

RECEIVED

CLERK'S OFFICE

DEC 22 2003

STATE OF ILLINOIS
Pollution Control Board

Ac04-31

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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DEC 22 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY,
INTERNATIONAL, INC.

Respondent.

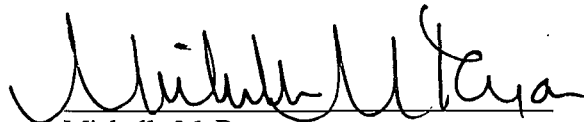
AC 04-31
(IEPA No. 747-03-AC)

NOTICE OF FILING

To: Equipping the Saints Ministry, International, Inc.
Billie Landers, Registered Agent
5000 Dickey John Road
Auburn, Illinois 62615

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: December 18, 2003

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 22 2003

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EQUIPPING THE SAINTS MINISTRY,
INTERNATIONAL, INC.,

Respondent.

AC

04-31

(IEPA No. 747-03-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That Equipping the Saints Ministry International, Inc. ("Respondent") is the present owner of a facility located at 402 W. Loud Street, Virden, Macoupin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Virden/Equipping the Saints Ministry, International, Inc.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1174105036.

3. That Respondent has owned said property at all times pertinent hereto.

4. That on November 18, 2003, Steven C. Townsend of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Steven C. Townsend during the course of his November 18, 2003 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than January 30, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Renee Cipriano
Renee Cipriano, Director *by wcc*
Illinois Environmental Protection Agency

Date: 12/18/03

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
EQUIPPING THE SAINTS MINISTRY,)	
INTERNATIONAL, INC.,)	(IEPA No. 747-03-AC)
)	
Respondent.)	

FACILITY: Virden/Equipping the Saints Ministry, International, Inc.

SITE CODE NO.: 1174105036

COUNTY: Macoupin

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: November 18, 2003

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)

Illinois Environmental)
Protection Agency)

vs.)

Equipping the Saints)
Ministry, International, Inc.)

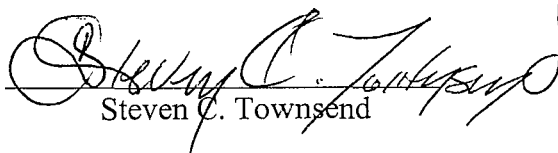
Respondent.)

IEPA DOCKET NO.

- - AC

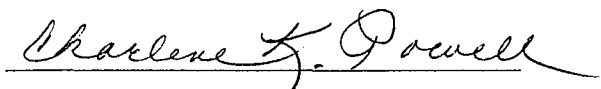
Affiant, Steven C. Townsend, being first duly sworn, voluntarily deposes and states as follows:

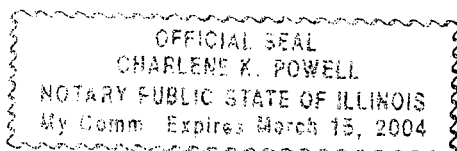
1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On November 18, 2003, between 9:40 AM and 10:10 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Macoupin County, Illinois, and known as Virden/Equipping the Saints Ministry, International, Inc. by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1174105036 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Virden/Equipping the Saints Ministry, International, Inc. open dump site by an on-site inspection which included walking and photographing the site.
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form 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 said Virden/Equipping the Saints Ministry, International, Inc. open dump.


Steven C. Townsend

Subscribed and Sworn To before me

This 11th day of December, 2003


Charlene K. Powell



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Macoupin LPC#: 1174105036 Region: 5 - Springfield
 Location/Site Name: Viriden/Equipping the Saints Ministry International, Inc.
 Date: 11/18/2003 Time: From 9:40 To 10:10 Previous Inspection Date: N/A
 Inspector(s): S. Townsend Weather: 61 °F Rainy/cloudy
 No. of Photos Taken: # 3 Est. Amt. of Waste: 30 +/- yds³ Samples Taken: Yes # No ☒
 Interviewed: Billie Landers via Telephone Complaint #: C-04-035-C

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

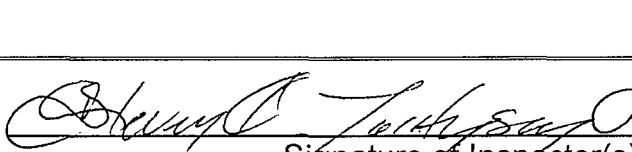
Equipping the Saints Ministry
 International, Inc.
 5000 Dickey John Rd.
 Auburn, IL 62615
 Attn.: Billie Landers
 Phone: (217) 438-3202

	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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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 AND REGULATIONS	<input type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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 # 1174105036

Inspection Date: 11-18-03

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<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 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

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

IEPA - BOL/FOS MEMORANDUM

DATE: December 4, 2003

TO: DLPC/Division File

FROM: 
S. Townsend, DLPC/FOS

SUBJECT: LPC # 1174105036 - Macoupin County
Viriden/Equipping the Saints Ministry, International, Inc.
C-04-035-C
FOS FILE

On October 31, 2003, this Agency received a complaint about the above referenced facility. The complaint alleged that Ray Landers had purchased a nursing home property in Viriden and had not paid to have the waste disposed of, but had instead allowed the waste from remodeling the place to accumulate in a pile out front. The complaint also stated that the waste contained tiles that may contain asbestos. I attempted to call Mr. Landers and spoke with a woman who answered the phone. I said I was calling about a complaint received on the old nursing home property in Viriden, IL that I was told Mr. Landers had purchased. The woman responded that Mr. Landers did not have any such property. I then contacted Macoupin County and had property ownership records faxed up to me. The records indicated that the Property was owned by Equipping the Saints Ministry, International, Inc. The Registered Agent for the Ministry is Billie Landers (see attachment A). I also spoke with the City of Viriden Police Department and learned that the city also had asked Mr. Landers to correct the problem but had difficulty getting anyone to return a phone call or receive mail about the site. The waste had apparently been on the ground for four to six weeks at that time.

I also called and left a message for Billie Landers, the Ministry's Registered Agent, to call me. I did not get a call back before November 18, 2003. Billie Landers' phone number is the same number for Ray Landers in on-line phone books. A multimedia inspection was planned with BOA due to possible asbestos tiles. On November 18, 2003, this Agency conducted an inspection of the above referenced site. Steve Youngblut, BOA/FOS - Springfield Region accompanied me on the inspection.

We arrived on-site at about 9:40. Nobody was on-site when we arrived. A pile of waste located along the northeast part of the site was visible from Loud Street as we approached the site. The pile contained floor tiles, carpet, wood, insulation, cardboard, PVC type pipes, metal, cloth/fabric, drywall, a grill, and various other items (see photos 1174105036~11182003-001 through 003). The building appeared to have been in the process of a major renovation. There were windows out and open and water could be seen on the floor inside from a distance. There appeared to have been some roof work done. Mr. Youngblut collected a floor tile from the pile. He said he did not suspect that these tiles contained asbestos. Following examination of the pile we walked around the building. A second pile was found along the wall on the south part of the west side of the building.

Following the inspection I drove to the address listed with the IL Secretary of State for Billie Landers. This is also the address for Ray Landers in multiple on-line white pages. We drove to the house and parked near a red pick-up truck in the rear driveway. The truck had a "for sale" sign on it. I knocked on the door but received no answer. I left a business card in the door and wrote on it to have Billie Landers call me. When I arrived back at the office about 35 minutes later I had a single

message on my voice mail from Ray Landers stating he had attempted to call me several times and had left messages, as his children stated I had left a card. I checked with our administrative support staff, which said I had received only one call, which was sent to my voice mail. I called the Landers' phone number and asked for Ray or Billie Landers. I was told that Ray was not there. I spoke with Billie Landers. This was the same person I spoke with when I had inquired about the site previously. Ms. Landers told me she was not aware of the dump on the Virden property and she forgot they had the property until my card was left. I reminded her of my previous call when I was told Ray did not own the place. I said that the Agency expected them to clean the place up when she asked what needed to be done. I also said that they would need to save receipts to show the waste went to an approved disposal site and to take some photos to show the work.

Mr. Youngblut consulted with Mr. Alan Grimmet, BOA/FOS, regarding the tile collected during the inspection. He informed me that since the tile is 12 inches by 12 inches in size it is very likely vinyl, and not asbestos containing. He also said that even if the tile contained asbestos it would not be regulated, as it was not ground into a powder. The tiles in the trash pile on-site were intact and there was little or no mastic on the tile. Mr. Youngblut believes that no NESHAP violations were occurring.

Apparent violations are noted in the attached checklist.

cc: DLPC/FOS-Springfield Region
DAPC/FOS-Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: November 18, 2003
Site Code: 1174105036

Inspector: S. Townsend
County: Macoupin

Site Name: Equipping the Saints Ministry International, Inc. Time: 9:40 to 10:10
Photo File 1174105036~11182003

Measurements Approximate
Direction of Photo 

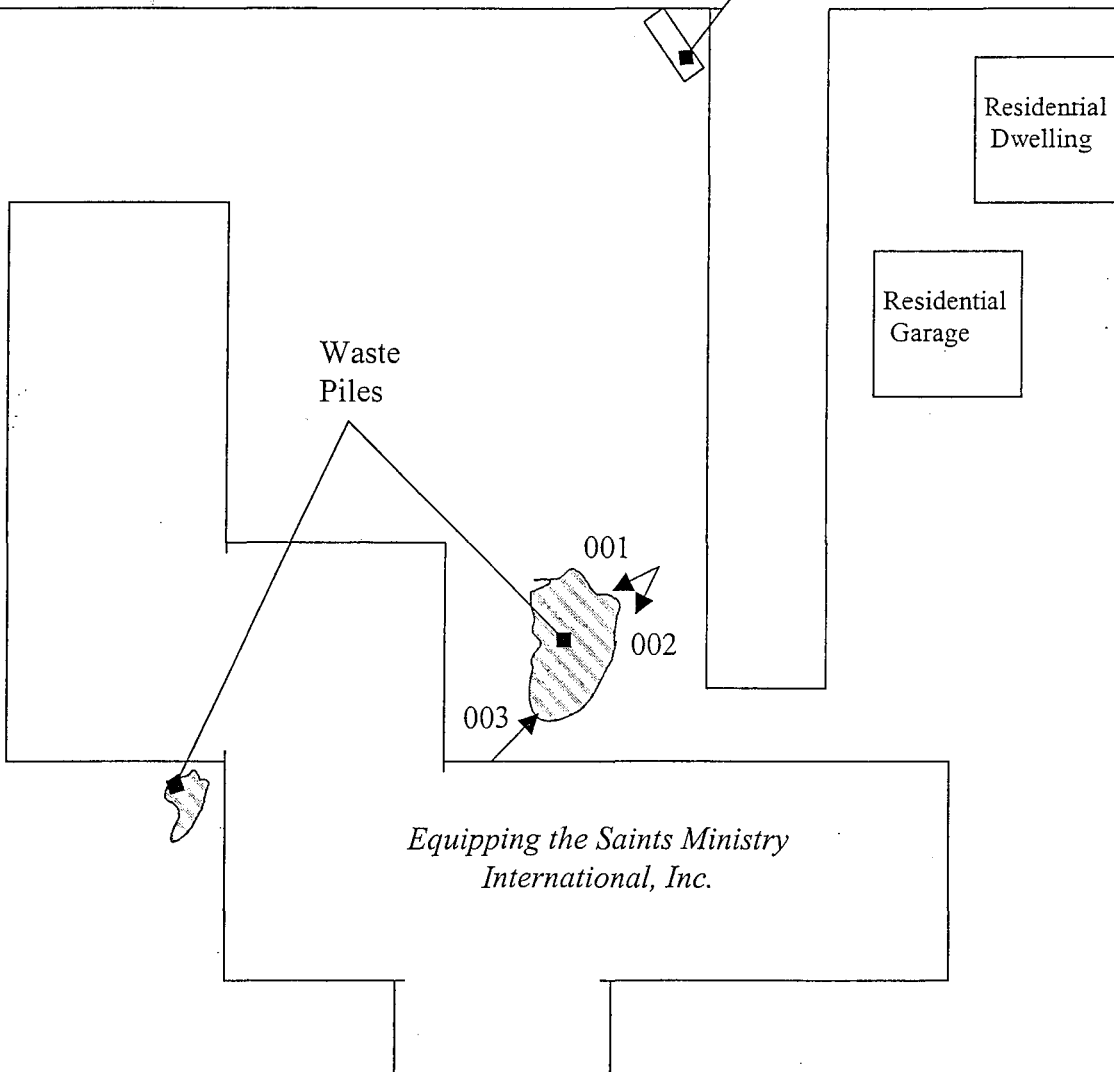
NORTH



Not To Scale

Sign that reads "Virden Nursing & Rehabilitation Center"

W. Loud





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1174105036 - Macoupin County
Virden/Equipping The Saints Ministry International, Inc.
FOS File

Date: November 18, 2003

Time: 9:45

Direction: SW

Photo by: S. Townsend

Photo File Name:

1174105036~11182003-001

Comments:

Waste pile with tiles and other waste. Old nursing home in the background.



Date: November 18, 2003

Time: 9:45

Direction: S-SW

Photo by: S. Townsend

Photo File Name:

1174105036~11182003-002

Comments:

Waste pile with tiles and other waste. Old nursing home in the background.





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1174105036 - Macoupin County
Virden/Equipping The Saints Ministry International, Inc.
FOS File

Date: November 18, 2003

Time: 9:49

Direction: NE

Photo by: S. Townsend

Photo File Name:

1174105036~11182003-003

Comments:

Waste pile with residential
dwelling in the background.



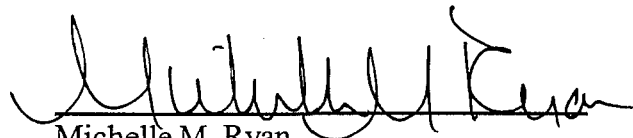
PROOF OF SERVICE

I hereby certify that I did on the 18th day of December, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Equipping the Saints Ministry, International, Inc.
Billie Landers, Registered Agent
5000 Dickey John Road
Auburn, Illinois 62615

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544