



**William T. Donahue**  
**Assistant State's Attorney/Civil Division**  
**Vermilion County Board, Illinois**

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Danville, IL 61832  
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August 1, 2012

Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Re: Administrative Citation  
Respondent: Mark Johnson  
Site Code No: LPC1838095004

*AC13-9*

**RECEIVED**  
CLERK'S OFFICE  
AUG 03 2012  
STATE OF ILLINOIS  
Pollution Control Board

**ORIGINAL**  
**RETURN TO CLERK'S OFFICE**

Dear Sir,

Enclosed for filing with the Board is the Administrative Citation package issued to the above-captioned Respondent. I am forwarding an original and nine complete copies of the Administrative Citation with the attached field inspector's Affidavit and inspection report.

The Administrative Citation was served on the Respondent on July 30, 2012.

Enclosed is the delivery receipt for the Administrative Citation that was sent to the Respondent on July 30, 2012.

If the Respondent pays the civil penalty without filing a Petition for Review, I will send notice immediately for your records.

Respondent's mailing address is:

Mark Johnson  
607 South Main Street  
Georgetown, IL 61846

Thank you for your assistance in this matter.

William T. Donahue  
Assistant State's Attorney/Civil Division  
Vermilion County Board

Enclosure

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mark Johnson  
607 South Main Street  
Georgetown, IL 61846**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*x Mark Johnson*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*mark johnson* *7-31-12*

D. Is delivery address different from Item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise

**RECEIVED**  
CLERK'S OFFICE  
AUG 03 2012  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS, ) Case No.: AC: 13-9  
Complainant, ) LPC# 1838095004  
vs. ) Region 4-Champaign  
Mark Johnson, ) County File No.: 12-02  
Respondent )

**ORIGINAL**  
**RETURN TO CLERK'S OFFICE**

JURISDICTION

The Administrative Citation is issued pursuant to the statutory authority vested in the Illinois Environmental Protection Agency by section 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. That Respondent, Mark Johnson, is, and was at all times relevant to this Administrative Citation, the owner of property located in the area of 2053 East Road, Ridge Farm, Illinois, more particularly Latitude 39.918, Longitude -87.547.
2. That said property is in the Humrick area of rural Ridge Farm and vacant land which is not permitted as a sanitary landfill or dump area.
3. That on June 1, 2012 Douglas Toole and Adrianna Krzywicka of the Vermilion County Health Department inspected the above-described property. Douglas Toole's Affidavit and a copy of his inspection report are attached hereto and incorporated herein by reference.

VIOLATIONS

1. On the basis of direct observations personally made by Douglas Toole, the County of Vermilion has determined that on June 1, 2012:
  - A. The Respondent was allowing the open dumping of waste which resulted in litter in violation of Section 21(p)(1).

1 B. The Respondent caused or allowed the open dumping of any waste which results  
2 in the deposition of general construction or demolition debris and clean  
3 construction and demolition debris in violation of Section 21(p) (7).  
4

5 CIVIL PENALTY

6 Pursuant to Section 42(b) (4) of the Act, 415 ILCS 5/42(b) (4), Respondent herein is  
7 subject to a civil penalty of \$1,500.00 for each violation of each provision under  
8 subsection p of Section 21, plus any hearing costs incurred by the Board should the  
9 Respondent elect to petition the Illinois Pollution Control Board under the review  
10 process described herein below.  
11

12 PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

13 You have the right to contest this Administrative Citation under Section 31.1(d) of  
14 the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you  
15 must file a petition for Review with the Clerk of the Illinois Pollution Control, at  
16 the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago,  
17 Illinois 60601. Such Petition for Review must be filed with thirty-five (35) days of  
18 the date of service of this Administrative Citation, or a default judgment will be  
19 issued by the Illinois Pollution Control Board. A copy of the Petition for Review  
20 should be filed with the Vermilion County State's Attorney's Office, Courthouse, 2<sup>nd</sup>  
21 Floor, 7 N Vermilion Street, Danville, Illinois, 61832.

22 If you acknowledge the violation herein, the civil penalty specified above shall be  
23 due and payable no later than 2-8-2010. If you do not petition the Illinois Pollution  
24 Control Board for review of the Administrative Citation within thirty-five (35) days  
25 of the service hereof and have not paid the civil penalty by the due date stated  
26 above, or if you elect to contest this Administrative Citation, any judgment rendered  
27 shall specify the due date of the statutory civil penalty and any costs assessed  
28 against you.

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

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If any civil penalty, by reason of acknowledgment, default or finding after 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 this July 23, 2012

*Randall J. Brinegar*

Randall J. Brinegar,  
State's Attorney for  
Vermilion County, Illinois

By *William T. Donahue*

William T. Donahue  
Assistant State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF )

Mark Johnson )

Respondent. )

AC No. 13-9

County File No. 12-02

The Affiant, Douglas Toole, being first duly sworn, voluntarily deposes and states as follows upon personal knowledge:

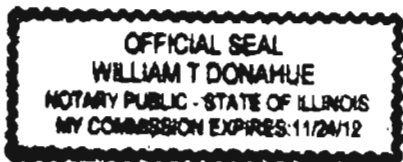
1. Affiant is a field inspector employed by the Vermilion County Health Department and has been so employed at all times pertinent hereto.
2. On June 1, 2012 between a.m. and a.m., your Affiant conducted an inspection of land within the County of Vermilion, State of Illinois, known as property of Mark Johnson , Latitude 39.918 Longitude - 87.547
3. Affiant inspected the land by an on-site inspection which included walking on the site and personally viewing the violations and measuring the amount of waste as set out in the inspection checklist as attached.
4. As a result of the activities referred to in paragraphs 2, 3 and above, Affiant completed the Solid Waste Landfill Inspection Checklist, with the enclosed 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 land of Mark Johnson on June 1, 2012.

FURTHER Affiant sayeth not.

*Douglas Toole*

Douglas Toole

SIGNED and SWORN to before me this 23rd day of July, 2012 by Douglas Toole.



*William T Donahue*  
NOTARY PUBLIC

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Vermilion      LPC#: 1838095004      Region: 4 - Champaign  
 Location/Site Name: Love / Johnson  
 Date: 06/01/2012    Time: From 3:30 p.m. To 3:40 p.m.    Previous Inspection Date: 06/21/2011  
 Inspector(s): Douglas Toole, Adrianna Krzywicka    Weather: cloudy, dry, breezy, 65 F  
 No. of Photos Taken: # 03    Est. Amt. of Waste: 60 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_    Complaint #: \_\_\_\_\_  
 Latitude: 39.918    Longitude: -87.547    Collection Point Description: -  
 (Example: Lat.: 41.26493    Long.: -89.38294)    Collection Method: -

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

Mark Johnson  
 607 South Main Street  
 Georgetown, IL 61846  
 (217) 662-2987

Brian Edwards  
 20641 East 330 North Road  
 Ridge Farm, IL 61870

	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 # 1838095004

Inspection Date: 06/01/2012

	(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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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

SHIRLEY HICKS, BS, SPHR, CPHA  
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING  
200 SOUTH COLLEGE, SUITE A  
DANVILLE, IL 61832  
PHONE/TDD 217 431-2662  
FAX 217 431-7483  
[www.vchd.org](http://www.vchd.org)

LPC #1838095004  
Love / Johnson  
FOS  
06/01/2012

## OPEN DUMP INSPECTION NARRATIVE

This unpermitted open dump was reinspected on June 1, 2012, by Douglas Toole and Adrianna Krzywicka of the Vermilion County Health Department. The weather was cloudy, dry, breezy and about 65 degrees Fahrenheit. Three photos were taken of the site.

The site is located in Vermilion County, in the Humrick area of rural Ridge Farm, Illinois. Specifically, the site is east of the dead end of 2053 East Road in Humrick.

## INSPECTORS FINDINGS

We arrived at the site at about at about 3:30 p.m. No one was present when we arrived, and no one accompanied us during the inspection.

In the open area, I observed the same two piles of stacked tires that I had observed during previous inspections (photo 2), and the same derelict car that I have observed previously (photo 1). I also observed two jet-skis, a bathtub, dresser drawers, boards and other refuse that I had not observed on the site previously (photo 3). There was no evidence of recent waste-burning.

We left the site at about 3:40 p.m.

On the Inspection Report Checklist for this reinspection, I estimated that there were 60 cubic yards of waste associated with the fire on the site. No measurements were performed to arrive at that estimation, only my observations at the time. The actual amount of waste on the site associated with the fire may vary significantly from that estimation.



## SUMMARY OF APPARENT VIOLATIONS

### ILLINOIS ENVIRONMENTAL PROTECTION ACT (415 ILCS 5/1 et seq.)

Section 21 (a) of the Act: No person shall ... cause or allow the open dumping of any waste. The open dumping of waste 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 any 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 at 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 which results in ... litter. Open dumping of waste resulting in litter was observed at the site.

Section 21 (p)(7) of the Act: No person shall ... cause or allow the open dumping of any waste which results in ... the deposition of general construction or demolition debris; or clean construction or demolition debris. Open dumping resulting in the deposition of general and clean construction and demolition debris was observed at the site.

LPC #1838095004

Love / Johnson

06/01/12

Page 3 of 3

Section 55 (a)(1) of the Act: No person shall ... cause or allow the open dumping of any used or waste tire. The open dumping of waste tires was observed at the site.

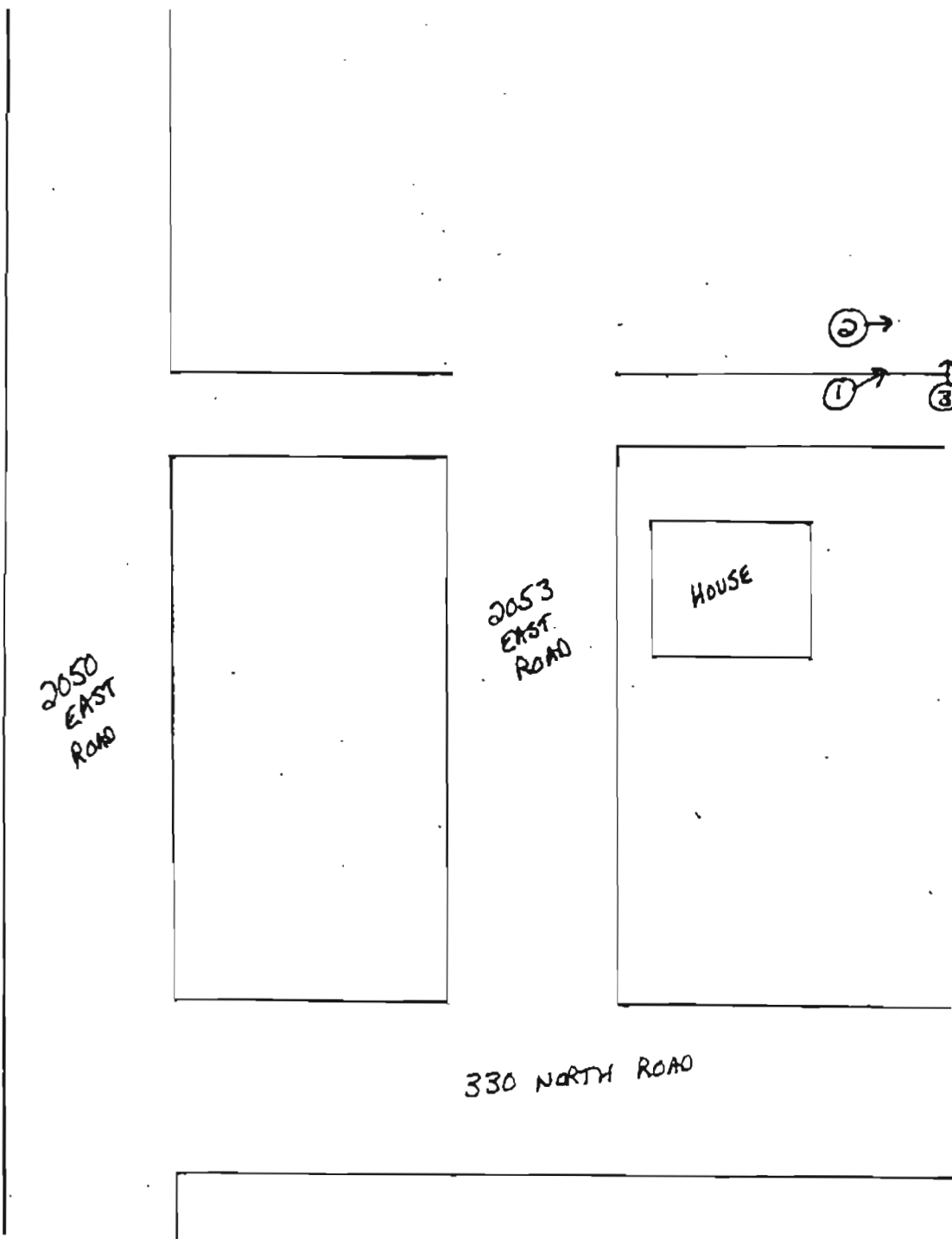
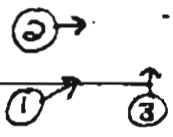
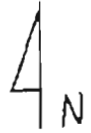
ILLINOIS POLLUTION CONTROL BOARD; 35 ILLINOIS ADMINISTRATIVE CODE,  
SUBTITLE G  
(REGULATIONS)

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 otherwise 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: JUNE 1, 2012 Inspector: DOUGLAS TOOLE  
Site Code: 1838095004 County: VERMILION  
Site Name: LOVE / JOHNSON Time: 3:30-3:40 P.M.





## DIGITAL PHOTOGRAPHS

File Name: Love / Johnson



Date: 06/01/2012  
Time: 3:35 p.m.  
Direction: NE  
Photo by: Doug Toole  
Exposure #: 01  
Comments:

View of site from west



Date: 06/01/2012  
Time: 3:35  
Direction: E  
Photo by: Doug Toole  
Exposure #: 02  
Comments:

View of site from west



## ***DIGITAL PHOTOGRAPHS***

File Name: Love / Johnson



Date: 06/01/2012  
Time: 3:37 p.m.  
Direction: N  
Photo by: Doug Toole  
Exposure #: 03  
Comments:

View of site from south

Date:  
Time:  
Direction:  
Photo by:  
Exposure #:  
Comments: