



JACKSON COUNTY STATE'S ATTORNEY
Michael C. Carr, State's Attorney

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966
(618) 687-7200 • FAX (618) 687-7215

Wednesday, February 05, 2014

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



ORIGINAL

RECEIVED
CLERK'S OFFICE

FEB 10 2014

STATE OF ILLINOIS
Pollution Control Board

AC14-35

Re: Administrative Citation - Murphysboro/Kimberly Hunziker Site
Site Code 077 814 5087
Inspection Date: January 16, 2014
Date of Service: February 4, 2014

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Kimberly Hunziker. The site is known as the Murphysboro/Kimberly Hunziker site.

Ms. Hunziker's mailing address is 605 N. 22nd Street, Murphysboro, Illinois 62966. Also enclosed with this material is a proof of service showing the respondent was served with the administrative citation packet.

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

Sincerely,

MICHAEL C. CARR
Jackson County State's Attorney

DANIEL BRENNER
Assistant State's Attorney
Jackson County, Illinois

Encl.

cc: Jackson County Health Department

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 KIMBERLY HUNZIKER,)
)
 Respondent.)

AC 14 - 35
Site Code: 077 814 5087



Serve on: Ms. Kimberly Hunziker, 605 N. 22nd Street, Murphysboro, IL 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: Kimberly Hunziker W-F DOB 10-12-64

Address: 605 N 22nd Murphysboro IL

Sex: Male _____ Female X

Age: DOB 10-12-64

Date of service: 2-4, 2014.

Time: 9:50am .m.

Linda Elliot at Jackson Co SD
/S/ Robert Burns, Jackson Co. Sheriff
By his Deputy

PLEASE RETURN TO:
DANIEL BRENNER
JACKSON COUNTY STATES ATTORNEY'S OFFICE

VIOLATIONS

On the basis of his direct observation on January 16, 2014, Mr. Terry determined that the Respondent has open dumped waste scattered around the site, and resulted in the following violations:

1. The Respondent has caused or allowed litter in violation of 415 ILCS 5/21(p)(1); and,
2. The Respondent has caused or allowed Deposition of general construction or demolition of debris; or clean construction or demolition debris (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 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 April 20, 2014, 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, 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 Three Thousand Dollars (\$3,000.00) 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 THRITY-FIVE (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, 3rd Floor
Murphysboro, Illinois 62966

DATED: JAN. 28, 2014

MICHAEL C. CARR
Jackson County State's Attorney

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

DANIEL BRENNER
Assistant State's Attorney
Jackson County, Illinois

REMITTANCE FORM TO COUNTY OF JACKSON

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC14 -
) Site Code: 077 814 5087
 KIMBERLY HUNZIKER,)
)
 Respondent.)

FACILITY: Murphysboro/Kimberly Hunziker

COUNTY: JACKSON

DATE OF INSPECTION: January 16, 2014

SITE CODE: 077 814 5087

Date Remitted: _____, 2014

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.) AC14 -
) Site Code: 077 814 5087
 KIMBERLY HUNZINKER,)
)
 Respondent.)

FACILITY: Murphysboro/Kimberly Hunziker
COUNTY: JACKSON
DATE OF INSPECTION: January 16, 2014
SITE CODE: 077 809 5057

Date Remitted: _____, 2014

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

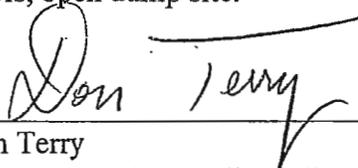
IN THE MATTER OF:

077 814 5087 / Jackson County
Murphysboro / Kimberly Hunziker
COMPLIANCE FILE

Kimberly Hunziker, Respondent.

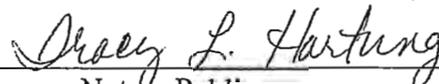
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

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 16, 2014, between the hours of 12:13 p.m. and 12:17 p.m., Affiant conducted an inspection of the open dump site known as Murphysboro / Kimberly Hunziker, Jackson County, Illinois.
3. Affiant inspected said open dump site from a public roadway, known as West Industrial Park Road.
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 Murphysboro / Kimberly Hunziker, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 16 day of January, 2014



Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Jackson LPC#: 077 814 5087 Region: 7 - Marion
 Location/Site Name: Murphysboro / Kimberly Hunziker
 Date: 01/16/2014 Time: From 12:13 pm To 12:17 pm Previous Inspection Date: 03/27/2013
 Inspector(s): Don Terry Weather: 43°F -- Cloudy with moderate winds
 No. of Photos Taken: # 6 Est. Amt. of Waste: 5 yds³ Samples Taken: Yes # No
 Interviewed: no one Complaint #: 2013-051
 Latitude: 37.79014 Longitude: -89.32874 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 8 feet

Responsible Party Mailing Address(es) and Phone Number(s): **OWNER** Ms. Kimberly Hunziker 605 N. 22 nd Street Murphysboro, IL 62966	**OPERATOR**
--	---------------------

	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 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"/>
	(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"/>

LPC # 077 814 5087

Inspection Date: 01/16/2014

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"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	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			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:	807.201 Developmental Permit & 807.202 Operational Permit	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- The provisions of subsection (p) of Section 21, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that Act.
- 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
- Items marked with an "NE" were not evaluated at the time of this inspection.

Inspection Report Document: Open Dump Site Narrative

Inspection Date: January 16, 2014

Time: 12:13 p.m. - 12:17 p.m.

Site Code: 077 814 5087

Site Name: Murphysboro / Kimberly Hunziker

County: Jackson

Inspector: Don Terry

Est. Waste Volume: 10 cubic yards

Previous Inspection: 03/27/2013

Location: Lat 37.79014 / Long -89.32874

GPS Accuracy: +/- 8 feet

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site known as Murphysboro / Kimberly Hunziker (077 814 5087), with the tax parcel number of 09-28-456-011, located at 847 W. Industrial Park Road. This inspection was made as a follow up to one conducted of this site on March 27, 2013. During the 3/27/2013 inspection, the open dumping of waste was observed. An Administrative Citation Warning Notice (ACWN) was sent to the property owner as listed by the Jackson County Assessor's Office, Ms. Kimberly Hunziker. A letter from the Jackson County State's Attorney's Office was included in the ACWN sent to Ms. Hunziker regarding the 3/27/2013 inspection, informing her that the ACWN would be the final notice she would receive regarding the waste disposal issues at her site (Attachment: Page 1).

Weather conditions at the time of this inspection were: Cloudy skies with moderate winds and a temperature of approximately 43°F.

I arrived at the site, and from West Industrial Park Road, a public roadway, observed open dumped waste scattered around the site (Site Sketch: Photos #1 - #6 - Areas A & B). The waste I observed open dumped at this site from several locations on West Industrial Park Road included, but was not limited to:

- 1) waste/used tires (Site Sketch: Photos #1 & #3 - Area A),
- 2) a pickup truck bed cover (Site Sketch: Photo #1 - Area A),
- 3) dimensional lumber & roofing tin (Site Sketch: Photos #1 - #3 - Area A),
- 4) plywood and roofing shingles (Site Sketch: Photo #3 - Area A) and
- 5) plastic containers / plastic sheeting (Site Sketch: Photos #4 - #6 - Area B).

At the time of the inspection, the items listed above as waste 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 was approximately 10 cubic yards.

My inspection ended at approximately 12:17 p.m.

Page 2

077 814 5087

Murphysboro / Kimberly Hunziker

January 16, 2014

Violations Observed:

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1 & 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 open dumping of waste that resulted in litter and the deposition of general construction or demolition debris, was observed.

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



JACKSON COUNTY STATE'S ATTORNEY
Michael C. Carr, State's Attorney

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966
(618) 687-7200 • FAX (618) 687-7215

Attachment:
Page 1

Monday, April 15, 2013

Ms. Kimberly Hunziker
605 N. 22nd Street
Murphysboro, IL 62966

Re: Open Dumping/Waste Issues

Dear Ms. Hunziker:

This is the final notice you will receive regarding the dumping and waste disposal issues pertaining to your site. You must immediately begin following the directions of the health department staff to stop and eliminate the issues.

Your cooperation will be appreciated. Thank you.

Sincerely,

MICHAEL C. CARR
Jackson County State's Attorney

DANIEL BRENNER
Assistant State's Attorney
Jackson County, Illinois

cc: Jackson County Health Department

OPEN DUMP INSPECTION SITE SKETCH

Inspection Date: January 16, 2013

Time: 12:13 p.m.—12:17 p.m.

Site Code: 077 814 5087

Site Name: Murphysboro / Kimberly Hunziker

Inspector: Don Terry

County: Jackson

Est. Waste Volume: 10 cubic yards

Previous Inspection: 03/27/2013

Location: Lat 37.79014 Long -89.32874

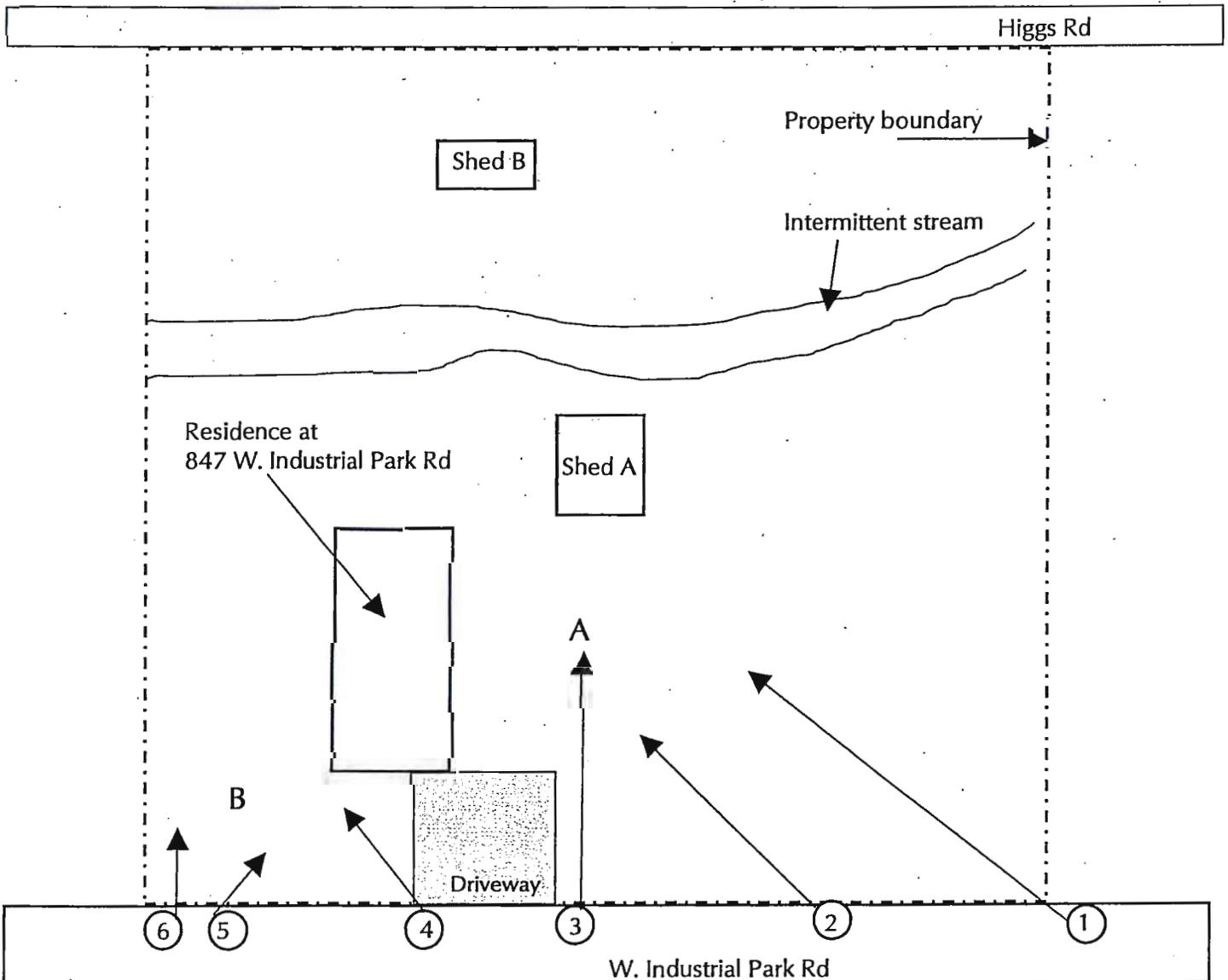
GPS Accuracy: +/- 8 Feet

Not Drawn to Scale

All locations are approximate

O → Indicates *approximate* location and direction of photos

G = approximate GPS data collection point





Inspection Date: January 16, 2014
Photos by: Don Terry

Site #: 077 814 5087
Site Name: Murphysboro / Kimberly Hunziker

Photo Name:
0778145087-01162014-01

Time: 12:14 p.m.

Photo Taken Toward:
Northwest



Photo Name:
0778145087-01162014-02

Time: 12:14 p.m.

Photo Taken Toward:
Northwest





Inspection Date: January 16, 2014
Photos by: Don Terry

Site #: 077 814 5087
Site Name: Murphysboro / Kimberly Hunziker

Photo Name:
0778145087-01162014-03

Time: 12:14 p.m.

Photo Taken Toward:
North



Photo Name:
0778145087-01162014-04

Time: 12:15 p.m.

Photo Taken Toward:
North





Inspection Date: January 16, 2014
Photos by: Don Terry

Site #: 077 814 5087
Site Name: Murphysboro / Kimberly Hunziker

Photo Name:
0778145087-01162014-05

Time: 12:15 p.m.

Photo Taken Toward:
Northeast

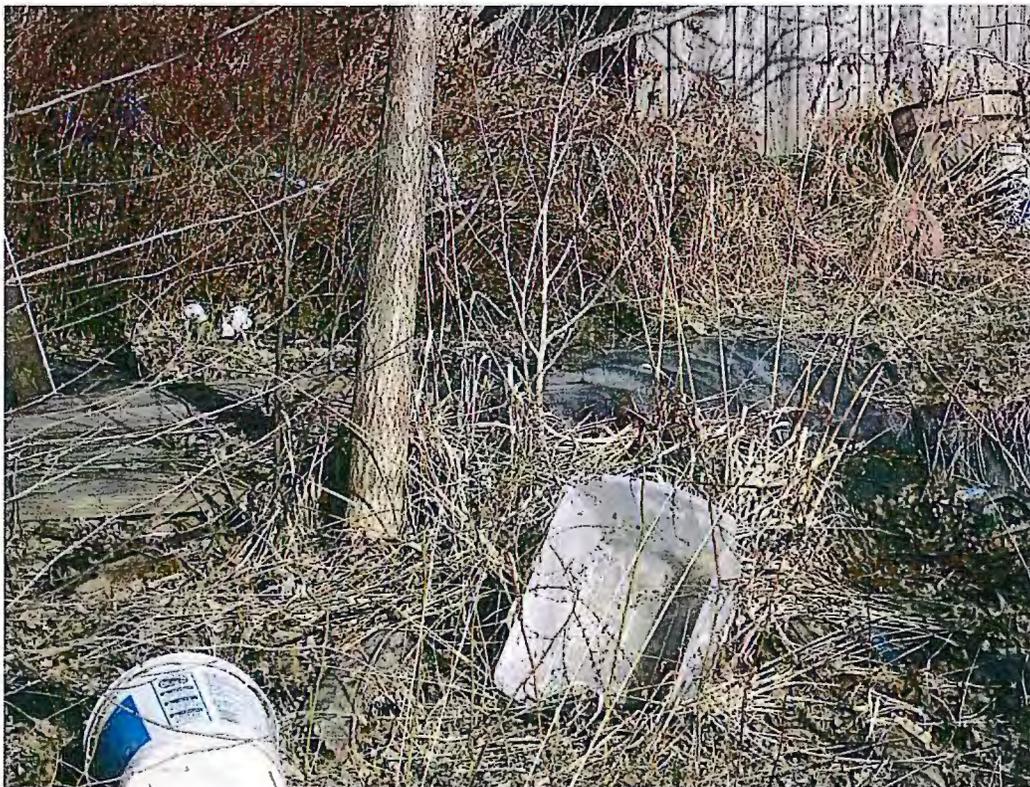


Photo Name:
0778145087-01162014-06

Time: 12:15 p.m.

Photo Taken Toward:
North



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

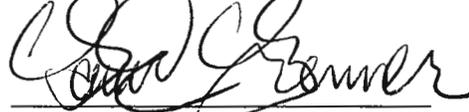
COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 14 -
)	Site Code: 077 814 5087
KIMBERLY HUNZIKER,)	
)	
Respondents.)	

NOTICE OF FILING

To: Kimberly Hunziker, 605 N. 22nd 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.

MICHAEL C. CARR
Jackson County State's Attorney



DANIEL BRENNER
Assistant State's Attorney
Jackson County Courthouse, 3rd Fl.
Murphysboro, Illinois 62966
618-687-7200

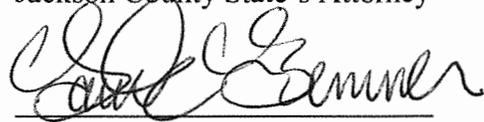
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 14 -
)	Site Code: 077 814 5087
KIMBERLY HUNZIKER,)	
)	
Respondent.)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Jackson.

MICHAEL C. CARR
Jackson County State's Attorney



DANIEL BRENNER
Assistant State's Attorney
Jackson County Courthouse
3rd Floor
Murphysboro, IL 62966
618-687-7200