

ILLINOIS POLLUTION CONTROL BOARD  
June 21, 2012

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. ) AC 10-30  
) (Site Code # 0778145040)  
FRANCES KLINK, ) (Administrative Citation)  
)  
Respondent. )

ORDER OF THE BOARD (by T. A. Holbrook):

On June 9, 2010, the County of Jackson (County) timely filed an administrative citation (AC) against Frances Klink (respondent) alleging that the respondent had violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)). The administrative citation involves respondent's property located at 81 Our Lane, Murphysboro, Jackson County. The Board conducted a hearing on November 8, 2011, at the Jackson County Court House in Murphysboro.

In an April 19, 2012 interim opinion and order, the Board found that the respondent had violated Section 21(p)(1), 21(p)(3), and 21(p)(7) of the Act and directed both the Board's Clerk and the County to file statements documenting their hearing costs by May 21, 2012. The Board's interim order also provided the respondent an opportunity to respond to those statements and for a reply by the County.

Since that May 21, 2012 filing deadline passed, a review of the Board's records reveals that the Board does not have proof of certified mail service of its April 19, 2012 interim opinion and order on the parties. First, the Board directs the Clerk to attach a copy of that interim opinion and order when serving this order on the parties.

In addition, the Board extends the filing deadlines for statements of costs, responses to them, and any reply. Specifically, by Monday, July 23, 2012, the first business day after the 30th day following the date of this order, the County may file a statement of its hearing costs, supported by affidavit and served on respondent. The Board notes that on June 11, 2012, the Board's Clerk filed a statement and affidavit reflecting a total of \$320.25 in hearing costs. *See* 35 Ill. Adm. Code 108.502, 108.54. Respondent may file objections to those statements within 21 days of service of those statements. 35 Ill. Adm. Code 108.506(a). The Agency may then file a reply to respondent's response within 14 days of that response. 35 Ill. Adm. Code 108.506(b). The Board will then issue a final order assessing the statutory penalty of \$4,500 for the violations found in the April 19, 2012 interim opinion and order and awarding any appropriate hearing costs. 35 Ill. Adm. Code 108.500(b)(2), (b)(3).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 21, 2012, by a vote of 5-0

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

---

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board

RECEIVED  
CLERK'S OFFICE  
JUN 09 2010  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC10 - 30  
 ) Site Code: 0778145040  
 FRANCES KLINK, )  
 )  
 Respondent. )

**JURISDICTION**

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

**FACTS**

1. The Respondent, Frances Klink, 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 # 0778145040. The facility is known to the Agency as the Murphysboro/Frances Klink site.

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

4. On May 11, 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 May 11, 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 open burning at the facility in violation of 415 ILCS 5/21(p)(3).
3. The Respondent has caused or allowed the deposition of general construction or demolition debris; or clean construction or demolition debris at the facility in violation of 415 ILCS 5/21(p)(7).

## **CIVIL PENALTY**

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), 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 August 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), 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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966

DATED: JUNE 4, 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**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 FRANCES KLINK, )  
 )  
 Respondent. )

AC10 -  
Site Code: 0778145040

FACILITY: Murphysboro/Frances Klink Site  
COUNTY: JACKSON  
DATE OF INSPECTION: May 11, 2010  
SITE CODE: 0778145040

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. )  
 )  
 FRANCES KLINK, )  
 )  
 Respondent. )

AC10 -  
Site Code: 0778145040

FACILITY: Murphysboro/Frances Klink Site  
COUNTY: JACKSON  
DATE OF INSPECTION: May 11, 2010  
SITE CODE: 0778145040

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.