

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

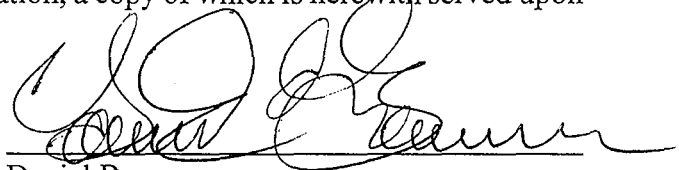
COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GARY CLOVER,)
)
Respondent.)

AC 04 - 31

NOTICE OF FILING

TO: Gary Clover, 1336 Hoffman Road, Murphysboro, IL 62966

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



Daniel Brenner
Assistant State's Attorney

January 13, 2004

Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse
Murphysboro, IL 62966
618-687-7200

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)

Complainant,)

v.)

GARY CLOVER,)

Respondent.)

AC 04 - 37

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Jackson.



Daniel Brenner

Assistant State's Attorney

Jackson County Courthouse, 3rd Floor

Murphysboro, IL 62966

618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

v.

GARY CLOVER,

Respondent.

)
)
)
)
)
)
)
)
)
)

AC 04 - 37
Site Code: 0778105010

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent is the present owner and occupant and 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 #0778105010. The facility is known to the Agency as the Murphysboro/Gary Clover site.

3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.

4. On December 19, 2003, Don Terry, Field Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of the inspection report, along with Mr. Terry's affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, Don Terry's, direct observation, he has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that

resulted in the following violations:

That on December 19, 2003, an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1); and
2. The Respondent has caused or allowed the deposition of general construction or demolition debris; or clean construction or demolition debris at the facility in violation of 415 ILCS 5/21(p)(7).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of \$1,500.00 for each of violations specified above. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$3,000.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than March 1, 2004. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Jackson County's Treasurer Office and mailed to the attention of Shirley Dillinger Booker, Jackson County Treasurer, Murphysboro, Illinois, 62966. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due,

the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Jackson County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with Daniel Brenner, Assistant State's Attorney, Jackson County Courthouse, Third Floor, Murphysboro, Il 62966. **Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.**

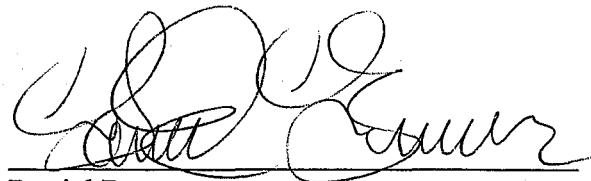
Your original Petition must be filed with the Clerk of the Board at:

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

A copy must also be sent to:

Office of the State's Attorney
Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, Il 62966

DATED: 1/14, 2004



Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) NO. AC 04 -
)
 GARY CLOVER,)
)
 Respondent.)

FACILITY: MURPHYSBORO/GARY CLOVER SITE

COUNTY: JACKSON

DATE OF INSPECTION: December 19, 2003

SITE CODE: 0778105010

CIVIL PENALTY: \$3,000.00

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Shirley Dillinger Booker
Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois, 62966

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

077 810 5010 / Jackson County
Murphysboro / Gary Clover
COMPLIANCE FILE

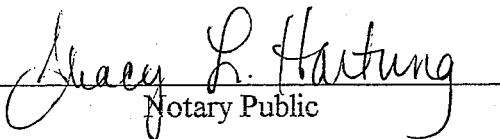
Respondent.

Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On December 19, 2003, between the hours of 10:05 am and 10:35 am, Affiant conducted an inspection of the open dump site known as Murphysboro / Gary Clover, 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 Gary Clover, Murphysboro, Illinois, open dump site.


Don Terry
Solid Waste Inspector

Subscribed and Sworn To before me
this 7 day of January, 2004


Notary Public



— EXHIBIT A —

NARRATIVE INSPECTION REPORT DOCUMENT

OPEN DUMP SITE

Date of Inspection: December 19, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 810 5010

County: Jackson

Site Name: Murphysboro / Gary Clover

Time: 10:05 am – 10:35 am

Location: 1336 Hoffman Rd, Murphysboro

Owner of Property: Gary Clover

Volume of Waste found at site: 1365 cu / yds

GENERAL REMARKS

During the above date and time, I conducted an inspection of the site listed above as a follow up to one conducted by this office on June 10, 2003. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department. During the inspection, continuing violations of open dumping were observed.

The site is owned by Mr. Gary Clover, who owns and operates Gary D. Clover's Roofing from this site. Upon arriving at the site we went directly to the house and knocked on the door several times. No one answered.

We walked along a dirt driveway that wound to the west and south of the house (**See sketch**). I observed an area west of the house that appeared to contain a building under construction as well as areas containing waste piles (**Photos #1 & #2, Area A on sketch**). Upon closer inspection the area around the construction site contained piles of materials used in the construction. I observed two trucks to the east of the construction area, and near them a pile of waste tires and construction / demolition debris (**Photo #4, Area A on sketch**).

To the north of the construction area I observed a shed that had waste open dumped around it (**Photos #3, #5, #6, #7 and #8, Area A on sketch**). The waste consisted of abandoned tires, lead acid batteries (**Photo #6, Area A on sketch**), metal pipe, general construction / demolition debris, lumber, barrels and other materials not readily identifiable. There was also an area near the front of the shed where it appears that some types of automotive fluid(s) had been poured onto the ground (**Photo #7, Area A on sketch**).

We walked south of the shed where I observed two areas of waste. The first was directly south of the shed. I observed white goods and scrap metal (**Photo #9, Area B on sketch**). The second was west of the white goods. In this area I observed two abandoned buses, one of which was on its side. I also observed white goods, scrap metal and several vent covers (**Photo #10, Area B on sketch**).

Page 2

077 810 5010

Murphysboro / Gary Clover

December 19, 2003

We walked south along the dirt driveway and to the west I observed approximately 10 abandoned vehicles (**Photos #11 & #12, Area B on sketch**). South of these abandoned vehicles I observed eight abandoned mobile homes in various states of demolition (**Photos #13, Area C on sketch**). At the time of the inspection, these mobile homes were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use. I observed that most were missing windows and doors allowing the interiors to be exposed to weather.

To the west of these mobile homes I observed a pile of approximately 50 tires which had been disposed (**Photo #14, Area C on sketch**). Some were on rims and none were covered or stored in any manner to keep them out of the weather. I observed no evidence of any systematic reuse of the tires by Mr. Clover in the regular course of his business.

To the west and south of the tires I observed more abandoned vehicles (**Photos #15, #16 and #17, Area D on sketch**). At the time of this inspection, none of the vehicles I observed in the areas designated "B," "C," or "D" on the site sketch, were in use, were useable in their current condition, or were stored in such a way as to protect any future use.

To the southeast of the abandoned mobile homes I observed an area containing what appeared to be a mobile home that had been partially demolished, a tank trailer of some type, more abandoned vehicles and other waste materials not readily identifiable (**Photo #17, Area D on sketch**). Materials in the mobile home and in the bed of the truck were exposed to weathering.

We drove to the southeast end of the dirt driveway. In this area I observed mobile homes, some appeared to be occupied. Near the mobile home that sits the closest to N. Jungle Rd, (**Photo #18, Area E on sketch**) I observed several piles of waste that had been open dumped. This waste appeared to consist of demolition / construction debris, white goods, blue plastic barrels and other materials not readily identifiable (**Photos #18 and #19, Area E on sketch**).

My inspection ended at approximately 10:35 am.

Violations Observed:

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1 and 7): 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: During the inspection open dumping was observed that resulted in litter and the deposition of general construction or demolition debris; or clean construction or demolition debris at the site.

Page 3

077 810 5010

Murphysboro / Gary Clover

December 19, 2003

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit; Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board:

There is no record of Mr. Clover having received a permit from the Agency to conduct a waste-storage, waste-treatment, or waste-disposal operation at this location. During the inspection violations of regulations and standards adopted by the Board for conducting a waste-storage, waste-treatment, or waste-disposal operation were observed.

Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act: During the inspection, evidence of waste being stored, treated, disposed and abandoned was observed. Due to the quantity and type of waste observed, it would be reasonable to assume that much of the waste observed was brought onto the site from other locations.

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: During the inspection used and waste tires were observed to have been open dumped on the site.

Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill; Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site; Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site: There is no record of Mr. Clover having applied for or having received a permit to develop or operate a landfill or a waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: December 19, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 810 5010

County: Jackson

Site Name: Murphysboro / Gary Clover

Time: 10:05 am – 10:35 am

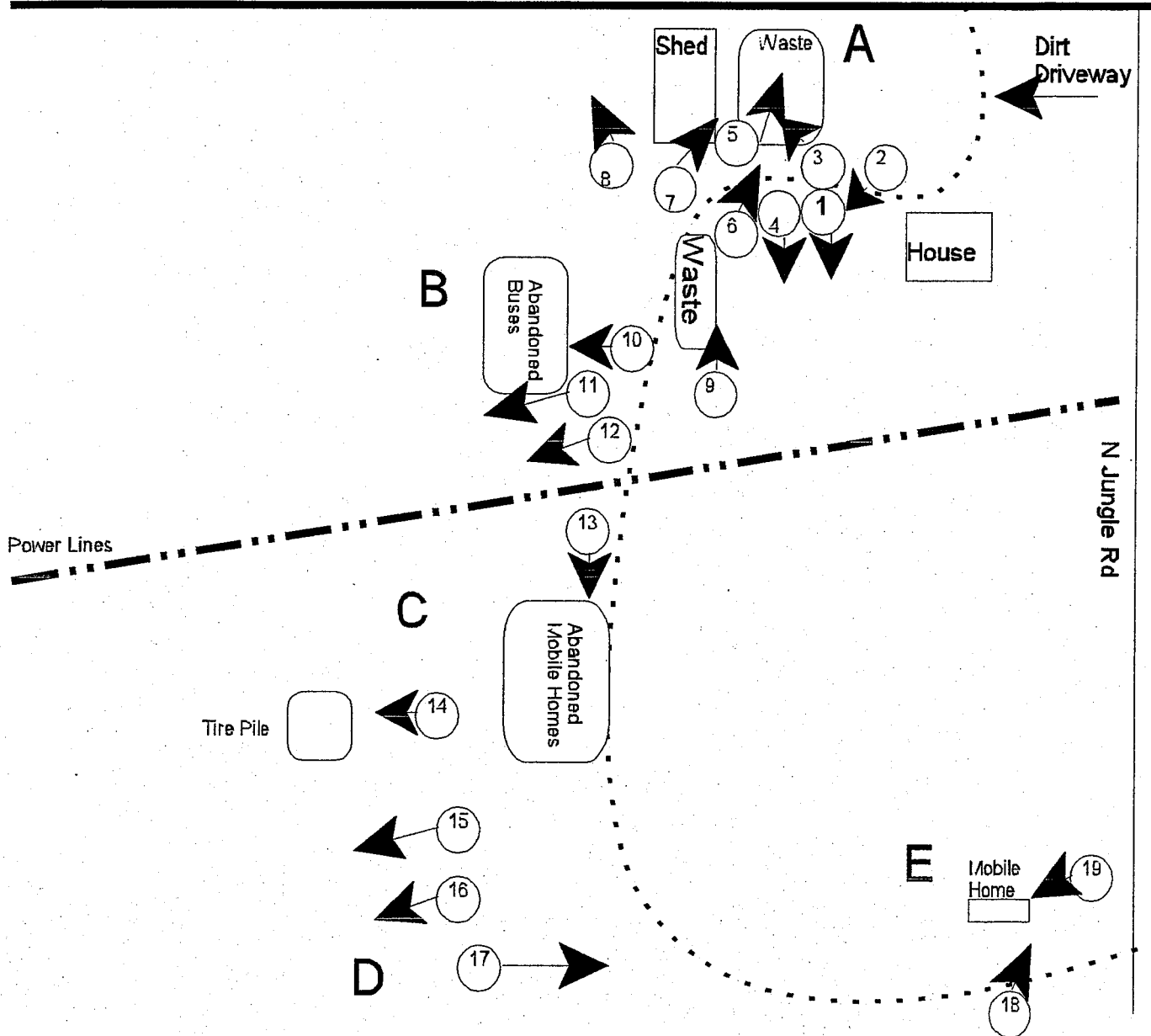
Not Drawn to Scale

All locations are approximate

O → indicates approx. location & direction of photos




Hoffman Rd.





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:11 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: South		
PHOTO FILE NAME:		
0778105010-12192003-01		

Date: December 19, 2003
Time: 10:11 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778105010-12192003-02





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:11 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Northwest		
PHOTO FILE NAME:		
0778105010-12192003-03		

Date: December 19, 2003
Time: 10:11 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: South
PHOTO FILE NAME:
0778105010-12192003-04





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:12 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Northeast		
PHOTO FILE NAME:		
0778105010-12192003-05		

Date: December 19, 2003
Time: 10:12 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: North
PHOTO FILE NAME:
0778105010-12192003-06





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:13 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Northeast		
PHOTO FILE NAME:		
0778105010-12192003-07		

Date: December 19, 2003
Time: 10:13 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northwest
PHOTO FILE NAME:
0778105010-12192003-08





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:15 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: North		
PHOTO FILE NAME:		
0778105010-12192003-09		

Date: December 19, 2003
Time: 10:15 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778105010-12192003-10





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:16 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778105010-12192003-11		

Date: December 19, 2003
Time: 10:16 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778105010-12192003-12





DIGITAL INSPECTION PHOTOS


Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:17 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: South		
PHOTO FILE NAME:		
0778105010-12192003-13		

Date: December 19, 2003
Time: 10:18 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778105010-12192003-14





DIGITAL INSPECTION PHOTOS

Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:19 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778105010-12192003-15		

Date: December 19, 2003
Time: 10:20 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778105010-12192003-16





DIGITAL INSPECTION PHOTOS

Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:20 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: East		
PHOTO FILE NAME:		
0778105010-12192003-17		




Date: December 19, 2003
Time: 10:28 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME:
0778105010-12192003-18





DIGITAL INSPECTION PHOTOS

Date: December 19, 2003	Site #: 077 810 5010	County: JACKSON
Time: 10:29 am	Site Name: Murphysboro / Gary Clover	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southwest		
PHOTO FILE NAME:		
0778105010-12192003-19		

Date:
Time:
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward:
PHOTO FILE NAME:

No Photo

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON.

Complainant,

y.

GARY CLOVER.

Respondent.

AC 04 - 37

Serve on: Gary Clover, 1336 Hoffman Road, Mursphysboro, IL 629662

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Appearance were hand delivered to:

Name: Gary Clover

Address: _____

Sex: Male ☒ Female ☐

Age: 10-19-53

Date of service: 1/21, 2004

Time: 10:30 a.m.

Temda Elliot at Jackson Co Sheriff Dept
/S/ Robert Burns, Jackson Co. Sheriff
By his Deputy

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE