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January 28, 2013

RECEIVED
CLERK'S OFFICE

JAN 30 2013

STATE OF ILLINOIS
Pollution Control Board

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

Re: Administrative Citation
Respondent: Charles Long
Site Code No: 1830200073

AC13-31

ORIGINAL

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 Administrative Citation was served on the Respondent on January 24, 2013. *

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:

Charles Long
1330 West Williams Street
Danville, IL 61832

Thank you for your assistance in this matter.

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,) Case No.: AC: 13-37
Complainant,) County File No.: 13-01
vs.)
Charles Long,)
Respondent)

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, Charles Long, is, and was at all times relevant to this Administrative Citation, the owner of property located at the area of 1330 West Williams Street, Danville, Illinois more particularly Latitude 40.1340, Longitude -87.6515.
2. That said property is land which is not permitted as a sanitary landfill or dump area.
3. That on November 20, 2012 Douglas Toole and Adrianna Krywicka 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 11/20/2012:
 - 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 any waste which results
2 in the deposition of general construction or demolition debris and clean
3 construction and demolition debris in violation of Section 21(p)(7).
4

5 **CIVIL PENALTY**

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

12 **PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION**

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

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

29 When payment is made, your check should be made payable to the County of Vermilion,
30 Illinois and mailed to the Vermilion County Health Department, 200 South College
31 Street, Danville, Illinois, 61832, together with a completed copy of the remittance
32 form attached hereto.

1
2 If any civil penalty, by reason of acknowledgment, default or finding after hearing,
3 is not paid when due, the Vermilion County State's Attorney may initiate proceedings
4 in the Circuit Court to collect said civil penalty. In addition to the previously
5 assessed civil penalty and any hearing costs of the Illinois Pollution Control Board,
6 the State's Attorney's Office will seek to recover its costs of litigation
7

8 Dated this January 17, 2013
9

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

14 By: 
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William T. Donahue
Assistant State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF

Charles Long

Respondent.

)

)

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AC No.

13-37

County File No. 13-01

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

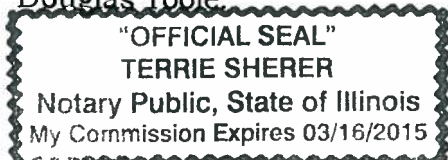
1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On November 20, 2012 between a.m. and a.m., your Affiant conducted an inspection of land within the County of Vermilion, State of Illinois, known as property of Charles Long , Latitude 40.1340 Longitude - 87.6515
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 Charles Long on November 20, 2012.

FURTHER Affiant sayeth not.

Douglas Toole

Douglas Toole

SIGNED and SWORN to before me this 22nd day of January, 2013 by
Douglas Toole.



Terrie Sherer

NOTARY PUBLIC

Open Dump Inspection Checklist

County: Vermilion LPC#: 1830200073 Region: 4 - Champaign

Location/Site Name: Danville / Long

Date: 11/20/2012 Time: From 9:30 a.m. To 9:43 a.m. Previous Inspection Date: 01/06/2012

Inspector(s): Douglas Toole , Adrianna Krzywicka Weather: overcast, dry, still, 50 F

No. of Photos Taken: # 06 Est. Amt. of Waste: 60 yds³ Samples Taken: Yes # No ☒

Interviewed: Complaint #:

Latitude: 40.1340 Longitude: -87.6515 Collection Point Description: -

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

REC'D

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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 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 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 # 1830200073

Inspection Date: 11/20/2012

	(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

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 #1830200073
Danville / Long
FOS
11/20/2012

OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was reinspected on November 20, 2012 by Douglas Toole and Adrianna Krzywicka of the Vermilion County Health Department. The weather was cloudy, dry, still and about 50 degrees Fahrenheit. Six photos were taken of the site.

The site is located in Vermilion County, in a ravine south of the mobile home park at 1330 West Williams Street in Danville, Illinois.

INSPECTORS FINDINGS

By way of history, this file was originally opened on August 30, 1994 regarding an area on the southwest corner of the park that had appliances, roofing material, scrap metal and other refuse on it. The owner, Charles Long, abated that nuisance in November, 1995. I am not aware of any inspections performed at that site between November 3, 1995 and August 31, 2006.

We arrived on the site to perform an inspection at about 9:30 a.m. on November 20, 2012. No one was present when we arrived, and no one accompanied us during the inspection.

We parked the car near a storage building at the south part of the mobile home park, and walked to the northeast part of the site, where Mr. Long is accepting fill materials to place on the slope of a ravine (photos 1, 2), and where a dozen uninhabited mobile homes are stored (photos 2, 3).

West of the mobile homes, we observed two piles of boards, scrap metal and remodeling waste (photo 4). On the south slope of the ravine, we observed some uncovered concrete and clean demolition debris (photos 5, 6).

We limited our inspection to the area near the uninhabited mobile homes, and did not inspect the area at the bottom of the ravine. We left the site at about 9:43 a.m.



LPC #1830200073

Danville / Long

11/20/12

Page 2 of 3

Based on my observations, I would estimate that about 60 cubic yards of refuse on the site. 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 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 of waste resulting in litter was observed at the site.

LPC #1830200073

Danville / Long

11/20/12

Page 3 of 3

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.

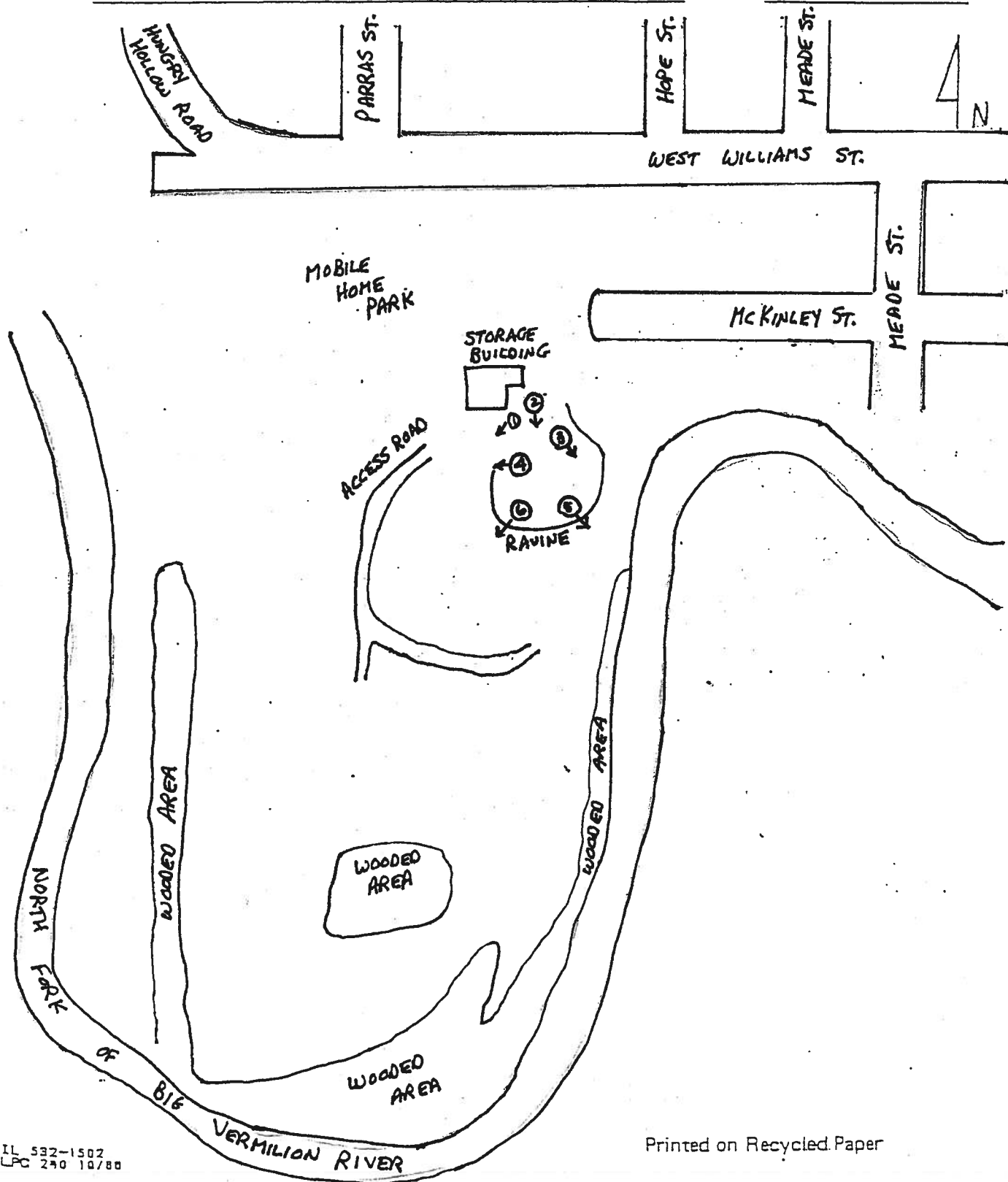
ILLINOIS POLLUTION CONTROL BOARD; 35 ILLINOIS ADMINISTRATIVE CODE,
SUBTITLE G
(REGULATIONS)

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: November 20, 2012 Inspector: DOUGLAS TOOLE & Adrianna Krynicka
Site Code: 1 8 3 0 2 0 0 0 7 3 County: VERMILION
Site Name: DANVILLE / LONG Time: 9:30-9:43 a.m.





DIGITAL PHOTOGRAPHS

File Name: Danville - Long



Date: 11/20/2012
Time: 9:33 a.m.
Direction: SW
Photo by: Adrianna Krzywicka
Exposure #: 01
Comments:

Entrance to site,
'solid fill only' sign
noted



Date: 11/20/2012
Time: 9:33 a.m.
Direction: S
Photo by: Adrianna Krzywicka
Exposure #: 02
Comments:

Entrance to site, pile
of dirt noted



DIGITAL PHOTOGRAPHS

File Name: Danville - Long



Date: 11/20/2012
Time: 9:34 a.m.
Direction: SE
Photo by: Adrianna Krzywicka
Exposure #: 03
Comments:

**Caterpillar pusher
with mobile homes**



Date: 11/20/2012
Time: 9:35 a.m.
Direction: W
Photo by: Adrianna Krzywicka
Exposure #: 04
Comments:

**Rendering waste and
metal**



DIGITAL PHOTOGRAPHS

File Name: Danville - Long



Date: 11/20/2012
Time: 9:37 a.m.
Direction: SE
Photo by: Adrianna Krzywicka
Exposure #: 05
Comments:

Bricks and debris on slope



Date: 11/20/2012
Time: 9:37 a.m.
Direction: SW
Photo by: Adrianna Krzywicka
Exposure #: 06
Comments:

Slope