RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

COUNTY OF JACKSON,)	STATE OF ILLINOIS Pollution Control Board
Complainant,)	
)	9
v.) AC 14 - 3	
) Site Code: (077 814 5089
JACKIE BENTANCOURT,)	73
)	() ODECTALA
Respondent.)	S UNIGHVAL
		The state of the s

NOTICE OF FILING

To: Ms. Jackie Bentancourt, 1913 Business Hwy 13, Murphysboro, IL 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 Floor

Murphysboro, IL 62966

618-687-7200

TROEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

COUNTY OF JACKSON,) •	Pollution Control Board
Complainant,)	
v,) AC14 - 39 Site Code: 077	7.814.5080
JACKIE BENTANCOURT,) Site Code: 077	7 814 3089
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

- The Respondent, Jackie Bentancourt, is the present owner and in control and possession
 of a facility in Jackson County, Illinois.
- The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 077 814 5089. The facility is known to the Agency as the Murphysboro/Jackie Bentancourt site.
- The Respondent has owned, occupied, or controlled and/or operated the facility at all relevant times hereto.
- 4. On January 21, 2014, Don Terry, Environmental Compliance Inspector, employed by the Jackson County Health Department, inspected an open dump site located at 1913 Business Hwy 13, Murphysboro, Illinois, located in Jackson County, Illinois. The inspection found the open dumping of waste. A copy of Mr. Terry's report and affidavit is attached hereto and made a part hereto.

VIOLATIONS

On the basis of his direct observation on January 21, 2014, Mr. Terry determined that the Respondent has open dumped waste scattered around the site, and resulted in the following violations:

- 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 <u>Three Thousand Dollars (\$3,000.00)</u>. 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:

- County of Jackson, c/o Jackson County Treasurer, Jackson County Courthouse,
 Murphsyboro, 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: FEb. 18, 2014

MICHAEL C. CARR Jackson County State's Attorney

DANIEL BRENNER

Assistant State's Attorney Jackson County, Illinois

REMITTANCE FORM TO COUNTY OF JACKSON

RECEIVED CLERK'S OFFICE
MAR - 7 2014

COUNTY OF JACKSON,)	MAR - 7 2014
Complainant, v. JACKIE BENTANCOURT, Respondent.))) AC1) Site)	Pollution Control Board
*	FACILITY: COUNTY: DATE OF INSPECTION: SITE CODE:	Murphysboro/Jackie Bentancourt JACKSON January 21, 2014 077 814 5089
Date Remitted:	, 2014	

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

Signature

REMITTANCE FORM TO ILLINOIS EPA

RECEIVED
MAR - 7 2014

COUNTY OF JACKSON,)	STATE OF ILLINOIS Pollution Control Board
Complainant,	5	Board Control Board
v. JACKIE BENTANCOURT, Respondent.) Site (4 - 3 9 Code: 077 814 5089
	FACILITY:	Murphysboro/Jackie Bentancourt
	COUNTY:	JACKSON
	DATE OF INSPECTION:	January 21, 2014
	SITE CODE:	077 809 5089
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

RECEIVED CLERK'S OFFICE MAR - 7 2014

STATE OF ILLINOIS

IN THE MATTER OF:

077 814 5089 / Jackson County Murphysboro / Jackie Bentancourt COMPLIANCE FILE

Jackie Bentancourt, 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.
- On January 21, 2014, between the hours of 11:26 a.m. and 11:30 a.m., Affiant conducted an inspection of the open dump site known as Murphysboro / Jackie Bentancourt, 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 Murphysboro / Jackie Bentancourt, Illinois, open dump site.

Don Terry

Environmental Compliance Inspector

erry

Subscribed and Sworn To before me this 31 day of January, 2014

Notary Public

"OFFICIAL SEAL" Tracy L. Hartung Notary Public, State of Illinois My Commission Expires 8/24/2014

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Jackson		LPC#:	077 81	4 5089	Region:	7 - Marion
Location/S	Site Name:	Murphysbor	o / Jackie	Bentanco	ourt		
Date:	01/21/2014	Time: Fro	m 11:26	am To	11:30 am	Previous Inspection Date	e: 02/17/2012
Inspector(s): Don Te	rry			Weather:	19°F Partly cloudy wit	h strong winds
No. of Pho	otos Taken: #	6 Est.	Amt. of V	/aste: 8	yds ³	Samples Taken: Yes #	No 🛛
Interviewe	d: no one			-	Comp	aint #: 2008-041	
Latitude:	37.79179	Longitude:	-89.3378	1 Colle	ection Point	Description: Center of S	ite -
(Example:	Lat.: 41.26493	Long.: -89.38294) Collection Method: GPS - Accuracy + 8 feet					
Responsit Mailing Ad and Phone		**OWNER** Ms. Jackie I 1913 Busine Murphysbor	Bentancou ess Hwy 1	3 .		M	ERK'S OFFICE AR = 7 2014 TE OF ILLINOIS ION Control Board

	SECTION	DESCRIPTION	VIOL
1		LLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	\boxtimes
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION	ON:
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS I	N ANY
	(1)	Litter	\boxtimes
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
	(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)	

LPC # 077 814 5089

Inspection Date: 01/21/2014

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	
	ELE	CTRONIC 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	
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	
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	
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	
		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	
16.	722.111	HAZARDOUS WASTE DETERMINATION	
17.	808.121	SPECIAL WASTE DETERMINATION	
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	
19.	815.201	FAILURE TO FILE AN INITIAL FACLITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	
		OTHER REQUIREMENTS	
20.		APPARENT VIOLATION OF: (□) PCB; (□) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
21.	OTHER:	807.201 Develomental Permit & 807.202 Operational Permit	

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 2. 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.
- 4. 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.
- 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); 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 21, 2014

Time: 11:26 a.m. - 11:30 a.m.

Site Code: 077 814 5089

Site Name: Murphysboro / Jackie Bentancourt

County: Jackson

Inspector: Don Terry

Est. Waste Volume: 8 cubic yards

Previous Inspection: 02/17/2012

Location: Lat 37.79179 / Long -89.33781

GPS Accuracy: +/- 8 feet

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site known as Murphysboro / Jackie Bentancourt (077 814 5089), with the Jackson County Tax Parcel number 09 28-352-012. This inspection was made as a follow up to three previous inspections and several field visits conducted of the site. During the inspections and field visits, open dumping violations were observed. The inspections resulted in a Violation Notice, an Under Legal Review Notice and an Administrative Citation Warning Notice being sent to Ms. Bentancourt. The last field visit to the site was conducted on July 24, 2013. During this field visit, this inspector spoke with Ms. Bentancourt and told her that open dumping violations were still present at the site. At that time Ms. Bentancourt asked for more time to clean up the site. I told Ms. Bentancourt I would return after six weeks to re-inspect the site.

Weather conditions at the time of the inspection were: Partly cloudy with strong winds and a temperature of approximately 19°F. There was a dusting of snow covering the ground. I was accompanied on this inspection by Kyle Scerena of the Jackson County Health Department.

I drove onto the site and honked my vehicle's horn twice, with no one responding. I exited the vehicle and called out in a loud voice, "health department" several times with no one responding. As I walked to the door of the residence, I observed open dumped waste scattered around the site (Site Sketch; Photos #1 - #6). The waste I observed open dumped at the site included, but was not limited to: used/waste tires, household garbage, plastic containers, a metal chair, a garden hose, dimensional lumber, fiberglass insulation, filled plastic bags and plastic tarpaulins (Site Sketch; Photos #1 - #6). At the time of the inspection, the materials listed as waste above were not in use, not usable in their current condition and were not being stored for future use.

I knocked on the front door of the residence, but no one responded.

The total volume of waste observed was approximately 8 cubic yards.

My inspection ended at approximately 11:30 a.m.

Page 2 077 814 5089 Murphysboro / Jackie Bentancourt January 21, 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.

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

OPEN DUMP INSPECTION SITE SKETCH

Inspection Date: January 21, 2014

Time: 11:26 a.m.-11:30 a.m.

Site Code: 077 814 5089

Site Name: Murphysboro / Jackie Bentancourt

Inspector: Don Terry County: Jackson

Est. Waste Volume: 8 cubic yards

Previous Inspection: 02/17/2014

Location: Lat 37.79179 / Long -89.33781

GPS Accuracy: +/- 8 Feet

Not Drawn to Scale

G = approximate GPS data collection point

All locations are approximate O Indicates approximate location and direction of photos **Business Hwy 13** Ruth Lane Shed B C D Driveway Residence at 1913 Business Hyw 13 Shed A



Jackson County Inspection Digital Photo Sheet - Page 1



Inspection Date: January 21, 2014

Photos by: Don Terry

Site #: 077 814 5089

Site Name: Murphysboro / Jackie Bentancourt

Photo Name: 0778145089-01212014-01

Time:

11:28 a.m.

Photo Taken Toward:

Southwest



Photo Name: 0778145089-01212014-02

Time:

11:28 a.m.

Photo Taken Toward:

North





Jackson County Inspection Digital Photo Sheet - Page 3



Inspection Date: January 21, 2014

Photos by: Don Terry

Site #: 077 814 5089

Site Name: Murphysboro / Jackie Bentancourt

Photo Name: 0778145089-01212014-05

Time:

11:28 a.m.

Photo Taken Toward:

Northeast



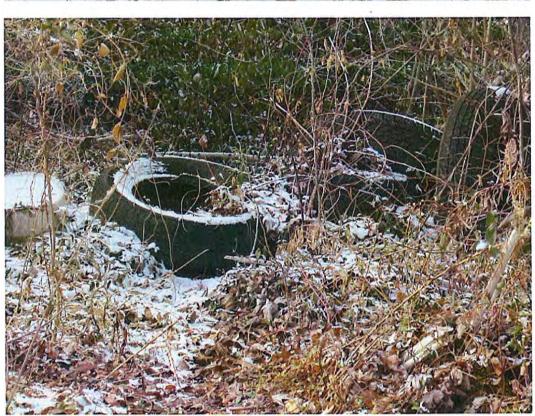
Photo Name: 0778145089-01212014-06

Time:

11:29 a.m.

Photo Taken Toward:

West



		TON CONTROL BO	OARD
ADN	MINISTRATIVE	CITATION	RECEIVED CLERK'S OFFICE
COUNTY OF IACKSON	,		CLERK'S OFFICE
COUNTY OF JACKSON,)		MAR - 7 2014
Complainant,	(2014
Complaniant,	< 1	1159	PONTE OF ILLIA
v.	΄ Δ	C14-14-31	STATE OF ILLINOIS Pollution Control Board
95		ite Code: 077 814 50	
JACKIE BENTANCOURT,	í	10 Code: 077 014 50	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Ś		One
Respondent.	Ś	4	ORIGINAL
ALER AND THE	ĺ		-OIL WILL
Serve on: Ms. Jackie Bentan	court, 1913 Busin	ess Hwy 13, Murphy	ysboro, IL 62966
	PROOF OF SEI	RVICE	
عاويه عوا وبالمواز والماعول ال			
I, the undersigned, hereby	certify that a tru	e and correct copy	of the Administrative
Citation and Appearance were hand	delivered to:		
Nome:	- 0 -	1250	
Name:	Le Gentan	earnt	
Address: 1913	B H.	ernt m'bro	
Address	Summers 114	9 13 110	
Sex: Male Fe	male /		
	-		
Age: 3-15-51			
Date of service: 2-24	, 2014.		
	207 155511		
Time: 2:05 p~.m.			
at Jackson to So	9		
			_
/S/ Robert Burns, Jackson Co. Sher	iff		
By his Deputy			
del de color de casa de se dese			
PLEASE RETURN TO:			

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



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

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, 1L 62966 (618) 687-7200 • FAX (618) 687-7215

Tuesday, March 04, 2014

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

MAR - 7 2014

STATE OF ILLINOIS Pollution Control Board

Re:

Administrative Citation - Murphysboro/Jackie Bentancourt Site

Site Code 077 814 5089

Inspection Date: January 21, 2014 Date of Service: February 24, 2014

D ORIGIN

Dear Clerk:

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

Ms. Bentancourt's mailing address is 1913 Business Highway 13, 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