



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

Tuesday, August 23, 2016

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

Re: Administrative Citation - Murphysboro/Gary Clover (2) Site
Site Code 077 814 5117
Inspection Date: July 20, 2016
Date of Service: August 18, 2016

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Gary Clover. The site is known as the Murphysboro/Gary Clover (2) site.

The respondent's mailing address is 1336 Hoffman Road, 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

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

DANIEL BRENNER
Assistant State's Attorney
Jackson County, Illinois

encl.

cc: Jackson County Health Department

14-3495

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

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.	)	AC 17 -
	)	Site Code: 077 814 5117
GARY CLOVER,)	
)	
Respondent.)	

Serve on: Gary Clover, 1336 Hoffman Road, 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: Gary Clover

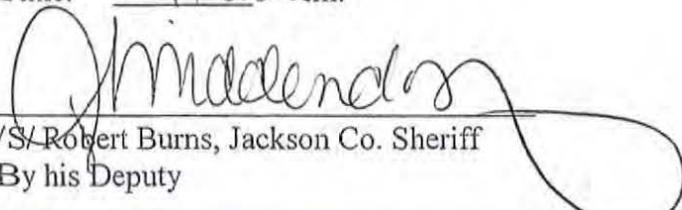
Address: Jackson Co So

Sex: Male Female white

Age: 10/19/53

Date of service: 8/19, 2016.

Time: 11:22am.


 /s/ Robert Burns, Jackson Co. Sheriff
 By his Deputy

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

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

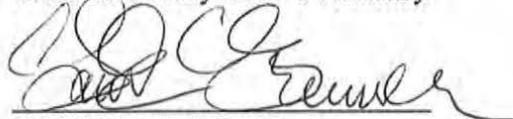
COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.	)	AC 17 -
	)	Site Code: 077 814 5117
GARY CLOVER,)	
)	
Respondent.)	

NOTICE OF FILING

To: Gary Clover, 1336 Hoffman Road, 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 17 -
	)	Site Code: 077 814 5117
GARY CLOVER,)	
)	
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 Fl.
Murphysboro, Illinois 62966
618-687-7200

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

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.	)	AC 17 -
	)	Site Code: 077 814 5117
GARY CLOVER,)	
)	
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, Gary Clover, is the present owner 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 # 077 814 5117. The facility is known to the Agency as the Murphysboro/Gary Clover (2) site.

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

4. On July 20, 2016, 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.

5. The Respondent had been previously found to have violated §21(p)(1) and (p)(7) of the Illinois Environmental Protection Act. Those cases are AC 04-37 and AC 10-5.

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 July 20, 2016, an 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 waste in standing or flowing waters at the facility in violation of 415 ILCS 5/21(p)(4).
3. The Respondent has caused or allowed the deposition of general 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 the §21(p)(4) violation and Three Thousand Dollars (\$3,000.00) each for the §21(p)(1) violation and the §21(p)(7) violation because the latter are second violations for the same offenses, for a total of Seven Thousand Five Hundred Dollars (\$7,500.00). 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 October 1, 2016, 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 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 the 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:

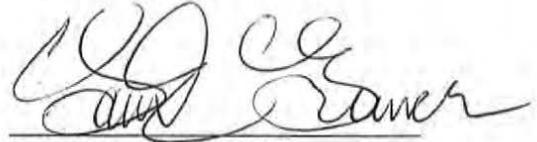
Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

A copy must also be sent to:

Office of the State's Attorney
Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, Il 62966

Dated: 8/11, 2016.

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.	)	AC17 -	
	)	Site Code:	077 814 5117
GARY CLOVER,)		
)		
Respondent.)		

FACILITY: Murphysboro/Gary Clover (2) Site

COUNTY: JACKSON

DATE OF INSPECTION: July 20, 2016

SITE CODE: 077 814 5117

Date Remitted: _____, 2016

SS or FEIN # _____

Signature _____

NOTE

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

Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois, 62966

REMITTANCE FORM TO ILLINOIS EPA

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC17 -
) Site Code: 077 814 5117
 GARY CLOVER,)
)
 Respondent.)

FACILITY: Murphysboro/Gary Clover (2) Site

COUNTY: JACKSON

DATE OF INSPECTION: July 20, 2016

SITE CODE: 077 814 5117

Date Remitted: _____, 2016

SS or 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

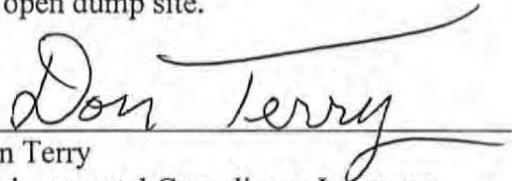
IN THE MATTER OF:

**077 814 5117 / Jackson County
Murphysboro / Gary Clover (2)
COMPLIANCE FILE**

Gary Clover, Respondent.

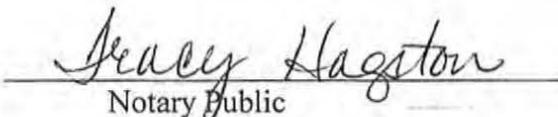
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

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 July 20, 2016, between the hours of 12:07 p.m. and 12:18 p.m. Affiant conducted an inspection of the open dump site known as Murphysboro / Gary Clover (2), 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 / Gary Clover (2), Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn Before me
this 3 day of August, 2016


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jackson LPC#: 077 814 5117 Region: 7 - Marion
 Location/Site Name: Murphysboro / Gary Clover (2)
 Date: 07/20/2016 Time: From 12:07 pm To 12:18 pm Previous Inspection Date: 03/16/2016
 Inspector(s): Don Terry Weather: 79°F -- Cloudy with moderate winds
 No. of Photos Taken: # 14 Est. Amt. of Waste: 10 + yds³ Samples Taken: Yes # No
 Interviewed: no one Complaint #:
 Latitude: 37.78921 Longitude: -89.32005 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation -

Responsible Party Mailing Address(es) and Phone Number(s):	**OWNER**	
	Mr. Gary Clover 1336 Hoffman Road Murphysboro, IL 62966	

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 checked="" type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD	<input checked="" 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 checked="" 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 5117

Inspection Date: 07/20/2016

9.	55(a)	NO PERSON SHALL:	
	(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)	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:		<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: July 20, 2016

Time: 12:07 p.m. – 12:18 p.m.

Site Code: 077 814 5117

Site Name: Murphysboro / Gary Clover (2)

County: Jackson

Inspector: Don Terry

Est. Waste Volume: 10+ cubic yards

Previous Inspection: 03/16/2016

Location: Lat 37.78921 / Long -89.32005

Photo Interpolation

GENERAL REMARKS

NOTE: An inspection was conducted of this site on March 16, 2016 as a follow-up to a phone conversation between this inspector and the site owner, Mr. Gary Clover {Attachment: Page 6}. The site inspection resulted in an Administrative Citation Warning Notice (ACWN) being sent to Mr. Clover. The ACWN provided Mr. Clover with direction as to: 1) what actions needed to be taken to clean-up the site, 2) the definition of "clean fill" and 3) a date by which the clean-up actions needed to be completed {Attachment: Pages 1 – 5}. At the time of this inspection, this office had not been contacted by Mr. Clover regarding the status of the clean-up or what steps he had taken to prevent further violations from occurring.

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to a site inspection conducted on March 16, 2016 during which open dumped waste was observed. Weather conditions at the time of the inspection were: Cloudy with calm winds and a temperature of approximately 79°F.

Upon arrival at the site, I went to the area labeled "Fill Area 2" on the site sketch. From E. Industrial Park Road, a public roadway, I observed that the area appeared to have been graded and leveled since my previous inspection (Photo #1, Site Sketch – Fill Area 2). I walked south along the east boundary of Fill Area 2 and observed broken concrete with metal rebar protruding from several (Photo #2, Site Sketch – Fill Area 2 – See Arrows). Along the south boundary of Fill Area 2, I observed open dumped dimensional lumber and more broken concrete with protruding rebar (Photos #3 & #4, Site Sketch – Fill Area 2). I walked to the west boundary of Fill Area 2 and observed broken concrete with protruding rebar lying in waters of the State (Photo #5, Site Sketch – Fill Area 2). I then walked to the north boundary of Fill Area 2 and observed a pile of broken concrete, soil and gravel contaminated with PVC pipe, dimensional lumber and plastic sheeting (Photo 6, Site Sketch – Fill Area 2).

I then went to the area labeled "Fill Area 1" on the Site Sketch. I walked to the east boundary of Fill Area 1 and observed an area of general construction or demolition debris open dumped and mixed with soil and other materials (Photos #7 - #11, Site Sketch – Fill Area 1). The waste consisted of but was not limited to: dimensional lumber (pieces and whole), metal conduit with protruding electrical wiring, broken concrete with protruding rebar, painted concrete blocks, vinyl siding, a cloth cushion and scrap metal (Photos #7 - #11, Site Sketch – Fill Area 1). I observed that soil and gravel had been placed on and around the waste; in what appeared to be an attempt to bury the waste (Photos #7 - #11, Site Sketch – Fill Area 1).

Page 2

077 814 5117

Murphysboro / Gary Clover (2)

July 20, 2016

I walked to the west boundary of Fill Area 1 and observed plastic pipes that were partially buried under soil and gravel (Photos #12 - #14, Site Sketch - Fill Area 1).

The total volume of observable waste was approximately 10+ cubic yards.

My inspection ended at approximately 12:18 p.m.

Violations Observed:

Item #3(12)(a): Cause, threaten or allow water pollution in Illinois; Item #4(12)(d): Create a water pollution hazard; Item #8(21)(p)(4): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (4) Deposition of waste in standing or flowing waters: During the inspection the open dumping of waste (IE broken concrete with protruding rebar), which caused the deposition of waste in standing or flowing waters and which caused, threatened or allowed water pollution or created a water pollution hazard in Illinois was 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 waste that had been open dumped and which resulted in litter and the deposition of general construction or demolition debris was observed.

OPEN DUMP ADMINISTRATIVE CITATION
WARNING NOTICE

Attachment:
Page 1

Jackson County
Complainant

vs.

Gary Clover,
Respondent

077 814 5117 - Jackson County
Murphysboro / Gary Clover (2)
Compliance File

WARNING: CORRECTIVE ACTION REQUIRED

You may be subject to substantial civil penalties if you fail to comply with the terms of this Administrative Citation Warning Notice, and are found to be in violation of the [Illinois] Environmental Protection Act.

FACTS

The purpose of this notice is to inform you of the results of the Jackson County Health Department's inspection, and the corrective action required. This inspection was conducted to evaluate compliance with the requirements of Section 21(a) and Section 21(p) of the [Illinois] Environmental Protection Act. The alleged violations found during the inspection are identified in the attached inspection report.

You must Complete the Following Corrective Actions:

- #1 Cease all open dumping immediately by insuring that all loads of clean fill are inspected for waste co-mingled with the clean fill material. At the time of the load inspection, remove any co-mingled waste and take it to an Illinois permitted landfill or recycling center for disposal.
- #2 Remove all waste (IE materials not permitted to be used as clean fill under Illinois law), from the clean fill areas. Cut off all protruding rebar at the face of the concrete. Remove all waste to a permitted landfill or transfer station by April 19, 2016. Scrap metal not disposed of at a landfill can be taken to a scrap metal facility or recycling center.
- #3 Submit to the Jackson County Health Department copies of receipts that document the proper disposal or recycling of the wastes by May 3, 2016.

REQUIRED RESPONSE

Within fifteen (15) calendar days of the date of this notice, you must submit in writing:

1. the reasons for the alleged violation(s),
2. a description of the corrective actions that have been or will be taken to correct the alleged violation(s), and
3. a proposal to ensure that the alleged violation(s) will not recur.

Your written response submitted in reply to this notice must be sent to:

Jackson County Health Department
Don Terry
Solid Waste Program
P. O. Box 307
Murphysboro, IL 62966

Attachment:
Page 2

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this Notice.

POTENTIAL SANCTIONS

For any violations of Section 21(p) of the [Illinois] Environmental Protection Act ("Act") [415 ILCS 5/21 (1994)] cited in the attached inspection report, Jackson County may, without further notice and regardless of any future activities to achieve compliance, file an Administrative Citation before the Illinois Pollution Control Board pursuant to Section 31.1 of the Act [415 ILCS 5/31.1 (1994)]. An Administrative Citation carries a fine of \$1,500.00 for a first offense and \$3,000 for a second or subsequent offense for violation of any provision of Section 21(p). Even if the Jackson County State's Attorney files an Administrative Citation and/or other enforcement action, you are still required to remedy each and every violation identified in the attached inspection report. The removal and/or disposal of any waste from this site in a manner not prescribed in the Corrective Actions section above must be approved by the Jackson County Health Department.

You are also advised that your noncompliance could result in the filing of an enforcement action pursuant to Title VIII and/or Title XII of the Act. Jackson County Health Department personnel will conduct a re-inspection to verify compliance.

Should you have any questions concerning the Administrative Citation Warning Notice or need further assistance, contact Don Terry at 684-3143, Ext 128.

Jackson County Health Department

By: Bart Hagston
Bart Hagston, Division Director
Environmental Health

Date: 03/23/16

Enclosures
cc: Division File
Regional File

Page 2
077 814 5117
Murphysboro / Gary Clover (2)
March 16, 2016

Attachment:
Page 4

From the area labeled "Fill Area 1" on the Site Sketch, I looked east and observed a second fill area and proceeded to that location to continue my inspection.

Upon arrival at "Fill Area 2," I observed from E. Industrial Park Road, open dumped waste mixed with clean fill material (Photos #4 & #5, Site Sketch-Fill Area 2). The waste I observed mixed with clean fill material consisted of, but was not limited to dimensional lumber. I walked to a location on the east side of "Fill Area 2" and observed exposed rebar sticking out of broken pieces of concrete (Photos #6 & #7, Site Sketch-Fill Area 2). I walked to a location on the west side of "Fill Area 2" and observed more waste mixed with clean fill material (Photos #8 - #10, Site Sketch-Fill Area 2). The waste I observed in this area consisted of, but was not limited to: a rubber mat of some type, exposed rebar, dimensional lumber, paper and white PVC pipe.

The total volume of exposed waste I was able to observe was approximately 1 cubic yard. Given that much of the waste I observed was partially buried or covered with soil or concrete, it would be reasonable to assume that more waste is buried at this site.

My inspection ended at approximately 2:04 p.m.

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 caused litter and the deposition of general construction or demolition debris was observed.

Environmental Protection Act

intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.

"Non-community water supply" means a public water supply that is not a community water supply. The requirements of this Act shall not apply to non-community water supplies.

(Source: P.A. 92-574, eff. 6-26-02.)

Sec. 3.150. Compost. "Compost" is defined as the humus-like product of the process of composting waste, which may be used as a soil conditioner.

(Source: P.A. 92-574, eff. 6-26-02.)

Sec. 3.155. Composting. "Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

(Source: P.A. 92-574, eff. 6-26-02.)

Sec. 3.160. Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks; concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not

commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, and, if used as fill material in a current or former quarry, mine, or other excavation, is used in accordance with the requirements of Section 22.51 of this Act and the rules adopted thereunder or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i), or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(c) For purposes of this Section, the term "uncontaminated soil" means soil that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment.

(1) No later than one year after the effective date of this amendatory Act of the 96th General Assembly, the Agency shall propose, and, no later than one year after receipt of the Agency's proposal, the Board shall adopt, rules specifying the maximum concentrations of contaminants that may be present in uncontaminated soil for purposes of this Section. For carcinogens, the maximum concentrations shall not allow exposure to exceed an excess upper-bound lifetime risk of 1 in 1,000,000; provided that if the most stringent remediation objective or applicable background concentration for a contaminant set forth in 35 Ill. Adm.

JACKSON COUNTY illinois

Attachment:
Page 6

Maureen Berkowitz, Jackson County Supervisor of Assessments, Jackson County Chief County Assessment Office
20 S. 16th Street, Murphysboro, IL 62966, Phone (618) 687-7220, Fax (618) 687-7243
Online Property Tax Inquiry

Information for Parcel 09-34-101-018, Tax Year 2014 Payable 2015

I Want To...

[Start a New Search](#)
[Go to the County Website](#)

- View:**
- [Assessment Information](#)
 - [Billing & Collection Information](#)
 - [Exemption Information](#)
 - [Farm Land Information](#)
 - [Genealogy Information](#)
 - [Legal Information](#)
 - [Name Information](#)
 - [Sales Information](#)
 - [Site Address Information](#)
 - [Taxing Body Information](#)
 - [Print this Parcel](#)

Property Information

Tax Year 2014 ▼	Township Somerset	Property Class 0030-RESIDENTIAL VACANT LAND
Tax Status Taxable	Tax Code 0801	Land Use
Net Taxable Value 2,763	Tax Rate 7.527740	Total Tax \$208.00
Site Address 398 E INDUSTRIAL PARK RD MURPHYSBORO, IL 62966	Owner Name and Address CLOVER, GARY 1336 HOFFMAN RD MURPHYSBORO, IL 62966	Mailing Name and Address CLOVER, GARY & KATHY 1336 HOFFMAN RD MURPHYSBORO, IL 62966
Legal Description PT NW 1/4 NW 1/4 & PT S 1/2 SW 1/4 24-8-2 2.57 AC DEED REF 474/184 2002/6512 2004/43650 TRC 3989 2012/32048		
Public Notes POSSIBLE LEGAL DESCRIPTION ERROR. LEGAL FOR PORTION SOLD SAYS REMAINDER TRACT .(MB 12/14/2011) DEEDS FILED TO CORRECT THIS IN NOVEMBER 2012 (DD)		

WARNING: Unpaid tax in previous year(s).

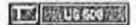
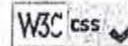
Payments

Installment	Tax Billed	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Total Unpaid
First	\$104.00	\$3.12	\$0.00	\$0.00	\$107.12	\$107.12	\$0.00
Second	\$104.00	\$1.56	\$0.00	\$0.00	\$135.56	\$135.56	\$0.00
Total	\$208.00	\$4.68	\$0.00	\$0.00	\$242.68	\$242.68	\$0.00

Payment Detail

Installment	Batch Number	Receipt Number	Date Due	Date Paid	Paid By
First	2014000453	2014026202	10/16/2015	11/25/2015	SUBS SABRE INVESTMENTS LLC
Second	2014000453	2014026202	11/16/2015	11/25/2015	SUBS SABRE INVESTMENTS LLC

Every effort is made that the information contained on this page is accurate. The information presented on this page, however, may not reflect whether or not the taxes have been sold or who paid the taxes. Users are cautioned to use due diligence and check with the County Treasurer's office for the latest information. In any event, users accept that the use or reliance on this information is solely at their risk. The County takes no responsibility for the information provided.



OPEN DUMP INSPECTION SITE SKETCH

Inspection Date: July 20, 2016

Time: 12:07 p.m.—12:18 p.m.

Site Code: 077 814 5117

Site Name: Murphysboro / Gary Clover (2)

Inspector: Don Terry

County: Jackson

Est. Waste Volume: 10 + cubic yards

Previous Inspection: March 16, 2016

Location: Lat 37.78921 / Long -89.32005

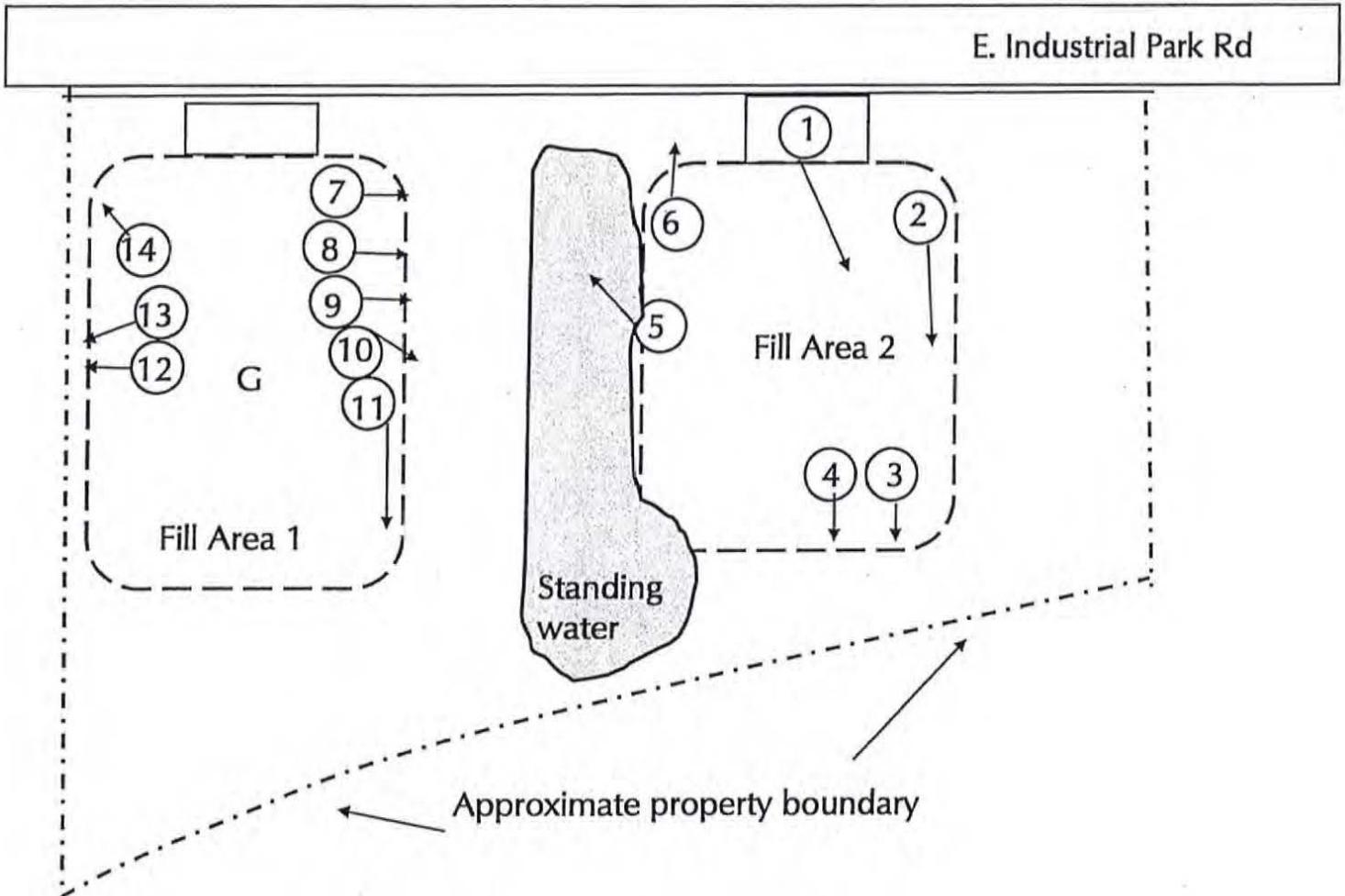
Map Interpolation

Not Drawn to Scale

All locations are approximate

O → Indicates *approximate* location and direction of photos

G = approximate GPS data collection point





Jackson County Inspection Digital Photo Sheet – Page 1



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-01

Time: 12:08 p.m.

Photo Taken Toward:

Southeast



Photo Name:
0778145117-07202016-02

Time: 12:08 p.m.

Photo Taken Toward:

South





Jackson County Inspection Digital Photo Sheet – Page 2



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-03

Time: 12:08 p.m.

Photo Taken Toward:

South



Photo Name:
0778145117-07202016-04

Time: 12:08 p.m.

Photo Taken Toward:

South





Jackson County Inspection Digital Photo Sheet – Page 3



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-05

Time: 12:10 p.m.

Photo Taken Toward:
West



Photo Name:
0778145117-07202016-06

Time: 12:11 p.m.

Photo Taken Toward:
North





Jackson County Inspection Digital Photo Sheet – Page 4



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-07

Time: 12:13 p.m.

Photo Taken Toward:

East



Photo Name:
0778145117-07202016-08

Time: 12:14 p.m.

Photo Taken Toward:

East





Jackson County Inspection Digital Photo Sheet – Page 5



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-09

Time: 12:14 p.m.

Photo Taken Toward:

East

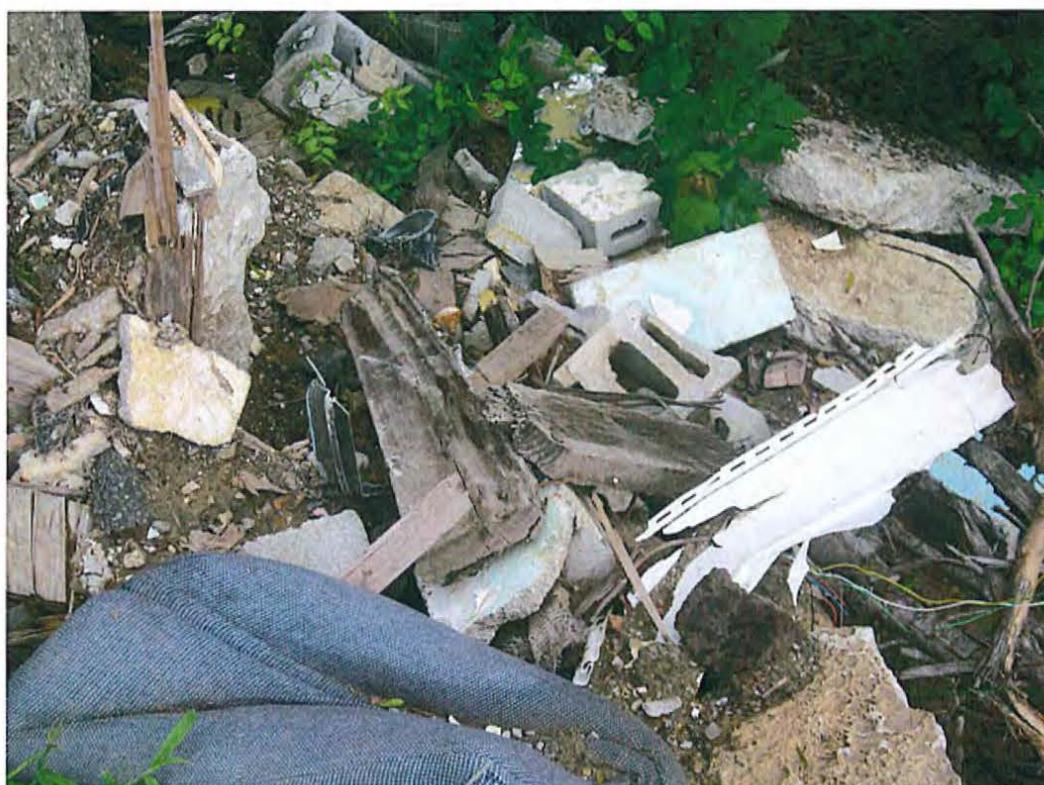


Photo Name:
0778145117-07202016-10

Time: 12:14 p.m.

Photo Taken Toward:

Southeast





Jackson County Inspection Digital Photo Sheet – Page 6



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-11

Time: 12:14 p.m.

Photo Taken Toward:

South



Photo Name:
0778145117-07202016-12

Time: 12:16 p.m.

Photo Taken Toward:

West





Jackson County Inspection Digital Photo Sheet – Page 7



Public Health
Prevent. Promote. Protect.

Inspection Date: July 20, 2016
Photos by: Don Terry

Site #: 077 814 5117
Site Name: Murphysboro / Gary Clover (2)

Photo Name:
0778145117-07202016-13

Time: 12:17 p.m.

Photo Taken Toward:
Southwest



Photo Name:
0778145117-07202016-14

Time: 12:17 p.m.

Photo Taken Toward:
Northwest

