

NOV 17 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

COUNTY OF MACON, ILLINOIS )

Complainant, )

v. )

Richard Webb, )  
Teresa Webb, )

Respondents. )

AC 05-39  
(MCSWMD File No. 2004-002-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the County of Macon by section 4(r) of the Illinois Environmental Protection Act, 415 ILCS 5/4(r) (2002).

FACTS

1. That Respondent, Richard & Teresa Webb are the present owners and operators of a facility located at 200 North Wiles, Macon, Macon County, Illinois.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1150255023.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on September 28, 2004, Michael Warnick of the Macon County Solid Waste Management Department 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 Michael Warnick during the course of his September 28, 2004 inspection of the above-named facility, the Macon County Solid Waste Management Department has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, 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) (2002).
  
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction and 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), 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 January 28, 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 (2002), 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 the Macon County Solid Waste Management Department 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 Respondents fail to petition or elect 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, Respondents' check shall be made payable to the Macon County Solid Waste Management Department and should be mailed to the attention of Sherri L. Ludlam, Macon County Solid Waste Management Department; 141 South Main Street, Room 212, Decatur, Illinois, 62523-1293. 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 Office of the Macon County State's Attorney may 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 (2002). 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 Office of the Macon County State's Attorney, 253 E. Wood Street, Decatur, Illinois, 62523. 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.



Scott A. Rueter  
Macon County States Attorney

Date: 11/12/04

Prepared by: Michael J. Warnick, Environmental Inspector  
Macon County Solid Waste Management Department  
141 South Main Street, Room 212  
Decatur, Illinois 62523-1293  
217-421-0291

REMITTANCE FORM

COUNTY OF MACON )  
 )  
 Complainant, ) AC  
 )  
 v. ) (MCSWMD file No. 2004-002-AC)  
 )  
 Richard Webb, )  
 Teresa Webb, )  
 Respondents. )

FACILITY: Macon/Macon Speedway SITE CODE NO.: 1150255023

COUNTY: Macon CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: September 28, 2004

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 Sherri L. Ludlam, Macon County Solid Waste Management Department, 141 South Main Street, Room 212, Decatur, Illinois 62523-1293.

MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

Richard Webb,  
Teresa Webb,

Respondents

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

(MCSWMD File No. 2004-002-AC)

Affiant, Michael Warnick, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Macon County Solid Waste Management Department and has been so employed at all times pertinent hereto.

2. On September 28, 2004 between 1:19 and 1:35 in the afternoon, Affiant conducted an inspection of the site in Macon County, Illinois, known as Macon/Macon Speedway, Illinois Environmental Protection Agency Site No. 1150255023.

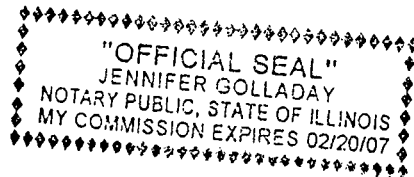
3. Affiant inspected said Macon/Macon Speedway by an on-site inspection which included photographing the site.

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 Affiants knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to the Macon/Macon Speedway site.

Michael Warnick

Subscribed and Sworn to before me  
this 12th of November  
2004.

Jennifer Golladay  
Notary Public





**RECEIVED**  
CLERK'S OFFICE

**MACON COUNTY** NOV 17 2004  
**SOLID WASTE MANAGEMENT** STATE OF ILLINOIS  
**DEPARTMENT** Pollution Control Board

141 S. Main St., Suite 212, Decatur, IL 62523 • phone 217/425-4505 • fax 217/424-1459

## ADMINISTRATIVE CITATION

### MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

MACON COUNTY SOLID	)	1150255023 – MACON COUNTY
WASTE MANAGEMENT DEPT,	)	Macon/Macon Speedway
Complainant	)	MCSWMD File No. 2004-001-AC
	)	COMPLIANCE FILE
vs.	)	
	)	
Richard Webb,	)	
Teresa Webb,	)	
Respondent	)	

#### WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the [Illinois] Environmental Protection Act. Periodic inspection(s) will be conducted to verify cleanup and compliance, both during the cleanup process and after returning to compliance.

**YOU ARE REQUIRED TO COMPLETE THE FOLLOWING CORRECTIVE ACTIONS:**

- #1 **Immediately cease all open dumping.**
  - Do not dispose of any of the waste by open burning.
- #2 **By December 27, 2004, remove all waste to a permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.**
- #3 **By December 27, 2004, all used or waste tires must be taken to a registered tire storage or tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Do not open burn any of the tires. You must submit copies of receipts to the Macon County Solid Waste Management Department, that document the proper disposal of the waste tires. Loads of more than 20 tires must be hauled by a registered tire transporter.**
- #4 **By January 10, 2005 submit, to the Macon County Solid Waste Management Department, copies of receipts that document the proper disposal or recycling of the wastes.**

**WRITTEN RESPONSE REQUIRED**

Within forty-five (45) calendar days of the date of this Citation, you must submit writing:

1. Information in rebuttal, explanation, or justification of each alleged violation;
2. A proposed Compliance Commitment Agreement (CCA) that spells out how you plan to rectify each violation (including time frames) and return the area to compliance. If you feel compliance has already been achieved, please state such in your CCA;
3. If you desire, a request for a meeting with the Macon County Solid Waste Management Department regarding the alleged violations.



**Your written response of all documents submitted in reply to this notice must be sent, via certified mail return-receipt, to:**

**Macon County Solid Waste Management Department  
Attn: Michael Warnick, Environmental Inspector  
141 South Main Street, Room 212  
Decatur, IL 62523**

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Failure to comply with the requirements of this notice may, at the sole discretion of the Macon County Solid Waste Management Department, result in the case being referred to the Macon County State's Attorney for prosecution.

An Administrative Citation carries a fine of \$1,500.00 for a first offense and \$3,000 for a second or subsequent offense for violation of any provision of Section 21(p).

MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

By: Michael Warnick

Michael Warnick  
Inspector

Date: November 12, 2004

CERTIFIED MAIL #: 70022410000092600090

Enclosure

cc: Rich Gerard, Illinois Environmental Protection Agency  
Ellen Robinson, Illinois Environmental Protection Agency  
FOS File

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Macon LPC#: 1150255023 Region: 4 - Champaign  
 Location/Site Name: Macon/Macon Speedway  
 Date: 09/28/2004 Time: From 1:19pm To 1:35pm Previous Inspection Date: 04/16/2003  
 Inspector(s): Michael Warnick Weather: Clear Skies, Gusty Winds, Temp in the 70's  
 No. of Photos Taken: # 06 Est. Amt. of Waste: 25 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: (none) Complaint #:     

Responsible Party Mailing Address(es) and Phone Number(s):	Richard & Teresa Webb 5441 Ricky Drive Decatur, IL 62521 217-764-3770	
---	--	--

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 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# 1150255023

Inspection Date: 09/28/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
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"/>
	55(a) (4)	Cause or allow the operation of a tire storage site not in compliance with Board Regulations	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Michael Warmish  
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.

**LPC #1150255023 - Macon County**  
**Macon/Macon Speedway**  
**FOS File**  
**Inspector(s): Michael Warnick**  
**Inspection Date: Tuesday September 28, 2004**

## **Inspection Report Narrative**

This site was inspected on September 28, 2004 between the hours of 1:19 and 1:35 in the afternoon. The inspection was conducted by Michael Warnick, representing the Macon County Solid Waste Management Department. Weather conditions at the time of the inspection were of clear skies, gusty winds, and an air temperature in the 70's. Six photograph were taken, no one was interviewed, and no samples were collected.

## **General Information/Site History**

This site is located in southern Macon County. The property is located at the intersection of Wyles and Bell Street, in the City of Macon. The inspection was conducted after observing a large pile of waste open dumped on the property. The most recent inspection of the facility occurred on April 21, 2003, after receiving a citizen complaint. The results of that inspection showed violations of open dumping of tires with an accumulation of water and mosquito larvae.

## **Property Ownership**

This property is owned by Richard and Theresa Webb. This information was obtained through the Macon County Supervisor of Assessments office.

## **Inspection Findings**

I was checking on the City of Macon's community landscape waste dump site, and noticed a large pile of waste open dumped on the property of the Macon Speedway. I drove over and noticed that numerous tires and other debris had been open dumped. Upon closer inspection, I noticed that one section of the pile contained approximately five waste tires, plastic soda bottles, a computer keyboard, and other waste (photograph 1). I also noticed another pile of five tires, plastic bottles, carpet, automobile parts, a window frame, scrap metal, clothing, dimensional lumber, plastic buckets, and a ladder (photograph 2). Further down in the pile, I noticed another tire, more dimensional lumber and automotive parts, scrap metal, six 55-gallon drums that appeared to be empty, plastic hoses, plastic buckets, and a lawn chair (photograph 3). I walked down to the end of the pile, and counted twenty-five waste tires open dumped (photograph 4).

I looked through the fence, and found two more piles of waste tires open dumped, one on the east and another on the west side of a small outbuilding. The west pile contained approximately nine waste tires (photograph 5) and the east pile contained approximately eleven waste tires (photograph 6). I noticed no other piles of waste open dumped in this area, so I walked around the property but noticed no additional piles. I also was not able to locate anyone to speak with regarding my findings.

I left the property at 1:35.

## Summary of Apparent Violations

**Environmental Protection Act ILCS 5/1 et seq.** (formerly Ill Rev. Stat. Ch. 111 ½, 1001 et seq.) {hereinafter referred to as the "Act"}

**Section 21(a) of the Act.** No person shall cause or allow the open dumping of any waste.

- This section is marked because waste was observed that had been open-dumped.

**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, or in violation of any conditions imposed by such permits.

- This section is marked because waste was disposed of and stored without a permit on file.

**Section 21(d), (2) of the Act.** No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation...that is in violation of any regulations or standards adopted by the board under this Act.

- This section is marked because waste was disposed of in violation of regulations and standards adopted by the board.

**Section 21(e) of the Act.** No person shall dispose, treat, store, or abandon any waste, or transport any waste into the State of Illinois for disposal, treatment, storage, or abandonment at/to sites not meeting requirements of the act.

- This section is marked because waste was disposed of in a manner that does not meet the requirements of the Act.

**Section 21(p), (1) of the Act.** No person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site... Litter

- This section is marked because open dumping resulting in litter was observed at the time of the inspection

**Section 21(p), (7) of the Act.** No person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site... General Construction or Demolition Debris as defined in Section 3.160(a) of this Act.

- This section is marked because the open dumping of General Construction and/or Demolition Debris was observed.

**Section 55(a), (1) of the Act.** No person shall cause or allow open dumping of any used or waste tire.

- This section is marked because fifty-six waste tires were open-dumped on the site.

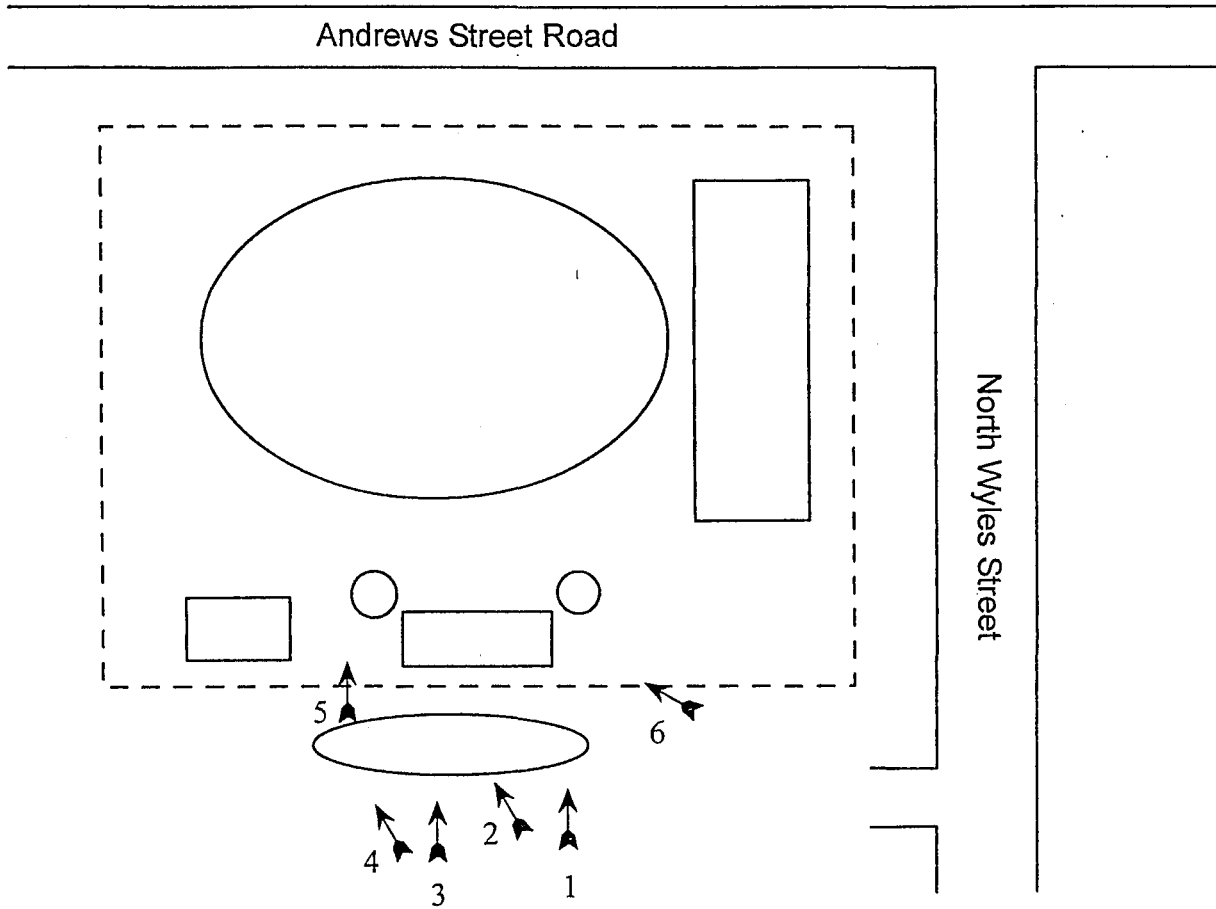
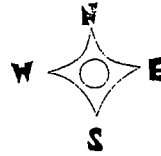
**Section 55(a), (4) of the Act.** No person shall cause or allow the operation of a tire storage site not in compliance with Board regulations.

- A violation of Section 55(a), (4) is alleged because a tire storage site is being operated that is not in compliance with Board regulations.

**Section 812.101(a) of 35 Illinois Administrative Code Requirements Subtitle G.** Failure to submit an application for a permit to develop and operate a landfill.

- This section is marked a landfill is being operated, but no application has been submitted to the Agency and/or Board to develop and operate a landfill.

Site sketch for: Macon/Macon Speedway  
Site #1150255023 - Macon County  
Inspector(s): Michael Warnick  
Inspection Date: September 28, 2004



\* Drawing not to scale  
Arrows indicate direction/location of photographs

# INSPECTION PHOTOS

**DATE:** 09/28/2004

**SITE #:** 1150255023

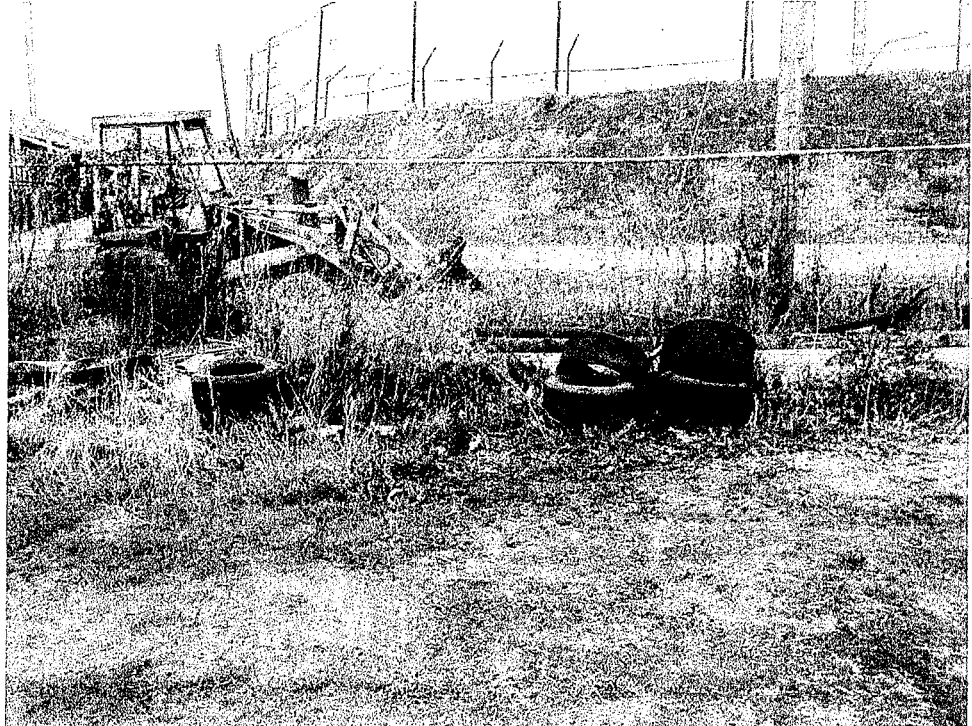
**COUNTY:** Macon

**TIME:** 1:25pm

**SITE NAME:** Macon/Macon Speedway

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: North



**PHOTO #:** 01

---

**DATE:** 09/28/2004

**TIME:** 1:25pm

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: West



**PHOTO #:** 02



# INSPECTION PHOTOS

**DATE:** 09/28/2004

**SITE #:** 1150255023

**COUNTY:** Macon

**TIME:** 1:27pm

**SITE NAME:** Macon/Macon Speedway

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: North



**PHOTO #:** 03

---

**DATE:** 09/28/2004

**TIME:** 1:28pm

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: West



**PHOTO #:** 04

# INSPECTION PHOTOS

**DATE:** 09/28/2004

**SITE #:** 1150255023

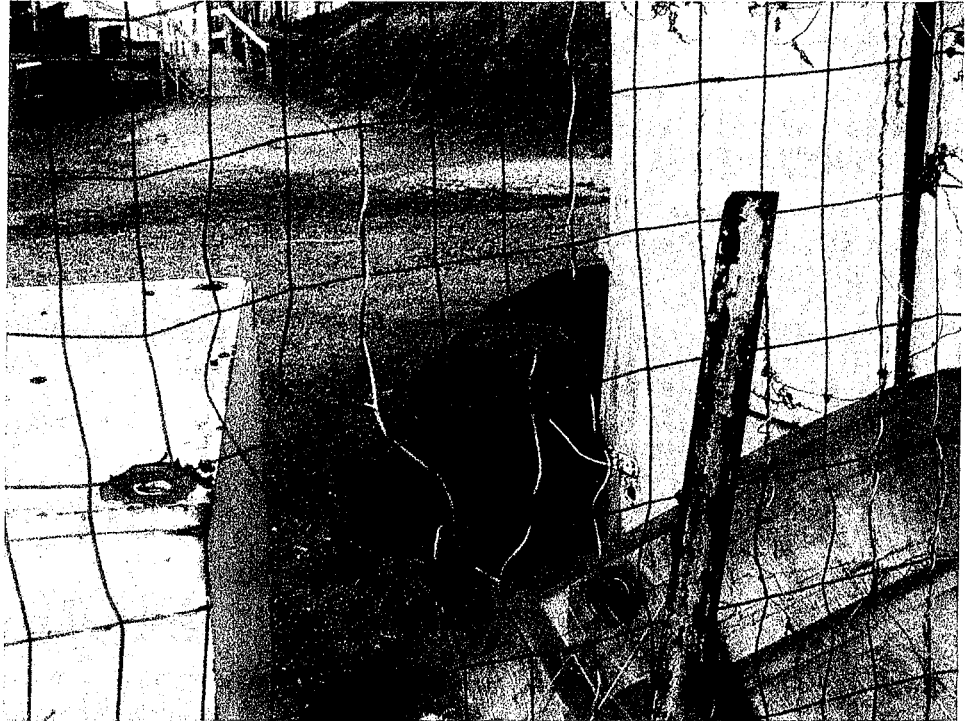
**COUNTY:** Macon

**TIME:** 1:29pm

**SITE NAME:** Macon/Macon Speedway

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: North



**PHOTO #:** 05

---

**DATE:** 09/28/2004

**TIME:** 1:31pm

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: West



**PHOTO #:** 06