as for the tires two tractor tires on wheels worth  
at least 100 dollars apiece. trees grow fast

006 Two wheel trailer + several farm related piece of equipment disk bushhog plows, cycle mower hay rake

007 aluminum camper shell can't rust won't rot slide front window in it <sup>which</sup> probably cost over 200 dollars to buy

truck is picture of same truck in exposure 005

308 Truck closest is 5'5" four wheel drive gmc pickup it has a good motor + driveline rest of truck is in bad shape no road worthy but motor + driveline a probably worth between 600-700 dollars just using body as storage for it

Truck in back ground is Josh Kaufman status unknown  
son in law

009 first vehicle is + demolition derby car. it has been in one derby. These car are usually run in several different derby as the more they get bent the better they are. There are just such cars all over the country.



Second Vehicle is 1986 Chevy 4x4 pickup still runs still drives I just chose not to drive it also is Air conditioned

Third truck is the 1969 Chevy CST 10 pickup

910 This truck is 1971 Chevy Cheyenne pickup was retored over \$12,000 dollars invested in truck motor fire burnt cab there is over \$1000 dollars of chrome on this truck all new - all good bed is worth over \$500 dollars fenders are worth \$200-\$300 dollars grille cost over \$200 dollars 5 years ago it still good. Is to be used to help restore 1967 Chevy truck total value of parts \$2000-3000 dollars

11 1986 Chevy monte carlo sons first car, (wrecked)

aluminum wheels are check board design can't be bought any more, value? car has good motor + transmission

305 cu in h.O. high output motor + 700R4 transmission

combination probably worth \$800-\$1000 dollars using body

for storage of motor + transmission. And as a reminder

to all kids in the area what can happen to even a good driver

Trailer is a 16 foot flat bed trailer I purchased new floor board have rotted out but rest of trailer in very good shape.

001 used Lumber that is still usable several ~~bags~~ plastic garbage bags of insulation one old ~~flush~~ toilet and a piece of carpet.

Car is Josh Kaufmans hit a deer a little over 1 month ago looking for parts to fix

Truck is a 1973 Ford F150 4x4 pickup good driveline body + little rough could be driven on street

The lumber I plan to clean up and store in my barn everything else was to go back to town a little at a time to be picked up by the city (proper waste disposal)

At the time it was brought to the spot it is at, no one lived in town, so no trash service was available, needed to be moved so new trailer could be put in.

couldn't afford to haul to Desoto Landfill at that time + still can't. Really with all the rain that has fallen can't get vehicle back to alleged trash site without getting stuck. If weather permits City of Anna has clean up week 1-14-08 to 1-17-08 what is waste will be hauled back to town (toilet carpet, bags of insulation), if acceptable, I really don't want this on my property anyway (not worth anything) but at the time had no other choice. (financial troubles) as it was my understanding I could store it on my property for up to nine months, since it did not originate on my property. Don't have long distant phone service, you can contact either one of us at work, or home after 5:00

Thomas Home 833-6032

Aleric work 833-2158


**PROOF OF SERVICE**

I hereby certify that I did on the 1st day of May 2008, 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: Thomas, Wayne and Valerie Hill  
1955 Christian Chapel Road  
Anna, Illinois 62906

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

  
Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544