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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF VERMILION, ILLINOIS,)
)
Complainant,)
)
v.)
)
JERRY HATHAWAY,)
DARRELL CRIPE)
Respondents.)

AC No. 04-56
County File No. 04-01

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 Jerry Hathaway is, and was at all times relevant to this Administrative Citation, the owner of property located at 1617 Perrysville Road, Danville, County of Vermilion, State of Illinois.
2. Respondent Darrell Cripe is, and was at all times relevant to this Administrative Citation, the occupant of property located at 1617 Perrysville Road, Danville, County of Vermilion, State of Illinois.
3. Said property is operated as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1838045022.
4. On January 13, 2004, Lee Ann Chezem of the Vermilion County Health Department inspected the above-described property. Lee Ann Chezem's Affidavit and a copy of her inspection report are attached hereto and made a part hereof by reference.

VIOLATION

On the basis of the direct observation of Lee Ann Chezem, the County of Vermilion has determined that on January 13, 2004, Respondents were responsible for 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 the deposition of general and clean construction or demolition debris was observed at the site, in violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7), which provides no

STATE OF ILLINOIS
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
TEL: (312) 244-3100
FAX: (312) 244-3101
WWW.DNR.STATE.GOV

person shall...cause or allow the open dumping of any waste in a manner which results in ...litter.

CIVIL PENALTY

Pursuant to section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondents herein are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1500.00) for the above-mentioned violation. Additionally, should Respondents 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, Respondents 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 April 13, 2004. 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.

Frank R. Young

Dated: 3/5/04

Frank R. Young
State's Attorney for Vermilion County

By: *J. Riggs*
Jennifer Riggs
Assistant State's Attorney

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)
)
JERRY HATHAWAY) AC No. _____
) County File No. 04-01
DARRELL CRIPE,)
Respondents.)

Facility/Property: 1617 Perrysville Road, Danville, Illinois

County: Vermilion

Date of Inspection: January 13, 2004

Site Code No.: 1838045022

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.

MAR 17 2004

STATE OF ILLINOIS
Pollution Control Board
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF)
JERRY HATHAWAY)
DARRELL CRIPE,)

Respondents.)

AC No. 0456
County File No. 04-01

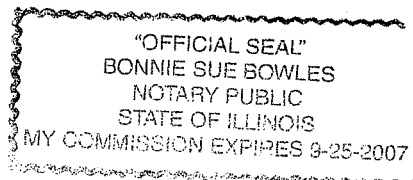
The Affiant, Lee Ann Chezem, being first duly sworn, voluntarily deposes and states as follows:

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 January 13, 2004, between 10:00 a.m. and 10:10 a.m., Affiant conducted an inspection of property located at 1617 Perrysville Road, Danville, within the County of Vermilion, State of Illinois, owned by Jerry Hathaway, occupied by Darrell Cripe.
3. Affiant inspected the property by an on-site inspection.
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 at 1617 Perrysville Road, Danville, Illinois, on January 13, 2004.

Lee Ann Chezem
Lee Ann Chezem

SIGNED and SWORN to before me this 8 day of March, 2004, by Lee Ann Chezem.

Bonnie Sue Bowles
NOTARY PUBLIC



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Vermilion LPC#: 1838045022 Region: 4 - Champaign
 Location/Site Name: Danville/Hathaway
 Date: 01/13/2004 Time: From 10:00am To 10:10am Previous Inspection Date: 03/14/2003
 Inspector(s): Lee Ann Chezem Weather: Sunny, windy, 40 degrees
 No. of Photos Taken: # 5 Est. Amt. of Waste: 90 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

Jerry Hathaway - *owner*
 517 South Street
 Oakwood, Illinois 61858

Darrell Cripe - *tenant*
 1617 Perrysville Road
 Danville, Illinois 61832

	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 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)	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"/>


Signature of Inspector(s)

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

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#1838045022
Danville/Hathaway
FOS
01/13/04

OPEN DUMP INSPECTON NARRATIVE

This unpermitted dumpsite was inspected on January 13, 2004, by Lee Ann Chezem of the Vermilion County Health Department. The weather was sunny, windy and approximately 40 degrees.

Five photos were taken of the site from a location directly to the south of the property and to the west of the property. Access to the property could not be made, due to Mr. Hathaway not responding to any letters requesting to meet him at the property.

This site is located in Vermilion County. The address is 1617 Perrysville Road in Danville, Illinois. Darrell Cripe resides at this location along with three tenants who occupy mobile homes on the property. County records indicate the property is owned by Jerry Hathaway who resides at 517 South Street in Oakwood, Illinois 61858.

INSPECTORS FINDINGS

Complaints of open dumping on this property site have been investigated since July 2001. The site has never been brought into compliance since the first complaint occurred.

This property was inspected on March 14, 2003 with Darrell Cripe who asked the inspectors to leave the property. The inspectors returned to the property with Jerry Hathaway on March 27, 2003 to inspect the entire location. During this inspection, numerous items of solid waste were observed on the north portion of the property, the large white building on the property was full of derelict vehicles, appliances and other solid waste items. Boats, campers, concrete blocks, tires, and a mobile home frame were observed on the property.



Mr. Hathaway agreed to remove the solid waste within 30 days and the balance of trailers were to be removed soon after the 30 day time frame. Mr. Hathaway did make minor improvements with 30 days to the large dump site of solid waste at the north end of the property, however after May 12, 2003, no attempts have been made to completely remove the solid waste. In addition, no trailers have been removed, but Mr. Cripe has added a modular home, vacant mobile homes, camper trailers and food vending units.

A letter was forwarded to Mr. Hathaway on May 22, 2003 asking that he contact me to advise what his plans were to complete the cleanup. No response was received from Mr. Hathaway. Telephone contact was attempted at Mr. Hathaway's residence, however no contact could be made.

A second letter was forwarded to Mr. Hathaway on December 3, 2003, requesting that all of the solid waste on the property be removed by January 10, 2004. In addition, Mr. Hathaway was requested to contact the Vermilion County Health Department to discuss his property and to meet at the site. No response was received and as of the date of this no contact has been made with Mr. Hathaway.

Vermilion County's Emergency Services Disaster Agency Director, Ed Miller, filed a complaint in early June 2003 with the Vermilion County State's Attorney's Office against Mr. Cripe. The complaint alleged that Mr. Cripe had violated the County Ordinance regarding the Flood Plane Act. This property is located in a flood plane area and several changes have been made to the property that were not permitted. Mr. Cripe first appeared in court on August 8, 2003. The case has been continued for various reasons and as of the date of this report, the case was continued until February 2004.

On January 13, 2004, 5 photos of the site were taken from the road located directly in front of the property. Observed on the property was (photos 1-5) solid waste, garbage, trash containers with solid waste, several unoccupied trailers, 4 occupied trailers, a camper trailer, a modular home that has not been permanently set and food vending units parked on the east side of the property.

Previous complaints had been received concerning the possibility of illegal dumping occurring in Stoney Creek, which runs beside and behind the property. During the inspection of March 2003, there was no dumping observed in the creek. Since this inspection, no dumping has been observed in the area.

No measurements were taken at the site. The estimated amount of solid waste is approximately 90-100 cubic yards. The actual amount is expected to be considerably more than this amount.

This reporter left the area around the property at approximately 10:10am.



PUBLIC HEALTH IS PRICELESS

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#1838045022
Danville/Hathaway
01/13/04

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 this 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 shall permit to conduct a waste storage, waste-treatment, or waste-disposal operation for the site was issued.

Section (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 this 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.



LPC#1838045022
Danville/Hathaway
01/13/04

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 and 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.



INSPECTION PHOTOS

DATE: 1/13/04
 TIME: 10:00
 PHOTOGRAPH TAKEN BY: Lee Ann Chezem
 COMMENTS: Pictures taken toward: North

ROLL #: PHOTO#: 1

SITE #: 18304 333 CO: Vermilion
 SITE NAME: Danville / Highway



1/13/2004

DATE: 1/13/04
 TIME: 10:01
 PHOTOGRAPH TAKEN BY: Lee Ann Chezem
 COMMENTS: Pictures taken toward: Northwest


ROLL #: PHOTO#: 2



1/13/2004



INSPECTION PHOTOS

DATE: 1/13/04	SITE #: 12345678	CO: Vermilion
TIME: 10:03	SITE NAME: [unclear]	
PHOTOGRAPH TAKEN BY: [unclear]		
COMMENTS: Pictures taken toward:		
ROLL #: PHOTO#: 5		

DATE:
TIME:
PHOTOGRAPH TAKEN BY:
COMMENTS: Pictures taken toward:
ROLL #: PHOTO#:

NO
PHOTO

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MAR 17 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

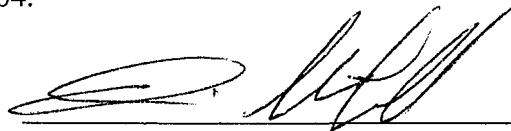
IN THE MATTER OF)
)
JERRY HATHAWAY) AC No. 0456
DARRELL CRIPE) County File No. 04-01
Respondent.)

AFFIDAVIT OF SERVICE ON CORPORATION

State of Illinois)
) ss
County of Vermilion)

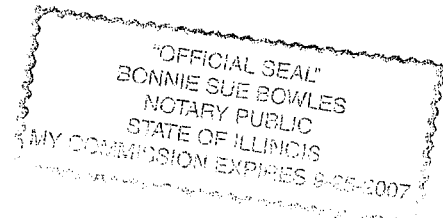
I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Jerry Hathaway, by leaving a copy of the same with (name):

Jerry Hathaway, at (address): 517 S. Oakwood at (time):
14:40, on (date): 3/8, 2004.
Oakwood, IL.


Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 15 day of March, 2004.


NOTARY PUBLIC



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STATE OF ILLINOIS
Pollution Control Board


BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF)
)
JERRY HATHAWAY) AC No. 04-56
) County File No. 04-01
DARRELL CRIPE)
)
Respondent.)

AFFIDAVIT OF SERVICE ON CORPORATION

State of Illinois)
) ss
County of Vermilion)

I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Darrell Cripe, by leaving a copy of the same with (name): Darrell Cripe, at (address): 1617 Pennsulte Rd. Danville at (time): 16:00, on (date): 3/8, 2004. IL.


Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 15 day of March, 2004.


NOTARY PUBLIC

THIS FILING IS SUBMITTED ON RECYCLED PAPER

"OFFICIAL SEAL"
BONNIE SUE BOWLES
NOTARY PUBLIC
STATE OF ILLINOIS
MY COMMISSION EXPIRES 9-25-2007