



- (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 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), 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 17, 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

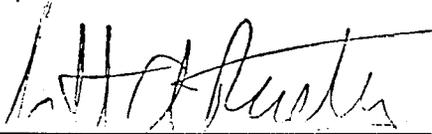
Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

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. 2004-001-AC)  
 )  
Terry Cripe, )  
Donna Cripe, )  
 )  
Respondents. )

FACILITY: Decatur/Cripe, Terry SITE CODE NO.: 1150155518

COUNTY: Macon CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: September 15, 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**

**RECEIVED**  
CLERK'S OFFICE

NOV 17 2004  
STATE OF ILLINOIS  
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	)	1150155518 – MACON COUNTY
WASTE MANAGEMENT DEPT,	)	Decatur/Cripe
Complainant	)	MCSWMD File No. 2004-002-AC
	)	COMPLIANCE FILE
vs.	)	
	)	
Terry Cripe,	)	
Donna Cripe,	)	
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 17, 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 #: 70022410000092600106**

Enclosure

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



LPC # 1150155518

Inspection Date: 05/21/2004

	(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	<input checked="" type="checkbox"/>
	55(a), 5	No person shall abandon or dump any used or waste tire on private property	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

*Michael Warnick*

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 #1150155518 - Macon County  
Decatur/Cripe  
FOS File  
Inspector(s): Michael Warnick  
Inspection Date: September 15, 2004

## **Inspection Report Narrative**

This site was inspected on Wednesday September 15, 2004 between the hours of 10:13 and 10:20 in the morning. 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 sunny skies, an air temperature in the 70's, and mild wind conditions. Four photographs were taken, no one was interviewed at the time of the inspection, and no samples were collected.

## **General Information/Site History**

This site is located in northern Macon County. The property is located at 2508 Finch Street, in Decatur Township. The reason for the inspection was due to a complaint received about open dumping of tires. The most recent inspection occurred on May 21, 2004, however no formal action was taken at that time.

## **Inspection Findings**

I arrived at the site at 10:13 and proceeded to the front of the residence, where I observed a large tractor tire filled with household waste (photograph 1). Next to the tire, were six tires stacked and a pile of what appeared to be car or truck axles (photograph 2). I then walked to the back of the property where, at the previous inspection, tires had been open dumped. I found a pile of fiberglass siding, concrete steps, PVC pipe, and guttering next to a large red truck (photograph 3). Inside the bed of the truck, I observed tires (I was able to count at least 13 tires), siding, guttering, and PVC pipe. A motorcycle, scrap metal, and more siding and guttering was open dumped next to the truck (photograph 4). At the time of the last inspection, Ms. Cripe stated that the truck and the tires did not belong to them, but belonged to another gentleman who had parked the truck there. She was not able or willing to identify the gentleman.

At this point, I found no other obvious violations, so I ended my inspection and left the property at 10:20.

## 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.

- A violation of Section 21(a) is alleged 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.

- A violation of Section 21(d), (1) is alleged 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.

- A violation of Section 21(d), (2) is alleged because waste was stored and 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.

- A violation of Section 21(e) is alleged because waste was disposed and stored 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

- A violation of Section 21(p), (1) is alleged 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.

- A violation of Section 21(p), (7) is alleged 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.

- A violation of Section 55(a), (1) is alleged because more than nineteen used 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.

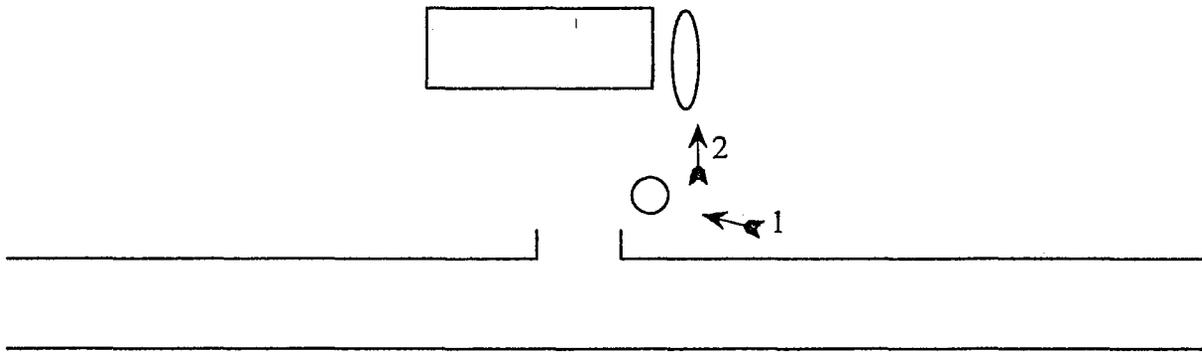
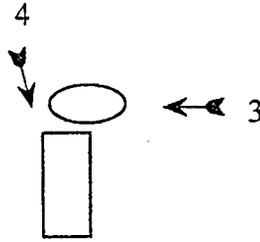
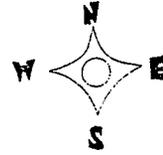
**Section 55(a), (5) of the Act.** No person shall abandon, dump, or dispose of any used or waste tire on private property, except in a sanitary landfill that is permitted to accept waste tires.

- A violation of Section 55(a), (5) is alleged because waste tires were abandoned and disposed of on private property.

**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.

- A violation of Section 812.101(a) is alleged because 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 Decatur/Cripe  
Site #1150155518 - Macon County  
Inspector(s): Michael Warnick  
Inspection Date: September 15, 2004



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

# INSPECTION PHOTOS

**DATE:** 09-15-2004

**SITE #:** 1150155518

**COUNTY:** Macon

**TIME:** 10:13am

**SITE NAME:** Decatur/Cripe

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: West



**PHOTO #:** 01

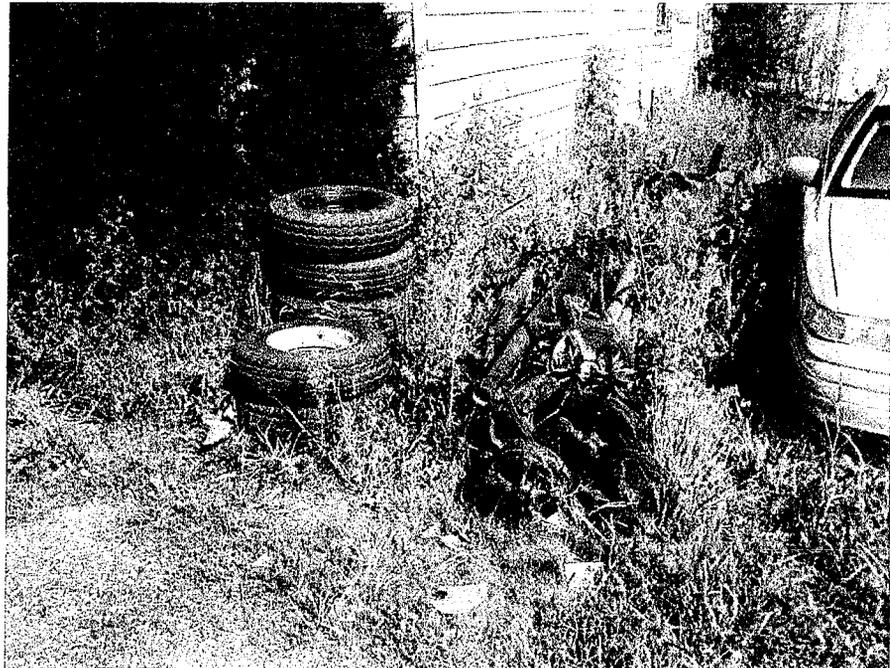
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**DATE:** 09-15-2004

**TIME:** 10:13am

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: North



**PHOTO #:** 02

# INSPECTION PHOTOS

**DATE:** 09-15-2004

**SITE #:** 1150155518

**COUNTY:** Macon

**TIME:** 10:14am

**SITE NAME:** Decatur/Cripe

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: Southwest



**PHOTO #:** 03

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**DATE:** 09-15-2004

**TIME:** 10:15am

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: South



**PHOTO #:** 04