



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9143  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED  
CLERK'S OFFICE

JUL 10 2006

STATE OF ILLINOIS  
Pollution Control Board

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

July 6, 2006

AC0702

The Honorable Dorothy Gunn, 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. Norbert and Wilma Adams  
IEPA File No. 130-06-AC; 2038075004—Woodford County

Dear Clerk Gunn:

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

## INFORMATIONAL NOTICE !!!

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

**RECEIVED**  
CLERK'S OFFICE

JUL 10 2006

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
NORBERT and WILMA ADAMS, )  
 )  
Respondents. )

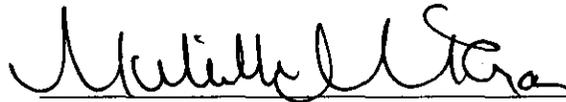
AC 07-02  
(IEPA No. 130-06-AC)

**NOTICE OF FILING**

To: Norbert and Wilma Adams  
308 N. Hanover-Apt. A Box 19  
Metamora, Illinois 61548-7068

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  
Special Assistant Attorney General

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

Dated: July 6, 2006



inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

### VIOLATIONS

Based upon direct observations made by R. Eugene Figge during the course of his June 5, 2006 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) (2004).
  
- (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) (2004).

### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 August 31, 2006, 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 (2004), 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) (2004), 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, Respondents' 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 (2004). 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 Respondent.

Douglas P. Scott  
Douglas P. Scott, Director *by me*  
Illinois Environmental Protection Agency

Date: 7/6/06

Prepared by: Susan E. Santarelli, 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





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Woodford LPC#: 2038075004 Region: 3 - Peoria  
 Location/Site Name: Metamora Twp./Adams, Norbert  
 Date: 06/05/2006 Time: From 10:00 am To 10:20 am Previous Inspection Date: 11/22/2005  
 Inspector(s): Gene Figge Weather: 70 F  
 No. of Photos Taken: # 12 Est. Amt. of Waste: 30 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: No One On Site Complaint #:                     

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

Norbert & Wilma Adams  
 308 N. Hanover - Apt A Box 19  
 Metamora, IL 61548-7068  
 309-367-7068

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 # 2038075004

Inspection Date: 06/05/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 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"/>

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

On June 5, 2006 an inspection was conducted from 10:00 a.m. until 10:20 a.m. at Adams, Norbert by R. Eugene Figge (this author) of DLPC/FOS - Peoria. This inspection was conducted as a follow up inspection because the dump was supposed to be cleaned up by May 15, 2006.

An accumulation of shingles, white goods, and demolition waste was observed. See photographs 1 through 12. The dump is located on the east side of an agricultural field that lies north of a creek that crosses the property. The vegetation in the area of the dump was extremely dense and hid much of the material from view. There was no evidence that any action had been taken to attempt to clean up the dump.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated Norbert and Wilma Adams as owners had caused or allowed open dumping.**

2. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Norbert and Wilma Adams as owners had allowed waste to be disposed without a permit granted by the Illinois EPA.**

3. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), 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 this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **Norbert and Wilma Adams as owners had conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

4. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose , treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or

facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Norbert and Wilma Adams as owners had allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

5. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

*The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.*

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Norbert and Wilma Adams as owners had caused or allowed the open dumping of waste in a manner which resulted in litter.**

6. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall in violation of subdivision (a) of this Section, cause or allow the deposition of general construction or demolition debris; or clean construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: **Norbert and Wilma Adams as owners had caused or allowed the deposition of general construction or demolition debris; or clean construction or demolition debris.**

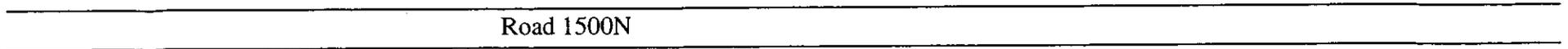
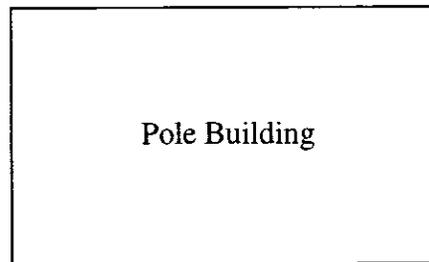
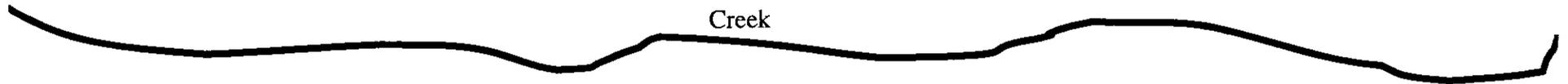
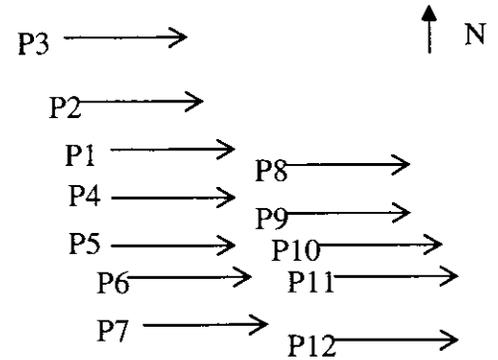
7. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Norbert and Wilma Adams as owners had allowed the operation of a waste disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: R. Eugene Figge  
Date of Inspection: June 5, 2006  
Site Name: Adams, Norbert

LPC #: 2038075004  
County: Woodford  
Time: 10:00 a.m. - 10:20 a.m.



Not to Scale



**DATE:** June 5, 2006

**TIME:** 10:07 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
2038075004~06052006-001.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:07 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
2038075004~06052006-002.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
.....



**DATE:** June 5, 2006

**TIME:** 10:08 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-003.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:08 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-004.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**



**DATE:** June 5, 2006

**TIME:** 10:08 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-005.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:08 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-006.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

2038075004-06052006-006.jpg



**DATE:** June 5, 2006

**TIME:** 10:08 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**

2038075004~06052006-007.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:12 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**

2038075004~06052006-008.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

2038075004~06052006-007.jpg



**DATE:** June 5, 2006

**TIME:** 10:12 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-009.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:13 a.m.

**PHOTOGRAPHED BY:**

R. Eugene Figge

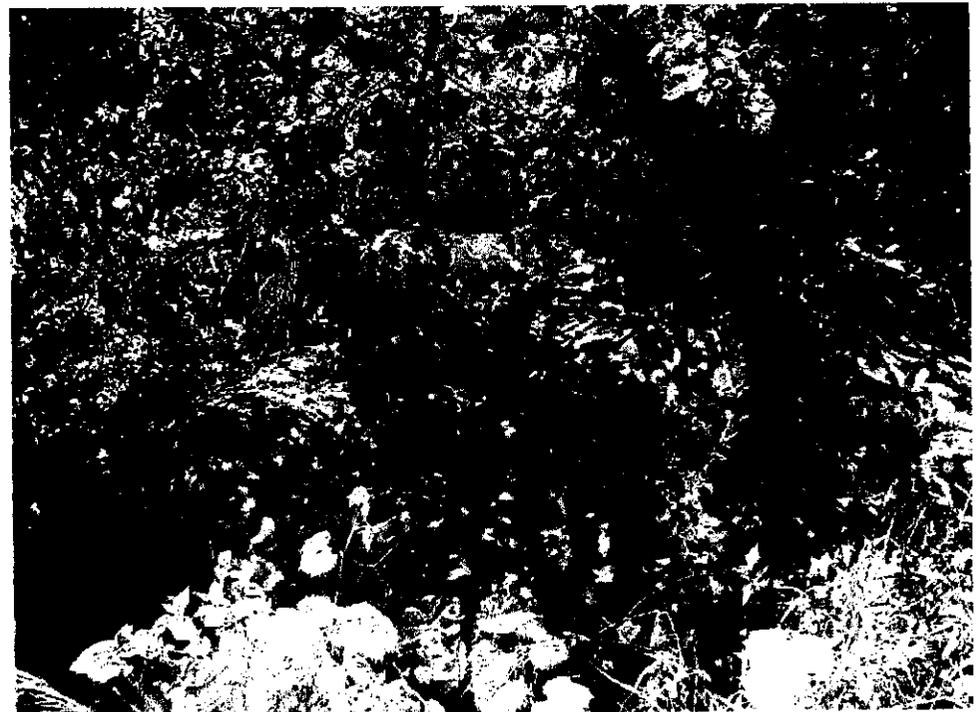
**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**

2038075004-06052006-010.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

2038075004-06052006-010



**DATE:** June 5, 2006

**TIME:** 10:13 a.m.

**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 11

**PHOTOGRAPH FILE NAME:**  
2038075004-06052006-011.jpg

**COMMENTS:**



**DATE:** June 5, 2006

**TIME:** 10:13 a.m.

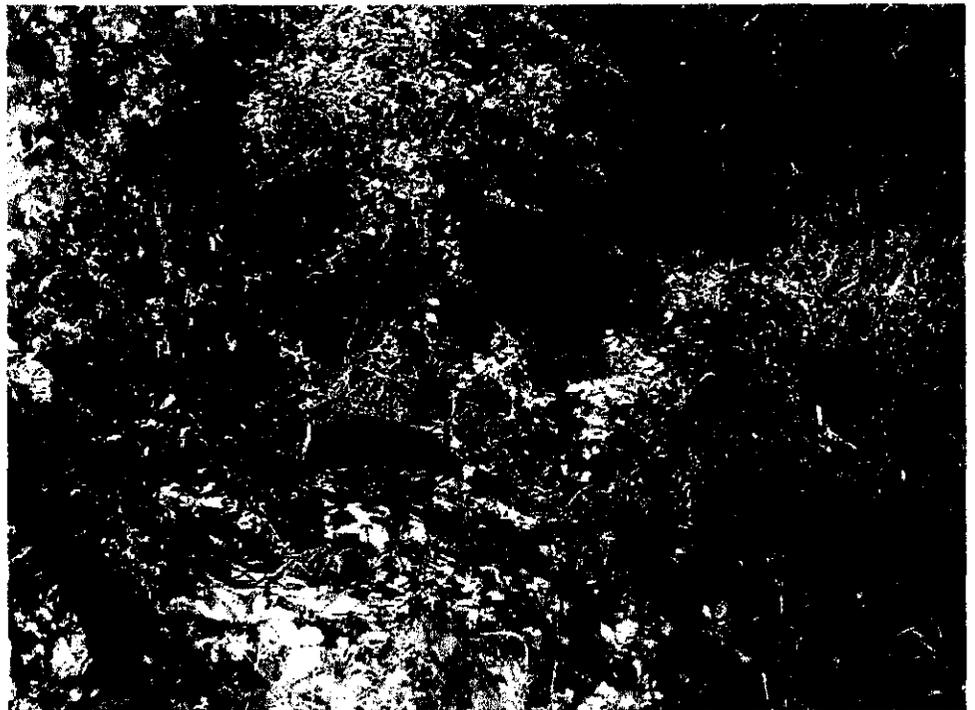
**PHOTOGRAPHED BY:**  
R. Eugene Figge

**DIRECTION:** Photograph taken toward  
the east.

**PHOTOGRAPH NUMBER:** 12

**PHOTOGRAPH FILE NAME:**  
2038075004-06052006-012.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

**PROOF OF SERVICE**

I hereby certify that I did on the 6th day of July 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: Norbert and Wilma Adams  
308 N. Hanover-Apt. A Box 19  
Metamora, Illinois 61548-7068

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



Michelle M. Ryan  
Special Assistant Attorney General

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