

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 27 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF KANKAKEE,)
Complainant,)
)
v.)
)
SOUTH HOLLAND TRUST #10897 and)
JOHN & ELLA HALL,)
Respondent.)

Docket No.: AC05-80

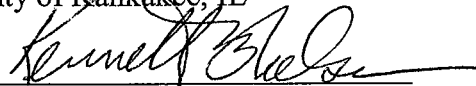
NOTICE OF FILING

TO: South Holland Trust & Savings Bank, Trust #10897, 16178 S. Park Ave.,
South Holland, IL, 60473

John & Ella Hall, 2066 E. 217th St., Sauk Village, IL 60411-2165

YOU ARE HEREBY NOTIFIED that on June 22nd, 2005 an Administrative Citation, Appearance, and Inspection Checklist was filed with the Clerk of the Illinois Pollution Control Board, Dorothy Gunn, located at the James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

Edward D. Smith, State's Attorney
County of Kankakee, IL

By: 
Assistant State's Attorney

PROOF OF SERVICE

I hereby certify that on June 22nd, 2005 I sent by certified mail, Return Receipt Requested, with postage fully prepaid and depositing the same in the Mail, a true and correct copy of the following instrument(s) entitled Administrative Citation, Affidavit, and Inspection Checklist:

To: South Holland Trust & Savings Bank
Trust #10897
16178 S. Park Ave
South Holland, IL 60473

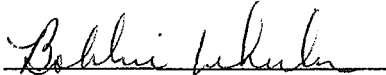
John & Ella Hall
2066 E. 217th Street
Sauk Village, IL 60411-2165

And the original and nine (9) true and correct copies of the foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage fully prepaid:

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601



Subscribed and Sworn to before
me this 22nd day of June, 2005.



Kenneth B. Nelson
Assistant State's Attorney
189 E. Court Street, Suite 502
Kankakee, IL 60901
ARDC # 02031776
Tele: (815) 939-8833
Fax: (815) 929-3969



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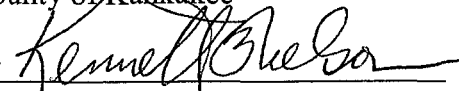
APPEARANCE

NOW COMES Edward D. Smith, State's Attorney for Kankakee County, Illinois by Kenneth B. Nelson, Assistant State's Attorney and enters an appearance on behalf of the County of Kankakee,

Please send all correspondence to:

Kenneth B. Nelson
Assistant State's Attorney
189 E. Court Street, Suite 502
Kankakee, IL 60901
ARDC # 02031776
Tele: (815) 939-8833
FAX: (815) 929-3969

EDWARD D. SMITH, STATE'S ATTORNEY
For the County of Kankakee

By: 
Assistant State's Attorney

Dated: June 22, 2005

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JUN 27 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF KANKAKEE)
Complainant,)
)
)
)
v.)
)
JOHN AND ELLA HALL AND)
SOUTH HOLLAND TRUST #10897,)
Respondents)

AC 05-80

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
415 ILCS 5/21(p)(3)	\$1,500.00

Facts

For this Administrative Citation to John and Ella Hall and South Holland Trust No. 10897 the County of Kankakee ("County") states as follows:

1. Complainant, County, is a unit of local government to which the Illinois Environmental Protection Agency has delegated authority to issue administrative citations pursuant to Section 4(r) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(r) (2003). County is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.
2. Respondents John and Ella Hall and South Holland Trust #10897, are the owners or beneficial owners (at the time of the May 02, 2005 inspection) of real property located at PIN 05-11-22-400-033, 14805 E. Rte 114, Momence, Illinois.
3. On May 02 2005, County inspector Donna Shehane inspected Respondent's property. A copy of her inspection report is attached as Exhibit 1 and made a part of this Administrative Citation.
4. Based upon direct observations made by Ms. Shehane during the course of her inspection, the County has determined that Respondent violated the Act as follows:

- a. Respondent caused or allowed the open dumping of waste in a manner resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2003).
 - b. Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2003).
5. Ms. Shehane's affidavit, attesting to her material actions and observations, is attached as Exhibit 2 and made a part of this Administrative Citation.
6. Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5)(2003), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the two violations identified above, for a total civil penalty of Three Thousand Dollars (\$3,000.00).

Notices and Instructions to Respondent

1. You must pay the civil penalty set forth above unless you contest this Administrative Citation. The following paragraphs contain payment instructions and more information about contesting this Administrative Citation.
2. To pay the civil penalty (and any other amounts due) send a check or money order, payable to the County, to:
County of Kankakee
Planning Department, Solid Waste Division
189 E. Court Street, Suite 200
Kankakee, Illinois 60901

To ensure that you receive timely and proper credit for your payment, complete a Remittance Form (see Exhibit 3, attached) and include it with your payment.

3. You may contest this Administrative Citation by filing a Petition for Review, including a Notice of Filing, Certificate of Service, and Appearance, with the Illinois Pollution Control Board ("Board").
4. Any Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation on you. The Board will not review the Administrative Citation if the Petition for Review is not filed within this time.
5. The Petition for Review must be filed with:
Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

A copy of the Petition for Review must be served on the County
At the following address:

Kankakee County State's Attorney's Office
Civil Division
189 E. Court Street, Suite 502
Kankakee, Illinois 60901

6. The contents of a Petition for Review and the procedures to be followed are governed by the Board's procedural rules. Copies may be obtained from the Clerk of the Board at the address above, by calling the Board at (312) 814-3620, or from the Board's web site at:

<http://www.ipcb.state.il.us/rules/procedural/procedural.htm>

7. If you do not contest this Administrative Citation by filing a petition for review with the Board within the allotted time, the Board will enter an order finding that you committed the violations alleged above and imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d)(2003), and 35 Ill. Adm. Code 108.500(a).

8. If you contest this Administrative Citation by filing a timely petition for review with the Board, the Board will hold a hearing. The Board's procedural rules have more information on hearings; see 35 Ill. Adm. Code Parts 101 and 108.
9. If the Board finds after the hearing that you committed a violation as alleged above, you will be assessed the hearing costs incurred by CDOE and the Board. Hearing costs are assessed in addition to the statutory civil penalty for the violations. If the Board finds after the hearing that you did not commit a violation as alleged above, or that the violation resulted from uncontrollable circumstances, you will not be assessed hearing costs and you will not have to pay a civil penalty.
10. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, interest on the amount due will be assessed against you from the date payment is due and including the date that payment is received.
11. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, the Office of the Illinois Attorney General and/or the County of Kankakee may initiate court proceedings against you to collect the amount due, plus any interest accrued. In that event you may also be liable for court costs.

Date: June 21, 2005

County of Kankakee

By: Michael J. Van Mill

Its: Planning Department
Director

State of Illinois
Environmental Protection Agency
Narrative Inspection Report Document

Date of Inspection: 5/02/05

County: Kankakee

Site Code: 0918075002

Time: 10:45 am to 10:50 am

Site Name: South Holland Trust # 10897
John & Ella Hall
2066 E. 217th Street
Sauk Village, IL 60411-2165

Inspector: Donna Shehane
Jim Greenstreet

South Holland Trust & Savings Bank
Trust # 10897
16178 South Park Avenue
South Holland, IL

General Remarks

We arrived on site at approximately 10:45 am to conduct an inspection of this property. The weather at the time of this inspection was 43 degrees Fahrenheit with WNW winds at 21 mph and overcast skies. Jim Greenstreet, Kankakee County Code Enforcement Officer, and sworn police officer, accompanied me on this inspection, as Mr. Greenstreet is in training to become a certified Illinois EPA-delegated inspector.

Mr. Greenstreet had previously inspected the site on April 29, 2005, three days before we returned to the site together, in his capacity as Kankakee County Code Enforcement Officer. The attached photographs dated April 29, 2005 were taken by Mr. Greenstreet on April 29, 2005 and depict various burned waste materials including metal debris, a bicycle wheel, a trailer with burned wheels, a microwave, bed springs, rubber, aluminum cans, a burned television set, and other miscellaneous debris.

Photo # 1 from the May 2, 2005 inspection, taken toward the east, depicts a waste pile observed on the ground at the site. Waste observed in the pile, which measured approximately 15' x 4' x 4' (127 cubic feet or about 5 cubic yards) included a battery charger, fence/gate, microwave, and metal debris, as well as evidence of open burning of the material (charred debris and ashes on the ground).

Photo # 2 is a closer shot of the waste material observed in photo # 1. Photo # 3 depicts the battery charger on the ground, as well as the fence, microwave, and miscellaneous charred debris. These items are also visible in Mr. Greenstreet's April 29, 2005 photo # 2, 4, and 6.

We left the site at 10:50 am. The South Holland Trust # 10897/John & Ella Hall site was found to be out of compliance at the time of this inspection. Apparent violations observed:

- 1. Section 9(a) of the Illinois Environmental Protection Act: Cause, Threaten, Or Allow Air Pollution in Illinois.**
- 2. Section 9(c) of the Illinois Environmental Protection Act: Cause Or Allow Open Burning.**
- 3. Section 21(a) of the Illinois Environmental Protection Act: Cause or Allow Open Dumping.**
- 4. Section 21(d)(1) of the Illinois Environmental Protection Act: Conduct Any Waste-Storage, Waste-Treatment, Or Waste-Disposal Operation: (1) Without A Permit**
- 5. Section 21(d)(2) of the Illinois Environmental Protection Act: Conduct Any Waste-Storage, Waste-Treatment, Or Waste-Disposal Operation: (2) In Violation of Any Regulations or Standards Adopted by the Board**
- 6. Section 21(e) of the Illinois Environmental Protection Act: Dispose, Treat, Store, Or Abandon Any Waste, Or Transport Any Waste Into The State At/To Sites Not Meeting Requirements Of Act and Regulations**
- 7. Section 21(p)(1) of the Illinois Environmental Protection Act: 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**
- 8. Section 21(p)(3) of the Illinois Environmental Protection Act: Cause Or Allow The Open Dumping Of Any Waste In A Manner Which Results In Any Of The Following Occurrences At The Dump Site:
(3) Open Burning**

**9. Section 812.101(a) of the 35 Illinois Administrative Code
Requirements Subtitle G: Failure To Submit An Application For A
Permit To Develop And Operate A Landfill**

END NARRATIVE BY DONNA SHEHANE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

Group Ex No. 1

County: Kankakee LPC#: 0918075002 Region: 2 - Des Plaines
 Location/Site Name: South Holland Trust Trust # 10897 / John & Ella Hall PIN 05-11-22-400-033
 Date: 05/02/2005 Time: From 10:45 am To 10:50 am Previous Inspection Date: _____
 Inspector(s): Donna Shehane; Jim Greenstreet Weather: 43 F; WNW winds @ 21 mph; overcast
 No. of Photos Taken: # 3 Est. Amt. of Waste: 10 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

John & Ella Hall
 2066 E. 217th Street
 Sauk Village, IL 60411-2165

South Holland Trust & Savings Bank
 Trust # 10897
 16178 South Park Avenue
 South Holland, IL

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" 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 type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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 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"/>
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"/>

Donna Shehane

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.

Date of Inspection:
5/02/05

Time:
10:45 am

Photo # 1 By:
Donna Shehane

Location:
11405 E Route 114
Momence, IL

Comments:
Burned waste
observed on the
ground



Date of Inspection:
5/02/05

Time:
10:48 am

Photo # 2 By:
Donna Shehane

Location:
11405 E. Route 114
Momence, IL

Comments:
Waste pile on the
ground which has
undergone burning



Date of Inspection:
5/02/05

Time:
10:50 am

Photo # 3 By:
Donna Shehane

Location:
1140 E. Route 114
Momence, IL

Comments: waste pile
on site which has
undergone burning



State of Illinois
Environmental Protection Agency
Site Sketch

Date of Inspection: 5/02/05

County: Kankakee

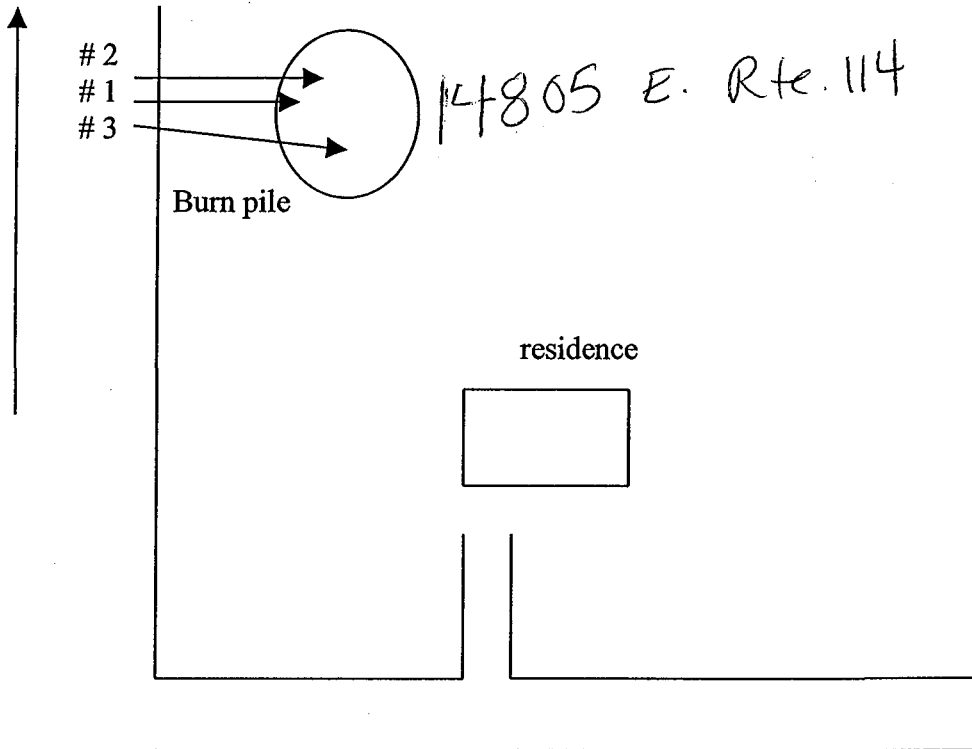
Site Code: 0918075002

Inspector: Donna Shehane

Site Name: South Holland Trust # 10897 Time: 10:45 am to 10:50 am
John & Ella Hall
2066 E. 217th Street
Sauk Village, IL 60411-2165

South Holland Trust & Savings Bank
Trust # 10897
16178 South Park Avenue
South Holland, IL

North



Route 114

Date: 4/29/05

Photo # 1 By:
Jim Greenstreet

Time: 9:25 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments: waste pile with
evidence of burning



Date: 4/29/05

Photo # 2 By:
Jim Greenstreet

Time: 9:27 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments: burned waste
materials on the ground
including metal, rubber,
bicycle wheel, paper, fencing,
aluminum cans, box springs,
lumber, ashes and miscellaneous debris



Date: 4/29/05

Photo # 3 By:
Jim Greenstreet

Time: 9:28 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments:
Burned waste materials on
the ground at the site including
metal, some type of electronic
circuitry, ashes and miscellaneous
debris



Date: 4/29/05

Photo # 4 By:
Jim Greenstreet

Time: 9:30 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments: dumped and burned
waste materials on site;
metal, microwave, bricks,
concrete, fence, aluminum,
ashes and miscellaneous debris



Date: 4/29/05

Photo # 5 By:
Jim Greenstreet

Time: 9:32 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments:
Burned waste pile
taken from another viewpoint;
metal, shovel, desk, and
miscellaneous debris



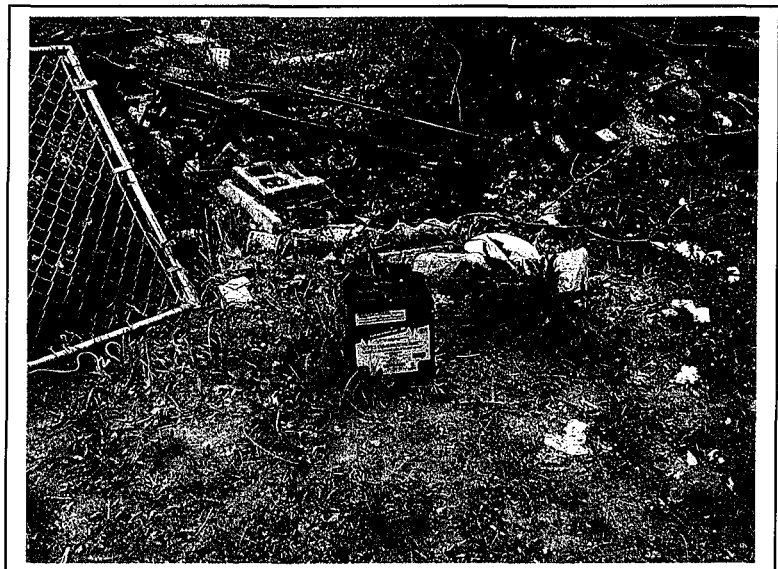
Date: 4/29/05

Photo # 6 By:
Jim Greenstreet

Time: 9:33 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments:
Burned debris pile; black box
is labeled "Total Charge III"



Date: 4/29/05

Photo # 7 By:
Jim Greenstreet

Time: 9:34 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments:
Burned tires on trailer;
rusted metal debris



Date: 4/29/05

Photo # 8 By:
Jim Greenstreet

Time: 9:36 am

Location:
PIN 05
-11-22-400-033
Momence Township
Hall property

Comments: burn pile containing
ashes, aluminum cans, metal



Date: 4/29/05

Photo # 9 By:
Jim Greenstreet

Time: 9:37 am

Location:
PIN 05-11-22-400-033
Momence Township
Hall property

Comments: location
of second burn pile
on site

