

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 BOB OSINGA,)
)
 Respondent.)

AC 07 - 43

RECEIVED
CLERK'S OFFICE
FEB 14 2007
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Bob Osinga, 88 S. Jungle Road, Murphysboro, Illinois 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 17, 2007

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

07-00226

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
BOB OSINGA,)
)
Respondent.)

AC 07 - 43

Serve on: Bob Osinga, 88 S. Jungle Road, Murphysboro, Illinois 62966

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: Bob Osinga

Address: _____

Sex: W Male X Female _____

Age: 2-21-49

Date of service: 2-5-07, 2007.

Time: 11:35 A.m.

Marietta Shepard

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy

@ Jackson Co Sheriff Dept.

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

FEB 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 BOB OSINGA,)
)
 Respondent.)

AC 07 - 43

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

RECEIVED
CLERK'S OFFICE

FEB 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
BOB OSINGA,)
)
Respondent.)

AC 07 - 43
Site Code: 0778105047

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2004), 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 # 0778105047. The facility is known to the Agency as the Murphysboro/Bob Osinga site.

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

4. On January 9, 2007, 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 January 9, 2007, 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).

2. The Respondent has caused or allowed the deposition of general construction or demolition; or clean construction or demolition debris 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, 2007. 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: JAN 17, 2007

A handwritten signature in black ink, appearing to read "Daniel Brenner", written over a horizontal line.

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

FEB 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 BOB OSINGA,)
)
 Respondent.)

NO. AC 07 - 43

FACILITY: Murphysboro/Bob Osinga Site

COUNTY: JACKSON

DATE OF INSPECTION: January 9, 2007

SITE CODE: 0778105047

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

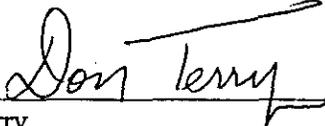
IN THE MATTER OF:

077 810 5047 / Jackson County
Murphysboro / Bob Osinga
COMPLIANCE FILE

Respondent.

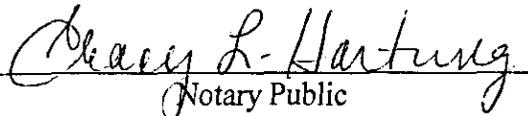
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On January 9, 2007, between the hours of 9:19 am and 9:30 am, Affiant conducted an inspection of the open dump site known as Murphysboro / Bob Osinga, 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 Bob Osinga, Murphysboro, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 16 day of January, 2007



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jackson LPC#: 077 810 5047 Region: 7 - Marion
 Location/Site Name: Murphysboro / Bob Osinga
 Date: 01/09/2007 Time: From 9:19 am To 9:30 am Previous Inspection Date: 06/03/2005
 Inspector(s): Don Terry Weather: 38°F -- cloudy with strong NW winds
 No. of Photos Taken: # 14 Est. Amt. of Waste: 115 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one Complaint #: 2004-045
 Latitude: 37.69987 Longitude: -89.36263 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 27 feet

| | | |
|--|--|--|
| Responsible Party Mailing Address(es) and Phone Number(s): | Mr. Bob Osinga 88 S. Jungle Road Murphysboro, IL 62966 | |
|--|--|--|

| | SECTION | DESCRIPTION | VIOL |
|---|---------|--|-------------------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS | | | |
| 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 # 077 810 5047

Inspection Date: 01/09/2007

| | | | |
|---|------------|--|-------------------------------------|
| | (7) | Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris | <input checked="" type="checkbox"/> |
| 9. | 55(a) | NO PERSON SHALL: | |
| | (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"/> |
| 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: | 807.201 Developmental Permit & 807.202 Operational Permit | <input checked="" 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.

Inspection Report Document: Open Dump Site Narrative

Date of Inspection: January 9, 2007

Inspector: Don Terry

Site Code: 077 810 5047

County: Jackson

Site Name: Murphysboro / Bob Osinga

Time: 9:19 am – 9:30 am

Location: Lat 37.69987 Long -89.36263

GPS Accuracy: +/- 27 feet

Approximate Volume of Waste at Site: 115 cu / yds.

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to inspections made of this site during which open dumping violations were observed. Also, on May 3, 2004, this office received from Mr. Osinga a letter stating that he should have the site cleaned up in four to six weeks (**Attachment, Page 1**).

Weather conditions at the time of the inspection were: cloudy with strong northwest winds and a temperature of approximately 38°F. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

According to the Jackson County Assessor's Office, the site is owned by Bob Osinga.

I arrived at the site and from South Jungle Road, a public roadway, observed waste that continued to be open dumped (**Photo #1, Site Sketch Area A**). The waste appeared unsightly and unorganized. I then entered the site to continue my inspection.

In an area west of an abandoned mobile home (**Site Sketch Area A**), I observed open dumped waste that included, but was not limited to: dimensional lumber, scrap metal, metal items, plastic items, metal barrels, plywood, plastic jugs and containers and an air conditioner (**Photos #1 - #5, Site Sketch Area A**).

I observed that the mobile home continued to appear abandoned and was damaged so that the contents were exposed to weathering (**Photos #6, #9 & #10, Site Sketch**).

To the east of the abandoned mobile home I observed waste that included, but was not limited to: metal barrels, a water heater, waste tires, dimensional lumber, a window, metal siding and wire fencing (**Photos #7 & #8, Site Sketch Area B**).

To the north of the mobile home I observed waste piles that included but were not limited to: dimensional lumber, furniture, cardboard, metal items and plastic items (**Photos #11 & #12, Site Sketch Area C**).

I walked south to an area west of a small shed (**Site Sketch, Shed B**), and observed a lead acid battery and a waste tire that had been open dumped (**Photos #13 & #14, Site Sketch Area D**).

At the time of the inspection, the items at the site 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.

The total volume of waste observed at the site was approximately 115 cubic yards.

My inspection ended at approximately 9:30 am.

Continuing 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 and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection the continued open dumping of waste that resulted in litter and the deposition of general construction or demolition debris was observed.

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit: On the day of the inspection, this office still had no record that the site owner had received a permit from the Illinois Environmental Protection Agency (**Agency**), to conduct a waste-storage, waste-treatment or waste-disposal operation.

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: During the inspection, continued violations of regulations or standards adopted by the Board regarding daily cover and litter containment 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, I observed multiple metal barrels, multiple air conditioning units and multiple BBQ grills that would indicate the waste had been transported to the site for from another location for disposal, storage or abandonment. This site does not meet the requirements of a landfill.

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: During the inspection, the continued open dumping of waste tires was observed.

Page 3
077 810 5047
Murphysboro / Bob Osinga
January 9, 2007

Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill: On the day of the inspection, this office still had no record that the site owner had applied to the Agency 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: On the day of the inspection, this office still had no record that the site owner had obtained from the Agency 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: On the day of the inspection, this office still had no record that the site owner had obtained from the Agency an Operational Permit to operate a solid waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 9, 2007

Inspector: Don Terry

Site Code: 077 810 5047

County: Jackson

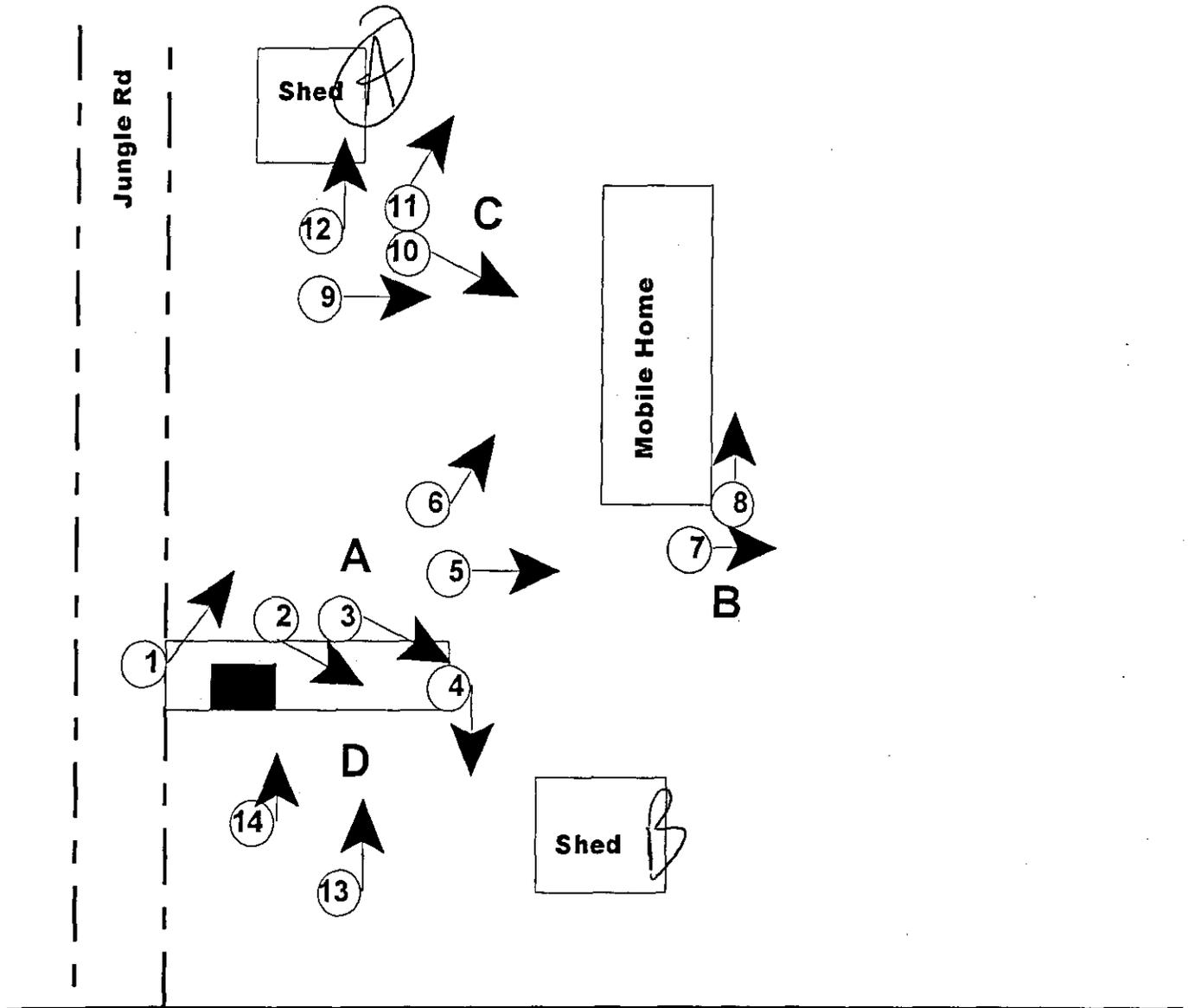
Site Name: Murphysboro / Bob Osinga

Time: 9:19 am - 9:30 am

Not Drawn to Scale

All Locations Are Approximate

○ → Indicates Approximate Location & Direction of Photos



■ = dumpster

Poplar Ridge Rd

RECEIVED

MAY 03 2004

Jackson County Health Dept.
Murphysboro, Illinois

April 29, 2004

Jackson County Health Department
Don Terry
P.O. Box 307
Murphysboro, IL 62966

Attachment
Page ①

Dear Mr Terry:

This is in response to your letter regarding the cleaning of my property.

I have been bringing waste and disposing of it in my church's dumpster, with their permission, since your visit.

I have receipts for scrap metal disposal. Copies of some of them enclosed.

I have contracted with Midwest Waste and I will send you a copy of their statement when I receive it for the dumpster service.

I haven't completed all the work as yet. I have had some problems with my truck.

I should have it done to your requirements in 4 to 6 weeks.

I appreciate your working with me on this. The violation notice was L-2004-JC140

Sincerely,

Robert Oringe

88 S. Jungle Rd

Murphysboro, IL 62966



Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-01

Time: 9:20 am

Photo Taken Toward:
Northeast



Photo Name:
0778105047-01092007-02

Time: 9:20 am

Photo Taken Toward:
Southeast





Jackson County Inspection Digital Photo Sheet – Page 2

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-03

Time: 9:20 am

Photo Taken Toward:

Southeast



Photo Name:
0778105047-01092007-04

Time: 9:21 am

Photo Taken Toward:

South





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-05

Time: 9:21 am

Photo Taken Toward:
East

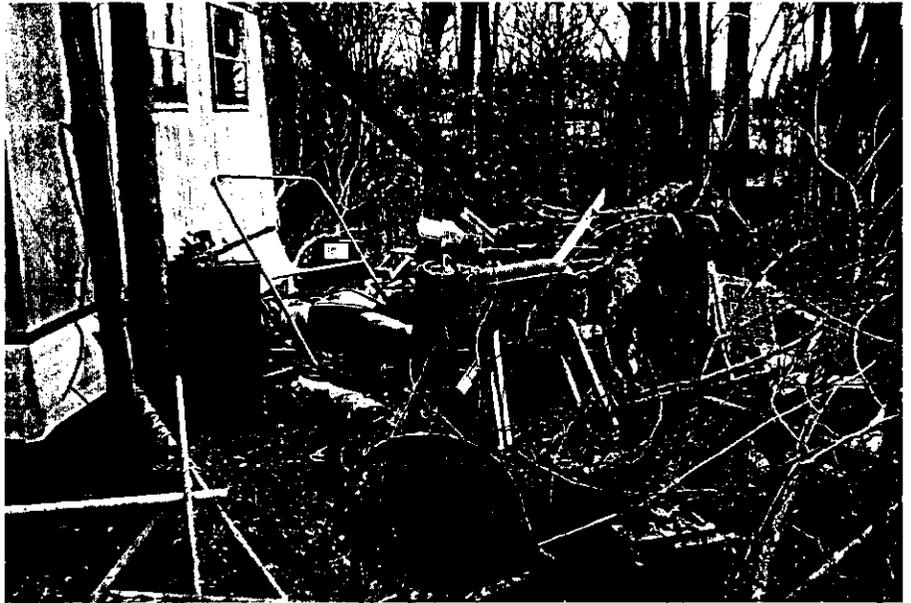
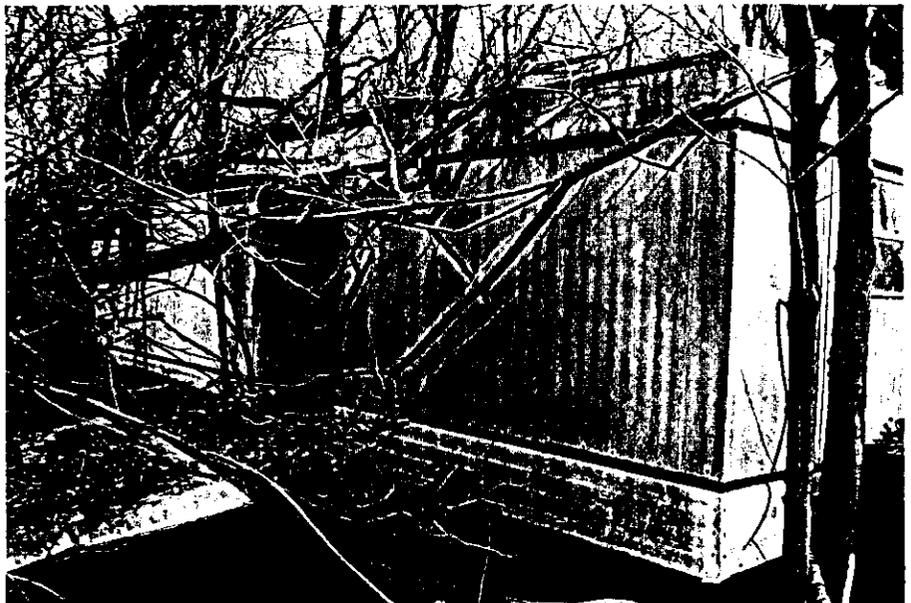


Photo Name:
0778105047-01092007-06

Time: 9:21 am

Photo Taken Toward:
Northeast





Jackson County Inspection Digital Photo Sheet – Page 4

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-07

Time: 9:22 am

Photo Taken Toward:

East



Photo Name:
0778105047-01092007-08

Time: 9:22 am

Photo Taken Toward:

North





Jackson County Inspection Digital Photo Sheet – Page 5

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-09

Time: 9:22 am

Photo Taken Toward:
Northeast



Photo Name:
0778105047-01092007-10

Time: 9:23 am

Photo Taken Toward:
Southeast





Jackson County Inspection Digital Photo Sheet – Page 6

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-11

Time: 9:23 am

Photo Taken Toward:

Northeast

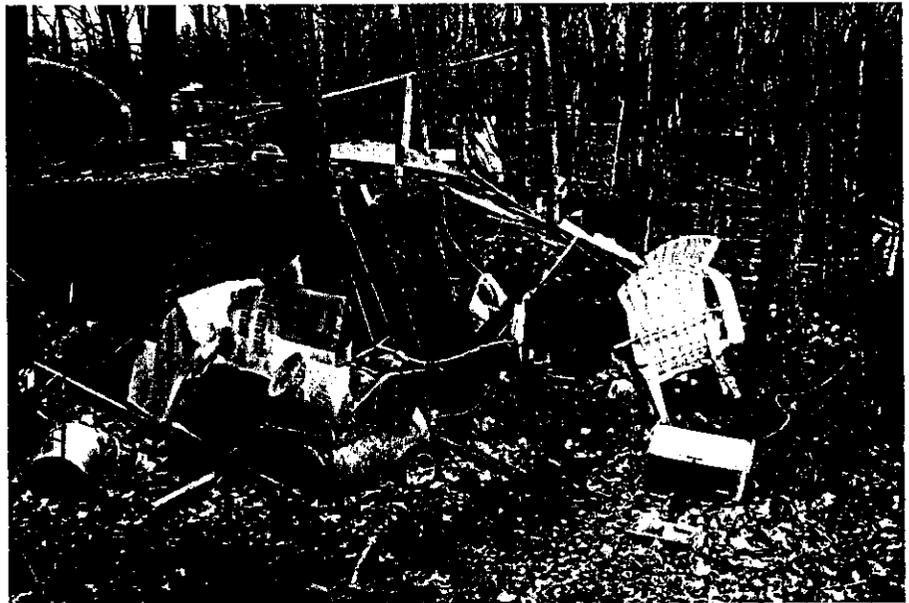


Photo Name:
0778105047-01092007-12

Time: 9:23 am

Photo Taken Toward:

North





Jackson County Inspection Digital Photo Sheet – Page 7

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 077 810 5047
Site Name: Murphysboro / Bob Osinga

Photo Name:
0778105047-01092007-13

Time: 9:26 am

Photo Taken Toward:

North



Photo Name:
0778105047-01092007-14

Time: 9:26 am

Photo Taken Toward:

North

