

RECEIVED
CLERK'S OFFICE

JAN 23 2004

STATE OF ILLINOIS
Pollution Control Board

AC04-35

January 20, 2004

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

Re: Administrative Citation
County of Montgomery v. Lance Vernish and Christine Vernish
Montgomery County No. 2003-03-AC; 1350305046 — Montgomery County
Inspection Date: December 29, 2003

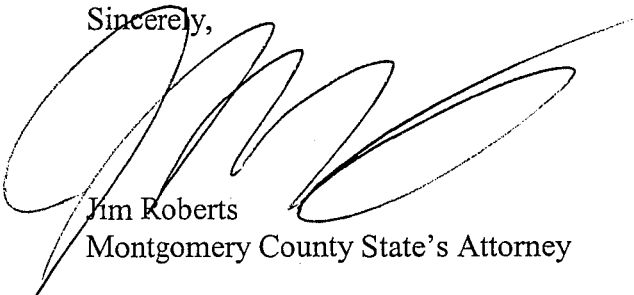
Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Montgomery County Coordinated Services' Open Dump Inspection Checklist and report, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,



Jim Roberts
Montgomery County State's Attorney

Enclosures

cc: Montgomery County Coordinated Services, Bill Gonet
DLPC/FOS Springfield Region
Division of Land Pollution Control File

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS
Pollution Control Board

Respondents.

Administrative Citation
(Montgomery County No. 2003-03-AC)

NOTICE OF FILING

To: Lance and Christine Vernish
13376 Illinois Route 16
Irving, IL 62051

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 and REPORT.

~~Respectfully submitted,~~

Jim Roberts
Montgomery County State's Attorney

Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

Dated: January 20, 2004

RECEIVED
CLERK'S OFFICE

JAN 23 2004

PROOF OF SERVICE

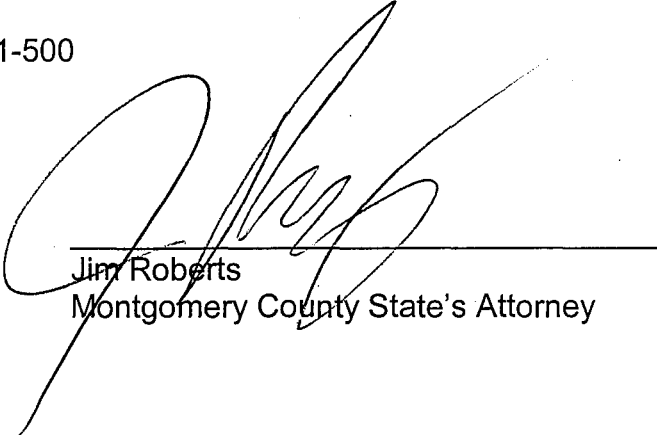
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 20th day of January, 2003, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST and REPORT

To: Lance and Christine Vernish
13376 Illinois Route 16
Irving, IL 62051

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail 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



Jim Roberts
Montgomery County State's Attorney

Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

RECEIVED
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 23 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

County of Montgomery,

Complainant,

v.

Lance and Christine Vernish,

Respondents.

AC 04-35

Administrative Citation

(Montgomery County No. 2003-03-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 ("Act"), 415 ILCS 5/31.1 (2000), and delegated to the County of Montgomery pursuant to Section 4(r) of the Act, 415 ILCS 5/4(r) (2000),

FACTS

1. That Lance and Christine Vernish ("Respondents") are the present owners and/or operators of a facility located at Lots 27 and 28 in Canady's Addition to Hillsboro. The property is commonly known to Montgomery County as Hillsboro/Vernish, Lance.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1350305046.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on December 29, 2003 Bill Gonet of the Montgomery County Coordinated Services' 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.

THIS FILING SUBMITTED ON RECYCLED PAPER

VIOLATIONS

Based upon direct observations made by Bill Gonet during the course of his December 29, 2003 inspection of the above-named facility, Montgomery County has determined that Respondents have violated the Act as follows:

- (1) That Respondents 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) (2000).
- (2) That Respondents 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) (2000).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2000), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than February 24, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2000), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by Montgomery County 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) (2000), if Respondents fail 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 **Montgomery County Coordinated Services office and mailed to the attention of Christine Daniels, County Coordinator, at P.O. Box 122, Hillsboro, Illinois 62049.** Along with payment, Respondents 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 Respondents from the date payment is due up to and including the date that payment is received. The State's Attorney of Montgomery County may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2000). If Respondents elect to contest this Administrative Citation, then Respondents 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 State's Attorney of Montgomery County at the Montgomery County Courthouse, 120 North Main, Room 212, Hillsboro, Illinois 62049. 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 Respondents.

Christine Daniels

Christine Daniels
County Coordinator
Montgomery County Coordinated Services office

Date: 1-20-04

BY: _____

Jim Roberts
Montgomery County State's Attorney

Prepared by: Jim Roberts
Montgomery County State's Attorney
120 North Main, Room 212
Hillsboro, Illinois 62049
(217) 532-9551

REMITTANCE FORM

County of Montgomery,	)	
	)	
Complainant,	)	AC
	)	Administrative Citation
v.	)	(Montgomery County No. 2003-03-AC)
	)	
Lance and Christine Vernish,	)	
	)	
Respondents.	)	

FACILITY:	Hillsboro/Vernish, Lance	SITE CODE NO.:	1350305046
COUNTY:	Montgomery	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	December 29, 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 Christine Daniels, County Coordinator, Montgomery County Coordinated Services office, P.O. Box 122, Hillsboro, Illinois 62049.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

County of Montgomery,	)	
	)	
Complainant,	)	AC
	)	Administrative Citation
v.	)	(Montgomery County No. 2003-03-AC)
	)	
Lance and Christine Vernish,	)	
	)	
Respondents.	)	

AFFIDAVIT

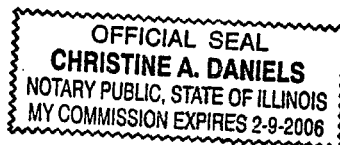
Affiant, Bill Gonet, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Montgomery County Coordinated Services' office and has been so employed at all times pertinent hereto.
2. On December 29, 2003 between 1:25 p.m. and 1:40 p.m., Affiant conducted an inspection of the site in Montgomery County, Illinois, known as Hillsboro/Vernish, Lance, Site Code No. 1350305046.
3. Affiant inspected said Hillsboro/Vernish, Lance site by an on-site inspection which included 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 the Hillsboro/Vernish, Lance site.

Bill Gonet

Subscribed and Sworn to before me
this 9th day of January,
2004.

Christine A. Daniels
Notary Public



MONTGOMERY COUNTY COORDINATED SERVICES

Open Dump Inspection Checklist

County: Montgomery LPC#: 1350305046 Region: 5 - Springfield

Location/Site Name: Hillsboro/Vernish, Lance

Date: 12/29/2003 Time: From 1:25 pm To 1:40 pm Previous Inspection Date: _____

Inspector(s): Bill Gonet Weather: 42 degrees F, clear, wet

No. of Photos Taken: # 6 Est. Amt. of Waste: 15 yds³ Samples Taken: Yes # _____ No ☒

Interviewed: _____ Complaint #: _____

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

Lance Vernish
13376 Illinois Route 16
Irving, IL 62051

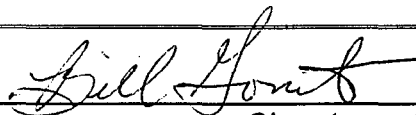
Christine Vernish
13376 Illinois Route 16
Irving, IL 62051
217-533-4505

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	☐
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	☐
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	☒
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	☐
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	☐
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	☐
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	☒
	(2)	Scavenging	☐
	(3)	Open Burning	☐
	(4)	Deposition of Waste in Standing or Flowing Waters	☐
	(5)	Proliferation of Disease Vectors	☐
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	☐

LPC #

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	☒
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	☒
	(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	☐
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.		APPARENT VIOLATION OF: ☐ PCB; ☐ CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	☐
15.	OTHER:		☐
			☐
			☐
			☐
			☐
			☐



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 MCCS or as limiting the MCCS'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.

Montgomery County Coordinated Services
Solid Waste Department
P.O. Box 122
Hillsboro, IL 62049

DATE: December 30, 2003

TO: Montgomery County Coordinated Services File

FROM: Bill Gonet, Montgomery County Solid Waste Inspector

SUBJECT: LPC # 1350305046 - Montgomery County
Hillsboro/Vernish, Lance
FOS File

An open dump inspection was conducted in Hillsboro, Illinois on December 29, 2003 due to tires and debris that was noticed while traveling on Larkin Street on December 23, 2003.

The site is located at 1031 East Seward Street in the City of Hillsboro, Illinois. The property is owned by Ms. Christine Vernish per attached Quit Claim Deed. The mailing address for Ms. Vernish is 13376 Illinois Route 16, Irving, IL 62051. The operator and apparent generator of the waste at the site is Mr. Lance Vernish, son of Ms. Christine Vernish.

Background:

Previous inspections of the site were conducted on March 18, 2002, May 28, 2002, July 10, 2002, and August 13, 2002. An Administrative Citation Warning Notice (ACWN) was sent to both Mr. Lance Vernish and Ms. Christine Vernish on March 21, 2002. During these previous inspections the property was in the name of Ms. Christine Vernish. The operator of the site and generator of the waste was Mr. Lance Vernish. Compliance to the ACWN was achieved but only after several visits to the site was made.

Mr. Lance Vernish has also generated waste at another Vernish property located in Irving, Illinois which is known as the Irving Twp./Vernish, Christine site LPC # 1368085005 and is owned by Ms. Christine Vernish. Open dump inspections were conducted at this site on August 10, 2001, October 18, 2001, December 28, 2001, February 7, 2002, and most recently on September 3, 2003, October 8, 2003, and October 30, 2003. ACWN's concerning this site were sent to Ms. Christine Vernish on August 13, 2001 and Christine and Lance Vernish on September 5, 2003. Compliance to both ACWN's was achieved but only after several visits to the site was made.

Site Inspection:

I arrived at the site at 1:25 p.m. The temperature was about 42°F with clear skies. The wind was coming from the west and the soil condition was wet. No one was met at the site during the inspection. The property appeared to be vacant.

Observed at the south side of the house (front) along Seward Street was scattered debris consisting of construction/demolition debris, a disassembled crib, and one tire (photo 001). Located north of the house was a garage that appeared to be in poor condition (photo 002). Observed around the garage were several open dumped items that consisted of an estimated 65 used or waste tires both on and off rims, scrap metal, dimensional lumber, general construction/demolition debris, a lead acid battery, and automotive fuel tanks (see remaining photos and site sketch).

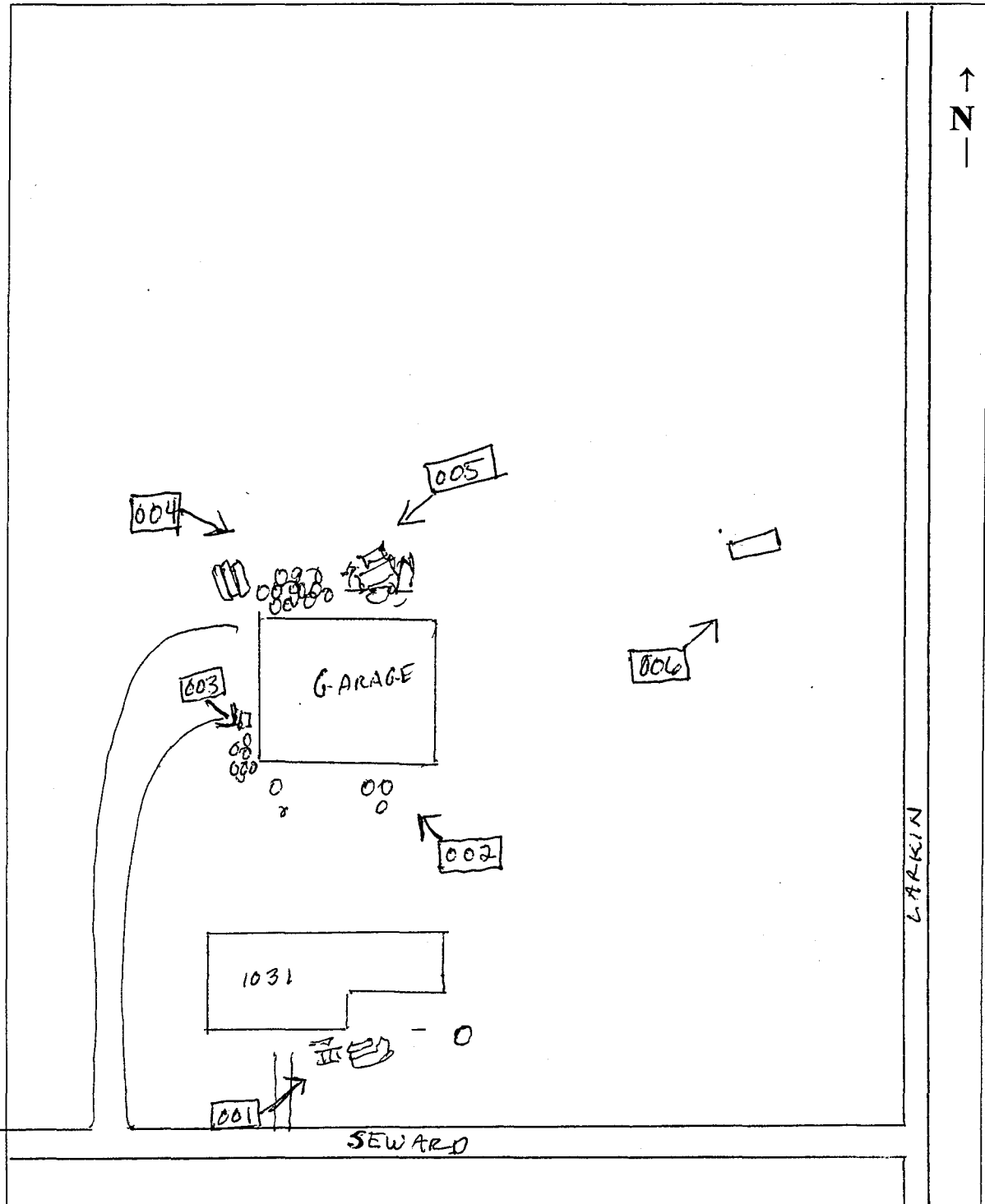
I left the site at 1:40 p.m.

See attached Open Dump Checklist for apparent violations.

cc: DLPC/Division File
DLPC/FOS-Springfield Region
Montgomery County State's Attorney, Jim Roberts

OPEN DUMP SITE SKETCH

LPC#	1350305046
Site Name	Hillsboro/Vernish, Lance
Location	1031 East Seward, Hillsboro, Illinois



LPC # 1350305046 - Montgomery County
Hillsboro/Vernish, Lance
FOS File

DIGITAL PHOTOGRAPHS

DATE: December 29, 2003
TIME: 1:30 p.m.
DIRECTION: northeast
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1350305046~12292003-001
COMMENTS: Construction/demolition
debris, crib, tire.



DATE: December 29, 2003
TIME: 1:31 p.m.
DIRECTION: northwest
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1350305046~12292003-002
COMMENTS: Tires.



LPC # 1350305046 - Montgomery County
Hillsboro/Vernish, Lance
FOS File

DIGITAL PHOTOGRAPHS

TIME: 1:32 p.m.

DIRECTION: southeast

PHOTO by: Bill Gonet

PHOTO FILE NAME:

1350305046~12292003-003

COMMENTS: Tires, scrap, battery.



DATE: December 29, 2003

TIME: 10:33 p.m.

DIRECTION: southeast

PHOTO by: Bill Gonet

PHOTO FILE NAME:

1350305046~12292003-004

COMMENTS: Tires, scrap metal, lumber



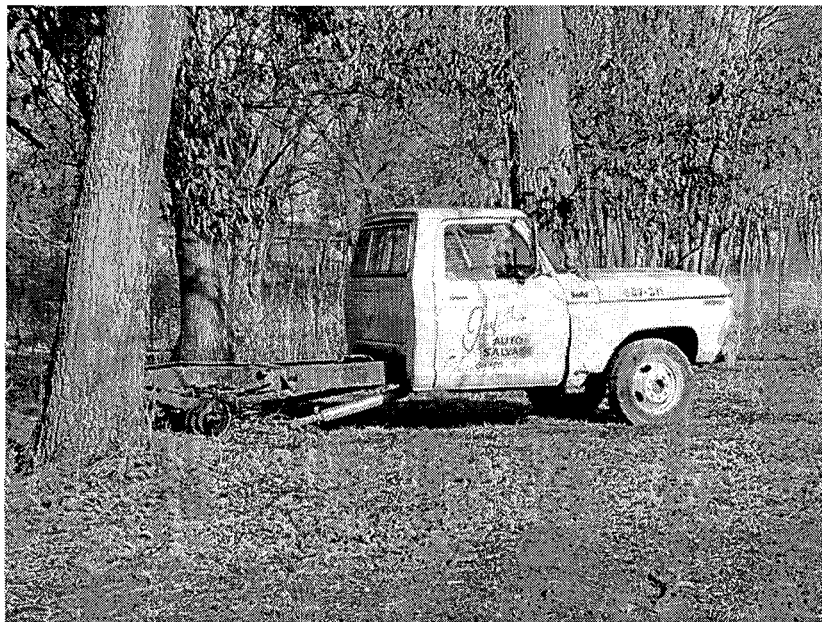
LPC # 1350305046 - Montgomery County
Hillsboro/Vernish, Lance
FOS File

DIGITAL PHOTOGRAPHS

DATE: December 29, 2003
TIME: 1:34 p.m.
DIRECTION: southwest
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1350305046~12292003-005
COMMENTS: Tires,
construction/demolition debris.



DATE: December 29, 2003
TIME: 1:35 p.m.
DIRECTION: northeast
PHOTO by: Bill Gonet
PHOTO FILE NAME:
1350305046~12292003-006
COMMENTS: Abandoned vehicle.



QUIT CLAIM DEED

BOOK 420 PAGE 70

369956

THE GRANTOR (NAME AND ADDRESS)

LANCE J. VERNISH & STEVE DOUGLAS
1031 E. SEWARD ST. I.

of the City of Hillsboro..... in the County of
Mont. and State of ILL. for and in the consideration
of the sum of DOLLARS in hand paid,
CONVEY AND QUIT CLAIM to CHRISTINE C. VERNISH
P.O. Box 138 IRVING, ILL. 62051.

STATE OF ILLINOIS
MONTGOMERY COUNTY
Filed for Record

JUN 24 1998

Hour of 9:00 AM
Recorded in Record Bk. 420 Pg. 70
Clinton Kimbro RECORDER

(NAMES AND ADDRESS OF GRANTEE(S))

of the City of IRVING..... in the County of
MONTGOMERY..... and State of Illinois,

all interest in the following described real estate:

Lots Twenty-Seven (27) and Twenty-eight (28) in
S.D. Canada's Addition to Hillsboro, excepting all coal
underlying said lots, situated in the City of Hillsboro
Montgomery County, Illinois
(The Above Space For Recorder's Use Only)

situated in the County of Montgomery, in the State of Illinois, hereby releasing and waiving all rights under and by
virtue of the Homestead Exemption Laws of the State of Illinois.

*Exempt under provisions of paragraph E
Section 4 Real Estate Transfer Tax Act.*

62498 Lance Vernish
Date Buyer, Seller or Representative

Dated this June..... day of 24..... 1998

Lance J. Vernish (Seal)
Steven Douglas (Seal)
(Seal)
(Seal)

STATE OF ILLINOIS,
County of Montgomery ss.



NOTARY
SEAL
HERE

I, the undersigned, a Notary Public, in and for said County and State aforesaid,
DO HEREBY CERTIFY, that Lance J. Vernish and Steven Douglas

personally known to me to be the same person s, whose name s..... subscribed to the fore-
going instrument, appeared before me this day in person and acknowledged that they signed,
sealed and delivered the said instrument as their free and voluntary act, for the uses and
purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notary seal this 24 day of June A. D. 19 98

Annette Fuller

Notary Public.

Time: 02:05 PM
Vers: 3.09.00

[illegible]

Time: 02:07 PM
Vers: 3.09.00

[illegible]
$$420/70$$

419/268

419/260