



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

John J. Kim, Interim Director

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APR 17 2012
STATE OF ILLINOIS
Pollution Control Board

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

April 12, 2012

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

AC12-48

ORIGINAL
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Ruth White
IEPA File No. 89-12-AC; 1770205230—Stephenson County

Dear Clerk 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

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APR 17 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
RUTH WHITE,)
)
Respondent.)

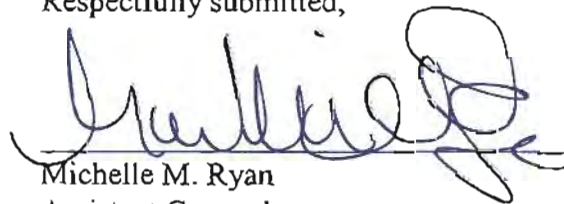
AC 12-48
(IEPA No. 89-12-AC)

NOTICE OF FILING

To: Ruth White
5631 1st Place
Kenosha, WI 53142

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: April 12, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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APR 17 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
RUTH WHITE,)
)
)
)
Respondent.)

AC 12-48
(IEPA No. 89-12-AC)

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 (2010).

FACTS

1. That Ruth White is the current owner ("Respondent") of a property located on Charles Street, south of Illinois Route 75, Freeport, Stephenson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Freeport/White Property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1770205230.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on February 22, 2012, Kaare Jacobsen of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 4-12-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0896.

VIOLATIONS

Based upon direct observations made by Kaare Jacobsen during the course of his February 22, 2012 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) (2010).

- (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) (2010).

- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 May 15, 2012, 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 (2010), 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) (2010), 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 (2010). 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.


John J. Kim *Sr SOP*
John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 4/12/2012

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
RUTH WHITE,)
)
)
)
)
Respondent.)

AC 12-48
(IEPA No. 89-12-AC)

FACILITY: Freeport/White Property
SITE CODE NO.: 1770205230
COUNTY: Stephenson
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: February 22, 2012

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.

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APR 17 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

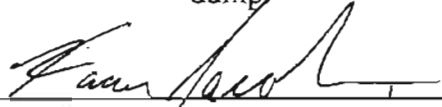
IN THE MATTER OF:)
)
White Property,)
)
Respondent)

AC12-48

IEPA DOCKET NO.

Affiant, Kaare Jacobsen, being first duly sworn upon oath, depose and state as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 22, 2012, between 1002 and 1010, Affiant conducted an inspection of the open dump in Stephenson County, Illinois, known as White Property, Illinois Environmental Protection Agency Site No. 1770205230.
3. Affiant inspected said White Property open dump 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 White Property open dump.



Kaare Jacobsen, EPS III

Subscribed and Sworn to before Me
this 22 day of March, 2012



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Stephenson LPC#: 1770205230 Region: 1 - Rockford
 Location/Site Name: Freeport/White Property
 Date: 02/22/2012 Time: From 1002 To 1010 Previous Inspection Date: 09/12/2011
 Inspector(s): Jacobsen Weather: 38 degrees
 No. of Photos Taken: # 11 Est. Amt. of Waste: 150+ yds³ Samples Taken: Yes # No
 Interviewed: Complaint #: C-11-082R
 Latitude: 42.30399 Longitude: -89.59748 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

Responsible Party Mailing Address(es) and Phone Number(s): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Ruth White 5631 1st Place Kenosha, WI 53142 262/344-1646 </div>	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Ronald Brumfield 1615 South Bidwell Ave. Freeport, IL 61032 815/616-9272 </div> <div style="text-align: center; color: red; font-weight: bold; margin-top: 5px;"> RECEIVED CLERK'S OFFICE FEB 17 2012 STATE OF ILLINOIS Pollution Control Board </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 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 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 AND REGULATIONS	<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 checked="" 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 checked="" type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1770205230

Inspection Date: 02/22/2012

	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	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 and subsection (k) of Section 55 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 INSPECTION REPORT

On February 22, 2012, I (Kaare Jacobsen) conducted complaint inspection at the White Property in Freeport, Illinois. This site came to the attention to the Rockford Regional Office, as complaint (C-10-082R), on May 5, 2011, indicating the ongoing activity of open dumping and burning at a vacant wooded lot, located on Charles Street, south of Illinois Route 75. Agency correspondence should be addressed to the owner of the property, Ruth White, at 5631 1st Place, Kenosha, Wisconsin. Also, Mrs. White's nephew, Ronald Brumfield, will be recognized as the operator of the site. Mr. Brumfield's address is located 1615 South Bidwell Ave, in Freeport, Illinois.

Prior to this inspection, I visited the site numerous times, over a ten month period. Each and every time I visited site, open dumping of municipal waste and building debris were viewed strewn throughout the vacant lot. On the west side of the vacant lot, a row neatly stacked uncovered used/waste tires were viewed. In one location of the site, it was evident that burning activity has been occurring and was viewed during my multiple visits at the sites.

Also, prior to this inspection, the Rockford Regional Office received correspondence from the owner of the property, Mrs. White, on January 13, 2012. The letter indicated that they will begin to remove the open dumped solid waste from the site, barring on the weather conditions. According to the National Climatic Data Center (NCDC), the average high temperature was 35.3 degrees, with a total 11.0 inches of snow that fell in the month of February.

Upon arrival at 1002, I witnessed the activity of burning of solid waste inside a burn barrel on the premises. Waste tires still remain on the premises, stacked in a line along Charles Street. Also, building debris, carpeting, municipal refuse, recyclable metals and burnt remains of solid waste remain to be present at the site. On the site, there was a garbage pail filled with various types of recyclable metals, which appeared to be ready to be taken to a near-by salvage yard. Photographs 1770205230~022212-001 through 011 depicts what was viewed during the follow-up inspection.

The follow-up inspection concluded at 1010, with the following solid waste violations cited during inspection: **9(a), 9(c), 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(2), 21(p)(3), 21(p)(5), 21(p)(7), 55(a)(1) and 55(k)(1) of the Environmental Protection Act.**

The Rockford Regional Office will be pursuing an Administrative Citation to the owner/operator, for the causing and allowing the open dumping and burning of solid waste.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: February 22, 2012
BOL ID No.: 1770205230
Site Name: White Property

Inspector: Jacobson
County: Stephenson
Time: 1002 - 1010

Measurements Approximate

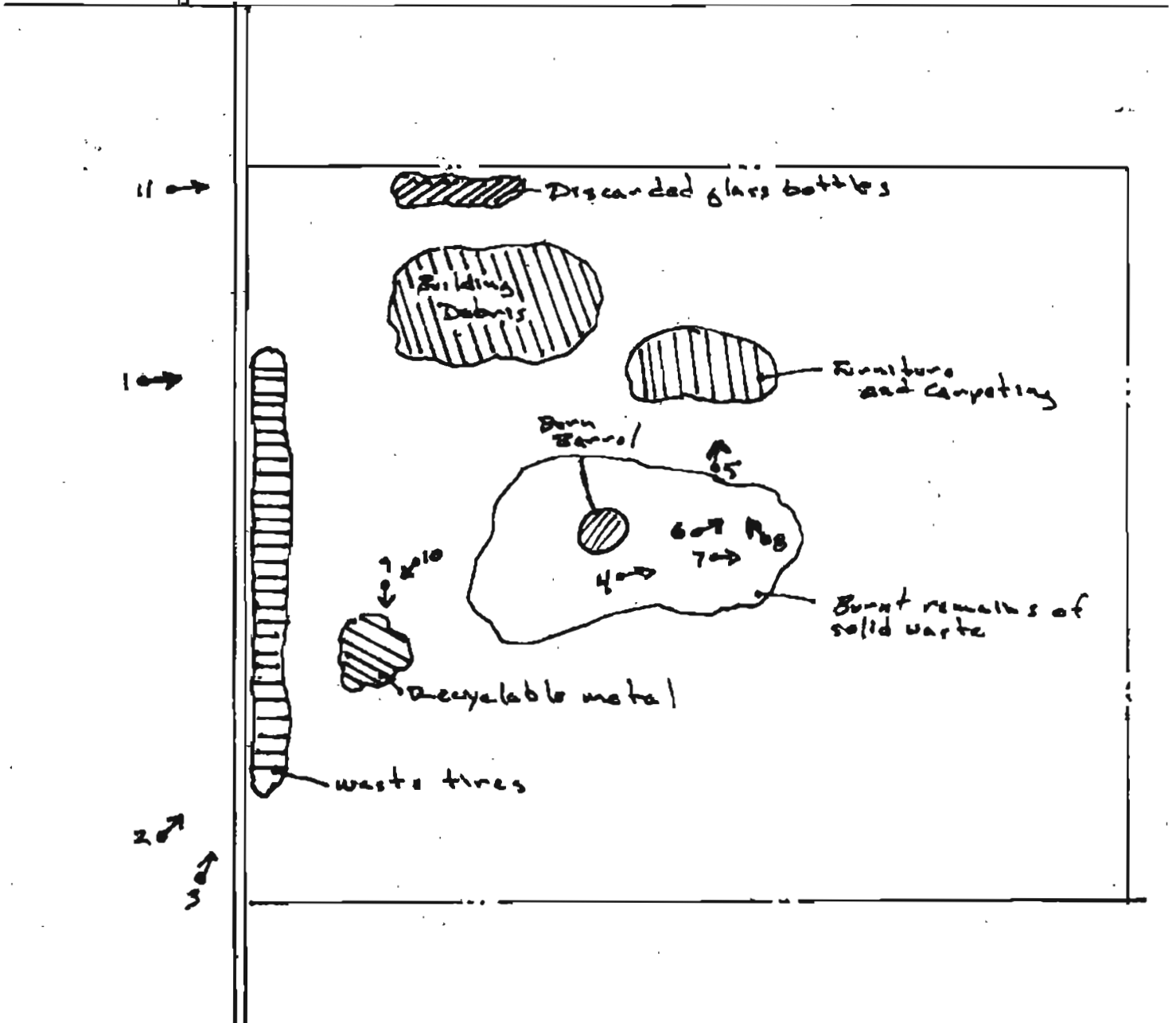
Not To Scale

North



Direction of Photo ↙

Photographs 1770205230-022212-001 through 011





DIGITAL PHOTOGRAPHS

File Name: 1770205230~022212



Date: 2-22-12
Time: 1002
Direction: east
Photo by: Jacobsen
Exposure #: 001
Comments: Open
dumped building
debris.



Date: 2-22-12
Time: 1002
Direction: northeast
Photo by: Jacobsen
Exposure #: 002
Comments: Evidence
of burning open
dumped solid waste
in a burn barrel.



DIGITAL PHOTOGRAPHS

File Name: 1770205230~022212



Date: 2-22-12
Time: 1002
Direction: northeast
Photo by: Jacobsen
Exposure #: 003
Comments:
Uncovered waste
tires.



Date: 2-22-12
Time: 1003
Direction: east
Photo by: Jacobsen
Exposure #: 004
Comments: Burnt
remains of open
dumped solid waste.



DIGITAL PHOTOGRAPHS

File Name: 1770205230~022212



Date: 2-22-12
Time: 1003
Direction: north
Photo by: Jacobsen
Exposure #: 005
Comments: Open
dumped furniture
and carpeting.



Date: 2-22-12
Time: 1003
Direction: northeast
Photo by: Jacobsen
Exposure #: 006
Comments: Open
dumped building
debris.



DIGITAL PHOTOGRAPHS

File Name: 1770205230~022212



Date: 2-22-12
Time: 1003
Direction: east
Photo by: Jacobsen
Exposure #: 007
Comments: Open
dumped municipal
waste.



Date: 2-22-12
Time: 1004
Direction: northeast
Photo by: Jacobsen
Exposure #: 008
Comments: Open
dumped building
debris, furniture and
carpeting.



DIGITAL PHOTOGRAPHS

File Name: 1770205230-022212



Date: 2-22-12
Time: 1004
Direction: down
Photo by: Jacobsen
Exposure #: 009
Comments:
Recyclable metal
contained in a
garbage can.



Date: 2-22-12
Time: 1004
Direction: southwest
Photo by: Jacobsen
Exposure #: 010
Comments: Open
dumped recyclable
metal.



DIGITAL PHOTOGRAPHS

File Name: 1770205230~022212



Date: 2-22-12
Time: 1006
Direction: east
Photo by: Jacobsen
Exposure #: 011
Comments:
Discarded glass
bottles.

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STATE OF ILLINOIS
Pollution Control Board

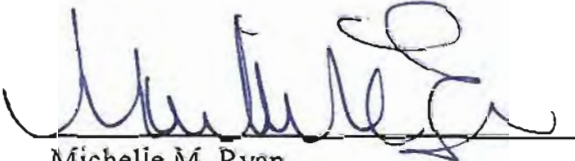
PROOF OF SERVICE

I hereby certify that I did on the 12th day of April, 2012, send by U.S. Mail 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: Ruth White
5631 1st Place
Kenosha, WI 53142

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail 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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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