



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE
MAY 10 2010
STATE OF ILLINOIS
Pollution Control Board

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

May 4, 2010

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

AC10-25

Re: Illinois Environmental Protection Agency v. Kenneth Verbout
IEPA File No. 152-10-AC; 0110955019—Bureau County

ORIGINAL

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERK'S OFFICE

MAY 10 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KENNETH VERBOUT,)
)
Respondent.)

AC 10-25
(IEPA No. 152-10-AC)

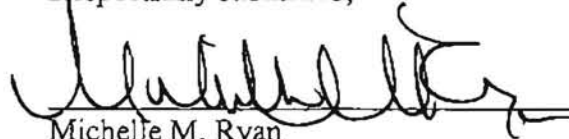
NOTICE OF FILING

ORIGINAL

To: Kenneth Verbout
241 East Railroad Street
Sheffield, IL 61361

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 4, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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MAY 10 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
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v.)
)
KENNETH VERBOUT,)
)
)
)
Respondent.)

AC 10-25
(IEPA No. 152-10-AC)

ORIGINAL

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 (2008).

FACTS

1. That Kenneth Verbout ("Respondent") is the present owner and operator of a facility located at 220 West North Railroad Street, Sheffield, Bureau County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Sheffield/Kenneth Verbout.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0110955019.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on April 6, 2010, Donna Shehane of the Illinois Environmental Protection Agency's Rockford 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 Donna Shehane during the course of her April 4, 2010 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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) (2008).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2008).

- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Constuction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2008).

- (4) That Respondent caused or allowed the open dumping of waste in a manner resulting in used tires, at this site, not altered, covered or otherwise prevented from accumulating water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondent is 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 Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 30, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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 (2008), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent 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) (2008), if Respondent fails to petition or elects 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, Respondent 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 Respondent 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2008). If Respondent elects to contest this Administrative Citation, then Respondent 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, Director
Illinois Environmental Protection Agency

Date: 5/4/10

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

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

MAY 10 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KENNETH VERBOUT,)
)
)
)
)
Respondent.)

AC 10-25
(IEPA No. 152-10-AC)

ORIGINAL

FACILITY: Sheffield/Kenneth Verbout
COUNTY: Bureau
DATE OF INSPECTION: April 6, 2010

SITE CODE NO.: 0110955019
CIVIL PENALTY: \$6,000.00

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 Kenneth Verbout)
)
 Respondent)

IEPA DOCKET NO.

Affiant, Donna Shehane, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On April 6, 2010 between 1:10 p.m. and 1:15 p.m., Affiant conducted an inspection of an open dump, located in Bureau County, Illinois and known as Kenneth Verbout Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number BOL# 0110955019 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 open dump.

Donna Shehane
Donna Shehane EPS III

Subscribed and Sworn to Before Me
this 22 day of April, 2010

Teresa Labunski
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Bureau LPC#: 0110955019 Region: 1 - Rockford

Location/Site Name: Sheffield/Kenneth Verbout

Date: 04/06/2010 Time: From 1:10 pm To 1:15 pm Previous Inspection Date: 12/18/2009

Inspector(s): Shehane Weather: 75 °F; WSW winds @ 21 mph

No. of Photos Taken: # 12 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No

Interviewed: Complaint #:

Latitude: Longitude: Collection Point Description: -

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Kenneth Verbout 241 East Railroad Street Sheffield, IL 61361	
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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 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 # 0110955019

Inspection Date: 04/06/2010

	(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 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:	Section 55(k)(1) of the Environmental Protection Act: No person shall: (1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" 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.

0110955019 – Bureau County
Sheffield/Kenneth Verbout

NARRATIVE INSPECTION REPORT DOCUMENT

On April 6, 2010 I (Donna Shehane) conducted an inspection at the Kenneth Verbout property in Sheffield, Illinois. The purpose of this inspection was to determine the facility's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and 35 Illinois Adm. Code Subtitle G, Part 848: Management of Used and Waste Tires, as well as applicable regulations under 35 Illinois Administrative Code Subtitle G. Records indicate that this facility has not previously registered with the Illinois EPA as a tire-storage site or a tire storage-exempt site. Previous inspections conducted at this property occurred on July 6, 2009; September 16, 2009; and December 18, 2009. The weather at the time of this inspection was 75 °F with WSW winds at 21 mph.

I parked on E North Street and walked toward the south. Photo # 1 was taken toward the west of a pile of dumped waste which had been burned. This is the same location of dumped waste that had been observed on the previous three inspections. I observed waste paper, pallets, metal springs, lumber, plastic, fabric and other miscellaneous debris strewn on the ground, as well as ashes and partially burned materials. Photo # 2 was taken of metal springs, fabric and debris in this waste pile. Photo # 3 shows flooring material (construction and demolition debris) dumped and partially burned. Photo # 4 reveals metal springs and frame which may remain from a couch observed in this pile on previous inspections. Photo # 5 shows the same materials dumped on the ground as observed on previous inspections, which include white goods, a bathtub, a chair, metal scrap and other debris. Photo # 6 shows metal appliances and debris. Photo # 7 was taken toward the east of used or waste tires on the ground, numbering approximately 30. Photo # 8, # 9, # 10, and # 11 reveal water accumulation in the used or waste tires, which has also been observed during three prior inspections. Photo # 12 shows the VIN of an unlicensed vehicle on the property.

The Kenneth Verbout facility was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Illinois Environmental Protection Act ("Act").
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.
4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(3) of the Act.
7. Section 21(p)(7) of the Act.
8. Section 55(a)(1) of the Act.
9. Section 812.101(a) of the 35 IAC Subtitle G regulations.

10. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE

State of Illinois
Environmental Protection Agency
Site Sketch

Date of Inspection: 04/06/2010

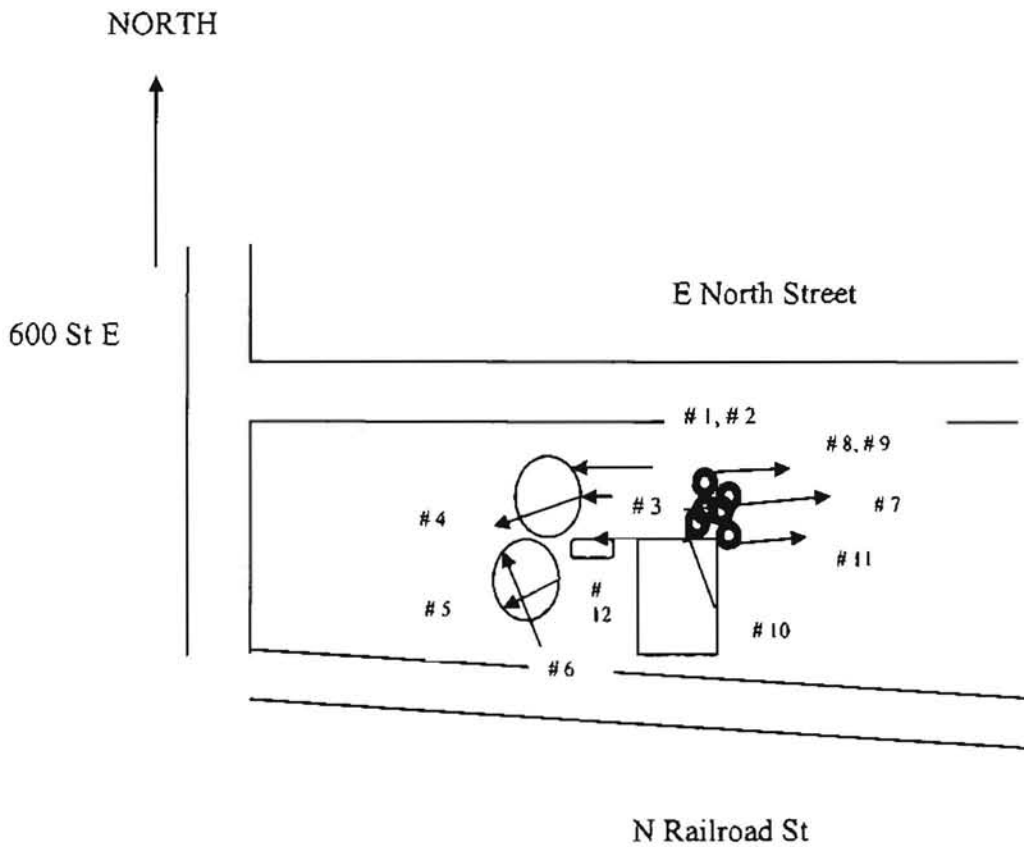
Inspector(s): Shehane

Site Code: 0110955019

County: Bureau

Site Name: Kenneth Verbout

Time: 1:10 pm to 1:15 pm



Indicates photo direction

Not To Scale Photographs 0110955019 ~ 040610 -001-012



DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:12 pm
Direction: W
Photo by: Shehane
Exposure #: 001
Comments: open
dumped and
burned waste



Date: 04/06/2010
Time: 1:12 pm
Direction: W
Photo by: Shehane
Exposure #: 002
Comments: dumped
and burned metal
springs, paper,
pallets, fabric and
Miscellaneous debris



DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:12 pm
Direction: W
Photo by: Shehane
Exposure #: 003
Comments: dumped
and burned
flooring material,
paper, glove,
debris



Date: 04/06/2010
Time: 1:12 pm
Direction: SW
Photo by: Shehane
Exposure #: 004
Comments: dumped
and burned springs,
lumber



DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:13 pm
Direction: SW
Photo by: Shehane
Exposure #: 005
Comments: dumped
waste including
white goods, chair,
bathtub, wheel
rims



Date: 04/06/2010
Time: 1:13 pm
Direction: NW
Photo by: Shehane
Exposure #: 006
Comments: white
goods, water heater,
metal debris on the
ground



DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:14 pm
Direction: E
Photo by: Shehane
Exposure #: 007
Comments: Used or
waste tires
dumped on the
ground with no
prevention of
water
accumulation



Date: 04/06/2010
Time: 1:14 pm
Direction: E
Photo by: Shehane
Exposure #: 008
Comments: water
accumulation in
used or waste tire



DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:14 pm
Direction: E
Photo by: Shehane
Exposure #: 009
Comments: water
accumulation in
used or waste tire



Date: 04/06/2010
Time: 1:14 pm
Direction: N
Photo by: Shehane
Exposure #: 010
Comments: water
accumulation in
used or waste tire



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

0110955019— Bureau County
Sheffield/Kenneth Verbout
FOS File

DIGITAL PHOTOGRAPHS

File Names: 0110955019~040610



Date: 04/06/2010
Time: 1:15 pm
Direction: NE
Photo by: Shehane
Exposure #: 011
Comments: water
accumulation in
used or waste tires



Date: 04/06/2010
Time: 1:15 pm
Direction: SW
Photo by: Shehane
Exposure #: 012
Comments: VIN on
junk vehicle

PROOF OF SERVICE

I hereby certify that I did on the 4th day of May, 2010, 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: Kenneth Verbout
241 East Railroad Street
Sheffield, IL 61361

RECEIVED
CLERK'S OFFICE

MAY 10 2010

STATE OF ILLINOIS
Pollution Control Board

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

 ORIGINAL



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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Springfield, Illinois 62794-9276
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