

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
SUSAN CROW, )  
)  
Respondent. )

AC 10 - 20

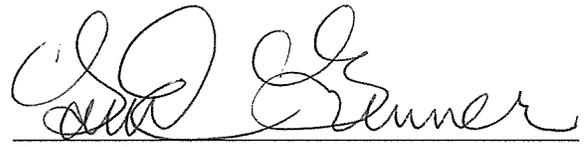
RECEIVED  
CLERK'S OFFICE  
MAR 22 2010  
STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

ORIGINAL

To: Susan Crow, 1003 S. 20<sup>th</sup> Street, 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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 SUSAN CROW, )  
 )  
 Respondent. )

AC 10 - 20

RECEIVED  
 CLERK'S OFFICE  
 MAR 22 2010  
 STATE OF ILLINOIS  
 Pollution Control Board

Serve on: Susan Crow, 1003 S. 20<sup>th</sup> Street, 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: Crow, Susan

Address: \_\_\_\_\_

Sex: Male \_\_\_\_\_ Female Female

ORIGINAL

Age: 07-23-60

Date of service: 3-14, 2010.

Time: 1344 hrs

\_\_\_\_\_  
 /S/ Robert Burns, Jackson Co. Sheriff  
 By his Deputy

TC Hicks

PLEASE RETURN TO:

DANIEL BRENNER  
 JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
SUSAN CROW, )  
)  
Respondent. )

AC 10 - 20

RECEIVED  
CLERK'S OFFICE  
MAR 22 2010  
STATE OF ILLINOIS  
Pollution Control Board

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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
SUSAN CROW, )  
)  
Respondent. )

AC10 - 20  
Site Code: 0778145076

RECEIVED  
CLERK'S OFFICE  
MAR 22 2010  
STATE OF ILLINOIS  
Pollution Control Board

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, Susan Crow, 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 # :0778145076. The facility is known to the Agency as the Murphysboro/Susan Crow site.

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

4. 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).
2. The Respondent has caused or allowed the deposition of general construction or demolition debris; or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

## 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 Three Thousand Dollars (\$3,000.00). 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 (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 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 MATTER 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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966

DATED: 3/11, 2010

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

Daniel Brenner  
Assistant State's Attorney

REMITTANCE FORM TO COUNTY OF JACKSON

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 SUSAN CROW, )  
 )  
 Respondent. )

AC10 -  
Site Code: : 0778145076

FACILITY: Murphysboro/Susan Crow Site  
COUNTY: JACKSON  
DATE OF INSPECTION: January 26, 2010  
SITE CODE: : 0778145076

Date Remitted: \_\_\_\_\_, 2010

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

REMITTANCE FORM TO ILLINOIS EPA

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC10 -  
 ) Site Code: : 0778145076  
 SUSAN CROW, )  
 )  
 Respondent. )

FACILITY: Murphysboro/Susan Crow Site  
COUNTY: JACKSON  
DATE OF INSPECTION: January 26, 2010  
SITE CODE: : 0778145076

Date Remitted: \_\_\_\_\_, 2010

SS/FEIN # \_\_\_\_\_

Signature \_\_\_\_\_

**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

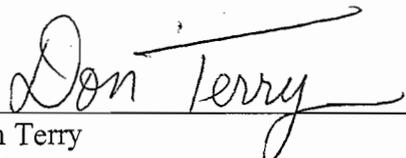
### IN THE MATTER OF:

077 814 5076 / Jackson County  
Murphysboro / Susan Crow  
COMPLIANCE FILE

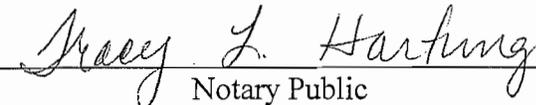
Susan Crow, Respondent.

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 11:56 a.m. and 12:02 p.m., Affiant conducted an inspection of the open dump site known as Murphysboro / Susan Crow, 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 Susan Crow, Murphysboro, Illinois, open dump site.

  
\_\_\_\_\_  
Don Terry  
Environmental Compliance Inspector

Subscribed and Sworn To before me  
this 1 day of February, 2010

  
\_\_\_\_\_  
Notary Public



**EXHIBIT**

A

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Jackson LPC#: 077 814 5076 Region: 7 - Marion  
 Location/Site Name: Murphysboro / Susan Crow  
 Date: 01/26/2010 Time: From 11:56 am To 12:02 pm Previous Inspection Date: 09/24/2008  
 Inspector(s): Don Terry Weather: 34°F - Sunny with strong, gusting winds  
 No. of Photos Taken: # 8 Est. Amt. of Waste: 25 yds<sup>3</sup> Samples Taken: Yes #        No   
 Interviewed: no one Complaint #: 2005--126  
 Latitude: 37.79068 Longitude: -89.33037 Collection Point Description: Site Entrance -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 18 feet

Responsible Party Mailing Address(es) and Phone Number(s):  <b>**OWNER**</b> Ms. Susan Crow 1003 S. 20 <sup>th</sup> St. Murphysboro, IL 62966	
---	--

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 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 AND REGULATIONS	<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 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 # 077 814 5076

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 checked="" type="checkbox"/>
<b>9.</b>	<b>55(a)</b>	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>10.</b>	<b>55(k)</b>	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
<b>11.</b>	<b>812.101(a)</b>	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
<b>12.</b>	<b>722.111</b>	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>13.</b>	<b>808.121</b>	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>14.</b>	<b>809.302(a)</b>	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>15.</b>	<b>815.201</b>	<b>FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
<b>16.</b>		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
<b>17.</b>	<b>OTHER:</b>		<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:** 11:56 a.m. –12:02 p.m.

**Site Code:** 077 814 5076

**Site Name:** Murphysboro / Susan Crow

**County:** Jackson

**Inspector:** Don Terry

**Est. Waste Volume:** 25 cubic yards

**Previous Inspection:** 09/24/2008

**Location:** Lat 37.79068 Long -89.33037

**GPS Accuracy:** +/- 18 feet

### 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 an inspection conducted on September 24, 2008, during which open dumping and open burning violations were observed. Weather conditions at the time of the inspection were: Sunny 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 Susan Crow.

I arrived at the site and from Higgs Road, a public roadway, observed open dumped waste (**Photo #1, Site Sketch - Area A**). I walked along the north edge of the site and observed an abandoned camper shell, which I had observed during previous inspections (**Photo #2, Site Sketch-Area A**). From this location I also observed open dumped waste that included, but was not limited to: metal stripping, PVC pipe, dimensional lumber and plastic items (**Photo #2, Site Sketch**). I walked east and observed a waste pile that included, but was not limited to: ash and dimensional lumber (**Photo #3, Site Sketch-Area B**).

I then walked east along the driveway and observed waste open dumped in an area south and west of the abandoned camper shell (**Photos #4 - #7, Site Sketch-Area A**). The waste I observed in this area included, but was not limited to: plastic containers, plastic tarpaulins, metal beverage cans, scrap metal, a child's car seat, plastic beverage containers, dimensional lumber, an electronic device, household garbage, glass beverage containers; plastic bags (filled and unfilled) and waste tires (**Photos #4 - #7, Site Sketch-Area A**).

To the south, I observed a fenced in portion of the site in which two dogs were being kept (**Photo #8, Site Sketch-Area C**). I observed waste open dumped in this area, that included, but was not limited to: plastic items, a storm door, plastic items, carpeting, polyester filling, cloth items and pillows (**Photo #8, Site Sketch-Area C**). Many of the items appeared to have been shredded by the dogs and were left in the yard for disposal.

At the time of the inspection, the items and materials observed at this site were not in use, were not useable in their current condition, were not stored in such a way as to protect any future use and were stored in an unsightly manner.

Page 2  
077 814 5076  
Murphysboro / Susan Crow  
January 26, 2010

The total volume of waste observed was approximately 25 cubic yards.

My inspection ended at approximately 12:02 p.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 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.**

**Violations Observed:**

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

# OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 26, 2010

Inspector: Don Terry

Site Code: 077 814 5076

County: Jackson

Site Name: Murphysboro / Susan Crow

Time: 11:56 a.m. – 12:02 p.m.

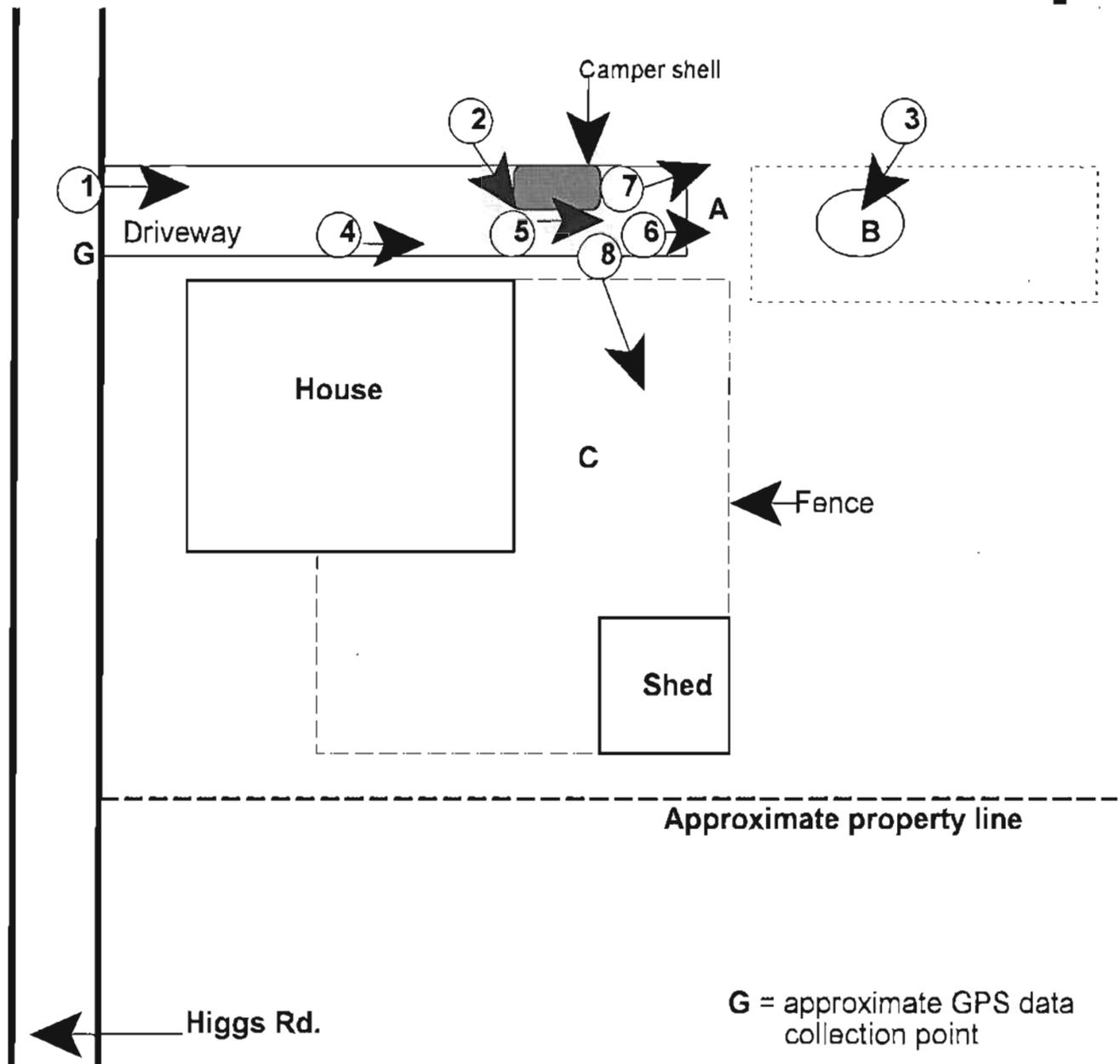
Location: Lat 37.79068 Long -89.33037

GPS Accuracy = +/- 18 feet

Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos





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

Site #: 077 814 5076  
Site Name: Murphysboro / Susan Crow

Photo Name:  
0778145076-01262010-01

Time: 11:56 a.m.

Photo Taken Toward:  
East

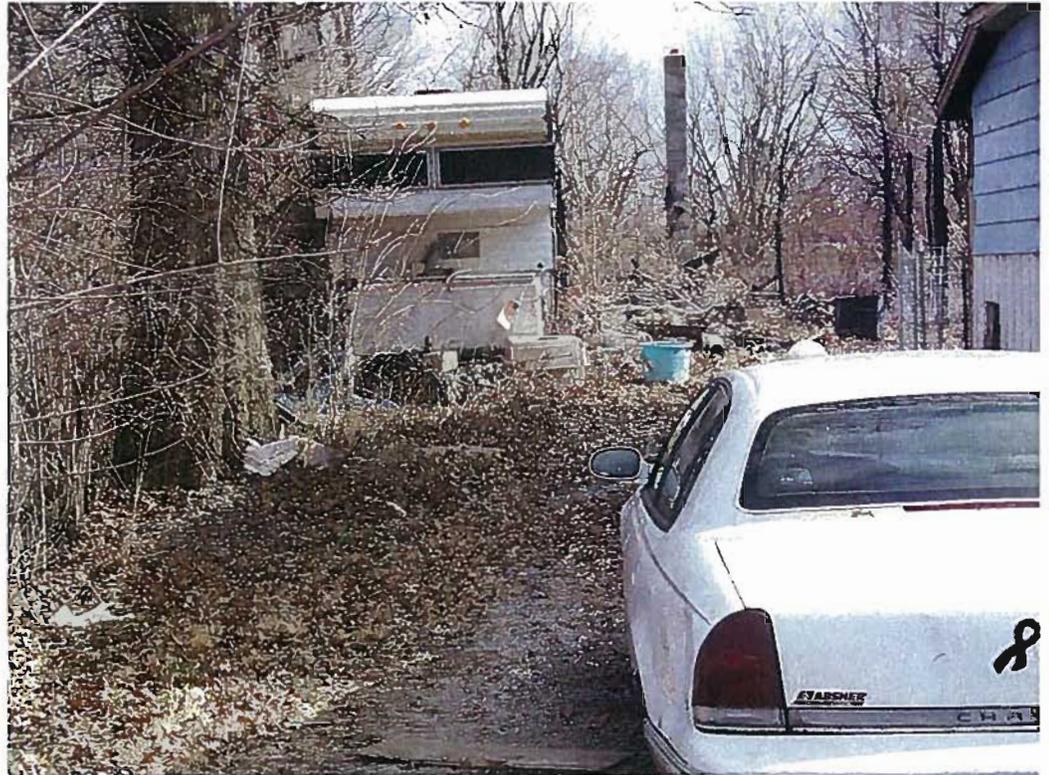


Photo Name:  
0778145076-01262010-02

Time: 11:57 a.m.

Photo Taken Toward:  
South





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

Site #: 077 814 5076  
Site Name: Murphysboro / Susan Crow

Photo Name:  
0778145076-01262010-03

Time: 11:58 a.m.

Photo Taken Toward:  
Southwest



Photo Name:  
0778145076-01262010-04

Time: 12:00 noon

Photo Taken Toward:  
East





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

**Site #:** 077 814 5076  
**Site Name:** Murphysboro / Susan Crow

**Photo Name:**  
0778145076-01262010-05

**Time:** 12:00 noon

**Photo Taken Toward:**  
East



**Photo Name:**  
0778145076-01262010-06

**Time:** 12:00 noon

**Photo Taken Toward:**  
East





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

Site #: 077 814 5076  
Site Name: Murphysboro / Susan Crow

Photo Name:  
0778145076-01262010-07

Time: 12:00 noon

Photo Taken Toward:  
Northeast



Photo Name:  
0778145076-01262010-08

Time: 12:00 noon

Photo Taken Toward:  
Southeast





**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

AC10-20 ORIGINAL

Re: Administrative Citation – Murphysboro/Susan Crow Site  
Site Code 0778145076  
Inspection Date: January 26, 2010  
Date of Service: March 14, 2010

Dear Clerk:

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

The respondent's mailing address is 1003 S. 20<sup>th</sup> Street, Murphysboro, Illinois 62966. Also enclosed with this material is a proof of service on the respondent. She was served March 14, 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