

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 GLENN MOORE,)
)
 Respondent.)

AC 10 -

19

RECEIVED
CLERK'S OFFICE
MAR 19 2010
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

To: Glenn Moore, 1109 N. 11th St., 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
Jackson County Courthouse, 3rd Floor
Murphysboro, IL 62966
618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 10 - 19
)
 GLENN MOORE,)
)
 Respondent.)

RECEIVED
 CLERK'S OFFICE
 MAR 19 2010
 STATE OF ILLINOIS
 Pollution Control Board

Serve on: Glenn Moore, 1109 N. 11th St., Murphysboro, Illinois 62966

PROOF OF SERVICE

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

Name: Glenn Moore
 Address: 1001 mulberry st murphysboro
 Sex: Male Female
 Age: 7-22-58
 Date of service: 3-13, 2010.
 Time: 1400hrs.

ORIGINAL

 /s/ Robert Burns, Jackson Co. Sheriff
 By his Deputy

PLEASE RETURN TO:

DANIEL BRENNER
 JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAR 19 2010

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
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Complainant,)
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GLENN MOORE,)
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Respondent.)

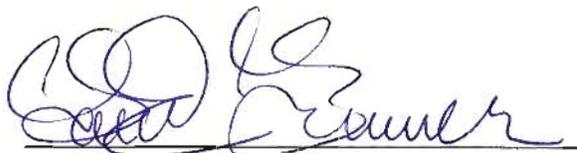
AC 10 -

19

ORIGINAL

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

MAR 19 2010

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GLENN MOORE,)
)
Respondent.)

AC10 - 19
Site Code: 0778145075

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2008), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, Glenn Moore, for all material times hereto, has caused open dumping 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 # 0778145075. The facility is known to the Agency as the Murphysboro/Paula Duffield site.

3. On January 26, 2010, 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 26, 2010, 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 May 1, 2010, 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 (2008), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the Fifteen Hundred Dollars (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, checks shall be made payable in equal amounts (50% of total penalty each) to:

- (1) County of Jackson, c/o Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois 62966; and
- (2) Illinois Environmental Protection Trust Fund and mailed to the attention of
Fiscal

Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

Respondent shall complete and return the enclosed Remittance Forms with payments to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Complainant may either initiate proceedings against Respondent in Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

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 also 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. YOUR PETITION MUST STATE THE REASON(S) YOU BELIEVE THE PRESENT MATTER SHOULD NOT BE ISSUED. IF YOU FAIL TO FILE YOUR PETITION AND STATE THE REASONS THE PRESENT MATER SHOULD NOT BE ISSUED, A DEFAULT ORDER AGAINST YOU WILL BE ENTERED BY THE POLLUTION CONTROL BOARD.

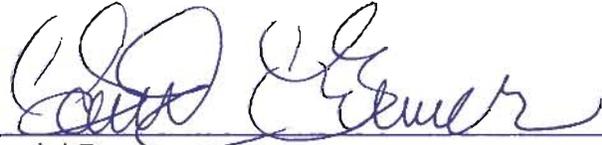
Your original Petition must be filed with the Clerk of the Board at:

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: 3/5, 2010

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

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM TO COUNTY OF JACKSON

RECEIVED
CLERK'S OFFICE

MAR 19 2010

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
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GLENN MOORE,)
)
Respondent.)

AC10 - 19
Site Code: 0778145075

FACILITY: Murphysboro/Duffield Site
COUNTY: JACKSON
DATE OF INSPECTION: January 26, 2010
SITE CODE: 0778145075

Date Remitted: _____, 2010

SS/FEIN # _____

Signature _____

ORIGINAL

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

REMITTANCE FORM TO ILLINOIS EPA

RECEIVED
CLERK'S OFFICE

MAR 19 2010

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
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Complainant,)
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Site Code: 0778145075

FACILITY: Murphysboro/Duffield Site
COUNTY: JACKSON
DATE OF INSPECTION: January 26, 2010
SITE CODE: 0778145075

Date Remitted: _____, 2010

SS/FEIN # _____

Signature _____

ORIGINAL

NOTE

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

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

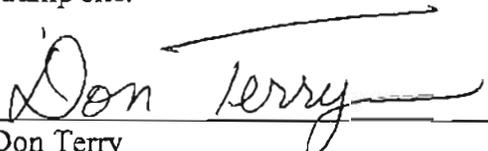
IN THE MATTER OF:

077 814 5075 / Jackson County
Murphysboro / Paula Duffield
COMPLIANCE FILE

Paula Duffield & Glenn Moore, Respondents.

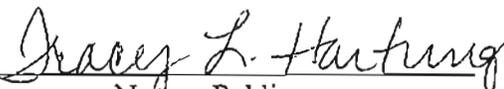
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is an Environmental Compliance Inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On January 26, 2010, between the hours of 11:51 a.m. and 11:55 a.m., Affiant conducted an inspection of the open dump site known as Murphysboro / Paula Duffield, 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 Paula Duffield, Murphysboro, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 29 day of January, 2010



Notary Public



EXHIBIT

A

LPC # 077 814 5075

Inspection Date: 01/26/2010

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input 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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	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 and subsection (k) of Section 55 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 26, 2010	Time: 11:51 a.m. – 11:55 a.m.
Site Code: 077 814 5075	Site Name: Murphysboro / Paula Duffield
County: Jackson	Inspector: Don Terry
Est. Waste Volume: 35 cubic yards	Previous Inspection: 11/27/2007
Location: Lat 37.78986 Long -89.33008	GPS Accuracy: +/- 6 feet

GENERAL REMARKS

Note: On August 9, 2006, the site owner, Ms. Paula Duffield, informed this office that much of the waste observed on her property (IE abandoned vehicles) during an inspection conducted on July 27, 2006, had been placed there by her nephew Mr. Glenn Moore. She said that she had given Mr. Moore permission to place the vehicles at the site for a short period of time. On or about August 9, 2006, this office decided to include Mr. Moore as the site operator. A violation notice was then re-sent to Ms. Duffield with one being sent to Mr. Moore, (now listed as the operator), regarding open dumping violations observed during the July 27, 2006 inspection.

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to an inspection conducted on November 27, 2007 during which open dumping violations were observed. Weather conditions at the time of the inspection were: partly cloudy with strong, gusting winds and a temperature of approximately 34°F. I was accompanied on this inspection by Henry Mulder of the Jackson County Health Department.

According to records at the Jackson County Assessor's Office, the site is owned by Paula Duffield.

I arrived at the site and from Beavis Road, a public roadway, observed waste open dumped at the site (**Photo #1, Site Sketch**). I entered the site to conduct my inspection. From various locations around the site, the waste I observed open dumped included, but was not limited to: furniture, a mattress, five abandoned vehicles, two abandoned trailers, scrap metal, waste tires and plastic (**Photos #1 - #7, Site Sketch**).

At the time of the inspection, the abandoned vehicles and the other items observed were not in use, were not useable in their current condition, were not stored in such a way as to protect any future use, were mostly overgrown with vegetation and were stored in an unsightly manner (**Photos #1 - #7, Site Sketch**).

The total volume of waste observed was approximately 35 cubic yards.

My inspection ended at approximately 11:55 a.m.

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: During the inspection, the continued open dumping of waste that resulted in litter was observed at this site.

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit: At the time of this inspection, this office still had no record that the site owner or operator had obtained 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, continuing violations of regulations or standards adopted by the Board regarding litter control and daily cover 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: At the time of this inspection, this office still had no record from the **Agency** that this site met the requirements of the Act for a landfill. Also at the time of this inspection the continued disposal of waste at this site was observed.

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

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

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 26, 2010

Inspector: Don Terry

Site Code: 077 814 5075

County: Jackson

Site Name: Murphysboro / Paula Duffield

Time: 11:51 a.m. – 11:55 a.m.

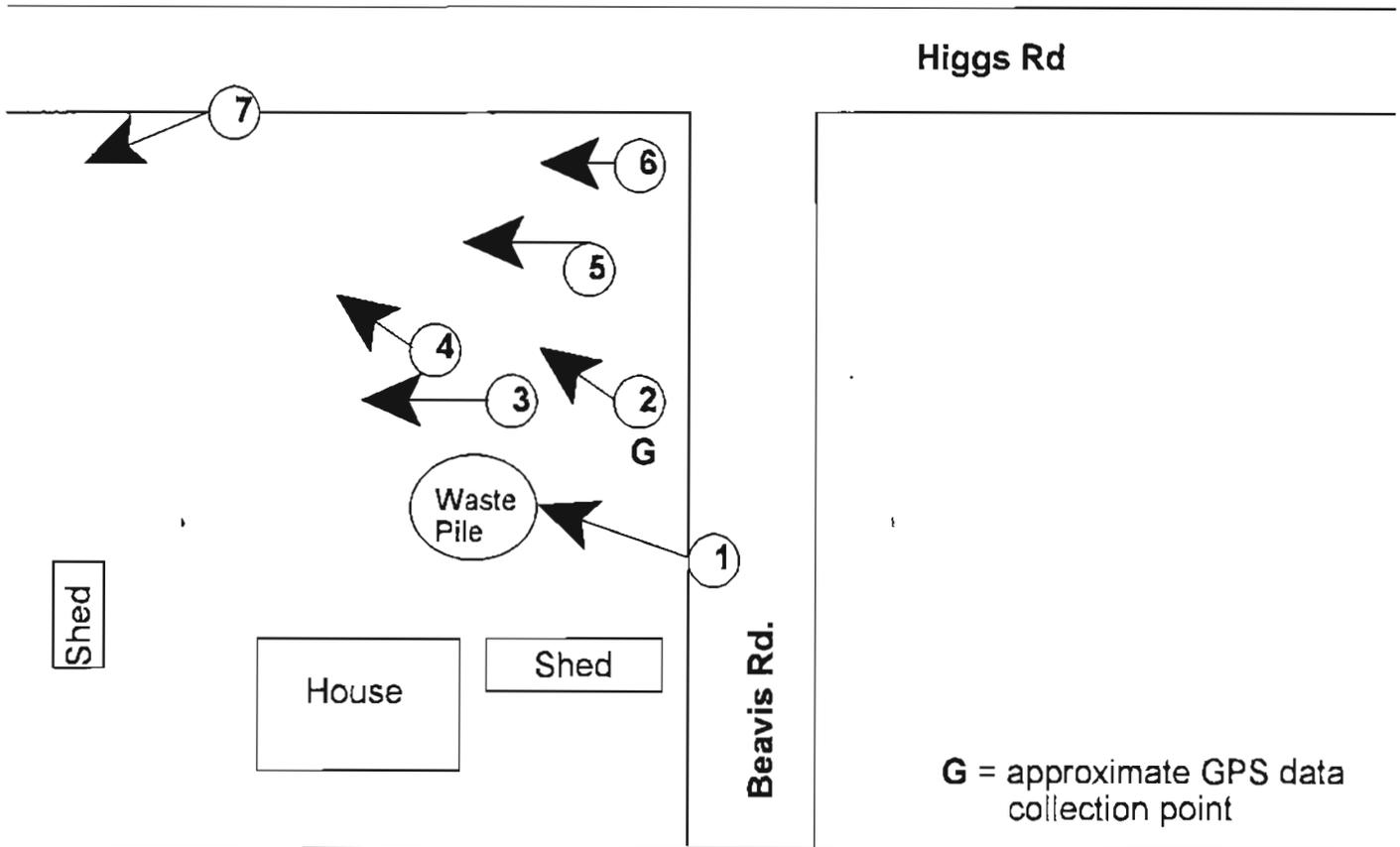
Location: Lat 37.78986 Long -89.33008

GPS Accuracy = +/- 6 feet

Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos



Industrial Park Rd.



Date of Inspection: January 26, 2010
Photos by: Don Terry

Site #: 077 814 5075
Site Name: Murphysboro / Paula Duffield

Photo Name:
0778145075-01262010-01

Time: 11:52 a.m.

Photo Taken Toward:
Northwest



Photo Name:
0778145075-01262010-02

Time: 11:52 a.m.

Photo Taken Toward:
Northwest





Date of Inspection: January 26, 2010
Photos by: Don Terry

Site #: 077 814 5075
Site Name: Murphysboro / Paula Duffield

Photo Name:
0778145075-01262010-03

Time: 11:52 a.m.

Photo Taken Toward:
West



Photo Name:
0778145075-01262010-04

Time: 11:53 a.m.

Photo Taken Toward:
Northwest





Date of Inspection: January 26, 2010
Photos by: Don Terry

Site #: 077 814 5075
Site Name: Murphysboro / Paula Duffield

Photo Name:
0778145075-01262010-05

Time: 11:53 a.m.

Photo Taken Toward:
West



Photo Name:
0778145075-01262010-06

Time: 11:53 a.m.

Photo Taken Toward:
West





Date of Inspection: January 26, 2010
Photos by: Don Terry

Site #: 077 814 5075
Site Name: Murphysboro / Paula Duffield

Photo Name:
0778145075-01262010-07

Time: 11:54 a.m.

Photo Taken Toward:

Southwest





MICHAEL L. WEPSIEC
State's Attorney Jackson County
Jackson County Courthouse, Third Floor
Murphysboro, Illinois 62966
(618) 687-7200 FAX (618) 687-7215



March 16, 2010

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

AC10-19

RECEIVED
CLERK'S OFFICE
MAR 19 2010
STATE OF ILLINOIS
Pollution Control Board

Re: Administrative Citation – Murphysboro/Glenn Moore Site
Site Code 0778145075
Inspection Date: January 26, 2010
Date of Service: March 13, 2010

ORIGINAL

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Glenn Moore of Murphysboro, Illinois. The site is known as the Murphysboro/Glenn Moore.

The respondent's mailing address is 1109 N. 11th St., Murphysboro, Illinois 62966. Also enclosed with this material is a proof of service on the respondent. He was served on March 13, 2010.

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

Sincerely,

Daniel Brenner
Assistant State's Attorney
Jackson County, Illinois

encls

cc: Jackson County Health Department