

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)

Complainant,)

v.)

GARY EASTON,)

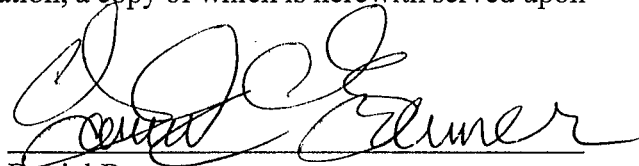
Respondent.)

AC 04 - 42

NOTICE OF FILING

TO: Gary Easton, P.O. Box 796, 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 16, 2004

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

COUNTY OF JACKSON,)

Complainant,)

v.)

GARY EASTON,)

Respondent.)

AC 04 - 42
Site Code: 0778140035

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 #0778140035. The facility is known to the Agency as the Murphysboro/Gary Easton (2) site.

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

4. On December 17, 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 17, 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.**

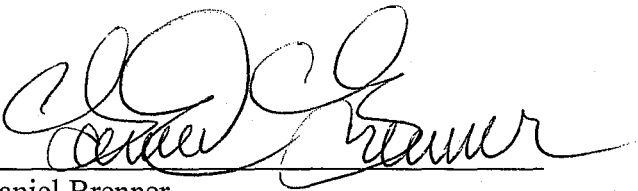
Your original Petition must be filed with the Clerk of the Board at:

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: 1/16, 2004


Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

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

FACILITY: MURPHYSBORO/GARY CLOVER SITE

COUNTY: JACKSON

DATE OF INSPECTION: December 17, 2003

SITE CODE: 0778140035

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:

077 814 0035 / Jackson County
Murphysboro / Gary Easton (2)
COMPLIANCE FILE

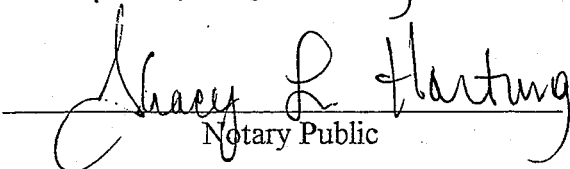
Respondent.

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 17, 2003, between the hours of 9:35 am and 9:50 am, Affiant conducted an inspection of the open dump site known as Murphysboro / Gary Easton (2), Jackson County, Illinois.
3. Affiant inspected said open dump site by an inspection from a location adjacent to the site.
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 Easton, 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 17, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 814 0035

County: Jackson

Site Name: Murphysboro / Gary Easton (2)

Time: 9:35 am – 9:50 am

Location: Grange Hall Rd, Murphysboro

Owner of Property: Mr. Gary Easton

Volume of Waste found at site: 3500 cu /yds

GPS: N 37°49.135 W 089°19.929

GENERAL REMARKS

During the above date and time, I conducted an inspection of the site listed above as a follow up to one made by this office on August 6, 2002. I was accompanied on the inspection by Bart Hagston of the Jackson County Health Department. During the inspection continuing violations of open dumping were observed.

According to the Jackson County Assessor's Office, the site is owned by Mr. Gary Easton, P. O. Box 796, Murphysboro, IL 62966. Mr. Easton is currently under an order by the First Judicial Circuit Court in Jackson County Illinois (Case # 98-MR-39), issued on 10/8/1998 to clean up this site.

No one was at the site upon our arrival. From Grange Hall Road I observed waste open dumped on the site. The waste appeared to include: waste tires, general construction / demolition debris, unmarked barrels, scrap metal, abandoned vehicles, abandoned implements, and other materials not easily identifiable (**Photos #1– #6, Area A on sketch**).

I observed a large metal barn on the east side of the property and what appeared to be an abandoned mobile home sitting parallel to Grange Hall Road. The barn's door was open and I observed what appeared to be other materials being stored within it (**Photos #2 & #3, Area A on sketch and Photos #7 – #10, Area B on sketch**).

We walked south through a farm field along a line parallel with the east boundary of the Easton site. From points along this path I observed more waste which had been open dumped. This included approximately 25 abandoned vehicles and implements, waste vehicle parts, waste tires, white goods, general construction / demolition debris and other materials not readily identifiable (**Photos #7 – #21, Area B on sketch**). At the time of the inspection, the vehicles and implements were not in use, did not appear useable in their current condition, and were not stored in such a way as to protect any future use.

My inspection ended at approximately 9:50 am.

Page 2

077 814 0035

Murphysboro / Gary Easton (2)

December 17, 2003

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 the open dumping of waste resulting in litter and the deposition of general construction or demolition debris; or clean construction or demolition debris was observed.

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 that Mr. Easton has received a permit from the Agency to conduct a waste-storage, waste-treatment, or waste-disposal operation. During the inspection violations of regulations and standards dealing with the operation of 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: Due to the quantity and type of waste observed, it would be reasonable to assume that the waste was transported in from another site for consolidation and disposal at this location.

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: During the inspection the open dumping of waste tires was observed. Even though Mr. Easton owns an automotive business, I observed no evidence of the systematic reuse of these tires in the regular course of his business.

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 that Mr. Easton has applied for or has received a permit from the Agency to develop and operate a landfill or to develop and operate a waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: December 17, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 814 0035

County: Jackson

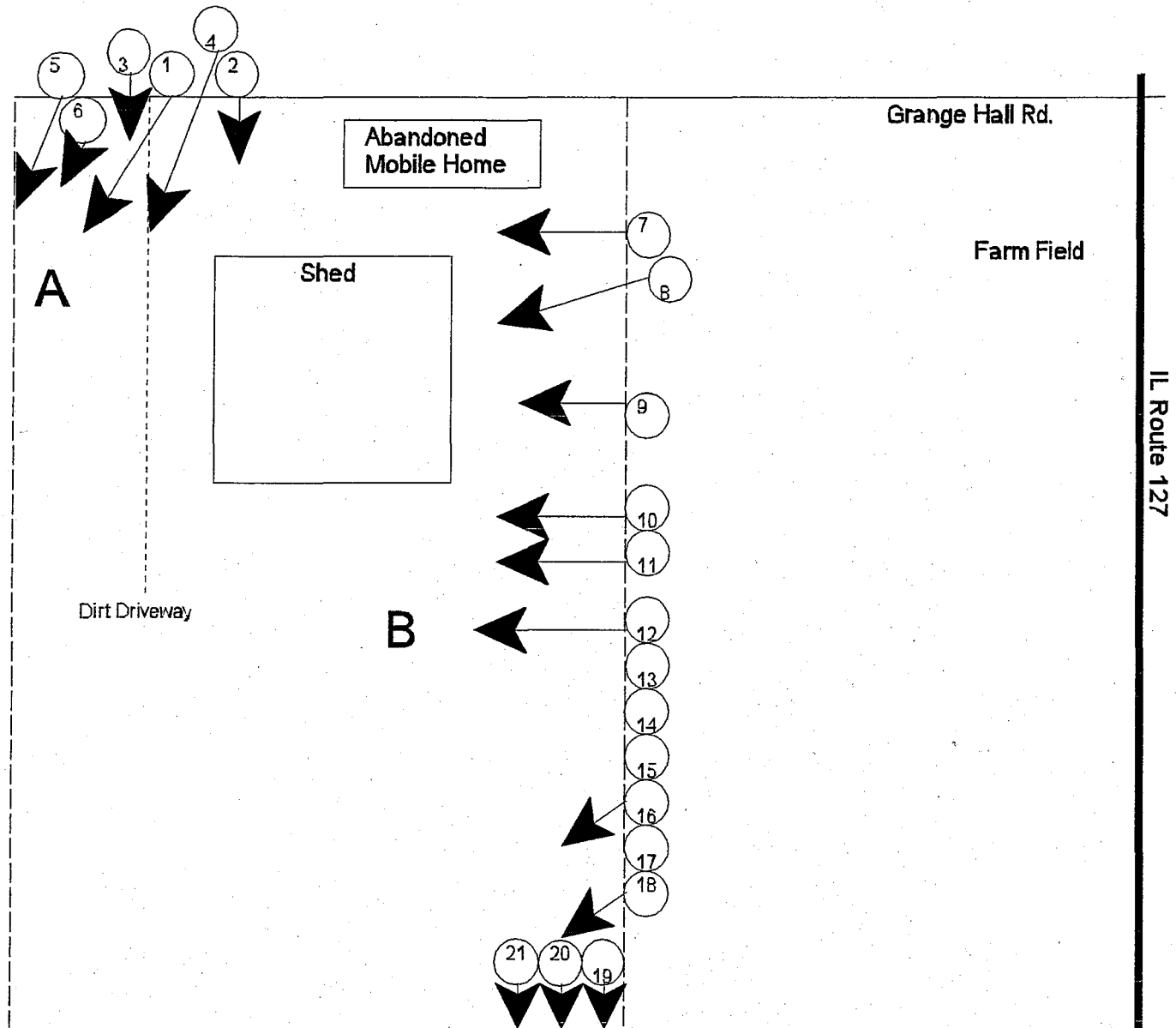
Site Name: Murphysboro / Gary Easton (2)

Time: 9:35 am – 9:50 am

Not Drawn to Scale

All locations are approximate


O → indicates approx. location & direction of photos



Easton Site (2)



DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:30 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southwest		
PHOTO FILE NAME:		
0778140035-12172003-01		

Date: December 17, 2003
Time: 9:40 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: South
PHOTO FILE NAME:
0778140035-12172003-02





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:40 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward:		
South		
PHOTO FILE NAME: 0778140035-12172003-03		

Date: December 17, 2003
Time: 9:40 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward:
Southwest
PHOTO FILE NAME: 0778140035-12172003-04





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:40 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-05		

Date: December 17, 2003
Time: 9:40 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778140035-12172003-06





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:41 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-07		

Date: December 17, 2003
Time: 9:42 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778140035-12172003-08





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:43 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-09		

Date: December 17, 2003
Time: 9:43 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778140035-12172003-10

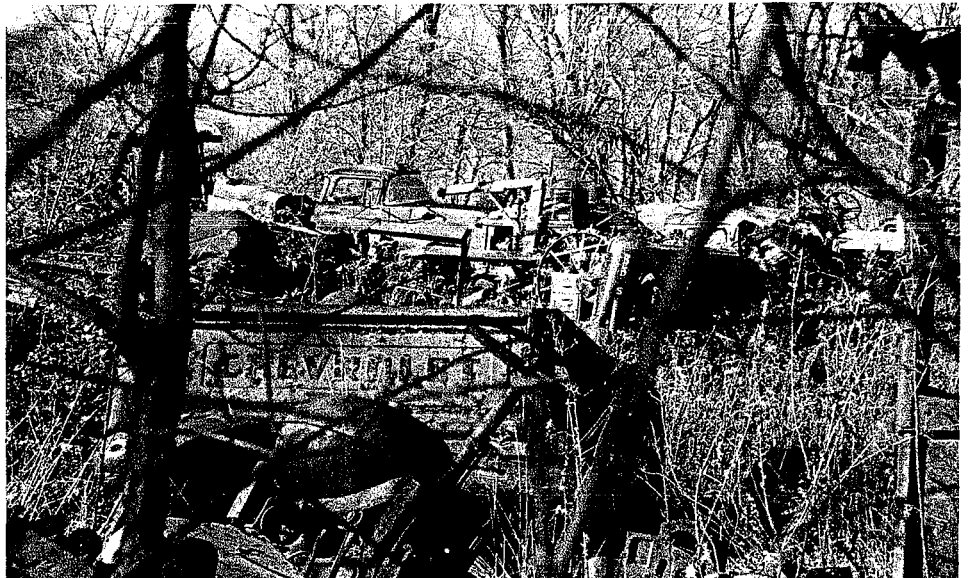




DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:43 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-11		

Date: December 17, 2003
Time: 9:44 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778140035-12172003-12





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:45 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-13		

Date: December 17, 2003
Time: 9:45 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778140035-12172003-14





DIGITAL INSPECTION PHOTOS

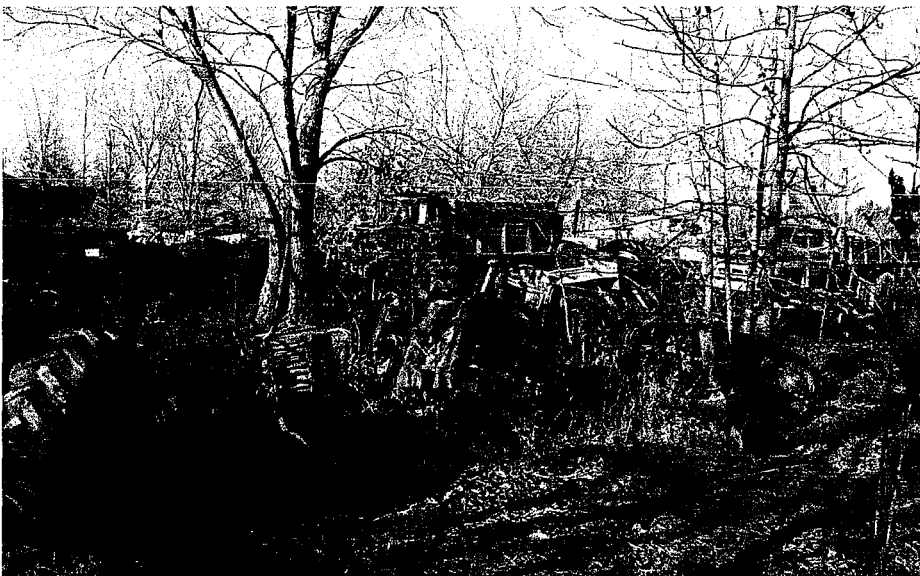
Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:45 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778140035-12172003-15		

Date: December 17, 2003
Time: 9:45 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778140035-12172003-16





DIGITAL INSPECTION PHOTOS


Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:46 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME: 0778140035-12172003-17		

Date: December 17, 2003
Time: 9:46 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME: 0778140035-12172003-18





DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:46 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: South		
PHOTO FILE NAME: 0778140035-12172003-19		

Date: December 17, 2003
Time: 9:47 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME: 0778140035-12172003-20





DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 814 0035	County: JACKSON
Time: 9:47 am	Site Name: Murphysboro / Gary Easton (2)	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: South		
PHOTO FILE NAME:		
0778140035-12172003-21		

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

No Photo

Site # 0778140035

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CD4-00182

COUNTY OF JACKSON,)

Complainant,)

v.)

GARY EASTON,)

Respondent.)

AC 04 - 42

RECEIVED
CLERK'S OFFICE

JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

Serve on: Gary Easton, P.O. Box 796, 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 Easton

Address: at JCSD

Sex: Male ☒ Female ☐

Age: 04-05-1941

Date of service: Jan 26, 2004

Time: 11:53 A.m.

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy

Don Castibery

PLEASE RETURN TO:

DANIEL BRENNER

JACKSON COUNTY STATE'S ATTORNEY'S OFFICE