



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

April 30, 2009

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

AC09-42 ORIGINAL

Re: Illinois Environmental Protection Agency v. Brian Collins
IEPA File No. 64-09-AC; 0550705066—Franklin County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BRIAN COLLINS,)
)
Respondent.)

AC 09-42

(IEPA No. 64-09-AC)

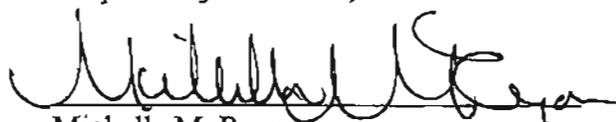
NOTICE OF FILING

ORIGINAL

To: Brian Collins
10603 Bencie Lane
West Frankfort, IL 62896

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: April 30, 2009

RECEIVED
CLERK'S OFFICE

MAY 06 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
BRIAN COLLINS,))
))
))
))
Respondent.))

AC **09 42**
(IEPA No. 64-09-AC)

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Brian Collins is the current operator ("Respondent") of a facility located at 102 W. Lindell, West Frankfort, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Frankfort/Collins-Jones.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0550705066.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on March 31, 2009, Maggie Stevenson of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 4-30-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 3251.

VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of her March 31, 2009 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2006).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2006).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 Dollars (\$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 June 15, 2009, 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 (2006), 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 One Thousand Five Hundred Dollar (\$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) (2006), 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, Respondent's check shall be made payable to the 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. Along with payment, Respondent shall complete and return the enclosed Remittance Form 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 Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 4/30/09

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

RECEIVED
CLERK'S OFFICE
MAY 06 2009
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BRIAN COLLINS,)
)
)
)
)
Respondent.)

AC 09-42
(IEPA No. 64-09-AC)

ORIGINAL

FACILITY: West Frankfort/Collins-Jones
COUNTY: Franklin
DATE OF INSPECTION: March 31, 2009

SITE CODE NO.: 0550705066
CIVIL PENALTY: \$4,500.00

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
MAY 06 2009
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
vs)
)
Brian Collins)
)
)
Respondent.)

AC09-42

IEPA DOCKET NO.

ORIGINAL

AFFIDAVIT

Affiant, Maggie Stevenson, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 31, 2008, between 3:45 PM and 4:15 PM, Affiant conducted an inspection of a disposal site operated by Brian Collins, located in Franklin County, Illinois, and known as Collins-Jones by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0550705066 by the Agency.
3. Affiant inspected said Collins-Jones site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 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 Brian Collins.

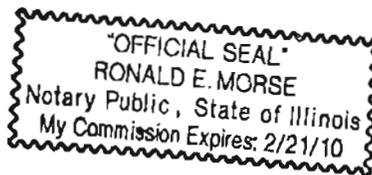
Maggie Stevenson

Subscribed and Sworn to before me

this 9th day of April, 2009

Ronald E. Morse
Notary Public

INITIAL BLOCK



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
CLERK'S OFFICE
MAY 06 2009
STATE OF ILLINOIS
Pollution Control Board

County: Franklin LPC#: 0550705066 Region: 7 Marion
 Location/Site Name: West Frankfort/Collins-Jones
 Date: 03/31/2009 Time: From 3:45 To 4:15 Previous Inspection Date: _____
 Inspector(s): Maggie Stevenson Weather: 62 F, cloudy
 No. of Photos Taken: # 9 Est. Amt. of Waste: 300 yds³ Samples Taken: Yes # _____ No
 Interviewed: Lori Haskel, Darrel Taylor, Lt. Craig Lemmon Complaint #: C-09-099
 Latitude: 37.90110 Longitude: 88.92867 Collection Point Description: Other - N. Anna Street
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party Mailing Address(es) and Phone Number(s): Mr. James A. Jones 58 Brenda Street Glen Carbon, IL 62034-1938 618-920-8432	Brian Collins 10603 Bencie Lane West Frankfort, IL 62896 (618) 937-2271
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ORIGINAL

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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 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 checked="" 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 # 0550705066

Inspection Date: 03/31/2009

	(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 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:		<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.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0550705066

Date: March 31, 2009

County: Franklin

Inspector: Maggie Stevenson

Subject: West Frankfort/Collins-Jones

General Remarks

G.P.S.: 37.90110/-88.92867 - 83 AC

Amount of Waste: 300 CY

Owner of Property: James A. Jones

Operator: Brian Collins

This inspection was made as the result of a complaint received by this office. The site is located at 102 W. Lindell Street in West Frankfort, Illinois. The site was easily accessed by West Lindell Street and North Anna Street. Nine pictures were taken of the waste, which consisted of construction/demolition debris and miscellaneous debris. Open burning had occurred at the site. The property is owned by James A. Jones of 58 Brenda Street in Glen Carbon, Illinois. The operator is Brian Collins of 10603 Bencie Road in rural West Frankfort, Illinois. The parcel number is 11-24-284-007 according to the Franklin County Tax Assessor's office.

West Frankfort Fire Department called and left a message regarding this fire. The call was returned to Lt. Craig Lemmon of the fire department who informed me that the house had partially burned several months ago and was lit on fire this morning to get rid of the remainder of the house. Lt. Lemmon's verbal report stated that the house had been demolished prior to being ignited by Brian Collins. Initially, Brian Collins told a member of the fire department that he had purchased the property for back taxes but later told another member of the department that he had been hired to demolish the house. Lt. Lemmon was under the impression that Brian Collins owned the property. When a member of the fire department told him he was not supposed to burn demolished buildings he stated he did not care and became belligerent. Two fire trucks were called to the scene around 8:00 AM to extinguish the fire. Pictures were taken of the blaze by West Frankfort Fire Department (pictures and report attached).

Before going to the site I checked with the Franklin County Tax Assessor's Office to find out if Brian Collins had purchased the property for back taxes. The property taxes were up-to-date and the County Clerk's Office did not have any record of the property going up for sale for back taxes or Brian Collins having purchased any properties in Franklin County since 2006. Franklin County Tax Assessor's Office said that the tax bill was being sent to James A. Jones at the above mentioned address. It was also reported that the City of West Frankfort showed a \$200 water bill outstanding on the property.

I arrived at the site around 3:45 PM. The site contained tires (pictures 001 and 003) and miscellaneous debris (pictures 001, 002, 003, and 004). Partially burned construction/demolition debris and miscellaneous debris was present at the site (pictures 001, 003, 005, 006, 007, and 008). A hole, approximately 3' X 3' X 6', was filled with

limbs, brush, partially burned tree limbs, and carpet padding (picture 004). The site was muddy and it was evident that a fire had recently been put out. A strong burning odor emanated from the site.

While I was at the site, three boys walked through the eastern edge of the property. They asked what I was doing and I told them I was taking pictures. One boy, later identified as Master Williams, stated that he lived there until November 18, 2008 when the house caught on fire. Another boy, later identified as Master Haskel, stated that his uncle owned the house. The third boy, identified as Master Jones, said the owner was his uncle and his name was Jimmy. The boys stated that they were headed home and I asked if their parents were home. Master Williams stated yes and I asked what the address was because I needed to speak with them regarding the recent fire. He gave me the address of 108 W. 8th Street.

I drove to 108 W. 8th Street and spoke with Lori Haskel and Darrel Taylor. Lori stated that she lived in the house when it burned and her brother, James Jones of Glen Carbon, owned the house. I questioned the address of James and she stated that he lived with his x-wife, Tammy. We continued on with our discussion of the property. She stated that they had spent months trying to salvage belongings from the house and were to a point that they could not do any more. Ms. Haskel stated that her brother had hired Brian Collins to demolish the house. According to Ms. Haskel, dumpsters had been supplied for the demolition and remaining debris but Mr. Collins had filled the dumpsters with foundation block and cement and hauled them away. She stated that her brother had specifically told Mr. Collins to leave the foundation so he could re-use it for the new structure. I asked if the property was insured and Ms. Haskel stated that it was and the insurance had already paid. Ms. Haskel was very upset and stated they had been at the property during the fire. She stated that during their clean-up (Lori and Darrel) they had burned some limbs from a fallen tree and the fire department made them put it out but Mr. Collins could burn an entire house. She stated that several neighbors had tried for almost two hours to get the fire department to respond to the blaze ignited by Mr. Collins.

Ms. Haskel said that she and Mr. Taylor parked in the alley when the fire department arrived and were taking pictures on their cell phones of the fire. According to Ms. Haskel, the fire department made them leave the scene shortly after their arrival. Ms. Haskel was very distressed and reported that she had tried to contact the fire department several times that morning and when she and several others did not get immediate results from the fire department Mr. Taylor and a neighbor tried contacting IEPA.

During the interview, Ms. Haskel called her brother, James Jones. She asked if I would like to speak with him and I took the opportunity to make sure Mr. Jones knew what would be expected of him with regards to clean-up. Mr. Jones stated that he understood he was ultimately responsible as property owner and he would be required to provide me with receipts from the landfill for the remaining debris on site. He also understood that the tires could not be taken to the landfill and he would have to take them to a tire store that would accept tires for disposal. I explained to Mr. Jones that he would be receiving a letter in the mail with all the information that we discussed and that Mr. Collins would be pursued as the operator of the site. Mr. Jones confirmed that he had made arrangements for the proper disposal of the debris and I asked him to send me any documentation pertaining to that disposal arrangement. Mr. Jones was quiet and calm on the phone. I left my business card with Lori Haskel and stated I would appreciate a copy of the pictures from her cell phone if she could retrieve them and e-mail them to me.

After I left the Haskel/Taylor residence I called Mr. Jones and left a message. I asked if he could provide me with a written contract between him and Mr. Collins for the demolition of the house. I also stated that if he had any other

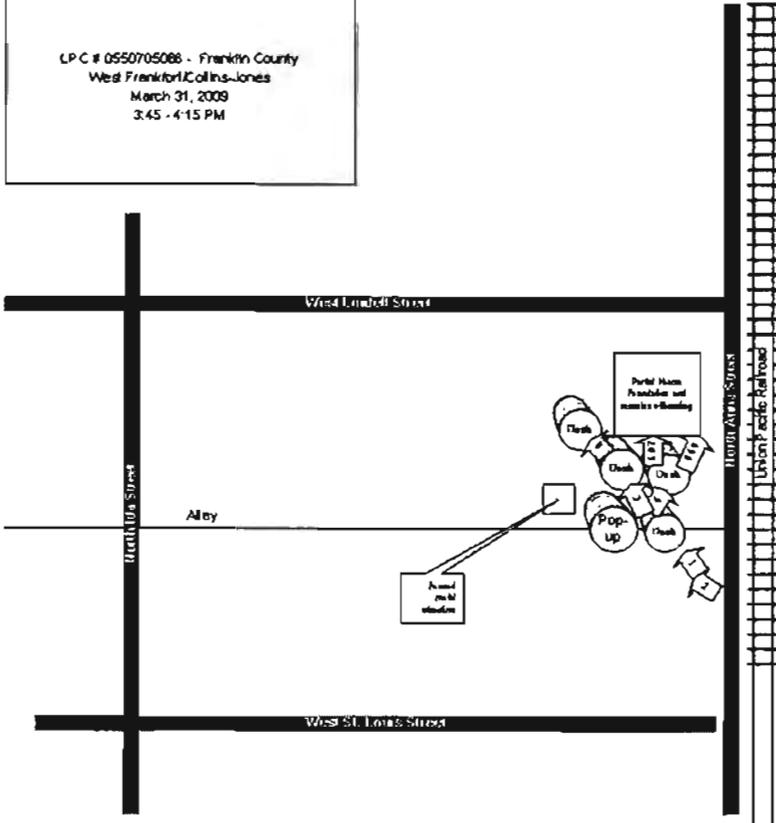
Collins-Jones RED Narrative
LPC #0550705066 – Franklin County
West Frankfort/Collins-Jones
Page 3 of 3

questions or information he could contact me at the number and address on the business card I provided to his sister, Lori.

The following morning (4/1/2009) I spoke again with the West Frankfort Fire Department. I was told at that time that Brian Collins had given conflicting information to two different firemen regarding the ownership of the property (as stated previously). I also asked about the presence of Lori Haskel and Darrel Taylor at the site during the fire. I was told that Mr. Collins had become so agitated with Lori Haskel that the department was fearful the situation would escalate to physical violence on Mr. Collins' part. I asked about dumpsters at the site during the fire and was told that the dumpsters had been removed from the site prior to the fire. I requested a copy of the fire department report and any pictures that were taken during the fire. I was informed that the West Frankfort Police Department would be issuing a ticket with a subsequent fine of up to \$500.00 for repeat offenders. I asked how many times the fire department had responded to fires for Brian Collins and was told that they had records going back several years. They also stated that Brian's father, Bill, had an extensive record of fire extinguishing.

2009 Collins-Jones AC Site Map

DESCRIPTION
L.P.C. # 0550705088 - Franklin County
West Frankfort/Collins-Jones
March 31, 2009
3:45 - 4:15 PM



Map Key
All locations are approximate/Not drawn to scale
Photo/Direction.....



DIGITAL PHOTOGRAPHS



**Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 001
Comments: Tires,
mattress, box springs,
carpet padding,
miscellaneous debris.**



**Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 002
Comments: Mattress, box
springs, pop-up camper,
miscellaneous debris.**

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



**Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 003
Comments: Tires, slide,
cooler, miscellaneous
debris.**



**Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 004
Comments: A hole with
layered branches and
carpet padding.**

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Norwest
Photo by: M. Stevenson
Exposure #: 005
Comments: Dimensional lumber and miscellaneous debris burned.



Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 006
Comments: C & D and miscellaneous debris partially burned.

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 007
Comments: Miscellaneous debris and C & D partially burned.



Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 008
Comments: C & D and miscellaneous debris partially burned. Children walking through the debris.

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



**Date: March 31, 2009
Time: 3:45 – 4:15 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 009
Comments: Children
walking through the
debris.**

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



Date: March 31, 2009
Time: ~8:50 AM
Photo by: West Frankfort
Fire Department
Exposure #: 001 A



Date: March 31, 2009
Time: ~8:50 AM
Photo by: West Frankfort
Fire Department
Exposure #: 002 B

File Names: 0550705066 ~03312009-001 through 009.jpg



DIGITAL PHOTOGRAPHS



**Date: March 31, 2009
Time: ~8:50 AM
Photo by: West Frankfort
Fire Department
Exposure #: 003 C**



**Date: March 31, 2009
Time: ~8:50 AM
Photo by: West Frankfort
Fire Department
Exposure #: 004 D**

File Names: 0550705066 ~03312009-001A through 004D.jpg



West Frankfort

FIRE DEPARTMENT

201 E. Nolen
West Frankfort, Illinois 62896
Phone (618)937-1234
wffd@mchsi.com

West Frankfort, Illinois

March 31, 2009

To: Jeff Tharp
Police Chief, City of West Frankfort
201 E. Nolen Street
West Frankfort, Illinois 62896

Re: Illegal Burn at 102 W Lindell Street

The West Frankfort Fire Department had a report on March 31, 2009 just after 8:00 a.m. regarding the burning of what was left of the residence at the above address. Lt. Craig Lemmon toned out all off duty personnel to report to the station to assist in putting out the fire. I arrived in Engine 2, just after Craig arrived in Engine 1. I witnessed Mr. Collins and Craig exchanging words regarding the fire. As I walked up, I asked Mr. Collins if he knew that it was illegal to burn a house in the city limits. He stated that the Fire Chief from up north gave him permission to do the same thing behind Kentucky Fried Chicken. I told him that he was no longer Fire Chief that Wes Taylor was Fire Chief and it was still illegal.

Craig Lemmon has 2 or 3 calls before arrival stating that Ron Rains came to our house and said we could not burn 2x4's so why does he get to burn. I told this to Mr. Collins and said that he was not the exception to the rule and that by no means can you burn lumber, roofing, etc. in the city limits. He stated that he took all of the roofing out, but roofing was found during extinguishment of the fire. I then told him that he knew that this was wrong, because we have had other calls regarding the same thing with Mr. Collins in the past. I ask him if he owned the property, and he told me he was cleaning it up for the owner. I then ask him where the dumpster went that was there yesterday. He said he again was cleaning it up for someone.

Mr. Collins has had a problem understanding the rules of burning in the city limits in the past. He became short with me and I also was with him. Officer Fort, Officer Graskewicz as well as officer Howard arrived on scene at the request of Craig Lemmon. I ask them to write him a ticket for violating the city ordinance regarding burning and Officer Howard more or less stated that my commissioner had to do this. Commissioner Sailliez was also on scene and told them to write it. Mr. Collins was then ask to come to the police station with Officer Fort. I stayed on scene of the fire and was requested to come to the police department to sign the complaint, and I did.

West Frankfort Police Department Non traffic complaint

8.04.030 Disposal--Prohibited places--Exceptions
ILLEGAL BURN

COMPLAINT

In the name and by the authority of the People of the State of Illinois,
WEST FIRE DEPARTMENT, hereinafter called the complainant, on oath
charges that at or about the hour of 9:00 P.M on or about the 31ST day of
March 2009 in Franklin County Illinois, BRIAN COLLINS, hereinafter
called the defendant, committed the offense of:

ILLEGAL BURN

in violation of SECTION 8.04.030 of the City of West Frankfort's City Municipal Codes, in that the
said defendant knowingly created a fire to burn a structure located at 102 W. Lindell Street, West
Frankfort Illinois, still burning at 9:00 am, on Tuesday, March 31st, 2009, which such action being
forbidden by City Code.

Charge City Ordinance Violation

Suspect Data:

Sex M Race W

Dated March 31st 2009

DOB 02/23/77

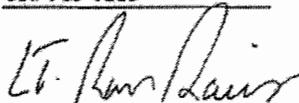
Address 10603 Bencie Ln.

City, St, Zip West Frankfort, Illinois 62896

Signed and sworn to before me

Telephone 618-923-0228

_____ 20 _____



Signature and identification of Officer or other Complainant

FDID	Inci Num	Alm Date	Alm Time	Str Name	Inci Type	Description
FC211	07-0000122	06/20/2007	10:00:00	1 COLLINS, BILL 551	BILL	Assist police or other governmental agency
FC211	07-0000121	06/19/2007	13:45:00	1 COLLINS, BILL 671	BILL	HazMat release investigation w/no HazMat
FC211	07-0000093	05/17/2007	09:00:00	1 COLLINS, BILL 551	BILL	Assist police or other governmental agency
FC211	04-0000113	06/27/2004	20:13:00	1 COLLINS, BILL 651	BILL	Smoke scare, odor of smoke
FC211	04-0000111	06/26/2004	18:08:00	1 COLLINS, BILL 631	BILL	Authorized controlled burning
FC211	99-109905	10/05/1999	17:45:00	1 COLLINS, BILL 140	BILL	Natural vegetation fire, Other
FC211	99-109905	10/05/1999	17:45:00	1 COLLINS, BILL 140	BILL	Natural vegetation fire, Other
FC211	99-099906	09/06/1999	14:20:00	1 COLLINS, BILL 110	BILL	Structure fire, Other (conversion only)

For:
BILL COLLINS

FDID	Inci Num	Alm Date	Alm Time	Stn Name	Inci Type	Description
FC211	08-0000137	05/29/2008	17:37:00	1	COLLINS, BRIAN 111	Building fire
FC211	07-0000230	10/03/2007	19:17:00	1	COLLINS, BRIAN 131	Passenger vehicle fire
FC211	07-0000120	06/14/2007	22:50:00	1	COLLINS, BRIAN 150	Outside rubbish fire, Other
FC211	07-0000047	03/10/2007	16:30:00	1	COLLINS, BRIAN 150	Outside rubbish fire, Other
FC211	05-0000117	07/23/2005	22:10:00	1	COLLINS, BRIAN 151	Outside rubbish, trash or waste fire
FC211	05-0000032	02/23/2005	20:51:00	1	COLLINS, BRIAN 131	Passenger vehicle fire

For!
BRIAN COLLINS

RECEIVED
CLERK'S OFFICE

MAY 06 2009

PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

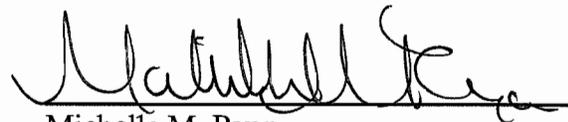
I hereby certify that I did on the 30th day of April 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Brian Collins
10603 Bencie Lane
West Frankfort, IL 62896

ORIGINAL

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544