

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 PHILLIP QUALLS,)
)
 Respondent.)

AC 20- 05

Site Code: 0778 040 5038

RECEIVED
CLERKS OFFICE
MAR 03 2020
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Phillip Qualls, 110 Main Street, Grand Tower, IL 62942

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board a Complaint for Administrative Citation in the above-styled action, a copy of which is herewith served upon you.

Dated: February 10, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



GENE A. TURK, JR.
Assistant State's Attorney
Office of the State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
618-687-7200
gene.turk@jacksoncounty-il.gov
Counsel for the Complainant

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERKS OFFICE
MAR 03 2020
STATE OF ILLINOIS
Pollution Control Board

| | | |
|--------------------|---|--------------------------|
| COUNTY OF JACKSON, |) | |
| |) | |
| Complainant, |) | AC 20- 05 |
| |) | |
| v. |) | Site Code: 0778 040 5038 |
| |) | |
| PHILLIP QUALLS, |) | |
| |) | |
| Respondent. |) | |

APPEARANCE

NOW COMES Gene A. Turk, Jr., Assistant Jackson County State's Attorney, and enters his appearance in the above-styled cause on behalf of the Complainant, County of Jackson.

MICHAEL C. CARR
Jackson County State's Attorney


 GENE A. TURK, JR.
 Assistant State's Attorney
 Office of the State's Attorney
 Jackson County Courthouse, 3d Floor
 Murphysboro, Illinois 62966
 618-687-7200
gene.turk@jacksoncounty-il.gov
 Counsel for the Complainant

2020-405

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

| | | |
|--------------------|---|--------------------------|
| COUNTY OF JACKSON, |) | |
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| Complainant, |) | AC 20- 05 |
| |) | |
| v. |) | Site Code: 0778 040 5038 |
| |) | |
| PHILLIP QUALLS, |) | |
| |) | |
| Respondent. |) | |

RECEIVED
CLERKS OFFICE
MAR 03 2020
STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

TO: Phillip Qualls, 110 Main Street, Grand Tower, IL 62942

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Notice of Filing in the above-styled action were hand delivered to:

Name: Phillip Qualls

Address: 110 main st, Grand Tower, IL 62942

Sex: Male / Female (circle one). Approximate Age: 42-83

Date of Service: 2-14, 2020

Time of Service: 9:03 a.m. / p.m.

Mike Bastien
/s/ Robert Burns, Jackson County Sheriff
By his Deputy

Please return original to: GENE A. TURK, JR.
Assistant State's Attorney
Office of the State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
Counsel for the Complainant

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|--------------------|---|-------------------------|
| COUNTY OF JACKSON, |) | |
| |) | |
| Complainant, |) | AC 20- 05 |
| |) | |
| v. |) | Site Code: 077 040 5038 |
| |) | |
| PHILLIP QUALLS, |) | |
| |) | |
| Respondents. |) | |

RECEIVED
 CLERKS OFFICE
MAR 03 2020
 STATE OF ILLINOIS
 Pollution Control Board

ADMINISTRATIVE CITATION

NOW COMES the Complainant, County of Jackson, by and through the Jackson County State’s Attorney, with this Administrative Citation against the Respondent, PHILLIP QUALLS, alleging as follows:

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.*, specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, Phillip Qualls, is the present owner, occupant and is in control and possession of a facility located in the County of Jackson, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code 077 040 5038. The facility is known to the Agency as the Grand Tower/Phillips Qualls site.
3. The Respondent has occupied, controlled and/or operated the facility at all material times hereto.

4. On December 18, 2019, Deborah Johnson, Environmental Compliance Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of her Affidavit, along with her inspection report, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

The facility was most recently inspected on December 18, 2019. Based on Environmental Compliance Inspector Deborah Johnson's direct observations, she has determined the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

- A. The Respondent has caused or allowed litter at the facility, in violation of 415 ILCS 5/21(p)(1).
- B. The Respondent has caused or allowed open burning at the facility, in violation of 415 ILCS 5/21(p)(3).
- C. The Respondent has caused or allowed the deposit of general or clean construction or demolition debris at the facility, in violation of 415 ILCS 5/21(p)(7).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent is 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 FOUR THOUSAND FIVE HUNDRED (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than thirty (30) days from the date that

Respondent is served with this document, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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, and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the Fifteen Hundred Dollars (\$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), if Respondent fails 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, checks shall be made payable in equal amounts (50% of the total penalty each) to:

- (1) County of Jackson, c/o Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois 62966; and
- (2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

Respondent shall complete and return the enclosed Remittance Forms with payments 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 Respondent from the date payment is due up to and including the date that payment is received. The Complainant may either initiate proceedings against the Respondent in Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

Respondent has the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If contesting this Citation, Respondent must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall also be filed with the Jackson County State's Attorney. The mailing addresses are noted below.

THE PETITION FOR REVIEW MUST BE FILED WITHIN 35 DAYS OF THE DATE OF SERVICE OF THE PRESENT CITATION. THE PETITION MUST STATE THE REASON(S) RESPONDENT BELIEVES THE PRESENT MATTER SHOULD NOT BE ISSUED. IF RESPONDENT FAILS TO FILE A PETITION AND STATES THE REASONS THE PRESENT MATTER SHOULD NOT BE ISSUED, A DEFAULT ORDER AGAINST RESPONDENT WILL BE ENTERED BY THE POLLUTION CONTROL BOARD.

The Respondent must file an original Petition with the Clerk of the Board at:

Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

A copy of the Petition must also be sent to:

Jackson County State's Attorney
c/o Gene A. Turk, Jr., Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, Illinois 62966

Dated: February 10, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



GENE A. TURK, JR.
Assistant State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
618-687-7200
gene.turk@jacksoncounty-il.gov
Counsel for Complainant

REMITTANCE FORM TO COUNTY OF JACKSON

COUNTY OF JACKSON,)
)
 Complainant,)
) AC 20-
 v.)
) Site Code: 077 040 5038
 PHILLIP QUALLS,)
)
 Respondent.)
)

FACILITY: Grand Tower/Phillip Qualls Site

COUNTY: JACKSON

DATE OF INSPECTION: December 18, 2019

SITE CODE: 077 040 5038

Date Remitted: _____, 2020

SS or FEIN # _____

Signature _____

NOTE:

Please enter the date of your remittance, social security number, if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign the remittance form. Be sure the appropriate check is enclosed. Mail the check, along with this remittance form, to:

Liz Hunter, Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois 62966

REMITTANCE FORM TO ILLINOIS EPA

COUNTY OF JACKSON,)
)
 Complainant,)
) AC 20-
 v.)
) Site Code: 077 040 5038
 PHILLIP QUALLS,)
)
 Respondent.)
)

FACILITY: Grand Tower/Phillip Qualls Site

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SITE CODE: 077 040 5038

Date Remitted: _____, 2020

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Signature _____

NOTE:

Please enter the date of your remittance, social security number, if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign the remittance form. Be sure the appropriate check is enclosed. Mail the check, along with this remittance form, to:

Illinois Environmental Protection Agency
Attn: Fiscal Services
P.O. Box 19276
Springfield, Illinois 62794-9276

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

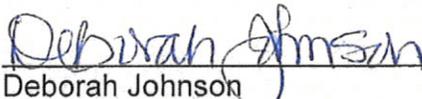
IN THE MATTER OF:

0770405038 / Jackson County
Grand Tower / Phillip Qualls
COMPLIANCE FILE

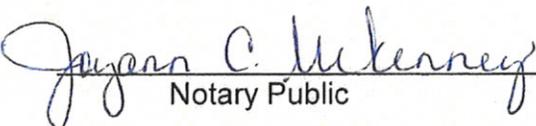
Phillip Qualls, Respondent

Affiant, Deborah Johnson, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is an Environmental Compliance inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On December 18, 2019, between the hours of 9:48 a.m. and 9:53 a.m. Affiant conducted an inspection of the open dump site known as Grand Tower/ Phillip Qualls, Jackson County, Illinois.
3. Affiant inspected said open dump site by an on-site inspection.
4. As a result of the activities referred to in Paragraphs 2 and 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 said Grand Tower/ Phillip Qualls, Illinois, open dump site.


Deborah Johnson
Compliance Specialist

Subscribed and Sworn Before me
this 11th day of February, 2020


Notary Public



**Illinois Environmental Protection Agency
Delegated Agency Solid Waste Program
Open Dump Inspection**

County: Jackson BOL #: 0770405038 Region: 7 - Marion
 Site Name: Grand Tower/ Phillip Qualls
 Site Address: 110 Main St City: Grand Tower
 Site Contact: Phillip Qualls Phone: _____
 Inspector: Deborah Johnson Email: _____
 Date/Times: 12/18/2019; 9:48 a.m. to 9:53 a.m. Interviewed: N/A
 Weather: Overcast w/ calm winds Complaint #: _____

Owner Mailing Address

Phillip Qualls
110 Main St
Grand Tower, IL 62942

Operator Mailing Address

Chief Operator (conduct) Mailing Address (if applicable)

N/A after closure certification

Certified Operator (competency) Mailing Address (if applicable)

N/A after closure certification

Permit:

DE: _____ OP: _____ SigMod: _____ Current Mod or SP: _____

Expiration Date:

Exempt per §21(d)(1)

Operational Status (permitted and permit-exempt sites):

Operating

Closed/Not Certified

Closed/Date Certified:

Operational Status (unpermitted sites):

Operating

Closed

| Summary of Apparent Violations (site in general compliance if no violations are listed) | | | |
|---|------------|-----------|--|
| Status | Date | Violation | Explanation |
| C | 12/18/2019 | 21(a) | Cause or allow open dumping |
| C | 12/18/2019 | 21(d)(1) | Conduct a waste storage, treatment, or disposal operation w/o a permit |
| C | 12/18/2019 | 21(e) | Dispose, treat, store, abandon, or transport any waste not meeting the Act |
| C | 12/18/2019 | 21(p)(1) | Cause or allow open dumping of any waste resulting in litter |
| C | 12/18/2019 | 21(p)(7) | Cause or allow open dumping of any waste resulting in CC or DD |
| C | 12/18/2019 | 55(a)(3) | Cause or allow storage of used/waste tire not preventin water accumulation |
| | | | |

Jackson County Health Department
Open Dump Evaluation Report

| General Facility Information | | | |
|------------------------------|----------------------------|-------------------|------------|
| BOL ID: | 0770405038 | Region: | Marion |
| USEPA ID: | Not Applicable | County: | Jackson |
| Site Name: | Grand Tower/Phillip Qualls | Phone: | |
| Address: | 110 Main St. | Latitude: | 37.624496 |
| City/State/Zip: | Grand Tower, IL 62942 | Longitude: | -89.498513 |

| Owner | Operator |
|--|----------|
| Phillip Qualls 110 Main St Grand Tower, IL 62942 | |

| Evaluation Details | |
|---------------------------------|----------------------------|
| Evaluation Type | Open Dump Inspection (21p) |
| Evaluation Date | December 18, 2019 |
| Inspector(s) | Deborah Johnson |
| Person(s) Interviewed | N/A |
| Previous Inspection Date | 10/10/2019 |

| Observations | |
|---|--------------------------|
| Time | 9:48 a.m. – 9:53 a.m. |
| Weather Conditions (Description) | Overcast with calm winds |
| Temperature (°F) | 28 |
| Photos Taken | 6 |
| Amount of Waste (Cubic Yards) | 20 |

Executive Summary

Administrative Citation Warning Notices (ACWN) were issued to Mr. Qualls on May 2, 2019 and on July 23, 2019, and a Continuing Violations Notice (CVN) on October 11, 2019. I conducted a follow-up inspection on this site on December 18, 2019. Brittany Jones of the Jackson County Health Department (JCHD) accompanied me on this inspection. During the inspection, I noted continuing open dumping on the property. A final letter, a Continuing Violations Notice (CVN) will be issued to Mr. Qualls from the Jackson County State's Attorney's Office before we proceed for a potential enforcement action.

Evaluation Narrative

After arrival to the property, I went to the front door of the residence and knocked. No one answered the knock at the door. I then proceeded to the front of the property to photograph open dumping along the garage and adjacent to the small building by the road (Photos 1 & 2). Open dumping in these locations consisted of, but was not limited

to: dimensional lumber, used/waste tires, auto parts, metal items, wire, an abandoned vehicle, and plastic buckets. Ms. Jones stayed near the front of the property while I continued to walk towards the waste adjacent to the garage. Photos 3 and 4 show a close up view of the items in the waste pile and the abandoned vehicle. This vehicle was observed in the same location during the previous inspections.

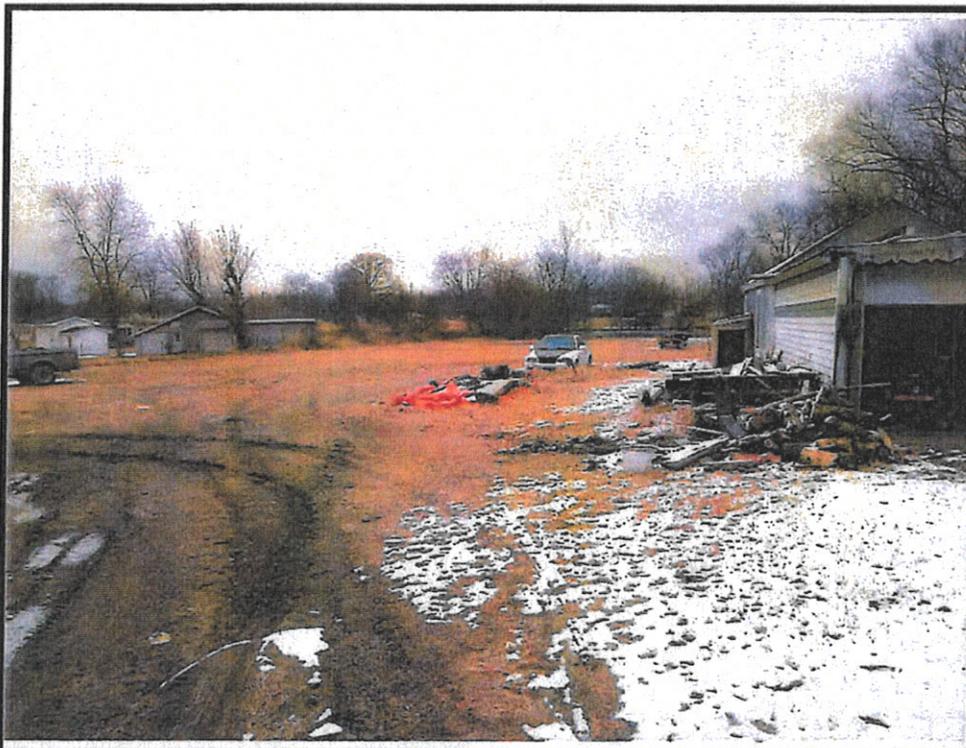
Further east on the property, I noticed items observed during previous inspections had been stockpiled on a trailer and a smaller cart (Photo 5). These items were not protected from the weather and are considered waste. The open dumped waste consisting of, but was not limited to: construction and/or demolition debris, a used/waste tire, a kid's toy, metal components, and other items not readily identifiable. Photo 6 shows the same maroon, abandoned truck observed during the previous inspections.

Waste materials listed in this narrative were not in use, were not usable in their current condition and/or were not stored in a manner to protect the material for future use.

| Summary of Apparent Violation(s) | | | |
|----------------------------------|------------|-----------|--|
| Status | Date Cited | Violation | Narrative |
| Continuing | 12/18/2019 | 21(a) | Cause or allow open dumping |
| Continuing | 12/18/2019 | 21(d)(1) | Conduct a waste storage, treatment, or disposal operation without a permit |
| Continuing | 12/18/2019 | 21(e) | Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act |
| Continuing | 12/18/2019 | 21(p)(1) | Cause or allow open dumping of any waste in a manner which results in litter |
| Continuing | 12/18/2019 | 21(p)(7) | Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris |
| Continuing | 12/18/2019 | 55(a)(3) | Cause or allow storage of a used/waste tire that is not altered, not covered, or otherwise prevented from accumulating water |

| Attachment Listing | | |
|--------------------|------|-------------|
| ID | Type | Description |
| No Attachments | | |

Digital Photographs



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 1
Photo Date: 12/18/2019
Photo Time: 9:50 a.m.
Direction: Northeast
Taken By: Deborah Johnson

Overview of the items and
the abandoned vehicle
adjacent to the garage.



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 2
Photo Date: 12/18/2019
Photo Time: 9:50 a.m.
Direction: Southwest
Taken By: Deborah Johnson

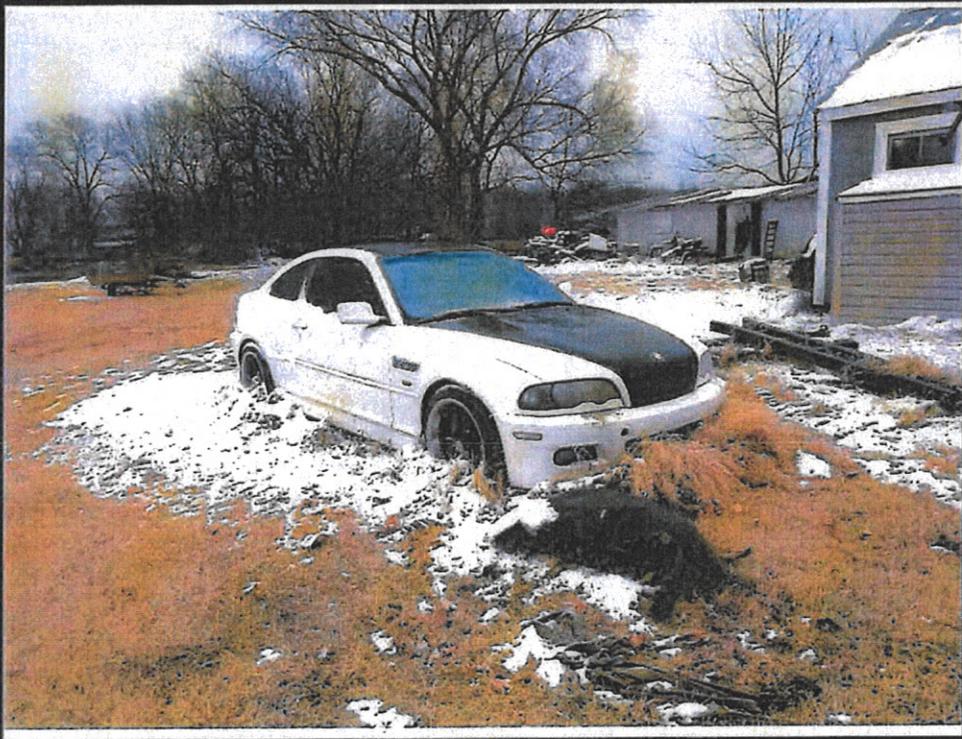
Open dumped waste
included, but was not limited
to: used/waste tires,
dimensional lumber,
cardboard, and other items
not readily identifiable.



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 3
Photo Date: 12/18/2019
Photo Time: 9:51 a.m.
Direction: South
Taken By: Deborah Johnson

Open dumped tarpaulin,
wire, a plastic bucket,
material handling equipment
components, metal items,
and unknown items
underneath the tarpaulin.



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 4
Photo Date: 12/18/2019
Photo Time: 9:51 a.m.
Direction: Southeast
Taken By: Deborah Johnson

Open dumped vehicle
component, an abandoned
vehicle, and items not
readily identifiable,



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 5
Photo Date: 12/18/2019
Photo Time: 9:51 a.m.
Direction: South
Taken By: Deborah Johnson

Open dumped waste stockpiled onto trailers included but was not limited to: construction and/or demolition debris, metal components, a used/waste tire, a kid's toy, and other items not readily identifiable.



Site: Grand Tower/
Phillip Qualls
(0770405038)
Jackson County

Photo ID: 6
Photo Date: 12/18/2019
Photo Time: 9:51 a.m.
Direction: Southeast
Taken By: Deborah Johnson

Abandoned truck.

Site Diagram(s)

Site Diagram 1: December 18, 2020 • Grand Tower/Phillip Qualls (0770405038) • Jackson County





JACKSON COUNTY STATE'S ATTORNEY
Michael C. Carr, State's Attorney

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966
(618) 687-7200 • FAX (618) 687-7215

Monday, February 24, 2020

RECEIVED
CLERKS OFFICE

MAR 03 2020

STATE OF ILLINOIS
Pollution Control Board

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation – Grand Tower/Phillip Qualls Site
Site Code: 078 040 5038
Inspection Date: December 18, 2019
Summons Served: February 14, 2020

Dear Clerk:

Pursuant to 415 ILCS 5/31.1(c), enclosed for filing with the Board is the Administrative Citation packet issued against Phillip Qualls. The site is known as the Grand Tower/Phillip Qualls site.

Phillip Qualls' mailing address is: 110 Main Street, Grand Tower, IL 62942

Enclosed with this material is a proof of service showing that the Complaint for Administrative Citation was served upon Respondent by the Sheriff of Jackson County with the packet of supporting documents.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

MICHAEL C. CARR
Jackson County State's Attorney

A handwritten signature in blue ink, appearing to read "Gene A. Turk, Jr.", written over a horizontal line.

GENE A. TURK, JR.
Assistant State's Attorney
Jackson County, Illinois

Enclosures

cc: Deborah Johnson, Jackson County Health Department