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JUN - 9 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
June 9, 2010

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
) AC 09-40
v.) (Administrative Citation)
)
THOMAS AND VALERIE HILL,)
Respondents.)

HEARING REPORT

On June 8, 2010, a hearing in this matter was held at the Union County Courthouse in Jonesboro, Illinois. Attorney Michelle Ryan appeared on behalf of the complainant. Respondents appeared *pro se*.

Witnesses

3 witnesses testified during the hearing:

Ms. Sheila Williams
Ms. Valerie Hill
Mr. Thomas Hill

Exhibits

Exhibit 1 is the open dump inspection checklist dated March 4, 2009. Exhibit 2 is a set of photographs referred to by respondents at hearing. Neither party objected to either exhibit, and both exhibits were admitted as evidence at hearing.

Briefing Schedule

The transcript is due by June 18, 2010 and will be posted on the Board's website. Complainant's brief is due by July 9, 2010, and respondents' brief, if any, is due by August 9, 2010. The mailbox rule will apply.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on June 9, 2010, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on June 9, 2010:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

AC 2009-040
Michelle M. Ryan
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

AC 2009-040
Thomas and Valerie Hill
1955 Christian Chapel Road
One Metropolitan Square
Anna , IL 62906

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Union LPC#: 1810055092 Region: 7 - Marion
 Location/Site Name: Anna/Hill (Ussery St.)
 Date: 3/4/2009 Time: From 1:14 P.M. To 1:27 P.M. Previous Inspection Date: 11/13/2008
 Inspector(s): S. Williams Weather: sunny, ~50° F.
 No. of Photos Taken: # 6 Est. Amt. of Waste: 558 yds³ Samples Taken: Yes # No
 Interviewed: Complaint #: 09-050M
 Latitude: 37.45559 Longitude: -089.24291 Collection Point Description: Site Entrance
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS

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

Thomas & Valerie Hill
 1995 Christian Chapel Rd.
 Anna, IL 62906

	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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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 AND REGULATIONS	<input 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"/>

RELEASABLE

APR 15 2009

REVIEWER MD



LPC # 1810055092

Inspection Date: 3/4/2009

	(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)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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 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"/>

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 4, 2009 Inspectors: Sheila Williams
Site Code: 1810055092 County: Union
Site Name: Anna/Hill (Ussery St.) Time: 1:14 P.M. – 1:27 P.M.

GENERAL REMARKS

On March 4, 2009 a follow up inspection was conducted at the Anna/Hill (Ussery St.) site. The original inspection was conducted on November 13, 2008. It did not appear as though anyone was present at the site during the inspection. Photographs were not taken on the property of the open dump. This is because at another site, also belonging to the responsible party, I was denied access. Conditions at the site appeared to be much the same during both inspections.

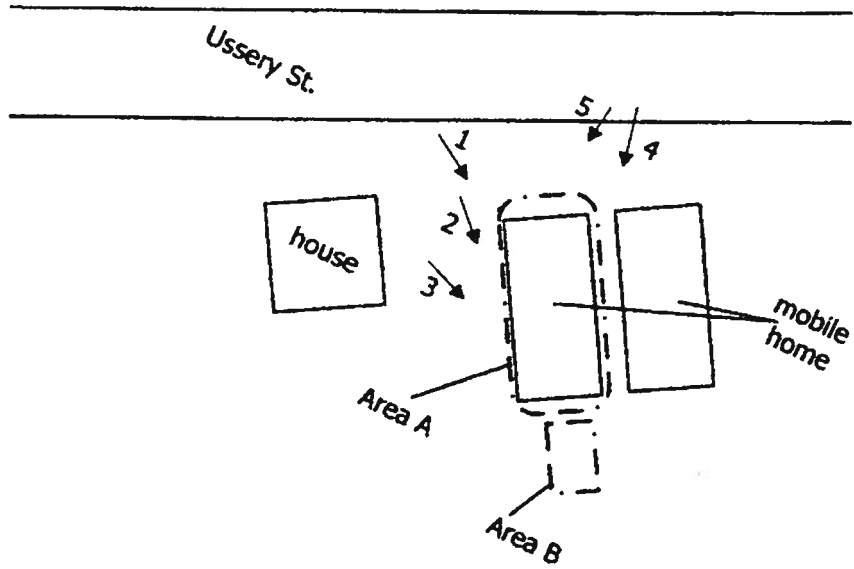
Two areas of apparent violations were observed. These have been designated as Area A & Area B. Area A consisted of a dilapidated mobile home. It was apparent during the current inspection that the mobile home had fallen in on itself even more than previously observed. Also, the two appliance that had been sitting outside at the northern end of the structure had been removed. Area A was visually estimated to be approximately 530 cubic yards (65'x22'x10') in size. Area B appeared to be demolition debris on the ground. Area B was visually estimated to be approximately 28 cubic yards (20'x15'x2.5') in size.

According to the Union County Supervisor of Assessments Office, it is apparent Thomas & Valerie Hill of Anna receive the real estate tax bill for the piece of property on which this site is located.

RELEASABLE

APR 15 2009

REVIEWER MD



Anna/Hill (Ussery St.)
#1810055092 - Union County
Not to Scale
Locations are Approximate
3/4/2009



DIGITAL PHOTOGRAPHS



Date: 3/4/2009
Time: 1:15 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 001
Comments: interior of mobile home is exposed



Date: 3/4/2009
Time: 1:16 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 002
Comments: demolition debris is on the ground to the south of the mobile home

File Names: 1810055092~03042009 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 3/4/2009
Time: 1:16 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 003
Comments: mobile home has fallen in on itself



Date: 3/4/2009
Time: 1:17 P.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 004
Comments: demolition debris is on the ground to the south of the mobile home

File Names: 1810055092~03042009 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 3/4/2009
Time: 1:18 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 005
Comments: street
view**



**Date: 3/4/2009
Time: 1:21 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 006
Comments:
demolition debris on
the ground to the
south of the mobile
home**

File Names: 1810055092~03042009 - [Exp. #].jpg



EXHIBIT
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