

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS, ) Case No.: AC:  
Complainant, )  
vs. )  
Marian and Russell Herbold, )  
Respondent )

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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 Respondents, Marian and Russell Herbold, are, and were at all times relevant to this Administrative Citation, the owner of property located at the area of 614 Poland Road, Danville, more particularly Latitude 40.1850, Longitude -87.6155.
2. That said property is vacant land which is not permitted as a sanitary landfill or dump area.
3. That on 4/02/2013 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 4/02/13 :
  - 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).  
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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.  
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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, 2<sup>nd</sup>  
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 2-8-2010. 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.

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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

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8 Dated this May 31, 2013

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

14 By:

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16 William T. Donahue  
17 Assistant State's Attorney  
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