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MAY 26 2005

STATE OF ILLINOIS
Pollution Control Board

Jim Roberts
Montgomery County State's Attorney

ACOS-75

Assisant State's Attorneys:
Chris Matoush
Katherine Pawlik

Victim Witness Coordinator:
Lena Beck

Montgomery County Courthouse
120 N. Main, Room 212
Hillsboro, IL 62049
(217) 532-9551
FAX (217) 532-9518

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. Lawrence & Tina Dickenson
Montgomery County No. 2005-02-AC; 1350455040 — Montgomery County
Inspection Date: May 4, 2005


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).

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

5-23-05

Date

Enclosure

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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

County of Montgomery,)
)
 Complainant,)
)
 v.)
)
 Lawrence & Tina Dickenson,)
)
 Respondents.)

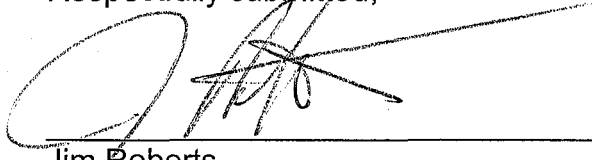
AC 05-75
Administrative Citation
(Montgomery County No. 2005-02-AC)

NOTICE OF FILING

To: Lawrence & Tina Dickenson
105 W DeWitt
Pana, IL 62557

PLEASE TAKE NOTICE that the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST and REPORT were mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois.

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: 5-24-05

PROOF OF SERVICE

I hereby certify that I did 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: Lawrence & Tina Dickenson
105 W DeWitt
Pana, IL 62557

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

5-24-05

Date

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 26 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

County of Montgomery,)
)
Complainant,)
)
v.)
)
Lawrence & Tina Dickenson,)
)
Respondents.)

AC 05-75
Administrative Citation
(Montgomery County No. 2005-02-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 Lawrence & Tina Dickenson ("Respondents") are the present owners and/or operators of a facility located at the West Half (W½) of the North Half (N½) of Block Four (4) and the North (N) Thirty (30) feet of the South Half (S½) of the West Half (W½) of Block Four (4) of Haller's subdivision of Block Five (5) of Miller and Young's Second Addition to Nokomis and all that part of Block Five (5) lying West (W) of the center line of said lot. All in J.E. Haller's subdivision of Block Five (5) in Miller and Young's Second Addition to Nokomis according to the recorded plat thereof, situated in Montgomery County, Illinois. The property is commonly known to Montgomery County as Nokomis/Dickenson.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1350455040.

3. That Respondents have owned and/or operated said facility at all times pertinent

hereto.

4. That on May 4, 2005, 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.

VIOLATIONS

Based upon direct observations made by Bill Gonet during the course of his May 4, 2005 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 July 7, 2005, 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
County Coordinator
Montgomery County Coordinated Services office

Date: 5/23/05

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

RECEIVED
CLERK'S OFFICE

MAY 26 2005

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

County of Montgomery,)
)
 Complainant,)
)
 v.)
)
 Lawrence & Tina Dickenson,)
)
 Respondents.)

AC **05-75**
Administrative Citation
(Montgomery County No. 2005-02-AC)

FACILITY: Nokomis/Dickenson

SITE CODE NO.: 1350455040

COUNTY: Montgomery

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: May 4, 2005

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. 2005-02-AC)
)
Lawrence & Tina Dickenson,)
)
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 May 4, 2005 between 1:05 p.m. and 1:25 p.m., Affiant conducted an inspection of the site in Montgomery County, Illinois, known as Nokomis/Dickenson, Site Code No. 1350455040.
3. Affiant inspected said Nokomis/Dickenson 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 Nokomis/Dickenson site.

Bill Gonet

Subscribed and Sworn to before me
this 23rd day of May,
2005.

Dawn M. Lutz
Notary Public



THIS FILING SUBMITTED ON RECYCLED PAPER

MONTGOMERY COUNTY COORDINATED SERVICES

Open Dump Inspection Checklist

County: Montgomery LPC#: 1350455040 Region: 5 - Springfield
 Location/Site Name: Nokomis/Dickenson
 Date: 05/04/2005 Time: From 1:05 pm To 1:25 pm Previous Inspection Date: 02/28/2005
 Inspector(s): Bill Gonet Weather: 65 degrees F, clear, dry
 No. of Photos Taken: # 7 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

Lawrence & Tina Dickenson
 105 W DeWitt
 Pana, IL 62557

| | SECTION | DESCRIPTION | VIOL |
|---|---------|--|-------------------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS | | | |
| 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 type="checkbox"/> |
| | (2) | In Violation of Any Regulations or Standards Adopted by the Board | <input 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 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 #

Inspection Date:

| | | | |
|--|------------|--|-------------------------------------|
| | (7) | Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris | <input checked="" type="checkbox"/> |
| 9. | 55(a) | NO PERSON SHALL: | |
| | (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"/> |
| 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 | <input 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"/> |
| OTHER REQUIREMENTS | | | |
| 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"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |



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: May 5, 2005

TO: Montgomery County Coordinated Services File

FROM: Bill Gonet, Montgomery County Solid Waste Inspector

SUBJECT: LPC #1350455040 - Montgomery County
Nokomis/Dickenson
FOS File

A re-inspection of the above referenced site was conducted on May 4, 2005. The site was previously inspected on December 2, 2004 and February 28, 2005. During the February 28, 2005 inspection the following violations of the Environmental Protection Act were observed: 21(a) cause or allow open dumping, 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, (7) deposition of general construction or demolition debris; or clean construction or demolition debris, and 55(a) no person shall: (1) cause or allow open dumping of any used or waste tire.

The site is located at the southeast corner of Illinois Route 16 and Blue Street in the City of Nokomis, Illinois. The property is owned by Lawrence and Tina Dickenson. The mailing address for the property owners is 105 W. DeWitt, Pana, IL 62557.

On December 20, 2004 an Administrative Citation Warning Notice (ACWN) and a copy of the December 2, 2004 inspection report were sent to Lawrence and Tina Dickenson by certified mail. The signature on the return receipt showed that the letter was received by Lawrence Dickenson on December 30, 2004. No response to the ACWN was received.

On March 1, 2005 an extension to the compliance deadline and a copy of the February 28, 2005 inspection report were sent to Lawrence and Tina Dickenson by U.S. Mail, regular delivery. The extension letter basically stated; it was determined during the February 28, 2005 inspection that the facility had not returned to compliance with the corrective actions required in the ACWN. If the site was not in complete compliance by April 4, 2005 further enforcement action would be taken.

I arrived at the site at 1:05 p.m. The temperature was about 65°F with clear skies. The wind was coming from the west and the soil condition was dry. No one was met or interviewed at the site during the inspection.

Observed at the site during the previous inspection was a dilapidated building consisting of general construction or demolition debris, scrap metal, 4 used/waste tires, an ice chest,

clothing, roller skates, roller skate parts, and other various debris. Shown in photos 001 through 007 is that all of the above mentioned wastes still remained. It appeared that no attempt had been made to comply with the corrective actions required in the ACWN nor had the respondents made any attempt to contact Montgomery County Coordinated Services concerning the violations at the site.

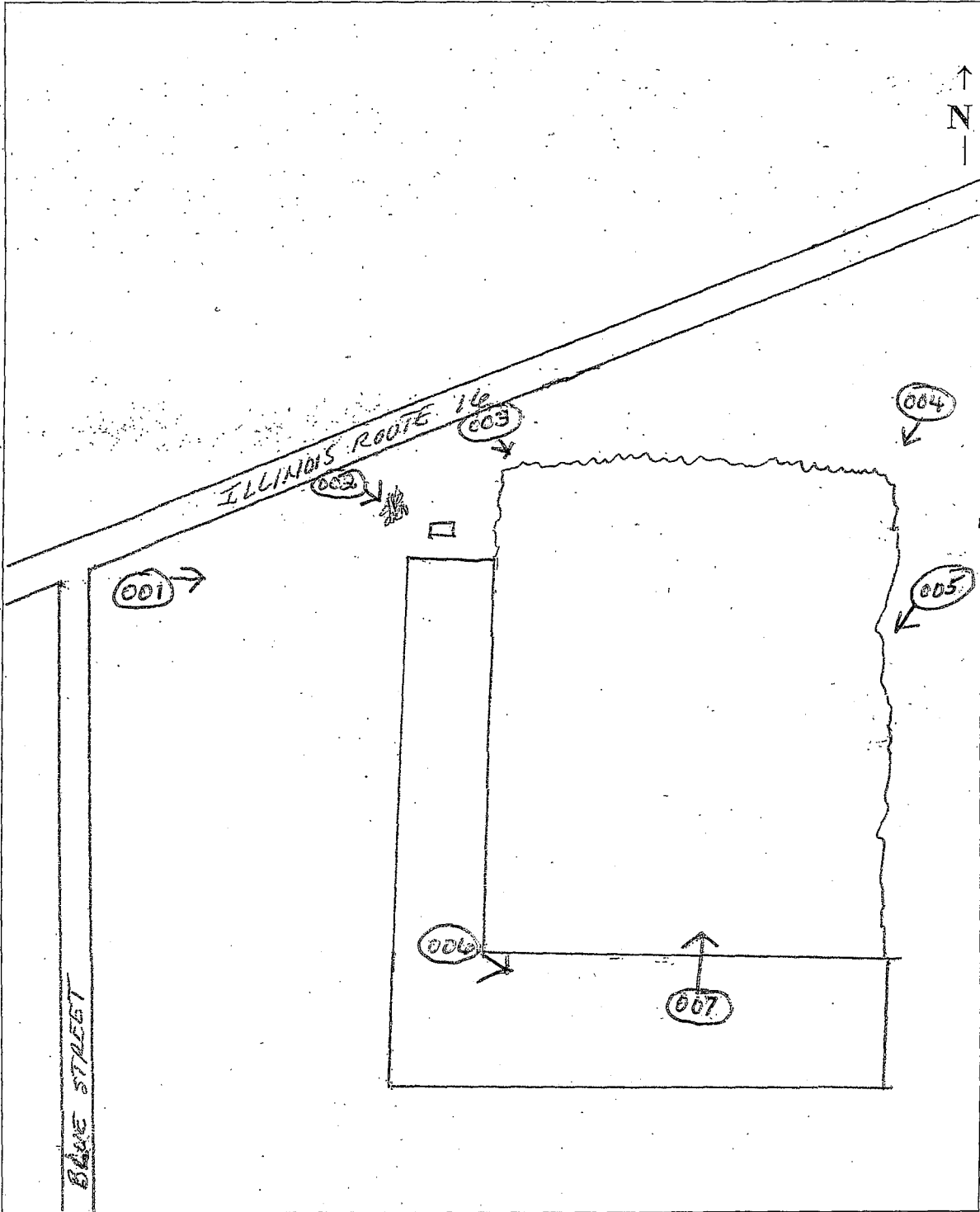
I left the site at 1:25 p.m.

See attached Open Dump Checklist for apparent violations.

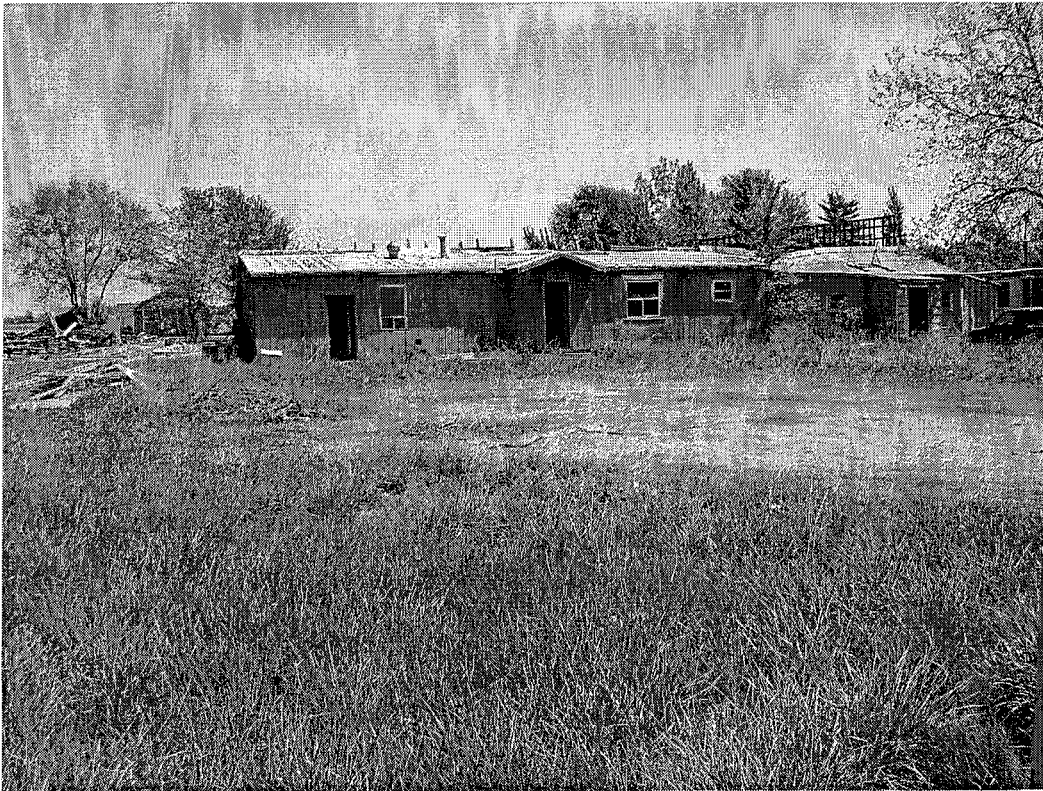
cc: DLPC/Division File
DLPC/FOS-Springfield Region
BOA/FOS-Springfield Region
City of Nokomis, Mayor Keith Hancock
Montgomery County State's Attorney, Jim Roberts

OPEN DUMP SITESKETCH

| | |
|-----------|---|
| LPC# | 1350455040 |
| Site Name | Nokomis/Dickenson |
| Location | Southeast corner of Illinois Route 16 & Blue St., Nokomis |



DIGITAL PHOTOGRAPHS File Names: 1350455040 ~ 05042005-[Exp. #].jpg



Date: 05/04/2005
Time: 1:06 p.m.
Direction: east
Photo by: Bill Gonet
Exposure #: 001
Comments: West side
view of site.



Date: 05/04/2005
Time: 1:07 p.m.
Direction: southeast
Photo by: Bill Gonet
Exposure #: 002
Comments: White good,
lumber, tin.

DIGITAL PHOTOGRAPHS File Names: 1350455040 ~ 05042005-[Exp. #].jpg



Date: 05/04/2005
Time: 1:08 p.m.
Direction: southeast
Photo by: Bill Gonet
Exposure #: 003
Comments: General
const/demo debris.

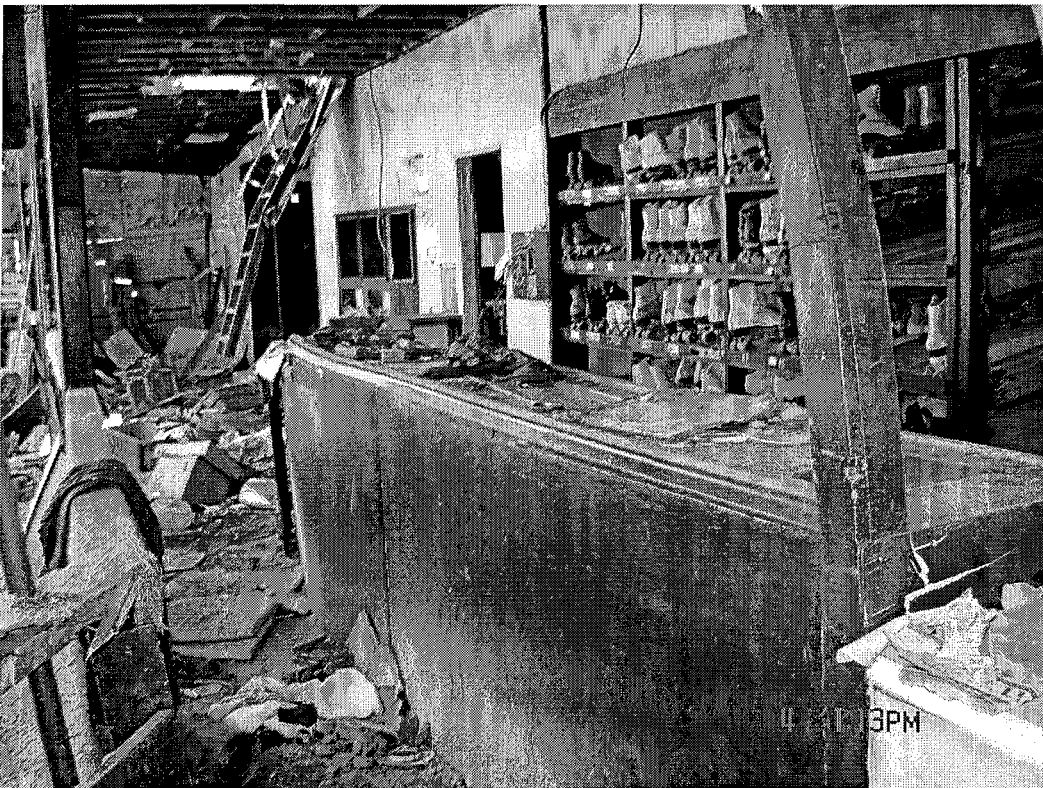


Date: 05/04/2005
Time: 1:09 p.m.
Direction: southwest
Photo by: Bill Gonet
Exposure #: 004
Comments: General
const/demo debris, tires.

DIGITAL PHOTOGRAPHS File Names: 1350455040 ~ 05042005-[Exp. #].jpg



Date: 05/04/2005
Time: 1:09 p.m.
Direction: southwest
Photo by: Bill Gonet
Exposure #: 005
Comments: General
const/demo debris.



Date: 05/04/2005
Time: 1:13 p.m.
Direction: southeast
Photo by: Bill Gonet
Exposure #: 006
Comments: Roller
skates, paper, various
other debris in south
end of building.

DIGITAL PHOTOGRAPHS File Names: 1350455040~05042005-[Exp. #].jpg



Date: 05/04/2005
Time: 1:14 p.m.
Direction: north
Photo by: Bill Gonet
Exposure #: 007
Comments: General
const/demo debris.