

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,)

Complainant,)

v.)

ROBERT MARTIN,)

Respondent.)

AC No. 07-69

County File No. 07-01

RECEIVED
CLERK'S OFFICE

JUN 25 2007

STATE OF ILLINOIS
Pollution Control Board

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

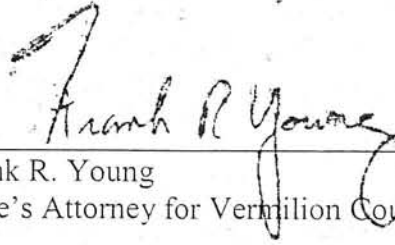
1. Respondent, Robert Martin, is, and was at all times relevant to this Administrative Citation, the owner of property located at 27 Shaw Street, Belgium, County of Vermilion, State of Illinois.
2. Said property was operated as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1830105003.
3. On April 24, 2007, Douglas Toole of the Vermilion County Health Department inspected the above-described property. Douglas Toole's Affidavit and a copy of their inspection report are attached hereto and made a part hereof by reference.

VIOLATIONS

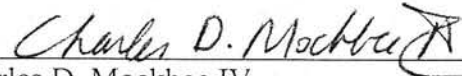
On the basis of the direct observation of Douglas Toole, the County of Vermilion has determined that on April 24, 2007, Respondent was conducting an unlicensed open dump at the above-described address, which is required to have a permit pursuant to 415 ILCS 5/21(a) of the Act, in a manner which resulted in the following conditions:

- A. Open dumping resulting in litter was observed at the site, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in...litter; and

Dated: 6/6/07



Frank R. Young
State's Attorney for Vermilion County

By: 

Charles D. Mockbee IV
Assistant State's Attorney

Prepared by:
Charles D. Mockbee IV
Office of the State's Attorney
7 N. Vermilion St.
Danville, IL 61832
217-554-7750

REMITTANCE FORM

IN THE MATTER OF
ROBERT MARTIN,

)
)
)
)
)
Respondent)

AC No. 07-69
County File No. 07-01

Facility/Property: 27 Shaw Street, Belgium, Illinois

County: Vermilion

Date of Inspection: April 24, 2007

Site Code No.: 1830105003

Civil Penalty: \$1500.00 for each violation = \$3000.00

Date Remitted: _____

SSN/FEIN No.: _____

Signature: _____

NOTE

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College Street, Danville, Illinois 61832.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF)

ROBERT MARTIN,)

Respondent.)

AC No. 0769
County File No. 07-01

The Affiant, Douglas Toole, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On April 24, 2007, between 1:30 and 1:35 p.m., Affiant conducted an inspection of property at 27 Shaw Street, Belgium, County of Vermilion, State of Illinois, owned by Robert Martin.
3. Affiants inspected the Robert Martin site by an on-site inspection, which included walking on the site.
4. Prior to said inspection, Affiant had reviewed Illinois Environmental Protection Agency permits issued to the subject site.
5. As a result of the activities referred to in paragraphs 2, 3 and 4 above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the accompanying Inspection Report Narrative, Site Sketch and photographs, 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 the property at 27 Shaw Street, Belgium, County of Vermilion, State of Illinois, on April 24, 2007.



Douglas Toole

SIGNED and SWORN to before me this 22 day of May, 2007, by Douglas Toole


NOTARY PUBLIC

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Vermilion LPC#: 1830105003 Region: 4 - Champaign
 Location/Site Name: Belgium / Martin
 Date: 04/24/2007 Time: From 1:30 p.m. To 1:35 p.m. Previous Inspection Date: _____
 Inspector(s): Douglas Toole Weather: cloudy, dry, breezy, 75 F
 No. of Photos Taken: # 06 Est. Amt. of Waste: 30 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____
 Latitude: 40.0567 Longitude: -87.6330 Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Robert Martin 32 Orlea Belgium, IL 61883 (217) 267-2484 </div>	
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	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 checked="" 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 checked="" 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 # 1830105003

Inspection Date: 04/24/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 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.



PUBLIC HEALTH IS PRICELESS

VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S.
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING
200 SOUTH COLLEGE, SUITE A
DANVILLE, IL 61832
PHONE/TDD 217 431-2662
FAX 217 431-7483

LPC #1830105003
Belgium / Martin
FOS
04/24/07

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was inspected on April 24, 2007, by Douglas Toole of the Vermilion County Health Department. The weather was cloudy, dry, breezy and about 75 degrees Fahrenheit. Six photos were taken of the site.

The site is located in Vermilion County, behind 27 Shaw Street in Belgium, Illinois.

INSPECTORS FINDINGS

By way of background, I have been in touch with Robert Martin about demolishing and removing a deteriorated, vacant house at 27 Shaw Street and removing a waste pile behind the house since May, 2005. I have sent Mr. Martin numerous letters about how his property is in violation of the Vermilion County Code, and that the items on the property could not be burned. I filed charges against Mr. Martin for the continuing code violations on the property, and that case is currently in the Vermilion County Circuit Court (#2006-OV-067).

I arrived at the site to recheck it at about at about 1:30 p.m. on April 24, 2007. No one was present when I arrived, and no one accompanied me during the inspection.

The deteriorating house was still there (photo 1), but the waste pile appeared to be partially burned. The pile still contained branches, dirt, boards, metal cans, scrap metal, household garbage and other refuse (photos 1-5). It appeared that the north side of the pile was partially burned (photos 1, 2, 4, 5) and the ground next to the north side was scorched (photos 1, 2, 4, 5). The pile still smelled of smoke.

I left the property at about 1:35 p.m.



LPC #1830105003

Belgium / Martin

04/24/07

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On the Inspection Report Checklist for this reinspection, I estimated that there were 30 cubic yards of waste on the site. No measurements were performed to arrive at that estimation, only my observations at the time. The actual amount of waste on the site may vary significantly from that estimation.

SUMMARY OF APPARENT VIOLATIONS

ILLINOIS ENVIRONMENTAL PROTECTION ACT (415 ILCS 5/1 et seq.)

Section 9 (c) of the Act: No person shall ... cause or allow the open burning of refuse. Evidence of the open burning of refuse was observed on the site.

Section 21 (a) of the Act: No person shall ... cause or allow the open dumping of any waste. The open dumping of waste was observed on the site.

Section 21 (d)(1) of the Act: No person shall ... conduct any waste storage, waste-treatment, or waste-disposal operation without ... a permit granted by the Agency. No Agency permit to conduct a waste storage, waste-treatment, or waste-disposal operation for the site was issued.

Section 21 (d)(2) of the Act: 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 the Act. Violations of the Illinois Pollution Control Board Regulations were observed at the site where waste storage, waste-treatment, or waste-disposal operations were taking place.

Section 21(e) of the Act: No person shall ... dispose, treat, store or abandon any waste ... except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder. The storage and disposal of waste was occurring at a site which did not meet the requirements of the Illinois Environmental Protection Act and the Illinois Pollution Control Board Regulations.

LPC #1830105003

Belgium / Martin

04/24/07

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Section 21 (p)(1) of the Act: No person shall ... cause or allow the open dumping of any waste which results in ... litter. Open dumping of waste resulting in litter was observed at the site.

Section 21 (p)(3) of the Act: No person shall ... cause of allow the open dumping of any waste which results in ... open burning. Evidence of the open dumping of waste resulting in open burning was observed at the site.

Section 21 (p)(7) of the Act: No person shall ... cause or allow the open dumping of any waste which results in ... the deposition of general construction or demolition debris; or clean construction or demolition debris. Open dumping resulting in the deposition of general and clean construction and demolition debris was observed at the site.

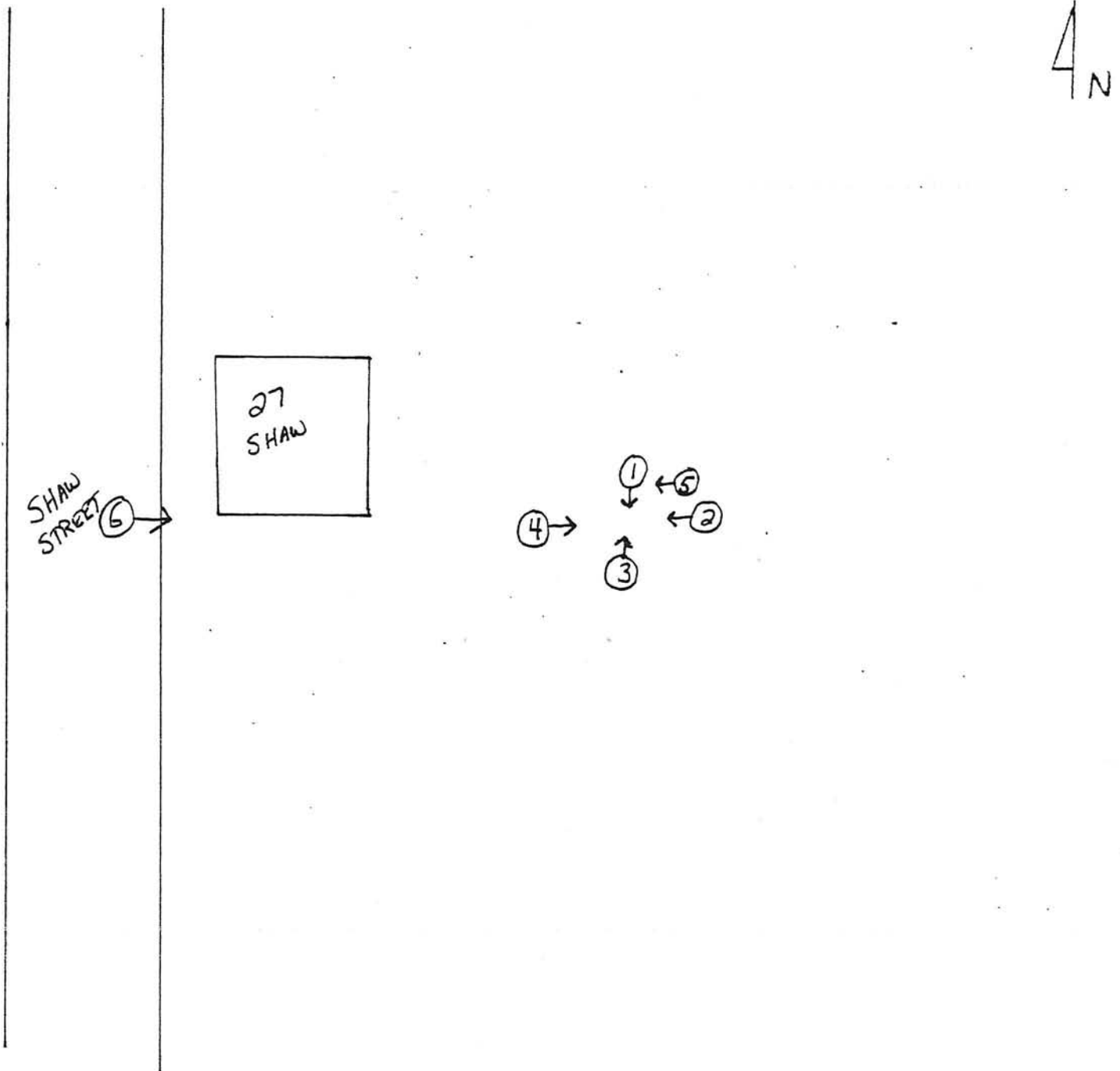
ILLINOIS POLLUTION CONTROL BOARD; 35 ILLINOIS ADMINISTRATIVE CODE,
SUBTITLE G
(REGULATIONS)

Section 812.101 of the Regulations: ... All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) [415 ILCS 5/21(d)], shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817. No such application for a permit to develop and operate a landfill was submitted.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: APRIL 24, 2007 Inspector: DOUGLAS TOOLE
Site Code: 1 8 3 0 1 0 5 0 0 3 County: VERMILION
Site Name: BELGIUM / MARTIN Time: 1:30-1:35 P.M.





INSPECTION PHOTOS

DATE: APRIL 24, 2007

SITE #: 1830105003

CO.: VERMILION

TIME: 1:32 P.M.

SITE NAME: BELGIUM / MARTIN

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: S

WASTE PILE



ROLL #:

PHOTO#: 1

DATE: APRIL 24, 2007

TIME: 1:32 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: W

WASTE PILE



ROLL #:

PHOTO#: 2



INSPECTION PHOTOS

DATE: APRIL 24, 2007

SITE #: 1830105003

CO.: VERMILION

TIME: 1:32 P.M.

SITE NAME: BELGIUM / MARTIN

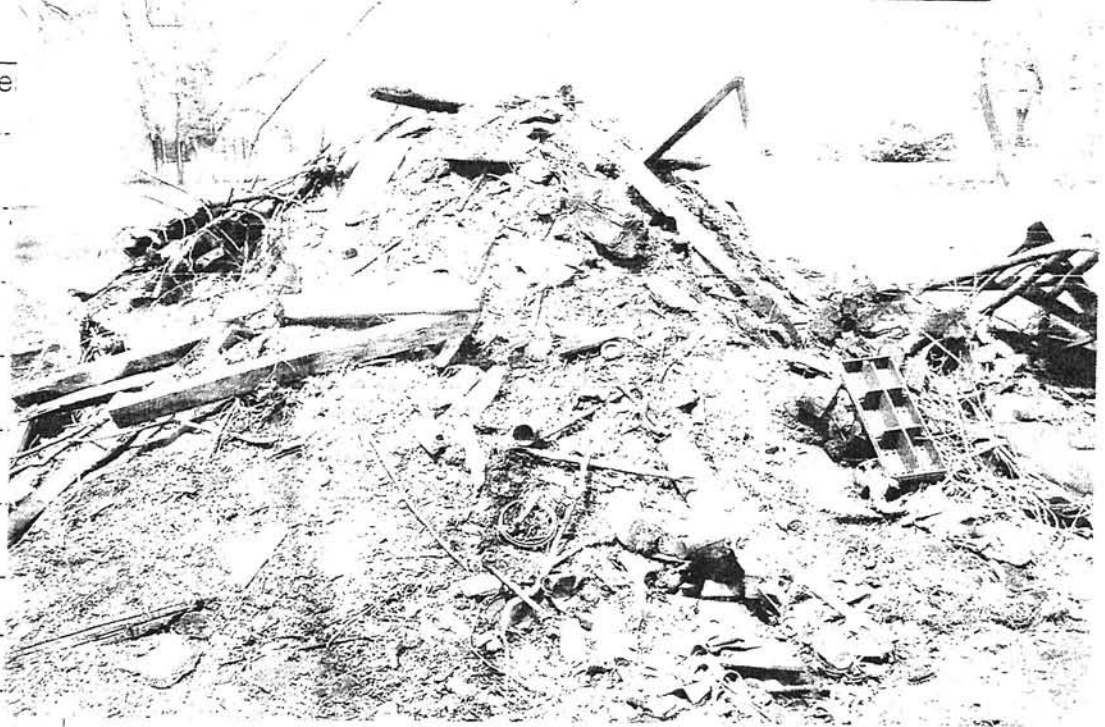
PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures take
toward: N

WASTE PILE

ROLL #:

PHOTO#: 3



DATE: APRIL 24, 2007

TIME: 1:32 P.M.

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures taken
toward: E

WASTE PILE

ROLL #:

PHOTO#: 4





INSPECTION PHOTOS

DATE: APRIL 24, 2007

SITE #: 1830105003

CO.: VERMILION

TIME: 1:33 P.M.

SITE NAME: BELGIUM / MARTIN

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures taken
toward: W

SAME AREA

AS PHOTO #2

ROLL #:

PHOTO#: 5



DATE: APRIL 24, 2007

TIME: 1:34 P.M.

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures taken
toward: E

VIEW OF SITE

FROM STREET

ROLL #:

PHOTO#: 6



IL 532 19-0

LPO 075 8/2002

MAPQUEST

Latitude: 40.056700
Longitude: -87.633000

Notes:

LPC#1830105003
Belgium / Martin

Save Ink!

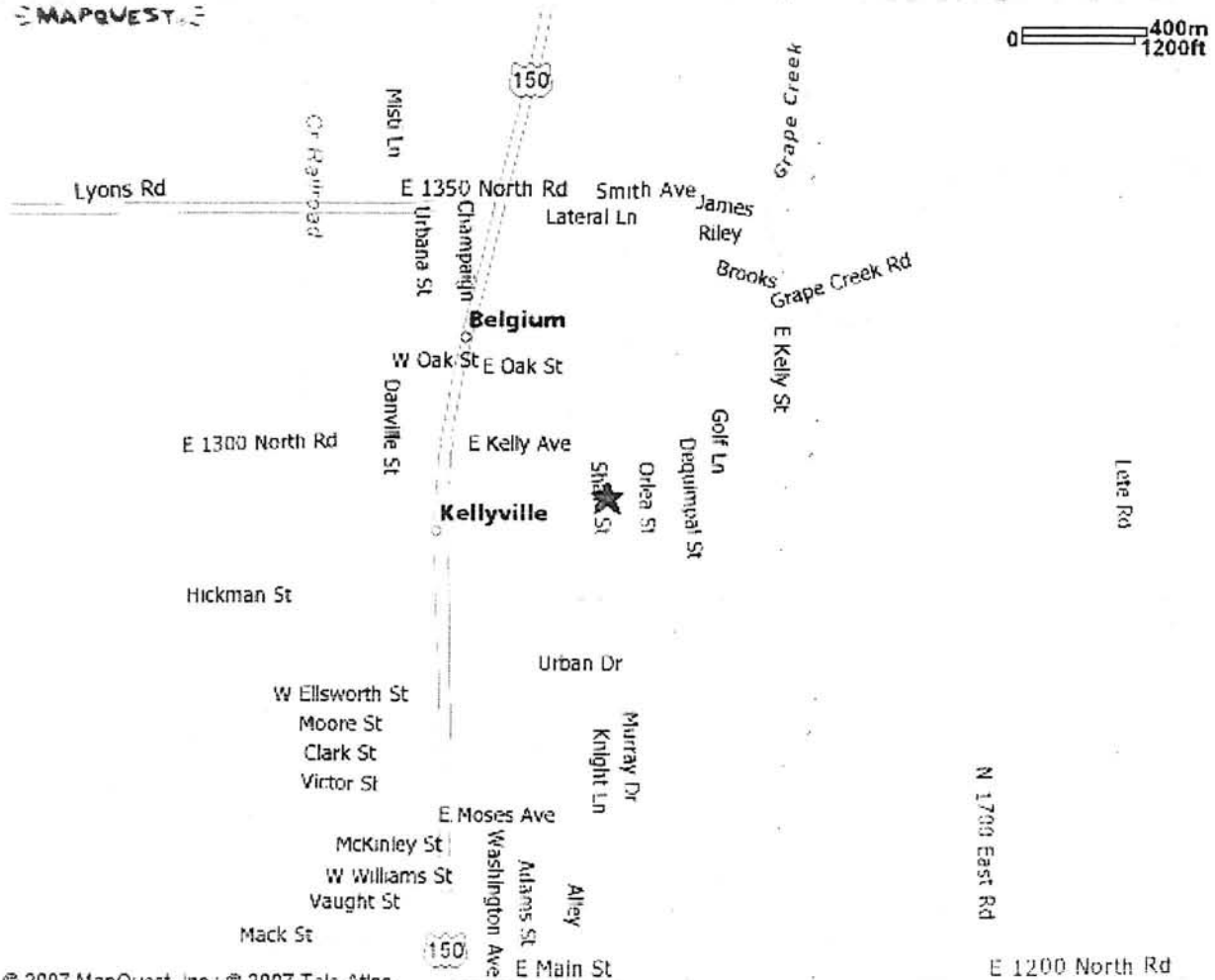
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To Robert Martin
 Street, Apt. No., or PO Box No. 32 Orlea
 City, State, ZIP+4 Belgium, IL 61883

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Robert Martin
32 Orlea
Belgium, IL 61883

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Robert Martin Agent Addressee
 B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7002 2410 0002 0794 0738

BEFORE BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF
ROBERT MARTIN,

)
)
) AC No. 07-69
) County File No. 07-01
)
) Respondent.)

AFFIDAVIT OF SERVICE

State of Illinois)
) ss
County of Vermilion)

I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Robert Martin, by leaving a copy of the same with (name):

Alene Martin, at (address): 32 Orlean Westville (time):
(Robert's wife)
2:35 P.M. on (date): June 12, 2007.


Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 12 day of June, 2007.


NOTARY PUBLIC

THIS FILING IS SUBMITTED ON RECYCLED PAPER

