



William T. Donahue
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Vermilion County Board, Illinois

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November 10, 2011

Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Re: Administrative Citation
Respondent: Patricia Wernigk
Site Code No: 1838115002

Dear Sir,

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 field inspector's Affidavit and inspection report.

The facility cited is a sanitary landfill operated by the Respondent under a permit issued by the Illinois Environmental Protection Agency.

The Administrative Citation was served on the Respondent on November 9, 2011.

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

Respondent's mailing address is:

Patricia Wernigk
P O Box 71
Penfield, IL 61862

Thank you for your assistance in this matter.

William T. Donahue
Assistant State's Attorney/Civil Division
Vermilion County Board

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NOV 14 2011

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

AC12-15

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NOV 14 2011

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,) Case No.: AC:
Complainant,) County File No.: 11-01
vs.)
Patricia Wernigk,)
Respondent)

12-15

2 ORIGINAL

JURISDICTION

The Administrative Citation is issued pursuant to the statutory authority vested in the Illinois Environmental Protection Agency by section 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. That Respondent, Patricia Wernigk, is, and was at all times relevant to this Administrative Citation, the owner of property located at the area of 3585 E. 3200 North Road, in east rural Potomac, more particularly Latitude 40.3296, Longitude -87.8761.
2. That said property is land which is not permitted as a sanitary landfill or dump area.
3. That on 09/07/2011 Douglas Toole of the Vermilion County Health Department inspected the above-described property. Douglas Toole's Affidavit and a copy of his inspection report are attached hereto and incorporated herein by reference.

VIOLATIONS

1. On the basis of direct observations personally made by Douglas Toole, the County of Vermilion has determined that on 09/07/2011:
 - A. The Respondent was allowing the open dumping of waste which resulted in litter in violation of Section 21(p) (1).

- 1 B. The Respondent caused or allowed the open dumping of waste which resulted in
2 open burning in violation of Section 21(p) (3).
- 3 C. The Respondent caused or allowed the open dumping of any waste which results
4 in the deposition of general construction or demolition debris and clean
5 construction and demolition debris in violation of Section 21(p) (7).

6
7 **CIVIL PENALTY**

8 Pursuant to Section 42(b) (4) of the Act, 415 ILCS 5/42(b) (4), Respondent herein is
9 subject to a civil penalty of \$1,500.00 for each violation of each provision under
10 subsection p of Section 21, plus any hearing costs incurred by the Board should the
11 Respondent elect to petition the Illinois Pollution Control Board under the review
12 process described herein below.

13
14 **PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION**

15 You have the right to contest this Administrative Citation under Section 31.1(d) of
16 the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you
17 must file a petition for Review with the Clerk of the Illinois Pollution Control, at
18 the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago,
19 Illinois 60601. Such Petition for Review must be filed with thirty-five (35) days of
20 the date of service of this Administrative Citation, or a default judgment will be
21 issued by the Illinois Pollution Control Board. A copy of the Petition for Review
22 should be filed with the Vermilion County State's Attorney's Office, Courthouse, 2nd
23 Floor, 7 N Vermilion Street, Danville, Illinois, 61832.

24 If you acknowledge the violation herein, the civil penalty specified above shall be
25 due and payable no later than 9-11-2010. If you do not petition the Illinois Pollution
26 Control Board for review of the Administrative Citation within thirty-five (35) days
27 of the service hereof and have not paid the civil penalty by the due date stated
28 above, or if you elect to contest this Administrative Citation, any judgment rendered
29 shall specify the due date of the statutory civil penalty and any costs assessed
30 against you.

31 When payment is made, your check should be made payable to the County of Vermilion,
32 Illinois and mailed to the Vermilion County Health Department, 200 South College

1 Street, Danville, Illinois, 61832, together with a completed copy of the remittance
2 form attached hereto.

3
4 If any civil penalty, by reason of acknowledgment, default or finding after hearing,
5 is not paid when due, the Vermilion County State's Attorney may initiate proceedings
6 in the Circuit Court to collect said civil penalty. In addition to the previously
7 assessed civil penalty and any hearing costs of the Illinois Pollution Control Board,
8 the State's Attorney's Office will seek to recover its costs of litigation

9
10 Dated this October 25, 2011

11
12 _____
13 Randall J. Brinegar,
14 State's Attorney for
15 Vermilion County, Illinois

16 By:

17 _____
18 William T. Donahue
19 Assistant State's Attorney
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Vermilion LPC#: 1838115002 Region: 4 - Champaign
 Location/Site Name: Middlefork / Wernigk
 Date: 09/07/2011 Time: From 10:15 a.m To 10:25 a.m Previous Inspection Date: 11/09/2006
 Inspector(s): Douglas Toole Weather: clear, dry, breezy, 75 F
 No. of Photos Taken: # 08 Est. Amt. of Waste: 300 yds³ Samples Taken: Yes # _____ No
 Interviewed: see narrative Complaint #: _____
 Latitude: 40.3296 Longitude: -87.8761 Collection Point Description: _____
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Patricia Wernigk
P.O. Box 71
Penfield, IL 61862

ORIGINAL

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STATE OF ILLINOIS
Pollution Control Board

	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 # 1838115002

Inspection Date: 09/07/2011

	(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

SHIRLEY HICKS, BS, SPHR, CPHA
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 #1838115002
Middlefork/Wernigk
FOS
09/07/2011

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was inspected on September 7, 2011 by Douglas Toole of the Vermilion County Health Department. The weather was clear, dry, breezy and about 75 degrees Fahrenheit. Eight photos were taken of the site.

The site is located in Vermilion County, northeast of the intersection of Vermilion County roads 3200 North and 350 East in rural Potomac. The address of the house on the property is 3585 E. 3200 North Road, Potomac. County records indicate the property is owned by Patricia Wernigk of Penfield.

INSPECTORS FINDINGS

By way of background, I had investigated incidents of open dumping and open burning of demolition debris and other refuse on the property starting in September 2000. The Wernigks had brought the site into general compliance in January 2002. I investigated new incidents of open dumping and one incident of open burning of demolition debris and other refuse on the property between January 2003 and November 2006.

The Vermilion County Health Department recently received an anonymous complaint which alleged that truckloads of waste were being taken to the property.

At about 10:15 a.m. on September 7, 2011, I drove to the property and observed a large pile of what appeared to be demolition debris and other refuse at the end of the driveway near the house on the property (photos 1, 3). I also observed what appeared to be waste tires, demolition debris, reinforcement bars and other refuse west of the house (photo 2). No one answered the front door of the house.



I walked behind the house, past piles of demolition debris, scrap metal and other refuse (photo 3) to speak with a couple who were sitting in a golf cart on the northeast corner of the site. The man in the cart identified himself as Gary Frump (photo 6), and said that he was helping Bill Wernigk to sort and remove the refuse from the property. Mr. Frump said the waste was being taken to a landfill, and the scrap metal was being driven to Joliet for processing because the prices were better there.

The north part of the property contained multiple piles of demolition debris, scrap metal and other refuse (photos 1, 3-8). Some of the refuse was scorched, and appeared to have been burned (photos 4, 5, 7), although no fires were burning and no smoke was visible at the time of my inspection. I also observed a pile of tires north of the house (photos 4, 8).

I left my business card with Mr. Frump, and left the site at about 10:25 a.m.

On the Inspection Report Checklist for this reinspection, I estimated that there were 300 cubic yards of waste in the two piles 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. Open dumping 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.

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 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. 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.

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.

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: SEPTEMBER 7, 2011

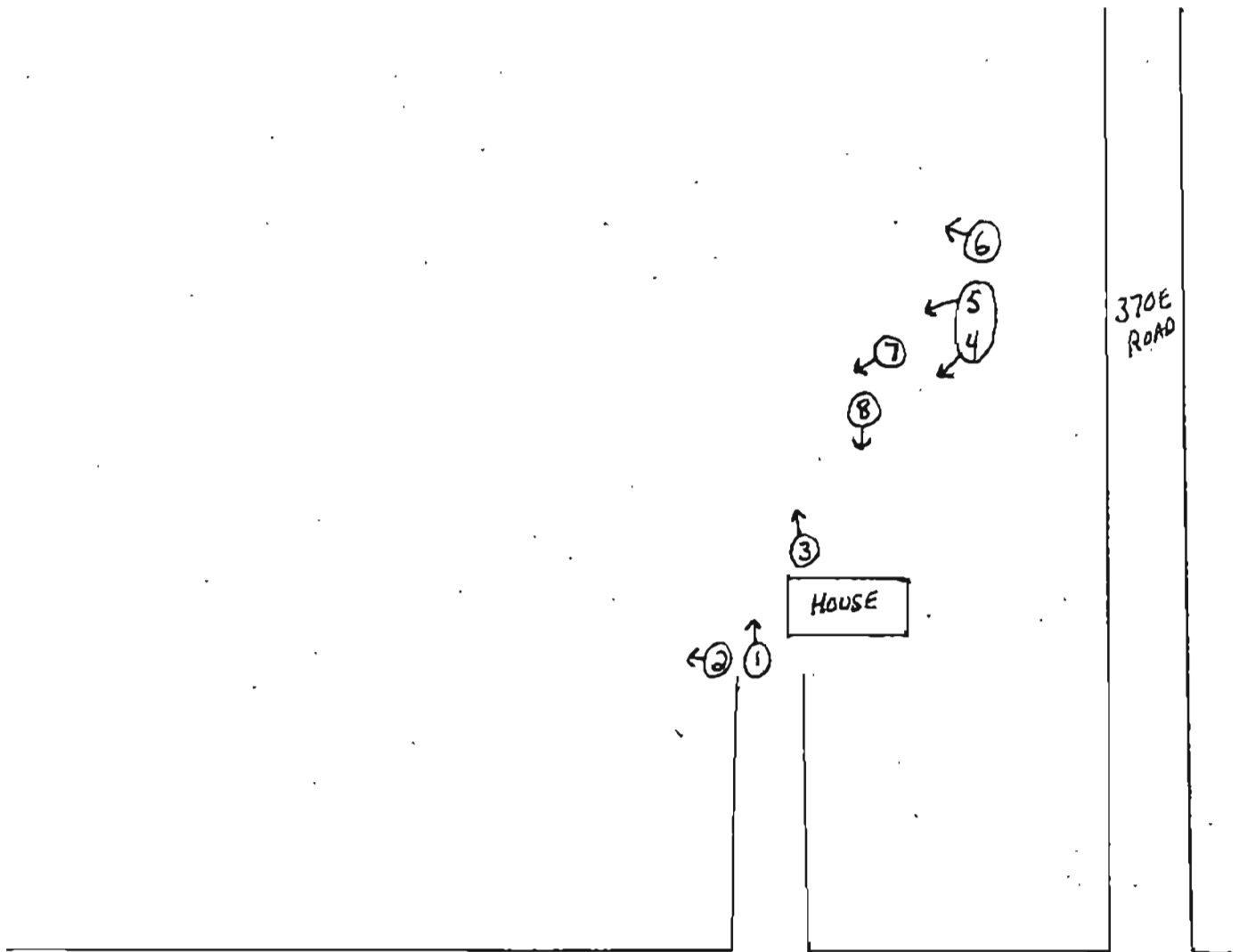
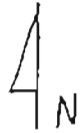
Inspector: DOUGLAS TOOLE

Site Code: 1 8 3 8 1 1 5 0 0 2

County: VERMILION

Site Name: MIDDLEFORK (WERNIGK)

Time: 10:15-10:25 A.M.



3200 NORTH ROAD

350E
ROAD



DIGITAL PHOTOGRAPHS

File Name: Middlefork / Wernigk



Date: 09/07/2011
Time: 10:15 a.m.
Direction: N
Photo by: Doug Toole
Exposure #: 01
Comments:

View of site from south



Date: 09/07/2011
Time: 10:15 a.m.
Direction: W
Photo by: Doug Toole
Exposure #: 02
Comments:

South part of site



DIGITAL PHOTOGRAPHS

File Name: Middlefork / Wernigk



Date: 09/07/2011
Time: 10:17 a.m.
Direction: NW
Photo by: Doug Toole
Exposure #: 03
Comments:

Central part of site



Date: 09/07/2011
Time: 10:21 a.m.
Direction: SW
Photo by: Doug Toole
Exposure #: 04
Comments:

View of site from east;
1st of 2
panoramic shots



DIGITAL PHOTOGRAPHS

File Name: Middlefork / Wernigk



Date: 09/07/2011
Time: 10:21 a.m.
Direction: W
Photo by: Doug Toole
Exposure #: 05
Comments:

View of site from east;
2nd of 2
panoramic shots



Date: 09/07/2011
Time: 10:22 a.m.
Direction: NW
Photo by: Doug Toole
Exposure #: 06
Comments:

View of site from east



DIGITAL PHOTOGRAPHS

File Name: Middlefork / Wernigk



Date: 09/07/2011
Time: 10:23 a.m.
Direction: SW
Photo by: Doug Toole
Exposure #: 07
Comments:

East part of site



Date: 09/07/2011
Time: 10:24 a.m.
Direction: S
Photo by: Doug Toole
Exposure #: 08
Comments:

East part of site

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NOV 14 2011

AFFIDAVIT

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF
Patricia Wernigk

AC No. 12-15
County File No. 11-01

Respondent.

ORIGINAL

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

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 9/7/11 between a.m. and a.m., your Affiant conducted an inspection of land within the County of Vermilion, State of Illinois, known as property of Patricia Wernigk , Latitude 40.3296 Longitude - 87.8761
3. Affiant inspected the land by an on-site inspection which included walking on the site and personally viewing the violations and measuring the amount of waste as set out in the inspection checklist as attached.
4. As a result of the activities referred to in paragraphs 2, 3 and above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the enclosed 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 land of Patricia Wernigk on .

FURTHER Affiant sayeth not.

Douglas Toole

Douglas Toole

SIGNED and SWORN to before me this 9th day of November, 2011 by Douglas Toole.

Terrie Sherer

NOTARY PUBLIC

