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JAN 2 8 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE ! ! ! AC04-41

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.**

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JAN 28 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Complainant,	)	AC 04-41
v.	)	(IEPA No. 15-04-AC)
CHERYL CLAYTON,	)	
Respondent.	)	

NOTICE OF FILING

To: Cheryl Clayton
P.O. Box 5245
Quincy, Illinois 62305

Dennis Woodworth, Attorney
435 Hampshire Street
Quincy, Illinois 62301

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: January 22, 2004

RECEIVED
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JAN 2 8 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Complainant,	)	AC 04-41
v.	)	(IEPA No. 15-04-AC)
CHERYL CLAYTON,	)	
Respondent.	)	

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 Cheryl Clayton ("Respondent") is the present owner of a property located at 766 North 550th Avenue, Quincy, Adams County, Illinois. The site is commonly known to the Illinois Environmental Protection Agency as Marblehead/Clayton.

2. That said site is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0018075006.

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

4. That on December 29, 2003, Jan Mier of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described site. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her December 29, 2003 inspection of the above-named site, 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).

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 One Thousand Five Hundred Dollars ($1,500.00). 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 March 15, 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 mc
Illinois Environmental Protection Agency

Date: 1/22/04

Prepared by:

Susan 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
v.	)	(IEPA No.15-04-AC)
CHERYL CLAYTON,	)	
Respondent.	)	

FACILITY: Marblehead/Clayton SITE CODE NO.: 0018075006

COUNTY: Adams CIVIL PENALTY: $1,500.00

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 Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:	)	
	)	
Clayton, Cheryl	)	
	)	IEPA DOCKET NO.
	)	
Respondent.	)	

Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On December 29, *2003* between 12:55 *p.m. and 1:15 p.m.*, Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Marblehead/Clayton* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#0018075006 by the Agency.

3. Affiant inspected said 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 *open dump*.

Jan Mier

Subscribed and Sworn to Before Me
this 7th day of January 2004

Charlene K. Powell
Notary Public

OFFICIAL SEAL
CHARLENE K POWELL
NOTARY PUBLIC STATE OF ILLINOIS
My Commission Expires March 13, 2004

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: ADAMS LPC#: 0018075006 Region: 5 - Springfield

Location/Site Name: MARBLEHEAD/CLAYTON

Date: 12/29/03 Time: From 12:55 PM To 1:15 PM Previous Inspection Date: 7/7/03

Inspector(s): JAN MIER Weather: 30F, OVERCAST AND WINDY

No. of Photos Taken: # 8 Est. Amt. of Waste: 80 yds^3 Samples Taken: Yes # ____ No ☒

Interviewed: NO ONE ON SITE Complaint #: C-03-101-C

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

CHERYL CLAYTON
P.O. BOX 5245
QUINCY, IL 62305

RECEIVED
JAN 09 2004
IEPA-DLPC

	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* AND	☐
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 # 0018075006

Inspection Date: 12/29/03

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

RECEIVED
JAN 09 2004
IEPA-DLPC

Illinois Environmental Protection Agency
Inspection Narrative

LPC#0018075006 - Adams County
Marblehead/Clayton
C-03-101-C
FOS File

Inspection Date – 12/29/03
Inspector – Jan Mier

On December 29, 2003, I conducted a re-inspection at the above – referenced site. The property owner, Cheryl Clayton, was sent an Administrative Citation Warning Notice (ACWN) on August 1, 2003. The ACWN gave a deadline date of September 1, 2003 for removing the waste on site and September 15, 2003 for submitting copies of receipts for disposal of waste. The response by Ms. Clayton's attorney, Dennis Woodworth, stated a portion of the property inspected did not belong to Ms. Clayton. This was researched at the Adams County courthouse, and a deed to the property east of the house foundation was found. Mr. Woodworth had stated the house had burnt down in February of 2003 and Ms. Clayton and her husband were advised by the Payson Fire Department to burn the remaining shell to the ground, if there was no wind present, which they did. The area surrounding the house foundation did belong to Cheryl Clayton. Mr. Woodworth also stated Ms. Clayton would remove the debris from the foundation and dispose of it in a local landfill. No receipts have been received from Ms. Clayton. I tried calling Mr. Woodworth two times and left messages concerning the Clayton property. These calls were not returned and I was unable to contact Ms. Clayton about re-inspecting the property.

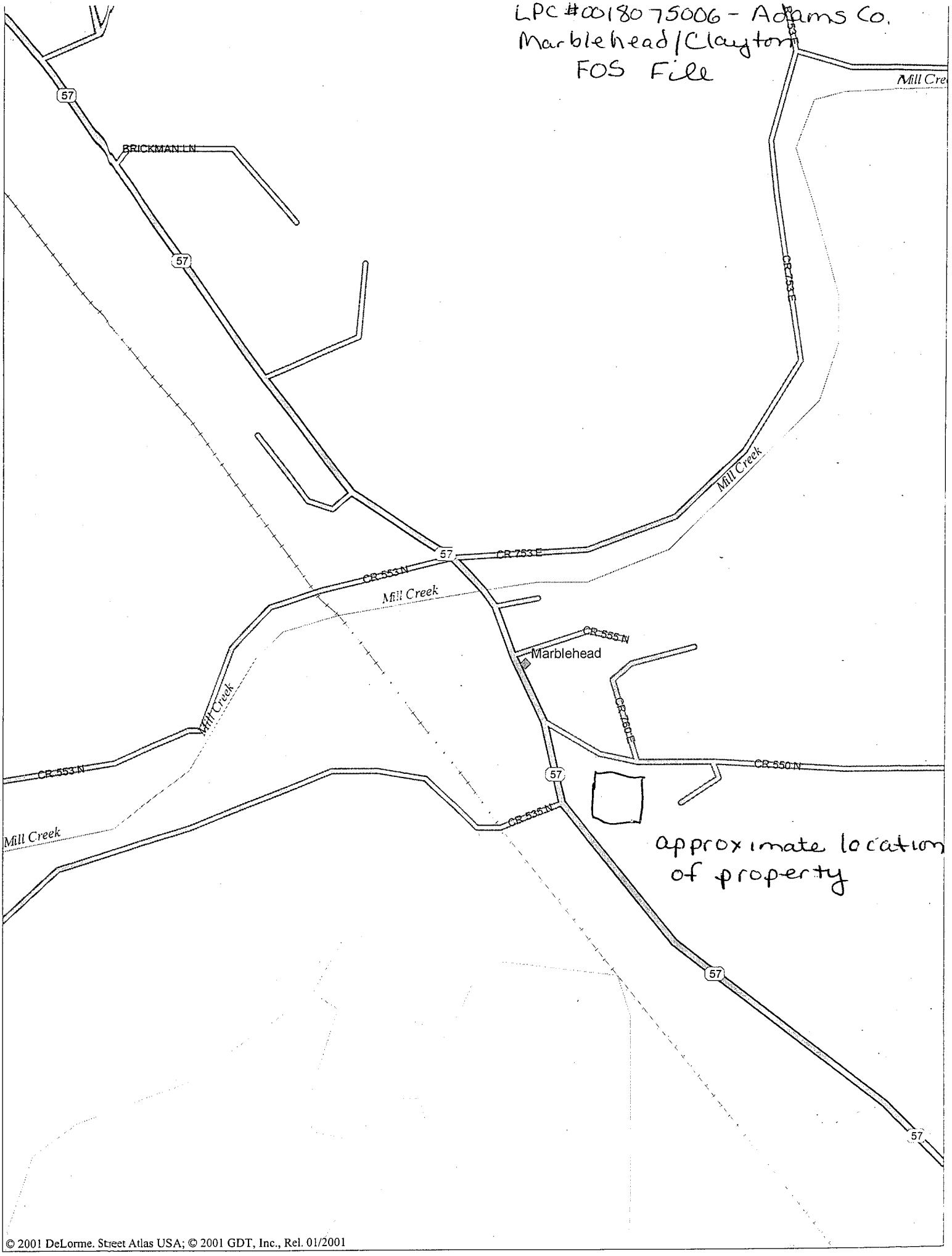
I arrived at 12:55 p.m. The weather was 30^0 F, windy and overcast. I observed a child's table and chair and wading pool within the foundation that was not observed during my previous inspection (see photo #001). Two piles of burnt waste were still on site (see photo #002). The foundation still contained the burnt remains of the house and, in addition, a fan and a child's toy refrigerator were observed (see photo #003).

I walked to the south side of the property and behind a shed on site were eight tires off the rim (see photo #004). These were observed during the previous inspection. Around the shed were also an old sewing machine cabinet, a high chair and bicycle (see photo #005). I was able to see down the ravine that is on the south and west side of the property since the frost had taken the weeds down. There I observed waste had been deposited. On the south side in the ravine were a washer, a stove, plastic, metal items and children's plastic toys (see photo #006). On the west side in the ravine I observed an appliance, a plastic garbage bin, plastic and household refuse (see photo #007).

Under the south end of the foundation a cistern or well had been covered by a board (see photo #008). I notified the Adams County Health Department about this. I departed at 1:15 p.m.

Violations observed at the time of the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region
Leonard Schnellbecker – Adams County Health Department


LPC #001807 5006 - Adams Co.
Marblehead/Clayton
FOS File
57
BRICKMAN LN
CR 753 E
Mill Creek
CR 553 N
CR 555 N
Marblehead
CR 760 E
CR 550 N
CR 536 N
approximate location of property
© 2001 DeLorme. Street Atlas USA; © 2001 GDT, Inc., Rel. 01/2001

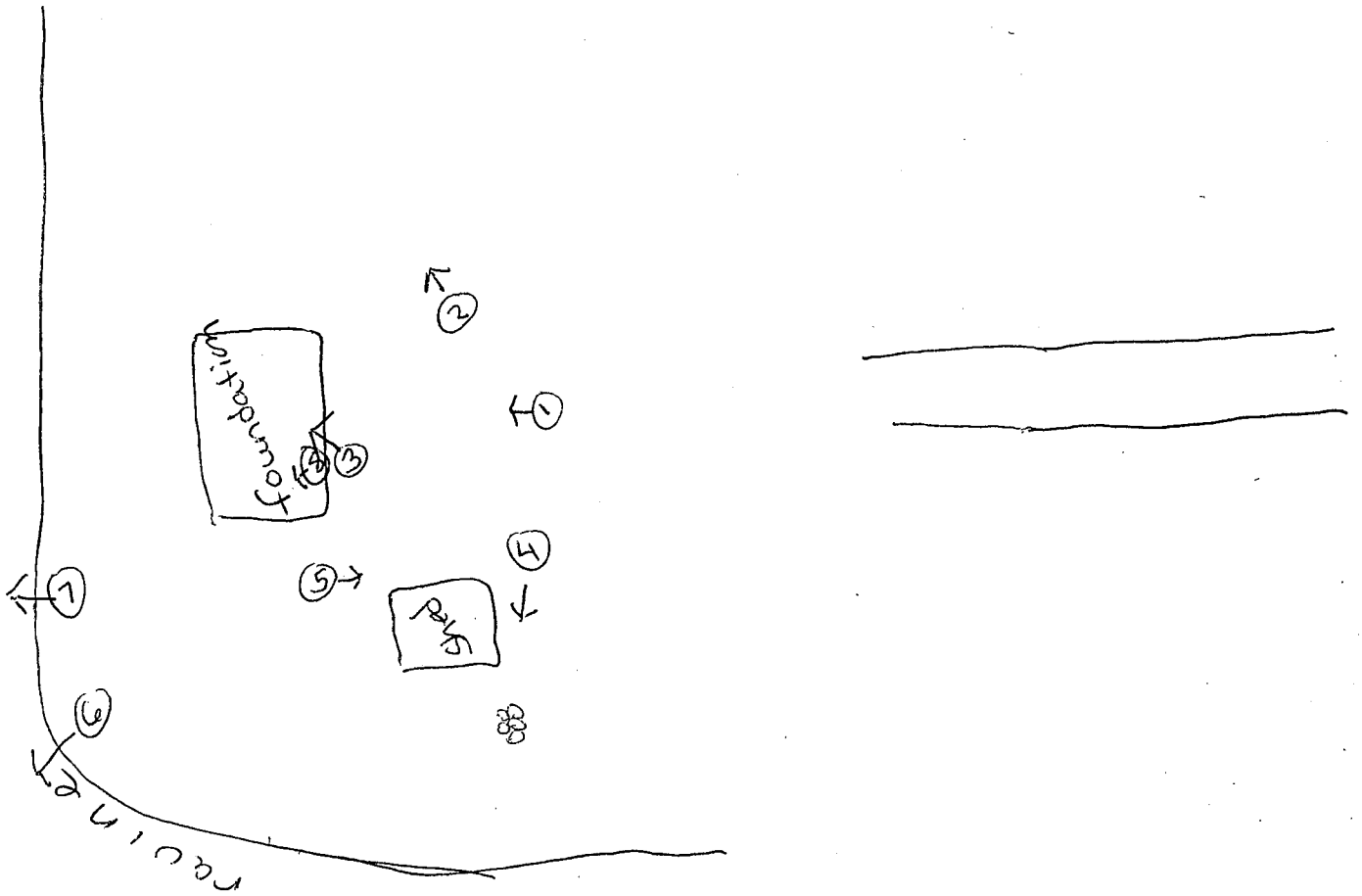
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection:	12/29/03	Inspector:	Jan Mier
Site Code:	LPC#0018075006	County:	Adams
Site:	Marblehead/Clayton	Time:	12:55 p.m. – 1:15 p.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0018075006 — County
Marblehead/Clayton
FOS File

Date: 12/29/03
Time: 12:57 p.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-001
Comments:

Foundation of burnt house with lumber, plastic piping, plastic toys

Date: 12/29/03
Time: 12:58 p.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-002
Comments:

One of the burn piles on site

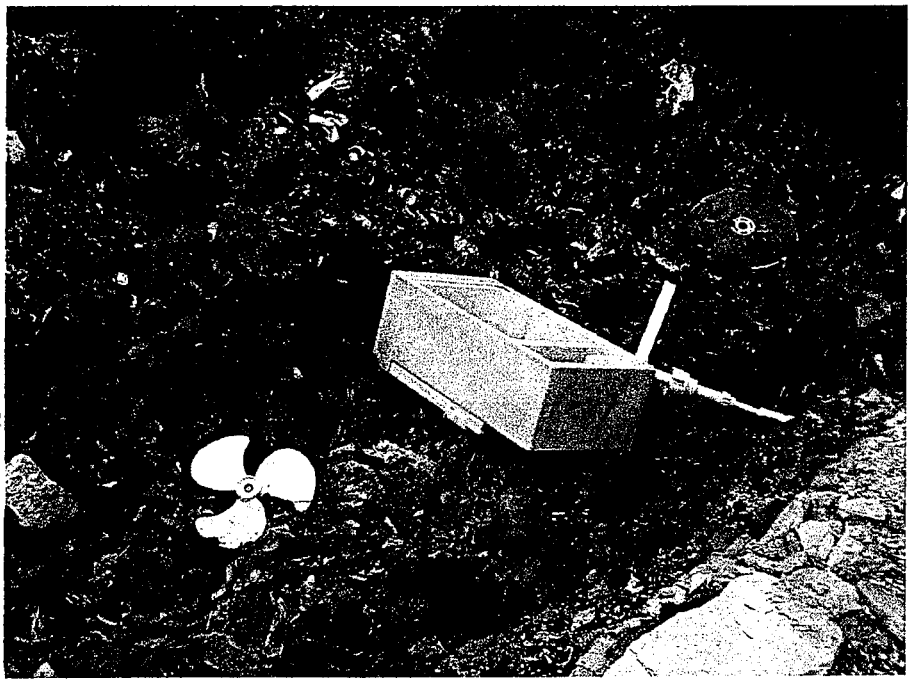
Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0018075006 — County
Marblehead/Clayton
FOS File

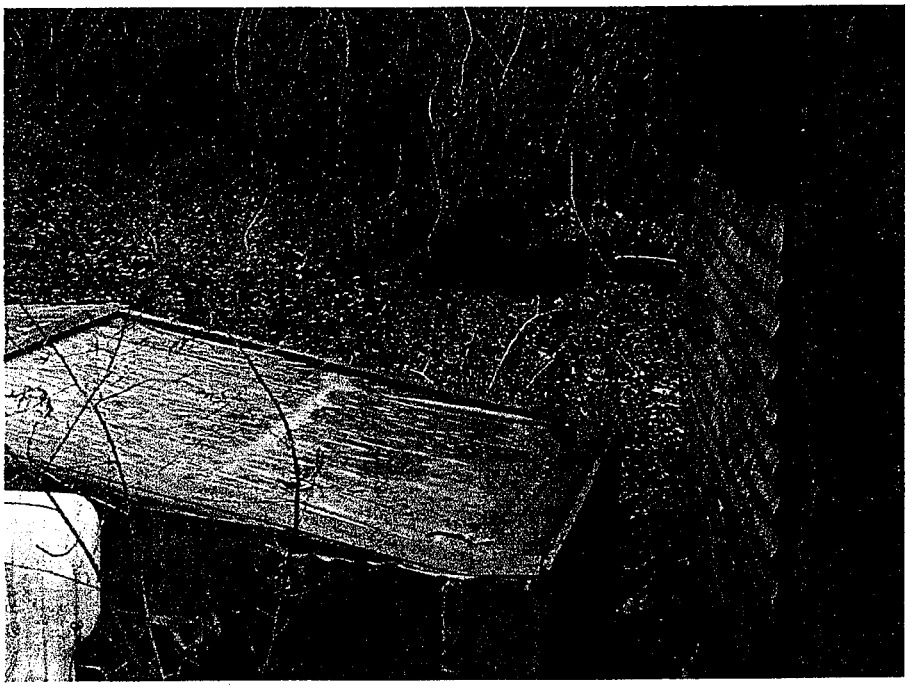
Date: 12/29/03
Time: 12:59 p.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-003
Comments:

Looking down into basement of foundation with brick concrete, fan and child's plastic furniture



Date: 12/29/03
Time: 12:59 p.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-004
Comments:

Off the rim tires on site



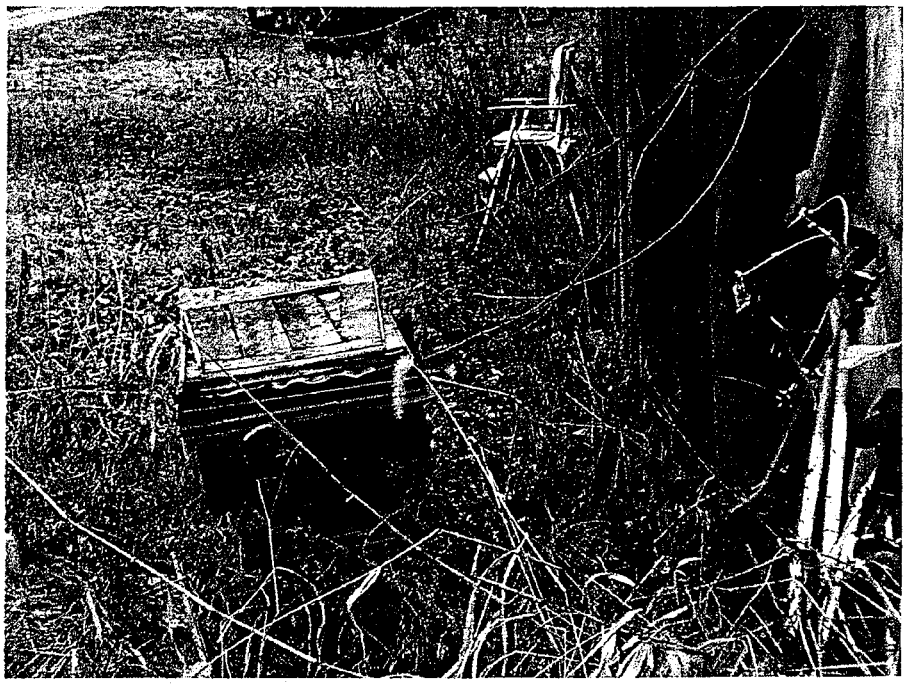
Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0018075006 — County
Marblehead/Clayton
FOS File

Date: 12/29/03
Time: 1:00 p.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-005
Comments:

Old sewing machine with bicycle and high chair



Date: 12/29/03
Time: 1:05 p.m.
Direction: SW
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-006
Comments:

Looking down ravine at appliances, toilet, scrap metal and household refuse

Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0018075006 — County
Marblehead/Clayton
FOS File

Date: 12/29/03
Time: 1:06 p.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-007
Comments:

Looking down ravine at washing machine, concrete, metal and plastic

Date: 12/29/03
Time: 1:07 p.m.
Direction: SW
Photo by: Jan Mier
Photo File Name:
0018075006~12292003-008
Comments:

Looking down at cistern or well that was covered by board

PROOF OF SERVICE

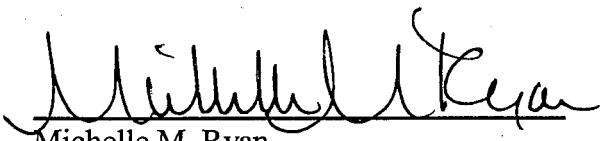
I hereby certify that I did on the 22nd day of January 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Cheryl Clayton
P.O. Box 5245
Quincy, Illinois 62305

Dennis Woodworth, Attorney
435 Hampshire Street
Quincy, Illinois 62301

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

THIS FILING SUBMITTED ON RECYCLED PAPER