

RECEIVED
CLERK'S OFFICE

DEC 04 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF VERMILION, ILLINOIS,)
)
Complainant,)
)
v.)
)
BILL RICHARDSON,)
)
Respondent.)

AC No. 09-26
County File No. 08-04

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's mother, Zora Davis, is, and was at all times relevant to this Administrative Citation, the owner of property located at 647 E. 13th Street, Danville, 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.1838040025.
3. On October 3, 2008, 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 October 3, 2008, 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

- B. Open dumping resulting in open burning was observed at the site, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in...open burning.

CIVIL PENALTY

Pursuant to section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each of the above-mentioned violations. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each violation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board, at the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 North Vermilion Street, Danville, Illinois 61832.

If you acknowledge the violation cited herein, the civil penalty specified above shall be due and payable no later than December 26, 2008. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, checks shall be made payable in equal amounts (50% of the total penalty each) to:

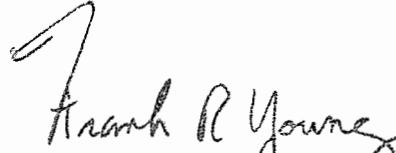
(1) the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276; and

(2) the County of Vermilion, Illinois, and mailed to the attention of Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832.

Respondent shall complete and return the enclosed Remittance Forms with payments to ensure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation.

Dated: 11/24/03



Frank R. Young
State's Attorney for Vermilion County

By: Charles D. Mockbee IV

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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DEC 04 2008
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)

BILL RICHARDSON,)

Respondent.)

AC No. 09-26
County File No. 08-04

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 October 3, 2008, between 3:30 and 3:45 p.m., Affiant conducted an inspection of property at 647 E. 13th Street, Danville, County of Vermilion, State of Illinois, owned by Zora Davis.
3. Affiants inspected the Danville/Davis 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 647 E. 13th Street, Danville, County of Vermilion, State of Illinois, on October 3, 2008.

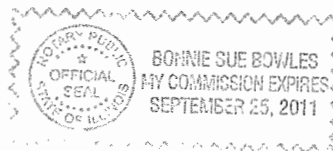
Douglas Toole

Douglas Toole

SIGNED and SWORN to before me this 17 day of November 2008, by Douglas Toole

Bonnie Sue Bowles

NOTARY PUBLIC



ORIGINAL

REMITTANCE FORM TO ILLINOIS EPA

IN THE MATTER OF)
BILL RICHARDSON,)
)
)
Respondent)

AC No. 09-26
County File No. 08-04

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STATE OF ILLINOIS
Pollution Control Board

Facility/Property: Bill Richardson

County: Vermilion

Date of Inspection: October 3, 2008

Site Code No.: 1838040025

Civil Penalty to Illinois EPA: \$750.00 for each violation = \$1500.00

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 the Illinois Environmental Protection Trust Fund. Be sure your check is enclosed with this Remittance Form and mail to: Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

09-26

REMITTANCE FORM TO VERMILION COUNTY HEALTH DEPARTMENT

IN THE MATTER OF)
BILL RICHARDSON,)
)
)
)
Respondent)

AC No. 09-26
County File No. 08-04

Facility/Property: Bill Richardson

County: Vermilion

Date of Inspection: October 3, 2008

Site Code No.: 1838040025

Civil Penalty to County: \$750.00 for each violation = \$1500.00

Date Remitted: _____

SSN/FEIN No.: _____

Signature: _____

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STATE OF ILLINOIS
Pollution Control Board

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.

RECEIVED
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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF)
BILL RICHARDSON,)
)
)
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Respondent.)

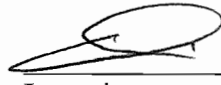
AC No. 09-26
County File No. 08-04

2008 AL


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, Bill Richardson, by leaving a copy of the same with (name): Bill Richardson, at (address): Freight Car 2313 Cannon at (time): 9:20AM, on (date): November 25, 2008. Danville


Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 25th day of November, 2008


NOTARY PUBLIC
OFFICIAL SEAL
SHAROLYN M ERWIN
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 10 - 12 - 10

THIS FILING IS SUBMITTED ON RECYCLED PAPER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Vermilion LPC#: 1838040025 Region: 4 - Champaign
 Location/Site Name: Danville / Davis
 Date: 10/03/2008 Time: From 3:30 p.m. To 3:45 p.m. Previous Inspection Date: 06/23/2008
 Inspector(s): Douglas Toole Weather: cloudy, dry, breezy, 70 F
 No. of Photos Taken: # 06 Est. Amt. of Waste: 90 yds³ Samples Taken: Yes # No
 Interviewed: see narrative Complaint #:
 Latitude: 40.10515 Longitude: -87.61520 Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s):	Zora Davis 647 E. 13 th Street Danville, IL 61832	Bill Richardson 647 E. 13 th Street Danville, IL 61832 (217) 446-5580
--	--	---

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" 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 # 1838040025

Inspection Date: 10/03/2008

	(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 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.



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
www.vchd.org

LPC #1838040025
Danville/Davis
FOS
10/03/08

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was reinspected on October 3, 2008 by Douglas Toole of the Vermilion County Health Department. The weather was cloudy, dry, breezy and about 70 degrees Fahrenheit. Six photos were taken of the site.

The site is located in Vermilion County, at the east end of East 13th Street in rural Danville, Illinois. My Garmin 76S GPS unit indicated that the location of the entrance gate to the property was Latitude 40.10515 and Longitude -87.61520, with an estimated accuracy of 29.8 percent.

By way of history, I opened a county ordinance violation file in November, 2000 regarding an accumulation of derelict vehicles, vehicle parts and tires that the property owner's son, Bill Richardson, had created on the property. In late April, 2002, I received a complaint that the property owner's son was burying mobile homes on the property.

Upon talking with the IEPA's records unit in Springfield, I learned that the Champaign regional IEPA office had opened a land-pollution case file for the property in 1976. I have retained the original LPC case number for the site.

INSPECTORS FINDINGS

At about 3:15 p.m. on October 3, 2008, I received a call from Scott Weidig, the Chief of the Lynch Area Fire Protection District, about the burning of garbage and demolition debris at 647 East 13th Street in rural Danville. Chief Weidig said the burning was taking place at that time, and that I could meet him there.

I arrived at the site at about 3:30 p.m. on October 3, 2008. Chief Weidig and firefighter Ken Hittlet met me near the entrance to the property (photo 1), and accompanied me during my reinspection.



LPC #1838040025
Danville/Davis
10/03/08
Page 2 of 4

In general, it appeared that little progress had been made towards cleaning up the property since my last reinspection on June 23, 2008. An occupant of the property, Bill Richardson, was present on the site, as were Richard Key – another occupant of the property – and two other adults. Chief Weidig took me to the southeast part of the property, where I observed an appliance, tires, remodeling waste, household garbage and other refuse, and smoke rising from a burn pile (photo 2).

The burn pile contained boards, remodeling waste, scrap metal, metal cans, household garbage and other refuse (photos 3-5). The heat from the fire had partially melted some plastic items next to the burn pile (photos 2, 3). Chief Weidig said additional items on a trailer that had been intended for the fire had been pulled back to the garage by occupants of the property (photo 6).

Mr. Key told Mr. Hittlet and me that he had set the pile on fire. Chief Weidig spoke with Mr. Richardson about some prior burning incidents on the property (see 6/23/08 inspection packet). I left the property at about 3:45 p.m.

On the Inspection Report Checklist for this reinspection, I estimated that there were 90 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 (a) of the Act: No person shall ... cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution. Contaminants on the site had been discharged into the environment in a manner that tends to cause air pollution.

Section 9 (c) of the Act: No person shall ... cause or allow the open burning of refuse. 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.

LPC #1838040025

Danville / Davis

10/03/08

Page 3 of 4

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.

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 or allow the open dumping of any waste which results in ... open burning. 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.

Section 55 (a)(1) of the Act: No person shall ... cause or allow the open dumping of any used or waste tire. Open dumping of waste tires was observed at the site.

LPC #1838040025
Danville / Davis
10/03/08
Page 4 of 4

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: OCTOBER 3, 2008

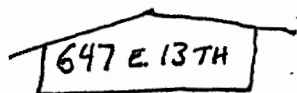
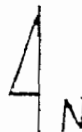
Inspector: DOUGLAS TOOLE

Site Code: 1838040025

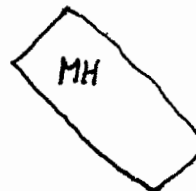
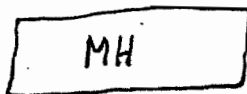
County: VERMILION

Site Name: DANVILLE / DAVIS

Time: 3:30 - 3:45 P.M.



13TH STREET





INSPECTION PHOTOS

DATE: OCTOBER 3, 2008 SITE #: 1838040025 CO.: VERMILION

TIME: 3:32 P.M. SITE NAME: DANVILLE / DAVIS

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: E

VIEW OF PROPERTY
FROM WEST



ROLL #: PHOTO#: 1

10/03/2008

DATE: OCTOBER 3, 2008

TIME: 3:34 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: S

VIEW OF BURN PILE
FROM NORTH



ROLL #: PHOTO#: 2

10/03/2008



INSPECTION PHOTOS

DATE: OCTOBER 3, 2008	SITE #: 1838040025	CO.: VERMILION
TIME: 3:35 P.M.	SITE NAME: DANVILLE / DAVIS	

PHOTOGRAPH TAKEN BY: **DOUGLAS TOOLE**

COMMENTS: Pictures taken toward: **SW**

BURN PILE

ROLL #: PHOTO#: **3**



DATE: OCTOBER 3, 2008
TIME: 3:35 P.M.

PHOTOGRAPH TAKEN BY: **DOUGLAS TOOLE**

COMMENTS: Pictures taken toward: **SE**

BURN PILE

ROLL #: PHOTO#: **4**





INSPECTION PHOTOS

DATE: OCTOBER 3, 2008 | SITE #: 1838040025 | CO.: VERMILION
 TIME: 3:36 P.M. | SITE NAME: DANVILLE / DAVIS

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: SE

BURN PILE



ROLL #: PHOTO# 5

DATE: OCTOBER 3, 2008
 TIME: 3:41 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken toward: N

TRAILER

BY GARAGE



ROLL #: PHOTO# 6

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CLERK'S OFFICE

DEC 04 2008

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 1
Chicago, Illinois 60601-3218

Re: Administrative Citation
Respondent: Bill Richardson
AC Number:
County Case Number: 08-04
Site Code No: 1838040025

To Whom It May Concern:

Enclosed for filing with the Board is the Administrative Citation Package issued to the above-captioned Respondent. I am forwarding an original and nine complete copies of the Administrative Citation with the attached filed inspector's Affidavit and inspection report.

Service of the Administrative Citation was done on November 25, 2008.

If the Respondent pays the civil penalty without filing a Petition for Review, I will send notice immediately for your record.

Respondent's mailing address is:

Bill Richardson
647 E. 13th Street
Danville, Illinois 61832

Sincerely,



Charles D. Mockbee IV