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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION**

COUNTY OF VERMILION, ILLINOIS,	)	Case No.: AC:
	)	
Complainant,	)	County File No.: 15-03
	)	
vs.	)	
	)	
Henry Nosler, Brandon Bott d/b/a B&B Construction	)	
	)	
Respondents	)	

**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, Henry Nosler, is, and was at all times relevant to this Administrative Citation, the owner of property located at the area of 34336 North 1700 East Road, in east rural Rossville, more particularly Latitude 40.0656517, Longitude -87.62091029. Brandon Bott, d/b/a B&B Construction was transporting construction debris to the property to be burned and Henry Nosler permitted the disposal and burning of the construction debris
2. That said property is land which is not permitted as a sanitary landfill or dump area.
3. That on 7/16/2015 LeeAnn Chezem of the Vermilion County Health Department inspected the above-described property. LeeAnn Chezem's Affidavit and a copy of her inspection report are attached hereto and incorporated herein by reference.

**VIOLATIONS**

- I. On the basis of direct observations personally made by LeeAnn Chezem, the County of Vermilion has determined that on 7/16/2015:
  - A. The Respondents were causing and allowing the open dumping of waste which resulted in litter in violation of Section 21(p) (1).
  - B. The Respondents caused or allowed the open dumping of any waste which results in the deposition of general construction or demolition debris and clean construction and demolition debris in violation of Section 21(p)(7).
  - C. The Respondents caused or allowed the open burning of waste in violation of Section 21(p)(3).

1 D. Respondents were advised on 7/9/15 to properly dispose of the debris as shown by the attached inspection report  
2 of July 9, 2015 and as late as 7/22/15 were burning debris as shown by the Westville Area Fire Protection District  
3 report.

4 **CIVIL PENALTY**

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

8 **PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION**

9 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  
10 contest this Administrative Citation, you must file a petition for Review with the Clerk of the Illinois Pollution Control, at the  
11 State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed  
12 with thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois  
13 Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office,  
14 Courthouse, 2<sup>nd</sup> Floor, 7 N Vermilion Street, Danville, Illinois, 61832.

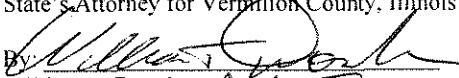
15 If you acknowledge the violation herein, the civil penalty specified above shall be due and payable no later than September 30,  
16 2014. If you do not petition the Illinois Pollution Control Board for review of the Administrative Citation within thirty-five (35)  
17 days of the service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this  
18 Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed  
19 against you.

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

23  
24 If any civil penalty, by reason of acknowledgment, default or finding after hearing, is not paid when due, the Vermilion County  
25 State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed  
26 civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its  
27 costs of litigation

28 Dated this August 7, 2015

29  
30 Randall J. Brinegar  
31 State's Attorney for Vermilion County, Illinois

32 By   
William T. Donahue ASA

William T. Donahue  
Assistant State's Attorney  
Courthouse Annex  
6. N Vermilion Street 3<sup>rd</sup> Floor  
Danville, IL. 61832  
217-554-6000



LPC #

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
<b>9.</b>	<b>55(a)</b>	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
<b>10.</b>	<b>812.101(a)</b>	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
<b>11.</b>	<b>722.111</b>	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>12.</b>	<b>808.121</b>	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>13.</b>	<b>809.302(a)</b>	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
<b>14.</b>		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
<b>15.</b>	<b>OTHER:</b>		<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.

LPC# 1838045070  
Danville/Nosler/Bott  
FOS  
07/16/2015

SUMMARY OF APPARENT VIOLATIONS  
ILLINOIS ENVIRONMENTAL PROTECTION ACT (415ILCS 5/1 etseq)

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 in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the board under this Act

Section 9 (c) of the Act: No persons shall...cause or allow the opening burning of refuse conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon finding that no harm will result from such burning, or that any alternative method of disposing of such would create a safety hazard so extreme as to justify the pollution that would result from such burning.

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 Control Board Regulations.

Section (p) (1) of the Act: No person shall...cause or allow the open dumping of waste which results in...litter. Open dumping resulting in litter was observed at the site.

Section (p) (3) of the Act: No person shall...cause or allow the open dumping of waste which results in...open burning. Open burning was observed on site.

Section (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. 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 cause or allow the open dumping of any used or waste tire. Open dumping of tires were observed at the site

LPC#1838045070  
Danville/Nosler/Bott  
FOS  
07/16/2015

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.





PUBLIC HEALTH IS PRICELESS

## VERMILION COUNTY HEALTH DEPARTMENT

JENNIFER TRIMMELL, RN, BSN  
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# 1838045070  
Danville/Nosler/Bott  
FOS File  
7/16/2015

### INSPECTION REPORT NARRATIVE

This non permitted dump site was inspected on July 16, 2015, by LeeAnn Chezem of the Vermilion County Health Department. The weather was sunny, hot and approximately 88 degrees.

A second complaint was received from the Illinois Environmental Protection Agency on July 15, 2015 concerning the dumping and burning of construction debris near the home of Henry Nosler (see attached complaint form).

A second inspection was completed at this site on July 16, 2015. At the time of this inspection, there was light smoke coming up from the ravine, as it was in the previous inspection (photo 2). Additional debris had been added to the site, which included wood, garbage shingles, siding and what appeared to be tractor tires (photo 6).

The construction truck from B&B Construction had been removed from the driveway and there were no signs of anyone at the residence.

A telephone call was made to the Lynch Fire Department, who is the local fire department for this area, to discuss if they would respond to any calls regarding the burning. As of the date of this report, no call had been returned to this department.

In checking previous records, complaints on Mr. Nosler had been received on August 27, 2009, from the Westville Fire Department, who responded to an illegal burn of construction debris. An inspection was completed on the property, but no materials were observed at the time of the inspection. A letter was sent to Mr. Noser advising him not to burn in the future or he could face substantial fines.

A second complaint was received from Danville Township on August 28, 2012, concerning the burning of trash and garbage. Mr. Nosler was sent a second letter and advised to stop burning and to remove all of the garbage from the site. In both complaints, re-inspections of the property was completed and no trash or burn debris was observed in the area where both had occurred.



The last complaint, Mr. Nosler contacted Danville Township and was extremely upset that someone had complained about his property. He informed the secretary that no one was permitted on his property and he would deal with that individual, if he caught them.

The first complaint that was received stated that Mr. Nosler was recently divorced and the home was believed to be in foreclosure. In checking with the county records, the home appeared to have been foreclosed on in 2010 and was sold at a sheriff's sale. There have been several liens against the property since the foreclosure. It appears he may have retained the home at the sheriff's sale because the taxes are still in Mr. Nosler's name. However they remain unpaid from two previous years and the property may be forwarded to a tax sale in the near future, if they remain unpaid.

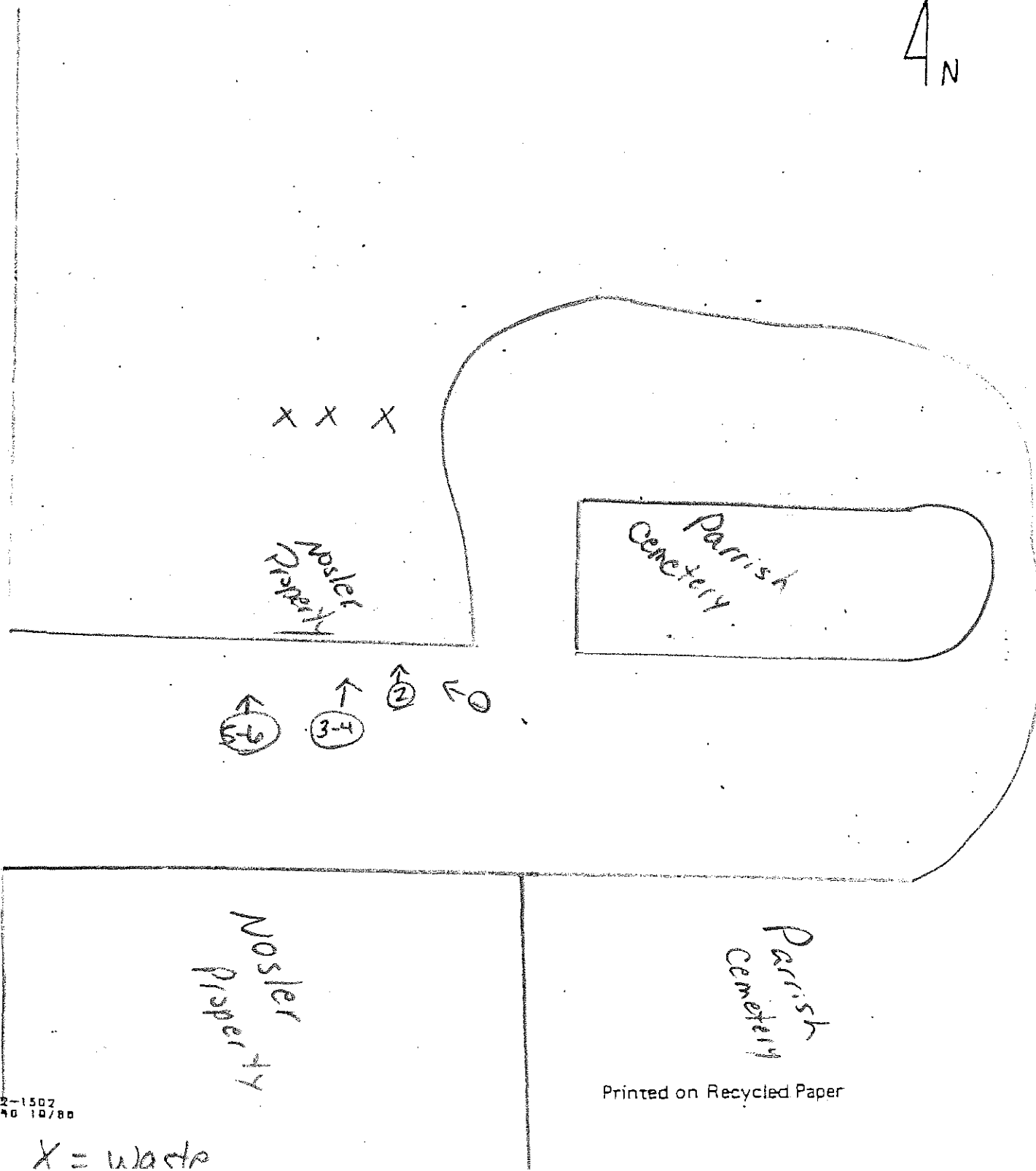
No measurements were taken at the time of this inspection. The new debris is estimated at 100 cubic yards.

SITE SKETCH

Date of Inspection: 7-16-2015 Inspector: Lee Ann Chezem  
Site Code: 1838045070 County: Vernilion  
Site Name: Danville/Nosler/Bott Time: 11<sup>0</sup> - 1<sup>15</sup> pm

Crape Creek Road

4  
N



X = waste

**CONFIDENTIAL**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF LAND POLLUTION CONTROL  
COMPLAINT INVESTIGATION FORM**

**Complaint #:** C- 15 - -C

**Date Received:** July 13, 2015

**By:** John Richardson

By Phone;  In Person;  By Mail

**DLPC #:**

**COUNTY:** Vermilion

**Location/Facility Name:** Westville/

**Complainant:** Mike Henry

**Respondent(s)** Hank Nossler

**Address:** Mervis Recycling  
Springfield, IL

**Address:** NA

**Telephone #:** 217-504-4541/217-431-4699

**Telephone #:**

**Directions:** Corner of Great Creek Road and Hawbuck Road near Westville. Near a cemetery and Gray Creek Baptist Church.

**Complaint Details:** Resp burying shingles in yard of home (should see disturbed dirt). Getting shingles from contract roofing jobs. Charging for proper disposal but burying instead.

**INVESTIGATION FINDINGS**

**By:** \_\_\_\_\_, DLPC/FOS - Spfld. Region **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Interviewed:** \_\_\_\_\_ **Time:**

**Investigation Results** (Select one of the following):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Referred to:** \_\_\_\_\_ **File Opened:** yes no



## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/Bott. #].jpg



Date:07/16/2015  
Time: 1:10pm  
Direction: North  
Photo by: LChezem  
Exposure #: 1  
Comments:



Date: 07/16/2015  
Time: 1:10pm  
Direction: North  
Photo by: LChezem  
Exposure #: 2  
Comments:



## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/Bott. #].jpg



Date:07/16/2015  
Time: 1:11pm  
Direction: North  
Photo by: LChezem  
Exposure #: 3  
Comments:



Date: 07/16/2015  
Time: 1:11pm  
Direction: North  
Photo by: LChezem  
Exposure #: 4  
Comments:



## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/Bott. #1.jpg



Date: 07/16/2015  
Time: 1:12pm  
Direction: North  
Photo by: LChezem  
Exposure #: 5  
Comments:



Date: 07/16/2015  
Time: 1:12pm  
Direction: North  
Photo by: LChezem  
Exposure #: 6  
Comments:

*Tractor Tires  
in background*

Electronic Filing - Received, Clerk's Office: 09/17/2015 AG 2010-001 \*\*\*  
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Vermilion LPC#: 1838045070 Region: 4 - Champaign  
 Location/Site Name: Danville/Nosler/Bott  
 Date: 07/09/2015 Time: From 1:18pm To 1:25pm Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): Lee Ann Chezm Weather: Sunny, 85 degrees  
 No. of Photos Taken: # 7 Est. Amt. of Waste: 75 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_ Complaint #: \_\_\_\_\_  
 Latitude: 40.0654517 Longitude: 87.62091029 Collection Point Description: -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Henry Nosler  
 13705 Grape Creek  
 Danville, Illinois 61834

Brandon Bott  
 B&B Construction  
 15825 Clingan Lane  
 Westville, Illinois 61883

SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
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 #

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<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.

LPC# 1838045070  
Danville/Nosler/Bott  
FOS  
07/09/2015

SUMMARY OF APPARENT VIOLATIONS  
ILLINOIS ENVIRONMENTAL PROTECTION ACT (415ILCS 5/I etseq)

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 in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the board under this Act

Section 9 (c) of the Act: No persons shall...cause or allow the opening burning of refuse conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such would create a safety hazard so extreme as to justify the pollution that would result from such burning.

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 Control Board Regulations.

Section (p) (1) of the Act: No person shall...cause or allow the open dumping of waste which results in...litter. Open dumping resulting in litter was observed at the site.

Section (p) (3) of the Act: No person shall...cause or allow the open dumping of waste which results in...open burning. Open burning was observed on site.

Section (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. Open dumping resulting in the deposition of general and clean construction and demolition debris was observed at the site.

LPC#1838045070  
Danville/Nosler/Bott  
FOS  
07/09/2015

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.



## VERMILION COUNTY HEALTH DEPARTMENT

JENNIFER TRIMMELL, RN, BSN  
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

PUBLIC HEALTH IS PRICELESS

LPC# 1838045070  
Danville/Nosler/Bott  
FOS File  
7/9/2015

### INSPECTION REPORT NARRATIVE

This non permitted dump site was inspected on July 9, 2015, by LeeAnn Chezem of the Vermilion County Health Department. The weather was sunny, hot and approximately 85 degrees.

A complaint was received from an area resident who was concerned about the dumping and burning of construction debris near his home. The complainant stated the home owner on this property, Henry Nosler, was permitting B&B Construction to transport construction debris to his property. The waste was being placed on the north side of Mr. Nosler's property close to a ravine. It was reported that Mr. Nosler was pushing the debris into the ravine and setting on fire late at night. The burning was worse in the late evening but would last for days because the debris would smolder and burn for days.

An inspection was completed at this site on July 9, 2015. At the time of this inspection, the ravine was smoldering and the smell of wood burning was in the area (photos 1,2,3, and 7). The debris on site during this inspection appeared to be shingles and vinyl siding (photos 6,7).

On the south side of this property, B&B Construction Truck was parked in Mr. Nosler's driveway. No one appeared to be home at the Nosler residence and no one from the construction company was on site either.

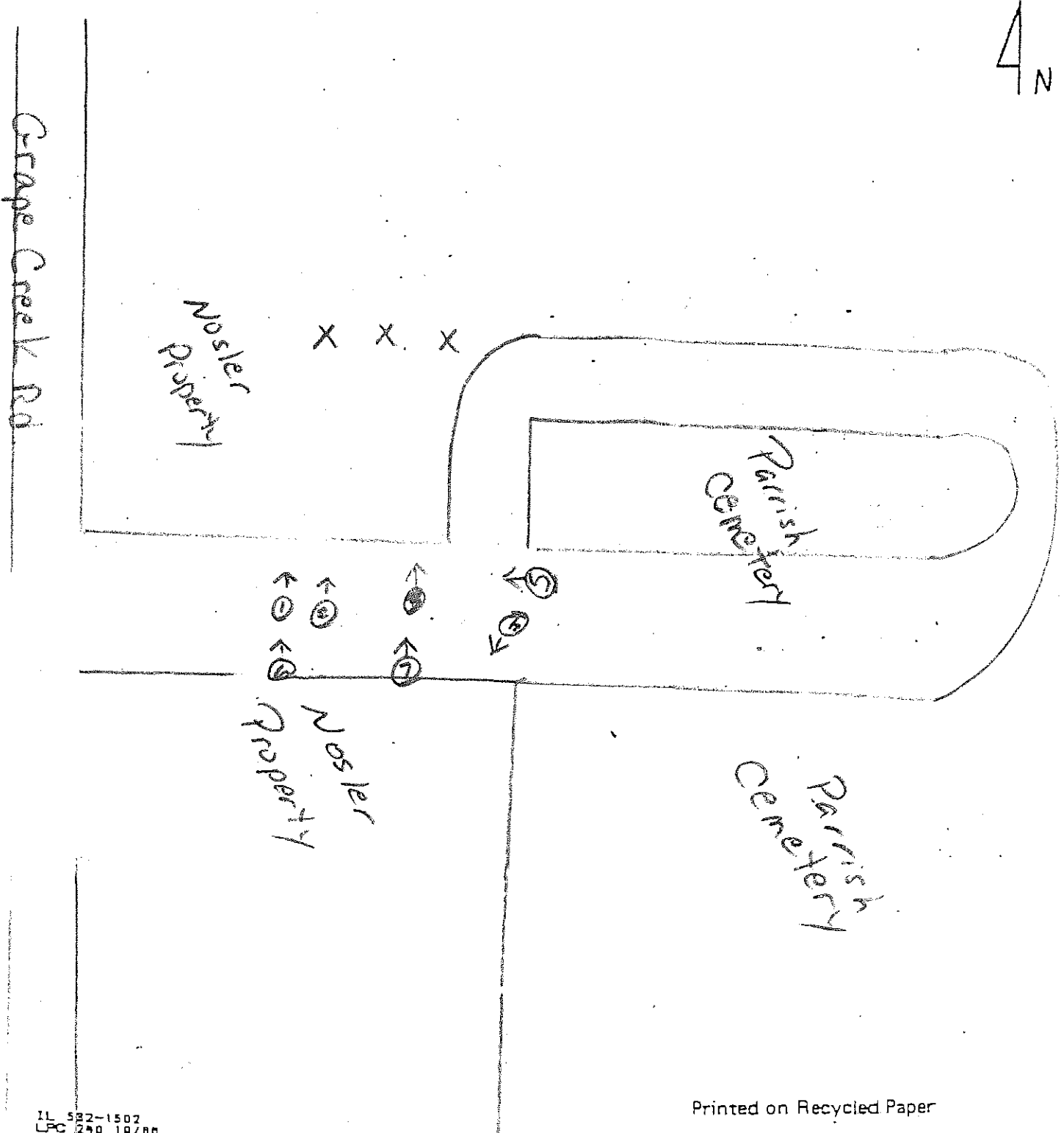
Letters were addressed to both parties. Mr. Nosler was advised to stop burning immediately and the debris on site must be removed and taken to the local landfill for disposal. Mr. Bott was advised to stop dumping the construction debris and to stop burning on site.

No measurements were taken at the time of this inspection. An estimated 75 cubic yards was observed at the top of the ravine. The inspection was completed at 1:25pm.



SITE SKETCH

Date of Inspection: 7/9/15 Inspector: LeeAnn Chazem  
Site Code: 1838045070 County: Vermilion  
Site Name: Danville/Nosler/Bott Time: 11<sup>00</sup>-12<sup>55</sup> pm



X - Dumped Waste



PUBLIC HEALTH IS PRICELESS

## VERMILION COUNTY HEALTH DEPARTMENT

JENNIFER TRIMMELL, RN, BSN  
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

July 9, 2015

B&B Construction  
15825 Clingan Lane  
Westville, Illinois 61883

Dear Brandon Bott:

This letter is in regards to a complaint our department received concerning your business. The complaint is concerning the illegal dumping of construction materials and the burning of this material.

I have attempted to contact you through your business telephone number but was unable to reach you or leave you a message, due to your voice mail being full.

Until you speak with me, we are asking that you immediately stop dumping waste and burning at the site in front of Parish Cemetery in Grape Creek near the home of Henry Nosler.

Please contact me as soon as you receive this letter at 217-431-2662, ext. 277.

Thank you for your cooperation in this matter.

Sincerely,

LeeAnn Chezem, Associate Sanitarian





## VERMILION COUNTY HEALTH DEPARTMENT

JENNIFER TRIMMELL, RN, BSN  
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

PUBLIC HEALTH IS PRICELESS

July 10, 2015

Henry Nosler  
13705 Grape Creek  
Danville, Illinois 61834

Dear Mr. Nosler:

This letter is regarding a complaints our department received concerning the above mentioned property. It is my understanding that you are the current owner of this property.

The complaints are regarding the burning of demolition debris on the north side of your property. I inspected the property on July 9, 2015, and I observed a large amount of shingles and other demolition debris on the ground. In the ravine area, there was smoldering debris. Based on the truck that is parked on your property, it appears the debris came from B&B Construction.

The Illinois Environmental Protection Agency, the Illinois Pollution Control Board and The Vermilion County Health Department prohibit the dumping and burning of construction debris on private or commercial property. Any construction demolition material must be disposed of by hauling it to a local landfill where it is permitted to be placed. Materials that are illegally dumped, burned or buried are subject to substantial fines, which are a minimum of \$3000.

Our department is asking that you do the following:

- Immediately stop burning any construction debris or other waste materials
- All of the construction debris must be removed from the property and disposed of at the local landfill...this includes ALL of the debris in the ravine
- Do not accept any additional construction materials for disposal

Your property will need to be brought back into compliance with the IEPA regulations no later than August 31, 2015. This includes completing all of the above by that date. Failure to complete the removal of the debris will result in legal action being pursued. I will be discussing this complaint with B&B Construction and what they will need to do as well.





Our department has advised the complainants to contact the local fire department should any additional burning occur. If you burn in the future, we will proceed with enforcement and the issuing of fines in this matter.

I have enclosed information regarding open burning and the permits that must be obtained, if the proper criteria is met for that permit.

If you have any questions, please contact me at 217-431-2662, ext. 277.

Sincerely,

A handwritten signature in black ink that reads "LeeAnn Chezem". The signature is written in a cursive style with a large initial "L".

LeeAnn Chezem, Associate Sanitarian



## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/BottExp. #].jpg



Date: 07/09/2015  
Time: 1:17pm  
Direction: North  
Photo by: LChezem  
Exposure #: 1  
Comments:



Date: 07/09/2015  
Time: 1:17pm  
Direction: North  
Photo by: LChezem  
Exposure #: 2  
Comments:

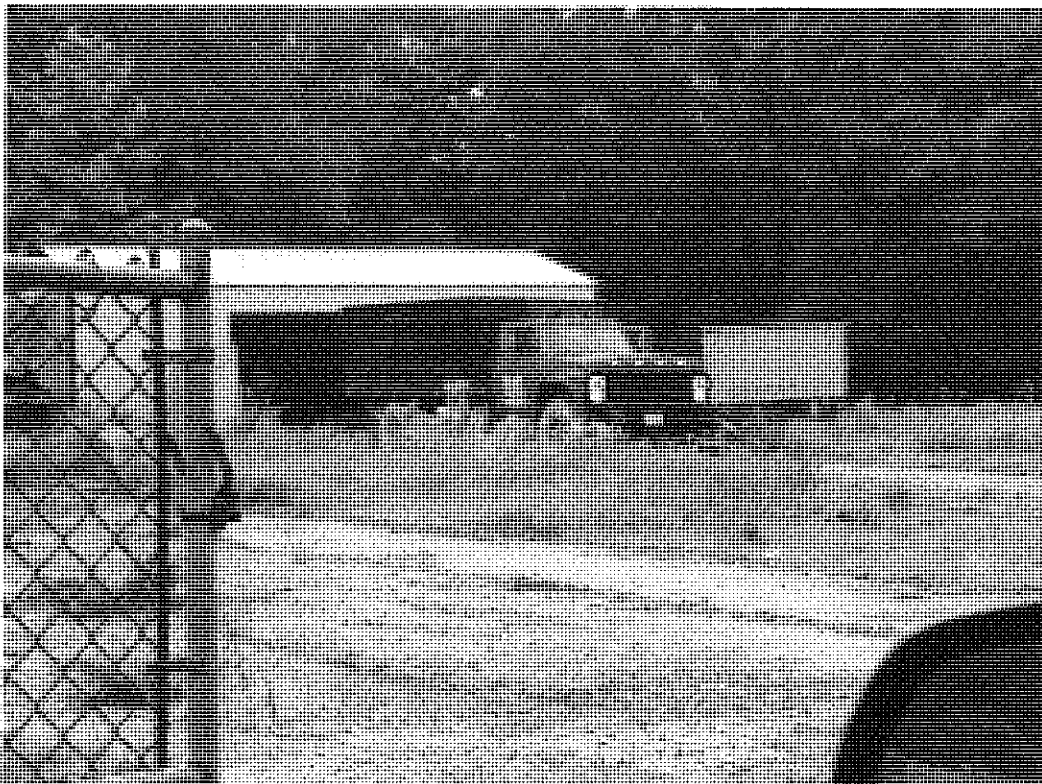


## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/BottExp. #].jpg



Date: 07/09/2015  
Time: 1:18pm  
Direction: North  
Photo by: LChezem  
Exposure #: 3  
Comments:



Date: 07/09/2015  
Time: 1:20pm  
Direction: South  
Photo by: LChezem  
Exposure #: 4  
Comments:



## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/BottExp. #].jpg



Date: 07/09/2015  
Time: 1:21pm  
Direction: West  
Photo by: LChezem  
Exposure #: 5  
Comments:



Date: 07/09/2015  
Time: 1:22pm  
Direction: North  
Photo by: LChezem  
Exposure #: 6  
Comments:



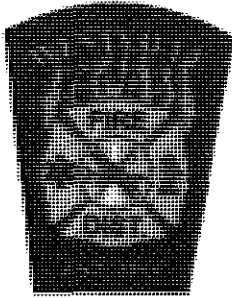
## DIGITAL PHOTOGRAPHS

File Names: Danville/Nosler/BottExp. #1.jpg



Date: 07/09/2015  
Time: 1:22pm  
Direction: North  
Photo by: LChezem  
Exposure #: 7  
Comments:

Date:  
Time:  
Direction:  
Photo by:  
Exposure #:  
Comments:



**Westville Area Fire Protection District**  
Station: 1

Location: <b>13705 Grape Creek Rd Danville IL 61832</b>	Incident Type: <b>151 - Outside rubbish, trash or waste fire</b>
Lat/Long: <b>N 40° 3' 56.35" W 87° 37' 15.28"</b>	FDID: <b>VA313</b> Incident #: <b>2015-397</b> Exposure ID: <b>13080629</b> Exposure #: <b>0</b> Incident Date: <b>07/22/2015</b>
Location Type: <b>1 - Street address</b>	

<b>Report Completed by:</b> Fire , Westville	<b>ID:</b>	<b>Date:</b> 07/22/2015
<b>Report Reviewed by:</b> Wright , Gary	<b>ID:</b> 8C1	<b>Date:</b> 07/23/2015
<b>Report Printed by:</b> Tuggle, Super User Brent	<b>ID:</b>	<b>Date:</b> 7/23/2015 <b>Time:</b> 17:51

Structure Type:	Property Use: <b>419 - 1 or 2 family dwelling</b>		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/>	Cause of Ignition: <b>Intentional</b>	
Aid Given or Received: <b>None</b>	Primary action taken: <b>11 - Extinguishment by fire service personnel</b>		
<b>Losses</b>	<b>Pre-Incident Values</b>		
Property: <b>\$0.00</b>	Property:	Civilian Injuries: <b>0</b>	Fire Service Injuries: <b>0</b>
Contents: <b>\$0.00</b>	Contents:	Civilian Fatalities: <b>0</b>	Fire Service Fatalities: <b>0</b>
Total: <b>\$0.00</b>	Total:	Total Casualties: <b>0</b>	Total Fire Service Casualties: <b>0</b>
Total # of apparatus on call:	<b>2</b>	Total # of personnel on call:	<b>9</b>

**NARRATIVE**

called for large illegal burn, upon arrival two large piles of materials on fire. Explained to resident burn ordinance fire department put fire out. Fire contained building materials and was illegal.  
Cleared scene Henry Nosler 13705 Grape Creek rd Danville il 61834 217-274-6704

<b>FIRE</b>			
<b>Acres Burned</b>	None or Less Than One	<b>Acres Burn From Wildland Form</b>	False
<b>Area Of Fire Origin</b>	Undetermined	<b>Heat Source</b>	Undetermined
<b>Item First Ignited</b>	Undetermined	<b>Fire Is Confined To Object Of Origin</b>	
<b>Type Of Material</b>	Undetermined	<b>Cause Of Ignition</b>	Intentional
<b>Factor Contributing To Ignition</b>	Undetermined		
<b>Human Factors Contributing</b>	None		

<b>ARSON</b>		
<b>Agency Name</b>	<b>Agency Address</b>	<b>Agency Phone</b>
	119 W Williams	

<b>CUSTOM FIELDS FORM</b>	
<b>Officer In Charge</b>	Oakes
<b>Radio Operator</b>	base
<b>Did a Mutual Aid Ambulance Respond?</b>	None
<b>What time did the Mutual Aid Ambulance Arrive? ( Put N/A in the box if none responded)</b>	n/a
<b>Special Comments</b>	

Member Making Report (Westville Fire): \_\_\_\_\_

Supervisor (Chief Gary Wright): \_\_\_\_\_

**LeeAnn Chezem**

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**From:** Gary Wright <wafpd08@yahoo.com>  
**Sent:** Wednesday, July 22, 2015 10:16 PM  
**To:** LeeAnn Chezem

Leann we responded to Hank Nosslers house a the intersection of Grapecreek road and Hawbuck road, at the entrance of Parish Cemetery for an illegal burn, he was burning construction material ( again) he said that he thought if it came from his property he coud burn it. he has been told before by me that he can not, I was advised that he has been burning for 5 days now, it is coming from B&B construction company of westville... It is possible it it is the budget hotel as B&B is tearing it down, any question call me 497-1461

Gary



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

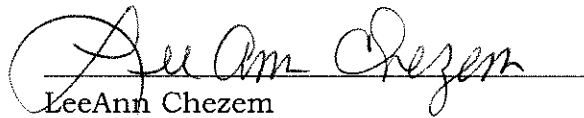
AFFIDAVIT

IN THE MATTER OF	)	AC No. _____
Henry Nosler, et. al.	)	County File No. 15-
	)	
Respondent.	)	

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

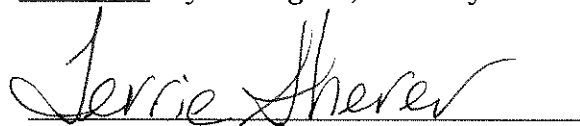
1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On July 16, 2015 between 1:10 p.m. and 1:15 p.m., your Affiant conducted an inspection of land within the County of Vermilion, State of Illinois, known as property of Henry Nosler , Latitude 40.0656517 and Longitude - 87.62091029
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 Henry Nosler on July 9, 2015.


FURTHER Affiant sayeth not.

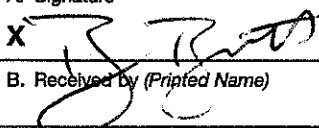
  
 LeeAnn Chezem

SIGNED and SWORN to before me this 21<sup>st</sup> day of August, 2015 by LeeAnn Chezem.



  
 NOTARY PUBLIC

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> <i>Tom Brown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) <i>Tom Brown</i> C. Date of Delivery <i>8/24</i>
<p>Henry Nosler 13705 Grape Creek Danville, IL 61834</p> 	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7007 2680 0002 9786 4397	
PS Form 3811, July 2013	Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  <div style="border: 1px solid black; padding: 5px; text-align: center;"><p>Brandon Bott B&amp;B Construction 15825 Clingan Lane Westville, IL 61883</p></div>	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7007 2680 0002 1786 9403	
PS Form 3811, July 2013	Domestic Return Receipt	