



OFFICE OF STATE'S ATTORNEY

DAVID N. STANTON  
State's Attorney

Perry County, Illinois  
1 Public Square – Perry County Courthouse  
Pinckneyville, Illinois 62274

Telephone: (618) 357-6221 / Facsimile: (618) 357-3923

MARTIN M. BELTZ  
DAVID H. SEARBY, JR.  
Assistant State's Attorneys

April 15, 2015

RECEIVED  
CLERK'S OFFICE

APR 17 2015

STATE OF ILLINOIS  
Pollution Control Board

AC 15-35

Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, IL 60601-3218

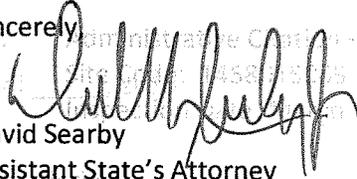
RE: Administrative Citation – Perry County/DuQuoin/Cooper, Gordon  
Site Code: 1458015009  
Inspection Date: March 18, 2015

 ORIGINAL

Dear Clerk:

Clerk of the Board  
Enclosed for filing with the Board is the Administrative Citation packet issued against Gordon Cooper.  
100 West Randolph Street  
I will file proof of service once that is obtained on the Respondent. Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

  
David Searby  
Assistant State's Attorney  
Perry County, Illinois

Enclosed for filing with the Board is the Administrative Citation packet issued against Gordon Cooper.  
Enclosures

I will file proof of service once that is obtained on the Respondent. Please acknowledge receipt and  
cc: Rebecca Tracy, Perry County Solid Waste w/enclosures  
IEPA Springfield (Ellen Robinson w/enclosures)  
IEPA Marion (Sheila Williams w/enclosures)

David Searby  
Assistant State's Attorney  
Perry County, Illinois

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I will file proof of service once that is obtained on the Respondent. Please acknowledge receipt and  
cc: Rebecca Tracy, Perry County Solid Waste w/enclosures  
IEPA Springfield (Ellen Robinson w/enclosures)  
IEPA Marion (Sheila Williams w/enclosures)



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Gordon Cooper, )  
 )  
 Respondent. )

AC 15 - 35

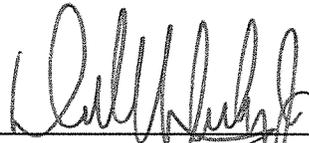
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APR 17 2015

STATE OF ILLINOIS  
Pollution Control Board

APPEARANCE

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



\_\_\_\_\_  
David Searby, Assistant State's Attorney  
Perry County, Illinois

Perry County State's Attorney's Office  
Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274  
(618) 357-6221

DATED: April 15, 2015.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Gordon Cooper, )  
 )  
 Respondent. )

AC 15 - 35

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STATE OF ILLINOIS  
Pollution Control Board

This Administrative Citation is issued pursuant to the 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, Gordon Cooper, is the present owner; and is in control and possession of a facility located in the County of Perry, State of Illinois.
2. The facility is an open dump and designated with the Site Code #1458015009. The facility is known to the Agency as the DuQuoin/Cooper, Gordon site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On March 18, 2015, Rebecca Tracy, Field Inspector, Perry County Solid Waste Department, inspected the facility. A true and correct copy of the inspection report, along with Ms. Tracy's affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, Rebecca Tracy's, direct observation, she 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 March 18, 2015, 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); and,
2. The Respondent has caused or allowed the deposition of general 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), 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 July 1, 2015, 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(s) 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 elects 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 a finding of violation(s) 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) Perry County Solid Waste, c/o Perry County Treasurer, Perry County Government Building, 3764 State Route 13/127, Pinckneyville, Illinois 62274; and,

(2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, PO 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 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 THIS ADMINISTRATIVE CITATION

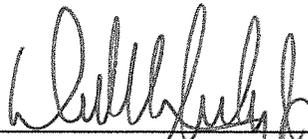
Respondent has the right to contest this Administrative Citation pursuant to and in accordance with 415 ILCS 5/31.1. If Respondent elects to contest this Administrative Citation, then Respondent shall file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall also be filed with David Searby, Assistant State's Attorney, Perry County Courthouse, Pinckneyville, Illinois 62274. **Your Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation. 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 Illinois 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, IL 60601-3218

A copy must also be sent to:

Office of the State's Attorney, David Searby  
Assistant State's Attorney  
Perry County Courthouse  
Pinckneyville, IL 62274



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David Searby, Assistant State's Attorney  
Perry County, Illinois

DATE: April 15, 2015.

Perry County State's Attorney's Office  
Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274  
(618)357-6221

REMITTANCE FORM TO THE COUNTY OF PERRY

**RECEIVED**  
CLERK'S OFFICE

APR 17 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF PERRY	)	
	)	
Complainant,	)	AC 15 - <u>35</u>
	)	
vs.	)	
	)	
Gordon Cooper,	)	
	)	
Respondent.	)	

FACILITY: DuQuoin/Cooper, Gordon

COUNTY: Perry

DATE OF INSPECTION: March 18, 2015

SITE CODE: 1458015009

DATE REMITTED: \_\_\_\_\_

SS/FEIN NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Perry County Solid Waste  
c/o Perry County Treasurer  
Perry County Government Building  
3764 State Route 13/127  
Pinckneyville, IL 62274

REMITTANCE FORM TO THE ILLINOIS EPA

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Gordon Cooper, )  
 )  
 Respondent. )

AC 15 - 35

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STATE OF ILLINOIS  
Pollution Control Board

FACILITY: DuQuoin/Cooper, Gordon

COUNTY: Perry

DATE OF INSPECTION: March 18, 2015

SITE CODE: 1458015009

DATE REMITTED: \_\_\_\_\_

SS/FEIN NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Illinois Environmental Protection Agency  
Attention: Fiscal Services  
PO Box 19276  
Springfield, IL 62794-9276

COUNTY OF PERRY  
AFFIDAVIT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY )  
 )  
 Complainant, )  
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 vs. )  
 )  
 Gordon Cooper, )  
 )  
 Respondent. )

AC 15 - 35

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Pollution Control Board

Affiant, Rebecca Tracy, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Perry County Solid Waste Management Department and has been so employed at all times pertinent hereto.
2. On March 18, 2015 at 10:55 a.m., Affiant conducted an inspection of the open dump site known as DuQuoin/Cooper, Gordon, Perry County, Illinois. Said site has been assigned Site Code No. 1458015009.
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 Open Dump Inspection Checklist and Narrative Inspection Report 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 the open dump site known as DuQuoin/Cooper, Gordon.

Rebecca Tracy  
REBECCA TRACY, Environmental Compliance Inspector

Subscribed and Sworn to before me this  
14 day of April, 2015.

Karen S Heisner  
Notary Public



PROOF OF SERVICE

I hereby certify that I did on the 15 day of April 2015, transmit to the Perry County Sheriff's Department a true and correct copy of the following instruments(s) entitled ADMINISTRATIVE CITATION, AFFIDAVITS, OPEN DUMP INSPECTION CHECKLIST, OPEN DUMP NARRATIVE, SITE SKETCH AND PHOTO SHEETS, which will be served upon the following:

To: Gordon Cooper  
PO Box 44  
924 East Franklin Street  
DuQuoin, IL 62832

RECEIVED  
CLERK'S OFFICE

APR 17 2015

STATE OF ILLINOIS  
Pollution Control Board

And the original and nine (9) true and correct copies of the same foregoing instruments on the same date by certified mail return receipt requested, with postage thereon fully prepaid

To: Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, IL 60601-3218



\_\_\_\_\_  
David Searby, Assistant State's Attorney  
Perry County, Illinois

Perry County State's Attorney's Office  
Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274  
(618)357-6221



LPC # 1458015009

Inspection Date: 03/18/2015

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	<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>ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS</b>			
11.	95(a)	<b>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</b>	<input type="checkbox"/>
12.	95(b)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL</b>	<input type="checkbox"/>
13.	95(c)	<b>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</b>	<input type="checkbox"/>
14.	95(d)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE</b>	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
15.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
16.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
17.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
18.	809.302(a)	<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"/>
19.	815.201	<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>			
20.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
21.	<b>OTHER:</b>		<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.

**Perry County Solid Waste Management Department  
Narrative Inspection Report**

**Date of Inspection: 03/18/2015**

**Time: 11:40 a.m.**

**Site Code: 1458015009**

**Site Name: DuQuoin/Cooper, Gordon**

**County: Perry**

**Inspector: Rebecca Tracy**

**Est. Waste Volume: 500 cubic yards**

**Previous Inspection: 06/23/2014**

**Subject: Gordon Cooper  
PO Box 44  
DuQuoin, IL 62832**

**Site Address: 924 East Franklin Street  
DuQuoin, IL 62832**

On March 18, 2015, an inspection was performed at 924 East Franklin Street, DuQuoin, IL 62832. The inspection was performed as a compliance inspections.

The information obtained from the Perry County Assessor's Office indicates that the property is owned by Gordon Cooper, whose address is listed as PO Box 44, DuQuoin, IL 62832. The site address is 924 East Franklin Street, DuQuoin, IL 62832. The property record card identifies this property as parcel number 2-61-1040-060 in Greenwood Third Addition containing Lots 9 and 10.

To arrive at the site take Park Street in DuQuoin and turn south onto Greenwood and then turn onto Franklin Street (see site sketch for detailed directions).

I arrived at the site at 11:40 a.m. Photo 001 depicts open dumped refuse and debris which includes open dumped e-waste. Photo 002 depicts open dumped construction/demolition debris in the form of an uninhabitable mobile home. The mobile home is missing siding and is obviously uninhabitable by not only its appearance from the outside but also the property record card indicates that the mobile home was gutted by a fire in March of 2013.

My inspection ended at 11:40 a.m.

**DISCUSSION:**

Mr. Cooper should properly dispose of the uninhabitable mobile home and clean this property up immediately. The property is in a residential neighborhood and is a nuisance and unsightly and is in obvious violation of the Act. Along with properly disposing of the mobile home disposal and any other debris and refuse located on the property. It should be noted that none of the debris and refuse located on this property may be disposed of by open burning.

**ENVIRONMENTAL PROTECTION ACT VIOLATIONS:**

21(a) Cause or Allow Open Dumping

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

(7) Deposition of 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)

During the inspection, the open dumping of waste that resulted in litter and the deposition of general construction or demolition debris was observed.



## ***DIGITAL PHOTOGRAPHS***



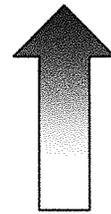
**Date:** 03/18/2015  
**Time:** 11:40 a.m.  
**Direction:** North  
**Photo by:** R. Tracy  
**Exposure #:** 001  
**Comments:** Open  
dumped refuse and  
debris, including e-  
waste



**Date:** 03/18/2015  
**Time:** 11:40 a.m.  
**Direction:** North  
**Photo by:** R. Tracy  
**Exposure #:** 002  
**Comments:** open  
dumped construction/  
demolition debris in  
the form of an  
uninhabitable mobile  
home and open  
dumped refuse and  
debris, including e-  
waste

**SITE SKETCH**

**N**



**Date of Inspection: 03/18/2015**

**Time: 11:40 a.m.**

**Site Code: 1458015009**

**Site Name: DuQuoin/Cooper, Gordon**

**County: Perry**

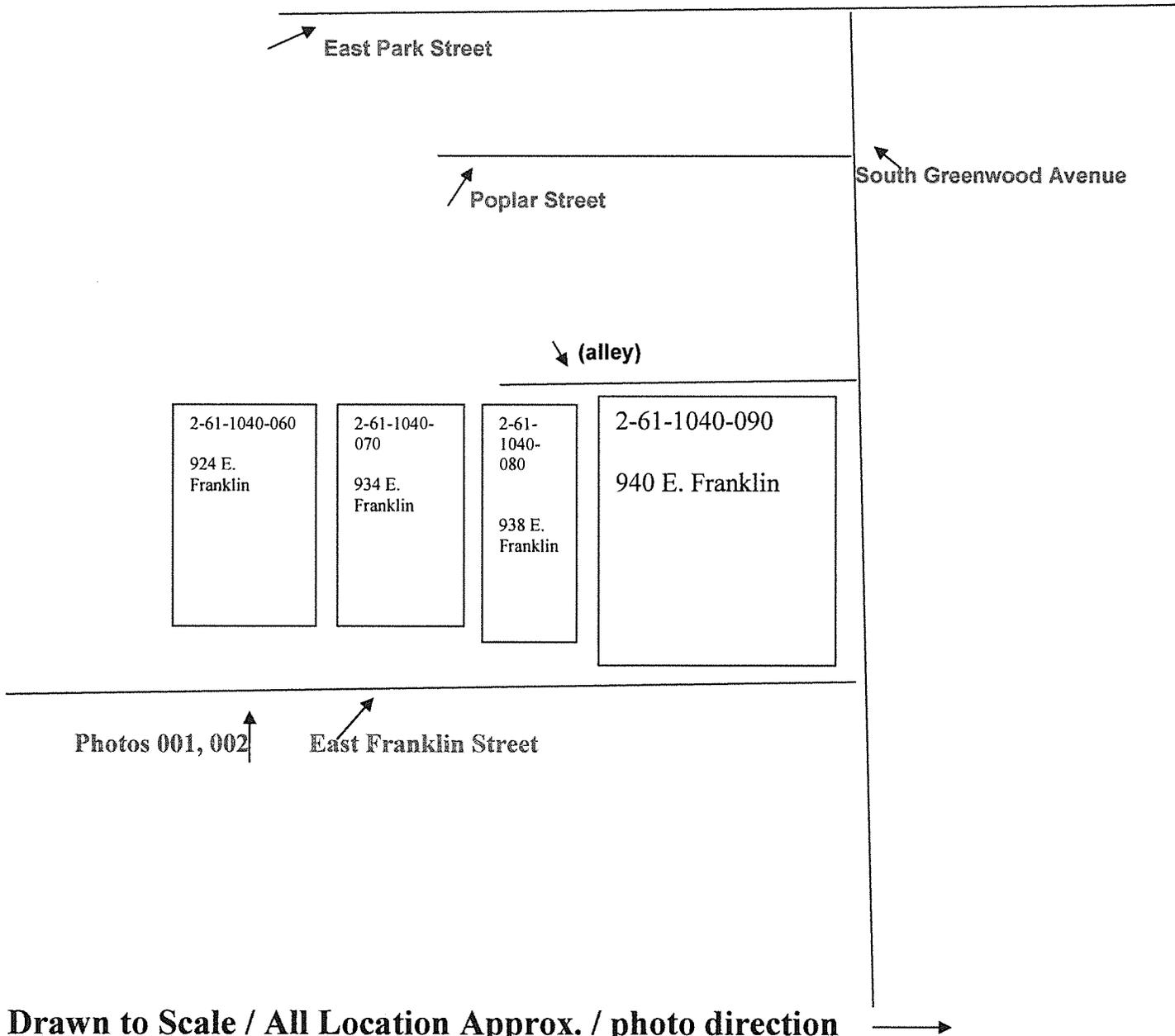
**Inspector: Rebecca Tracy**

**Est. Waste Volume: 500 cubic yards**

**Previous Inspection: 06/23/2014**

**Site Address: 924 East Franklin Street  
DuQuoin, IL 62832**

**Owner/Generator: Gordon Cooper  
PO Box 44  
DuQuoin, IL 62832**



**Not Drawn to Scale / All Location Approx. / photo direction**