RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

OCT 3 1 2003

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF VERMI	LION, ILLINOIS, )	Pollution Control B
	Complainant, )	AC No. 04->2
<b>V.</b>		County File No. 03-03
VILLAGE OF TILTO	N,	
	Respondent. )	

#### **JURISDICTION**

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 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. Respondent, Village of Tilton, is, and was at all times relevant to this Administrative Citation, contracted as the operator of property located southeast of the intersection of 1<sup>st</sup> Avenue and 15<sup>th</sup> Street, recorded with the Supervisor of Assessments as DOR 0768 and DOR 0772, Tilton, County of Vermilion, State of Illinois.
- 2. Said property is operated as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1830905032.
- 3. On August 25, 2003, 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 made a part hereof by reference.

#### VIOLATION

On the basis of the direct observation of Douglas Toole, the County of Vermilion has determined that on August 25, 2003, Respondent was conducting an unlicensed open dump at the above-described address, which is required to have a permit pursuant to 415 ILCS 5/21(a) of the Act, in a manner which resulted in the following conditions:

A. Open dumping resulting in open burning was observed at the site, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in ...open burning.

#### CIVIL PENALTY

Pursuant to section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent herein is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1500.00) for the above-mentioned violation. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the One Thousand Five Hundred Dollar (\$1500.00) statutory penalty for the violation.

## PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

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 contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board, at the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 North Vermilion Street, Danville, Illinois 61832.

If you acknowledge the violation cited herein, the civil penalty specified above shall be due and payable no later than November 21, 2003. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed against you.

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

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

Dated: 10 28 03

Frank R. Young

Jennifer Riggs
Assistant State's Attorney

State's Attorney for Vermilion County

Prepared by: Jennifer Riggs Office of the State's Attorney 7 N. Vermilion St. Danville, IL 61832 217-554-7750

#### REMITTANCE FORM

IN THE MATTER OF	ACNT
VILLAGE OF TILTON,	) AC No
	) Respondent. )
Facility/Property:	DOR 0768 and DOR 0772, Tilton, Illinois
County:	Vermilion
Date of Inspection:	August 25, 2003
Site Code No.:	1830905032
Civil Penalty:	\$1500.00
Date Remitted:	
SSN/FEIN No.:	
Signature:	

#### NOTE

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College Street, Danville, Illinois 61832.

OCT 3 1 2003

# BEFORE THE ILLINOIS POLLUTION CONTROL BOAR STATE OF ILLINOIS

	AFFIDAVIT	Pollution Contro
IN THE MATTER OF VILLAGE OF TILTON,	) AC No. <u>04-</u> 22	
	) County File No. 0	
	Respondent. )	

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

- 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 August 25, 2003, between 2:20 p.m. and 2:30 p.m., Affiant conducted an inspection of property located southeast of the intersection of 1<sup>st</sup> Avenue and 15<sup>th</sup> Street, recorded with the Supervisor of Assessments as DOR 0768 and DOR 0772, within the County of Vermilion, State of Illinois, operated by Village of Tilton.
- 3. Affiant inspected the property by an on-site inspection, which included walking on the site.
- 4. Prior to said inspection, Affiant had reviewed Illinois Environmental Protection Agency permits issued to the subject site.
- 5. As a result of the activities referred to in paragraphs 2, 3 and 4 above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the accompanying 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 property located southeast of the intersection of 1<sup>st</sup> Avenue and 15<sup>th</sup> Street, recorded with the Supervisor of Assessments as DOR 0768 and DOR 0772, Tilton, Illinois, on August 25, 2003.

Houghes Toole

Douglas Toole

SIGNED and SWORN to before me this 23 day of October, 2003, by Douglas Toole.

"OFFICIAL SHAD BARB CARTER NOTARY PUBLIC, STATE OF ILLINOIS

MY COMMISSION EXPIRES 9-7-07

NOTARY PUBLIC

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF	) ACNo
VILLAGE OF TILTON,	) AC No
Respondent.	
AFFIDAVIT OF SERV	VICE ON CORPORATION
State of Illinois ) ) ss County of Vermilion )	
I, the undersigned, on oath state that	t I have served the attached Administrative
Citation on the Respondent, Village of Tilto	on, by leaving a copy of the same with (name):
David Phillips, at (address):	201 W. 5 <sup>44</sup> at (time):
9:35 Am, on (date): 10/24/03, 200	D3.
	( ) [ by the
	Investigator Vermilion County State's Attorney Office
SI IDSCRIDED AND SWORN TO I	BEFORE ME this 28 day of October 2003.
SUBSCRIBED AIND SWORN TO I	NOTARY PUBLIC

THIS FILING IS SUBMITTED ON RECYCLED PAPER

"OFFICIAL SEAL"

BARB CARTER

NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9-7-07

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	VERMILION	LPC#: 1830905032 Region: 4	
* Committee of the comm	Site Name:	TILTON BUTLER	
Date:	8/25/03	Time: From 2:20 P.M. To 2:30 P.M. Previous Inspection Date:	
Inspector	(s): Dougla		
No. of Ph	otos Taken: #	# 10 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes# No	Y
Interviewe	ed:	Complaint #:	
Responsil Mailing Ad and Phon Number(s	ddress(es) e	MILDRED BUTLER  1721 N. LOGAN AVENUE  DANVILLE, IL 61832  (217) 443-6777  VILLAGE OF TILTON  201 W. 5TH STREET  TILTON, IL 61833  (217) 443-41	78
	SECTION	DESCRIPTION	VIOL
	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	X
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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	X
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESI ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	JLTS IN
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	X
	(4)	Deposition of Waste in Standing or Flowing Waters	

(4)

(5)

Standing or Flowing Liquid Discharge from the Dump Site

Proliferation of Disease Vectors

LPC # | 830905032 Inspection Date: 8/25/03

7	T *		
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	X
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
		OTHER REQUIREMENTS	
14.	a ab s m	APPARENT VIOLATION OF: (□) PCB; (□) CIRCUIT COURT  CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		
	-		
		Parisla Trolo	

#### 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.

Signature of Inspector(s)

- 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.



### VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S. PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING 200 SOUTH COLLEGE, SUITE A DANVILLE, IL 61832 PHONE/TDD 217 431-2662 FAX 217 431-7483

LPC #1830905032 Tilton/Butler FOS 08/25/03

#### OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was inspected on August 25, 2003, by Douglas Toole of the Vermilion County Health Department. The weather was hazy, dry and about 90 degrees Fahrenheit. Twelve photos were taken of the site.

The site is located in Vermilion County, southeast of the intersection of 1<sup>st</sup> Avenue and 15<sup>th</sup> Street in Tilton, Illinois. The site is the location of the former Skyway Haunted House, which has not been open in recent years.

#### **INSPECTORS FINDINGS**

By way of background, I initially received a complaint about waste tires on the west part of the property along 15<sup>th</sup> Street (photo 12) in June, 2003. I investigated the complaint and sent a letter to the owner, Mildred Butler, on June 26, 2003, notifying her that the conditions on the property violated Sections 3.3, 9.1 and 10.3 of the Vermilion County Health Department's Ordinance Governing Solid Waste Disposal, and ordering her to correct the violations by August 26, 2003. Ms. Butler called me on July 7, 2003 and said that the village of Tilton now owned the property. I called Dave Phillips, the mayor of Tilton, later that afternoon, and was told that the village had an option to purchase the property from Ms. Butler, and would look into having the house on the property burned as part of a firefighter training exercise and the refuse removed for her.

I arrived to recheck the site at 2:20 p.m. on August 25, 2003. No one was present on the site when I arrived. I first noticed that the dozen waste tires which had been piled on the west part of the property were gone, as was the reddish-brown truck trailer next to them (photo 12). I then observed a smoldering waste pile behind the haunted house (photo 11).



LPC #1830905032 Tilton/Butler 8/25/03 Page 2 of 4

Along the east end of 15<sup>th</sup> Street, I observed the haunted house, a brown mobile home and two truck trailers, all of which appeared to be damaged and deteriorating (photos 1-3). I then walked behind the haunted house to the smoldering waste pile (photo 4). In the pile I observed dirt, grass, branches, metal fencing, boards, three tire rims with tire belts around them, clay tile, scrap metal, demolition debris, concrete and other refuse (photos 5-10). Many of the items in the north and central part of the pile appeared to be partially burnt, and smoke was rising from the middle of the pile.

I left the site at about 2:30 p.m.

I called the Tilton Village Hall later that afternoon, and was told that village workers had burned some brush at the site. On the following day, August 26, 2003, I spoke with Mayor Phillips, who confirmed that village workers had done the cleanup and burned some brush and fencing at the site. He defended the workers' efforts in cleaning up the property, and then questioned the validity and legality of my inspection there.

On the Inspection Report Checklist for this reinspection, I estimated that there were 100 cubic yards of waste 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 (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. Contaminants on the site were discharged into the environment in a manner that tends to cause air pollution.

Section 9 (c) of the Act: No person shall ... cause or allow the open burning of refuse. 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.

LPC #1830905032 Tilton/Butler 8/25/03 Page 3 of 4

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.

Section 21 (p)(3) of the Act: No person shall ... cause of allow the open dumping of any waste which results in ... open burning. 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.

Section 55 (a)(2) of the Act: No person shall ... cause or allow the open burning of any used or waste tire. Evidence of the open burning of waste tires was observed at the site.

LPC #1830905032 Tilton/Butler 8/25/03 Page 4 of 4

#### 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

Nate of Inspection	: AUGUST 25, 2003	_ Inspector: <u>[</u>	OUGLAS TOO	LE
Site Code: 18 3	0905032	County: VER	MILION	
Site Name: TILTON	/BUTLER		Time:	2:20P.n2:30P.M
IST AVENUE				4 <sub>N</sub>
	15TH STREE	<b>T</b>		
			(1,3)	
		HAUNTEO House	HOBILE HOME	TRAILER
			7	TRAILER
			<b>(4)</b>	
			<b> </b>	
		(8)→		<b>&gt;</b>
			<u></u>	6



DATE: 8 /25 /03 SITE =: 1 8 3 0 9 0 5 0 3 2 CO : VERMILION SITE NAME: TILTON / BUTLER TIME: 2:21P.M. PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE COMMENTS: Pictures taken toward: SW OVERVIEW OF SITE FROM 15TH STREET; IST OF 2 PANORAMIC SHOTS PHOTO #: / ROLL =:

DATE: 8 /25 /03

TIME: 2:21 P.M.

PHOTOGRAPH TAKEN

BY: DOUGLAS TOOLE

COMMENTS: Picturés taken

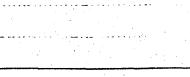
toward: SE

OVERVIEW OF SITE

FROM 15TH STREET;

ROLL ±: PHOTO =: 2

200 of 2 PANORAMIC SHOTS







DATE: 8 /25 /03

SITE #: 1 8 3 0 9 0 5 0 3 2 CO.: VERMILLON

TIME: 2:02 P.M. - SITE HAME: TILTON / BUTLER

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures taken
toward: SW

MOBILE HOME FROM PHOTOS 1+2

ROLL =: PHOTO =: 3

DATE: 8 /25 / 03

TIME: 2:22 P.M.

PHOTOGRAPH TAKEN BY: **DOUGLAS TOOLE** 

COMMENTS: Pictures taken

toward: S

VIEW OF PILE FROM NORTH

ROLL =: PHOTO =: 4





SHE =: 1830905032 CO.: VERMILION DATE: 8 /25 /03 SITE NAME: TILTON BUTLER TIME: 2:23 P.M. PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE COMMENTS: Pictures taken loward: SW VIEW OF PILE FROM NORTH PHOTO =: 5 ROLL =:

DATE: 8 /25 /03

TIME: 2:24 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken

loward: NW

VIEW OF PILE FROM SOUTH

ROLL =: .

° РНОТО ±: 6





DATE: 8 /25 /03 SITE #: 1 8 3 0 9 0 5 0 3 2 CO.; VERMILION

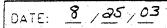
TIME: 2:24P.M. - SITE NAME: TILTON / BUTLER

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures token
toward: N

VIEW of PILE FROM SOUTH

ROLL #: PHOTO #: 7



TIME: 2:24 P.M.

PHOTOGRAPH TAKEN

BY: DOUGLAS TOOLE

COMMENTS: Pictures taken

toward: **E** 

VIEW OF PILE FROM WEST



ROLL =: PHOTO =: 8





DATE: 8 /25/03	SITE =: 1830905032 CO.: VERMILLON
TIME: 2:26 P.M	SITE NAME: TILTON / BUTLER
PHOTOGRAPH TAKEN BY: <b>Douglas Toole</b>	
COMMENTS: Pictures taken taward: <b>S</b>	
CLOSER SHOT OF AREA	
FROM PHOTO #5	
ROLL =: PHOTO =: 9	

DATE: 8 /25 /03

TIME: 2:26 P.M.

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken

toward: SW

CLOSER SHOT OF AREA

FROM PHOTO #5

ROLL =: PHOTO =: 10





DATE: 8 /25/03

SITE = 1830905032 CO.: VERMILLON

TIME: 2:28 P.M. - SITE NAME: TILTON / BUTLER

PHOTOGRAPH TAKEN
BY: DOUGLAS TOOLE

COMMENTS: Pictures taken
toward: SE

VIEW OF SITE

FROM | STH STREET

DATE: 8 /25/03

PHOTO =: //

TIME: 2:28 P.M.

ROLL =:

PHOTOGRAPH TAKEN BY: DOUGLAS TOOLE

COMMENTS: Pictures taken

toward: SW

WEST PART of PROPERTY





### CITY & VILLAGE MAPS OF VERMILION COUNTY

