RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 26 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

COUNTY OF SANGAMON,)	
Complainant,))) AC 0512	
v.) ADMINISTRATIVE CITATION	NC
) SCDPH 04-AC-1	
James Withers,)	
	•)	
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 ("Act"), 415 ILCS 5/31.1, (2000) and delegated to the County of Sangamon pursuant to Section 4(r) of the Act, 415 ILCS 5/4(r) (2000).

FACTS

- 1. That James Withers ("Respondent") is a roofing contractor that is operating within Sangamon County, Illinois.
- That the Respondent is the owner of real property that is commonly known as
 3300 Ridgewood, Springfield, Sangamon County, Illinois.
- 3. That said property is an open dump operating without an Illinois Environmental Protection Agency ("IEPA") Operating Permit and is designated with IEPA Land Pollution Control #1671000008.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

- 4. That Respondent has owned said property at all times pertinent hereto.
- 5. That on June 8, 2004, Allen Alexander of the Sangamon County Department of Public Health ("SCDPH") inspected the above-described property based on a complaint from the Springfield Fire Department. 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 Allen Alexander during the course of his June 8, 2004 inspection of Respondent's property, the County of Sangamon has determined that Respondent has violated the Act as follows:

- 1. That Respondent caused 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 in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act as defined in Section 9 (a) of the Act, 415 ILCS 5/9(a) (2002); and
- 2. That Respondent caused or allowed the deposition of (i) general construction or demolition debris as defined in Section 3.160 of the Act, 415 ILCS 5/3.160 (2002), or (ii) clean construction or demolition debris as defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2002), 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 <u>Three Thousand Dollars (\$3,000.00)</u>. 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 <u>September 2, 2004</u>, 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 County of Sangamon 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 Sangamon

County Department of Public Health and mailed to the attention of James D. Stone, Director of
the Sangamon County Department of Public Health, 2501 North Dirksen Parkway, Springfield,
Illinois 62702. 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 Respondent from the date payment is due up to and including the date that payment is received. The State's Attorney of Sangamon County may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued. In addition to the previously assessed civil penalty and/or hearing costs and/or interest, the State's Attorney of Sangamon County will seek to recover his costs of litigation.

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 Petition for Review with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Sangamon County State's Attorney, Attention: Sheri L. Carey, 2501 North Dirksen Parkway, Springfield, Illinois 62702. Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), 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 Respondent.

- 4 -

Date:

James D. Stone, M.A.

Director

Sangamon County Department of Public Health

Sheri I. Carev

Assistant State's Attorney

Prepared by: Sheri L. Carey

Assistant State's Attorney

Sangamon County

2501 North Dirksen Parkway

(217) 535-3100

REMITTANCE FORM

COUNTY OF SANGA	AMON,)		
	Complainant,)))	AC	
v.)	ADMINISTRATIVE SCDPH 04-AC-1	CITATION
James Withers,)		
	Respondent.)		-
			•	ente minum perio perio
FACILITY:	Withers			
LPC SITE CODE:	1678225044			
COUNTY:	Sangamon			
DATE OF INSPECTI	ON: June 8, 2004			
CIVIL PENALTY:	\$3,000.00			
DATE REMITTED:				
SSN:		ALCOURT.		
SIGNATURE:				

Please enter the date of your remittance, your Social Security Number, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Sangamon County Department of Public Health, James D. Stone, Director, 2501 North Dirksen Parkway, Springfield, Illinois 62702.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF SANGAMON,)	
	_)	
Complainant,)	
)	AC
v.)	ADMINISTRATIVE CITATION
	. j	SCDPH 04-AC-1
James Withers,)	
)	
Respondent.) -	i produce de la companya del companya de la companya del companya de la companya

AFFIDAVIT

Affiant, Allen Alexander, being first duly sworn, voluntarily deposes and states as follows:

- 1. That Affiant is a solid waste inspector employed by the Sangamon County

 Department of Public Health and certified by the Illinois Environmental Protection Agency and
 has been so employed and certified at all times pertinent hereto.
- 2. That on June 8, 2004, Affiant conducted an inspection of property located at 3300 Ridgewood, located in Sangamon County, Illinois.
- 3. Affiant inspected said property by an inspection which included walking on property and photographing the property.
- 4. As a result of the action referred to in Paragraph 3 above, Affiant completed the inspection report 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 facility.

Allen Alexander

Subscribed and sworn to before me this 22^{hd} day of July, 2004.

Notary Public

OFFICIAL SEAL
JO ANN LA BRIER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6-30-2007

JUL 2 6 2004

STATE OF ILLINOIS TONE, M.A.P. OBILITOR OF PUBLIC HEALTH

MEMORANDUM

TO:

SCDPH Environmental File

FROM:

Allen Alexander, L.E.H.P.

Solid Waste Program Supervisor

Sangamon County Department of Public Health

Environmental Health Division

DATE:

June 9, 2004

RE:

LPC# 1678225044 - Spfld. Twp./Withers, James

Sangamon County

On June 8, 2004 the above mentioned property was inspected by Allen Alexander of this Department. A man identifing himself as James Withers son was present on the property at the time of inspection. Several violations were noted.

The following items correspond to the attached inspection checklist:

1. 9(a):

A large amount of open dumped waste appeared to have been burned on the property. The burned waste appeared to consist of shingles, aerosol cans, garbage, paint cans, and white goods. The burn area measured approximately 12' by 20'. A nearby pile of open dumped shingles covering approximately the same area was unburned. See photos 001 through 006.

2. 9(c):

See item 1 above.

5. 21(a):

See item 1.

6. 21(d)(1):

No permit has been granted for waste disposal at this site.

6. 21(d)(2): See item 6. above

MAIN OFFICE 2501 North Dirksen Parkway Springfield, Illinois 62702

• Administrative Office:

Phone: (217) 535-3100 Fax: (217) 535-3104

Environmental Health:

Phone: (217) 535-3101 Fax: (217) 535-3104

Clinic/Personal Health Services:

Phone: (217) 535-3102 Fax: (217) 535-4155

CHATHAM ROAD OFFICE 3130 Chatham Road, Suite B Springfield, Illinois 62704

• Child & Family Connections - Early Intervention Phone: (217) 793-3990 Fax: (217) 793-3991 Toll-free: 1-888-217-3505

Healthy Families Illinois

Phone: (217) 793-3990

Fax: (217) 793-3991

ANIMAL CONTROL CENTER 2100 Shale Road Springfield, Illinois 62703

Phone: (217) 535-3065 (217) 535-3067

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8. 21(p)(1): See item 5. above.

21(p)(3): See item 1. above.

21(p)(7): See items 1 and 5 above.

10. 812.101(a) No permit has been granted for waste disposal at this site.

ADDITIONAL COMMENTS

The property is located at 3300 Ridgewood in Springfield Township and is owned by Jim and Linda Withers. According to Springfield phone book Cardinal Roofing is also listed at this address. The phone number given (544-5171) is shared by James Withers and Cardinal Roofing at this address. See attached property record information. The inspection was conducted as a result of a fire that occurred on 6/05/04. That fire was extinguished by the Springfield Fire Department. See attached report.

cc: DLPC/Division File DLPC/FOS - Region 5

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Sangamon	LPC#: 1678225044 Region: 5 - Springfiel	d				
Location/S	Site Name:	Springfield/Withers, James					
Date:	06/08/2004	Time: From 13:25 To 13:45 Previous Inspection Date:	 				
Inspector(s): A. Alexa	ander Weather: Mostly Sunny 90°F					
No. of Pho	otos Taken: #	# 6 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No					
Interviewe	d: James	Withers son Complaint #:					
Responsib Mailing Ad and Phone Number(s)	dress(es)	James Withers 3300 Ridgewood Springfield, II. 62702 (217) 544-5171 Cardinal Roofing 3300 Ridgewood Springfield, II. 62702 (217) 544-5171					
	SECTION	DESCRIPTION	VIOL				
	HLL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS					
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	\boxtimes				
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	\boxtimes				
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:					
	(1)	Without a Permit	\boxtimes				
	(2)	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 REIN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	SULTS				
	(1)	Litter	\boxtimes				
	(2)	Scavenging					
	(3)	Open Burning	\boxtimes				
	(4)	Deposition of Waste in Standing or Flowing Waters					

Standing or Flowing Liquid Discharge from the Dump Site

Proliferation of Disease Vectors

(5)

(6)

LPC#

Inspection Date:

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

PTH5D2K

DISPLAY

Extension Record Page 2

6/09/04 14:33:13

Parcel Nbr 14-24.0-403-018 2 Status Active

---- Name & Mailing Address ----- Property Address -----

WITHERS JAMES H & LINDA A

3300 RIDGEWOOD

3300 RIDGEWOOD

SPRINGFIELD IL 62702

SPRINGFIELD IL 62702

Bldg Nbr 1 Unit Nbr

Class 40 IMPROVED URBAN RESIDENTAL

Tax Code B03 Township SPRINGFIELD

TIF Base Value

Split From 00-00.0-000-000

Mort Code 0000 Vacate To

---- Legal Description -----WANLESS RIDGEWOOD ADDN L21

Print Tax Bill Y

Select for Delinquent Y

F3=Exit F14=Tax Bill Details F15=Last Sent To F21=Image

A SB111 III 06 05 State incident Date	·	* Exposure * No Activity
B Location* Module in Section in	ndigate that the address for this incident is provided on t "Alternative Location Specification". Use only for Wildian	he Wildland Fire Census Tract 0006 - 00
Apt./Suits/Room Cit	oringfield y	Street Type Suffix IL 62702 - State Zip Code
Ctoss server of dir	metions, as applicable	ight is 0000 E2 Shift & Alarms
C Incident Type * 151 Outside rubbish, trash or waste	t detect over the	Year Kr Min Sac Local Option
Aid Given or Received	pame as Alarm ALARM always required Date. Alarm # 06 05	2004 19:52:00 Shift or Alarma District
1 Mutual aid received	ARRIVAL required, unless cancel	
2 Automatic aid recv. Their FDID Their	X Arrival * 06 05	2004 19:57:00 E3
3 Mutual aid given 4 Automatic aid given	CONTROLLED Optional, Except for	Local Option
5 Other aid given Their	Last Unit CLEARED, required exce	ept for wildland fires
N None	X Cleared 06 05	2004 21:30:00 Study ID# Study Value
F Actions Taken *	G1 Resources * G:	Estimated Dollar Losses & Values
	Check this box and skip this section if an Apparatus or Personnel form is used.	LOSSES: Required for all fires if known. Optional for non fires.
11 Extinguish Primary Action Taken (1)	Apparatus Personnel Pro	perty \$, 000, 000
	Suppression 0001 0003 Con	ntents \$, 000, 000
Additional Action Taken (2)	2MS	PRE-INCIDENT VALUE: Optional
	Other	perty \$, 000 , 000
Additional Action Taken (3)	Check box if resource counts include aid received resources. Con	atents \$, 000 , 000
Completed Modules H1 * Casualties	None H3 Hazardous Materials	Release I Mixed Use Property
Fire-2 Deaths Inj	uries N None	NN Not Mixed
Structure-3 Civil Fire Cas4 Service	1 Natural Gas: slow loak, no symmetry 2 Propane gas: <21 ib. tank (as in)	top or Handat actions 20 Education use
Fire Serv. Cas5 Civilian	2 Propane gas; <21 in. tank (as in: 3 Gasoline; vahtois fust tank or ports	able container 40 Residential use
H2 Detector	4 Kerosene: real burning equipment or	
HarMat-7 Required for Confined	& Coursehald salesses	
X Apparatus-9	7 Motor oil: gree envise or pertable	60 Industrial use
Personnel-10 2 Detactor did not ale	ert them 8 Pmint: green paint came totaling < 55 q	63 Military use 65 Farm use
Arson-11 U Unknown	O Other: Special Hardest sections required	
J Property Use* Structures	341 Clinic, clinic type infirmary 342 Doctor/dentist office	539 Household goods, sales, repairs 579 Motor vehicle/boat sales/repair
131 Church, place of worship	361 Prison or jail, not juvenile	571 Ges or service station
161 Restaurant or cafeteria	419 X 1-or 2-family dwelling	599 Business office
162 Bar/Tavern or nightcolub 213 Elementary school or kindergarten	429 Multi-family dwelling	615 Electric generating plant
215 High school or junior high	439 Rooming/boarding house	629 Laboratory/science lab 700 Manufacturing plant
241 College, adult education	459 Rewidential, board and care	819 Livestock/poultry storage (barn)
311 Care facility for the aged 331 Thospital	464 Dormitory/barracks	882 Non-residential parking garage
Outside	519 Food and beverage sales	891 Construction site
124 Playground or park	936 Vacant lot 938 Craded/care for plot of land	984 Industrial plant yard
655 Crops or orchard	946 Lake, river, stream	Tables and subsum a Proposition to the same of the sam
669 Forest (timberland) 807 Outdoor storage area	951 Railroad right of way	Lookup and enter * Property Use code only if you have NOT checked a Property Use box:
919 Dump or sanitary landfill	960 Other street 961 Highway/divided highway	Property Use 419
931 Open land or field	962 Residential street/driveway	1 or 2 family dwelling NFIRS-1 Revision 03/11/99

217-789-2305

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SITE SKETCH

Date of Inspection: 6 - 8 - 04	Inspector(s): A. Mexander
I.E.P.A. Site Code: 1678225044	County: Sangamon .
Site Name: Withers, Junes	Time: 13:25 - 13:45
	Measurement Approximate Direction of Photo → Not to Scale
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SANGAMON COUNTY DEPARTMENT OF PUBLIC HEALTH 2501 North Dirksen Parkway Springfield, Illinois 62702

DIGITAL INSPECTION PHOTOS

DATE: 06/08/04	SITE #: 1678225044	SANGAMON COUNTY
TIME: 13:25 - 13:45	SITE NAME: Withers, James	

РНОТО ВҮ: АА

(217) 535-3101

DIRECTION: SE

PHOTO FILE NAME

060804-AA-1678225044

Withers, James-001



РНОТО ВҮ: АА

DIRECTION:

PHOTO FILE NAME

060804-AA-1678225044 Withers, James-002



SANGAMON COUNTY DEPARTMENT OF PUBLIC HEALTH 2501 North Dirksen Parkway Springfield, Illinois 62702

DIGITAL INSPECTION PHOTOS

 DATE: 06/08/04
 SITE #: 1678225044
 SANGAMON COUNTY

 TIME: 13:25 - 13:45
 SITE NAME: Withers, James

PHOTO BY: AA

(217) 535-3101

DIRECTION: 1/E

PHOTO FILE NAME

060804-AA-1678225044

Withers, James-003



РНОТО ВҮ: АА

DIRECTION:

PHOTO FILE NAME

060804-AA-1678225044

Withers, James-004



SANGAMON COUNTY DEPARTMENT OF PUBLIC HEALTH 2501 North Dirksen Parkway Springfield, Illinois 62702

DIGITAL INSPECTION PHOTOS

DATE: 06/08/04 SITE #: 1678225044 SANGAMON COUNTY TIME: 13:25 - 13:45 Withers, James SITE NAME:

PHOTO BY: AA

(217) 535-3101

DIRECTION:

PHOTO FILE NAME

060804-AA-1678225044

Withers, James-005



РНОТО ВУ: АА

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PHOTO FILE NAME

060804-AA-1678225044

Withers, James-006

