

RECEIVED
CLERK'S OFFICE

JUL 05 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,)	
)	
Complainant,)	AC No. <u>06-01</u>
)	
v.)	County File No. 05-01
)	
PHIL ROUSE)	
)	
Respondents.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. Respondent Phil Rouse is, and was at all times relevant to this Administrative Citation, the owner of property located at 1831 Perrysville Road, Lot 64, Danville, County of Vermilion, State of Illinois.
2. Said property is operated as an unlicensed open dump, and designated with Illinois Environmental Protection Agency Site Code No. 1830205283.
3. On May 10, 2005, Lee Ann Chezem of the Vermilion County Health Department inspected the above-described property. Lee Ann Chezem's Affidavit and a copy of her inspection report are attached hereto and made a part hereof by reference.

VIOLATION

On the basis of the direct observation of Lee Ann Chezem, the County of Vermilion has determined that on May 10, 2005, Respondent was responsible for conducting an unlicensed open dump at the above-described address, which is required to have a permit pursuant to 415 ILCS 5/21(a) of the Act, in a manner which resulted in the following conditions:

- A. Open dumping resulting in litter was observed at the site, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1), which provides no person shall...cause or allow the open dumping of any waste in a manner which results in ...litter.
- B. Open dumping resulting in open burning was observed at the site, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3), which

provides no person shall...cause or allow the open dumping of any waste in a manner which results in ...open burning.

CIVIL PENALTY

Pursuant to section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent herein is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1500.00) for each of the above-mentioned violations. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the One Thousand Five Hundred Dollar (\$1500.00) statutory penalty for each violation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

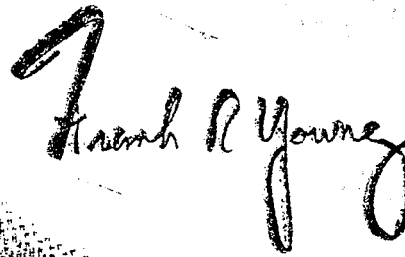
You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board, at the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 North Vermilion Street, Danville, Illinois 61832.

If you acknowledge the violations cited herein, the civil penalty specified above shall be due and payable no later than August 1, 2005. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the County of Vermilion, Illinois, and mailed to the Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832, together with a completed copy of the Remittance Form attached hereto.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation.

Dated: 6/29/05

A handwritten signature in black ink that reads "Frank R. Young". The signature is written in a cursive style with a large, stylized initial "F".

Frank R. Young
State's Attorney for Vermilion County

By: Charles D. Mockbee IV
Charles D. Mockbee IV
Assistant State's Attorney

Prepared by:
Charles D. Mockbee IV
Office of the State's Attorney
7 N. Vermilion St.
Danville, IL 61832
217-554-7750

RECEIVED
CLERK'S OFFICE

JUL 05 2005

**STATE OF ILLINOIS
Pollution Control Board**
IN THE MATTER OF

REMITTANCE FORM

PHIL ROUSE,
Respondent.)
)
)
)
)

AC No. 05-01
County File No. 05-01

Facility/Property: 1831 Perrysville Road, Lot 64, Danville, Illinois

County: Vermilion

Date of Inspection: May 10, 2005

Site Code No.: 1830205283

Civil Penalty: \$3000.00

Date Remitted: _____

SSN/FEIN No.: _____

Signature: _____

NOTE

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College Street, Danville, Illinois 61832.

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 05 2005

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)

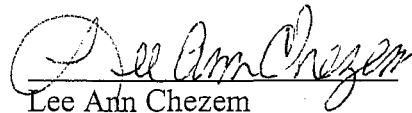
PHIL ROUSE,)

Respondent.)

AC No. 06-01
County File No. 05-01

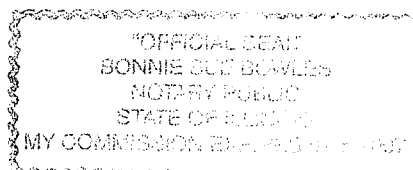
The Affiant, Lee Ann Chezem, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On May 10, 2005, between 12:30 p.m. and 1:00 p.m., Affiant conducted an inspection of property located at 1831 Perrysville Road, Lot 64, Danville, within the County of Vermilion, State of Illinois, owned by Phil Rouse.
3. Affiant inspected the property by an on-site inspection.
4. Prior to said inspection, Affiant had reviewed Illinois Environmental Protection Agency permits issued to the subject site.
5. As a result of the activities referred to in paragraphs 2, 3 and 4 above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the accompanying Inspection Report Narrative, Site Sketch and photographs, 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 property located at 1831 Perrysville Road, Lot 64, Danville, Illinois, on May 10, 2005.


Lee Ann Chezem

SIGNED and SWORN to before me this 29 day of June, 2005, by Lee Ann Chezem.


NOTARY PUBLIC



RECEIVED
CLERK'S OFFICE

JUL 05 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF)

)

)

AC No. do-01

)

County File No. 05-01

)

PHIL ROUSE,

)

Respondent.

AFFIDAVIT OF SERVICE

State of Illinois)

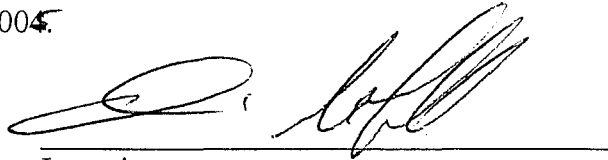
) ss

County of Vermilion)

I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Phil Rouse, by leaving a copy of the same with (name):

Phil Rouse, at (address): 1121 Lake Ridge Rd at (time):

9:00 AM, on (date): 6/30, 2005.



Investigator
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this ___ day of _____, 2005.

NOTARY PUBLIC

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Vermilion LPC#: 1830205283 Region: 4 - Champaign
 Location/Site Name: Danville/Rouse
 Date: 05/10/2005 Time: From 12:30pm To 1:00pm Previous Inspection Date: _____
 Inspector(s): LeeAnn Chezem Weather: Sunny, windy 70 degrees
 No. of Photos Taken: # 4 Est. Amt. of Waste: 15 yds³ Samples Taken: Yes # _____ No
 Interviewed: Scott Weidig Complaint #: _____

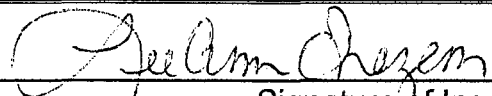
Responsible Party
 Mailing Address(es)
 and Phone
 Number(s):

Phil Rouse
 1121 Lake Ridge
 Danville, Illinois 61832

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"/>



 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.



PUBLIC HEALTH IS PRICELESS

VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S.
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING
200 SOUTH COLLEGE, SUITE A
DANVILLE, IL 61832
PHONE/TDD 217 431-2662
FAX 217 431-7483

LPC#1830205283
Danville/Rouse
FOS
05/10/2005

OPEN DUMP INSPECTION NARRATIVE

This non-permitted open dumpsite was inspected on May 10, 2005 by LeeAnn Chezem of the Vermilion County Health Department. The inspection was conducted after a report was received by the Lynch Fire Department of illegal burning occurring on private property, located at 1831 Perrysville Road, Danville, Illinois.

The area in which the illegal burning occurred is inside a licensed trailer park. The trailer park is located in Vermilion County and is licensed under the name Glendale Mobile Home Park. The property is owned by Phil Rouse. Mr. Rouse resides at 1121 Lake Ridge in Danville, Illinois. The weather at the time of the inspection was sunny, windy and approximately 70 degrees.

INSPECTOR FINDINGS

At approximately 12:20pm on May 10, 2005, a call was received from the Vermilion County Sheriff's Department dispatcher regarding an illegal burn that was occurring at Glendale Mobile Home Park. Lynch Fire Department had responded to the fire and requested that our agency meet them on the property.

This inspector arrived at 1831 Perrysville Road, Lot #64, at approximately 12:30pm. The fire was behind the residence near the woods and had been extinguished prior to my arrival. Fire Chief, Scott Weidig indicated his department had responded to the trailer park on numerous occasions to extinguish unattended illegal burning. He stated the owner of the trailer park had been notified on each occasion to stop the burning of solid waste, however incidents have continued to occur.

A large area of burned solid waste and landscape waste behind the residence located at Lot #64, was observed (photos 1, 2 and 4). A portion of the waste had been pulled from the burning debris shortly after the fire department arrived. These items were stacked near a tree (photo #3).

The maintenance person for the trailer park (name unknown) stated to both the Fire Chief and myself that he had set the waste on fire and then left the area. He stated Mr. Rouse was aware the fire had been set and that Lynch Fire Department had been called to extinguish it. Mr. Rouse did not arrive at the trailer park during the inspection to discuss the incident.

No measurements were taken at the time of this inspection. The estimated solid waste is approximately 15 cubic yards.

This inspector left the property at approximately 1:00pm.

LPC#1830205283
Danville/Rouse
FOS
05/10/2005

SUMMARY OF APPARENT VIOLATIONS
ILLINOIS ENVIRONMENTAL PROTECTION ACT (415 ILCS 5/9 and
415 ILCS 5/21)

Section 9 (c) of the Act: No person shall...cause or allow the open burning of refuse. Open burning was observed on the site.

Section 21 (a) of the Act: No person shall...cause or allow the open dumping of any waste. Open dumping was observed on the site.

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. No Agency permit to conduct a waste storage, waste-treatment, or waste-disposal operation for the site was issued.

Section 21 (d) (2) of the Act: No person shall...conduct any waste-storage, waste-treatment, or waste disposal operation...in violation of any regulations or standards adopted by the Board under the Act. Violations of the Illinois Pollution Control Board Regulations were observed at the site where waste storage, waste-treatment, or waste-disposal operations were taking place.

Section 21 (e) of the Act: No person shall...dispose, treat, store or abandon waste...except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder. The storage and disposal of waste was occurring a site which did not meet the requirements of the Illinois Environmental Protection Act and the Illinois Pollution Control Board Regulations.

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:

(1) litter

Section 21 (p) (3) of the Act: No person shall... cause or allow the open dumping of any waste which results in...open burning. Open dumping resulted in open burning at the site.

LPC#1830205283
Danville/Rouse
FOS
05/10/2005

ILLINOIS POLLUTION CONTROL BOARD; 35 ILLINOIS ADMINISTRATIVE
CODE, SUBTITLE G
(REGULATIONS)

Section 812.101 of the Regulations:...All persons, except those specifically exempted by

Section 21 (d) of the Environmental Protection Act (Act) [415 ILCS 5/21 (d)], shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by section 39)(a) of the act, except as other wise provided in 35 Ill. Adm. Code 817. No such application for a permit to develop and operate a landfill was submitted.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 5/10/05 Inspector: LEE ANN CHERRY
Site Code: 12302050A3 County: Vermillion
Site Name: Dunville/Rouse Time: 12:30-1:00pm

4
N

Perrysville Road

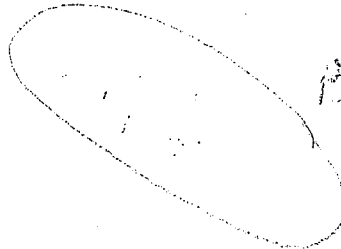
Perrysville Road

Trailer Lot

Trailer Lot

Trailer Lot

X X
Lot 64 Lot 66




Barn Site

woods



INSPECTION PHOTOS

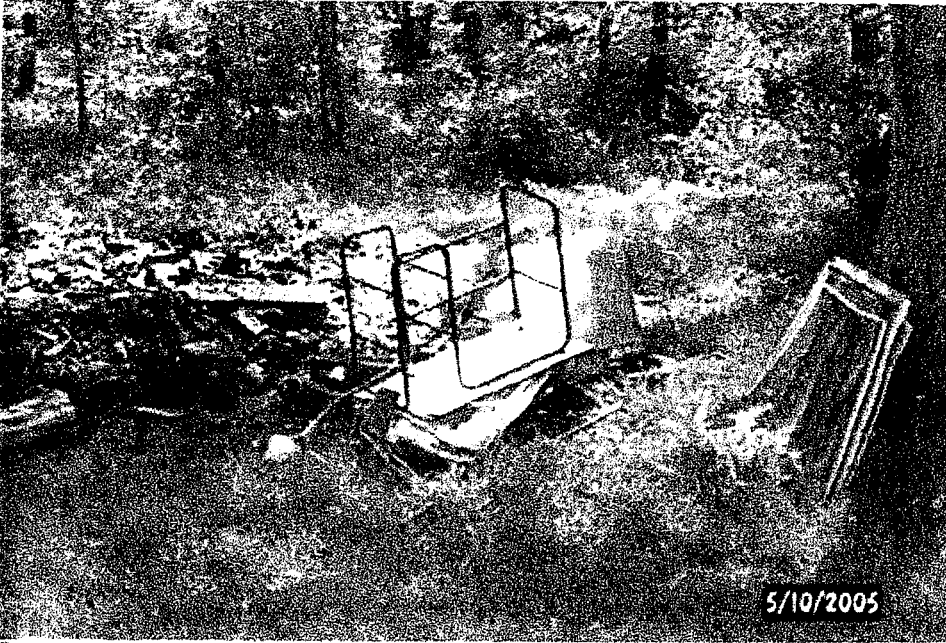
DATE: 5/10/05	SITE #: 1230200043	CO.: Winnebago
TIME: 12:32	SITE NAME: 1 Damsville/Rouse	
PHOTOGRAPH TAKEN BY: Lee Ann Chezem		
COMMENTS: Pictures taken toward: South		
ROLL #: PHOTO#: 1		

DATE: 5/10/05
TIME: 12:33
PHOTOGRAPH TAKEN BY: Lee Ann Chezem
COMMENTS: Pictures taken toward: South
ROLL #: PHOTO#: 2





INSPECTION PHOTOS

DATE: 5/10/05	SITE #: 1830205233	CO: Vermilion
TIME: 12:33	SITE NAME: Danielle Leese	
PHOTOGRAPH TAKEN BY: Lee Ann Chezem		
COMMENTS: Pictures taken toward: South		
ROLL #: PHOTO#: 3		

DATE: 5/10/05
TIME: 12:33
PHOTOGRAPH TAKEN BY: Lee Ann Chezem
COMMENTS: Pictures taken toward: Southeast
ROLL #: PHOTO#: 4

