

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 28 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
ELWOOD GLASPER, and)
TONY GLASPER,)
)
Respondents.)

AC 05 - 68

NOTICE OF FILING

TO: Elwood Glasper, 403 N. Roan St., Johnson City, Tennessee 37601
Tony Glasper, RR3, Box 20-D, Ava, Illinois 62907

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.



Daniel Brenner
Assistant State's Attorney

March 31, 2005

Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse
Murphysboro, IL 62966
618-687-7200

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Pollution Control Board

COUNTY OF JACKSON,)
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v.)
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ELWOOD GLASPER, and)
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)
Respondent.)

AC 05 - 68

APPEARANCE

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



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

05-01437

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
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Respondents.)

AC 05 - 68

Serve on: Tony Glasper, RR3, Box 20-D, Ava, Illinois 62907

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: Tony Glasper

Address: 11728 Hwy 4

Sex: Male X Female _____

Age: 7-5-82

Date of service: April 25th, 2005

Time: 12:20 p.m.

Robert Burns

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy Hunziker

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
APR 28 2005
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 ELWOOD GLASPER and)
 TONY GLASPER,)
)
 Respondents.)

AC 05 - 68
Site Code: 0778005012

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2002), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, Elwood Glasper, is the present owner and in control and possession of a facility located in the County of Jackson, State of Illinois.
2. The Respondent, Tony Glasper, is the local operator and in control and possession a facility located in the County of Jackson, State of Illinois.
3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778005012. The facility is known to the Agency as the Ava/Elwood Glasper site.
4. The Respondents have owned, occupied, controlled and/or operated the facility at all relevant times hereto.

5. On March 26, 2005, Don Terry, Field Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of the inspection report, along with Mr. Terry's affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, Don Terry's, direct observation, he has determined that the Respondents have caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on March 23, 2005, an on-site inspection of the facility disclosed the following:

1. The Respondents have caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).
2. The Respondents have caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of \$1,500.00 for each of violations specified above. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$3,000.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than June 1, 2005. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Jackson County's Treasurer Office and mailed to the attention of Shirley Dillinger Booker, Jackson County Treasurer, Murphysboro, Illinois, 62966. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Jackson County State's Attorney may seek to recover their costs of litigation.

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 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. If you fail to file your Petition, a Default Order against you will 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: 4/18, 2005

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

Daniel Brenner
Assistant State's Attorney

RECEIVED
CLERK'S OFFICE

APR 28 2005

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 ELWOOD GLASPER, et.al.,)
)
 Respondents.)

NO. AC 05 - 68

FACILITY: Ava/Elwood Glasper
COUNTY: JACKSON
DATE OF INSPECTION: March 23, 2005
SITE CODE: 0778005012
CIVIL PENALTY: \$3,000.00

Date Remitted _____

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

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

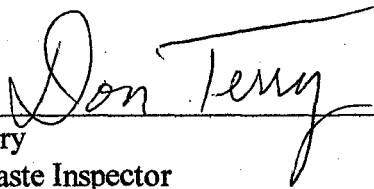
IN THE MATTER OF:

**077 800 5012 / Jackson County
Ava / Elwood Glasper
COMPLIANCE FILE**

Respondent.

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

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On March 23, 2005, between the hours of 11:36 am and 11:42 am, Affiant conducted an inspection of the open dump site known as Ava / Elwood Glasper, 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 Elwood Glasper, Ava, Illinois, open dump site.



Don Terry
Solid Waste Inspector

Subscribed and Sworn To before me
this 28 day of March, 2005



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jackson LPC#: 077 800 5012 Region: 7 - Marion
 Location/Site Name: Ava / Elwood Glasper
 Date: 03/23/2005 Time: From 11:36 am To 11:42 am Previous Inspection Date: 01/20/2005
 Inspector(s): Don Terry Weather: 40°F -- cloudy with gusting winds
 No. of Photos Taken: # 10 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one at site Complaint #: 2003-140

Responsible Party
 Mailing Address(es)
 and Phone
 Number(s):

***** OPERATOR *****
 Tony Glasper
 RR3 - Box 20-D
 Ava, IL 62907

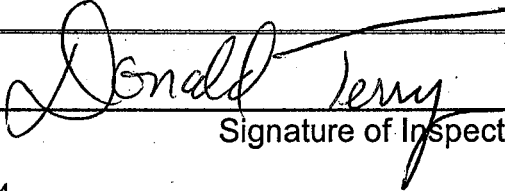
***** OWNER *****
 Elwood Glasper
 403 N. Roan St.
 Johnson City, TN 37601

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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	<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 checked="" 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"/>

LPC # 077 800 5012

Inspection Date: 03/23/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

NARRATIVE INSPECTION REPORT DOCUMENT
OPEN DUMP SITE

Date of Inspection: March 23, 2005

Inspector: Don Terry

Site Code: 077 800 5012

County: Jackson

Site Name: Ava / Elwood Glasper

Time: 11:36 am – 11:42 am

Property Owner: Elwood Glasper

Site Operator: Tony Glasper

G.P.S.: N 37°53.959 W 089°30.754

Volume of Waste: 100 cu /yds

GENERAL REMARKS

This inspection was made as a follow up to one conducted on January 20, 2005. Weather conditions at the time of the inspection were: cloudy with gusting winds and a temperature of approximately 40°F.

Upon arrival at the site I observed 9 vehicles on the site (**Photos #1-#3, See sketch**). These vehicles appeared abandoned and the same ones seen on the site during previous inspections.

To the northeast of the house, I observed a burn pile (**Photos #2, #4 & #10, See sketch**). This is the same area where I observed a burn pile during all other inspections. The waste in this pile consisted of materials which were both charred and whole and included: metal mattress springs, plastic bottles, scrap metal, furniture, paper, plastic bags, ash, and other materials not readily identifiable. A review of photos from the January 20, 2005 inspection indicate that most of the waste observed during this inspection was placed on the pile after January 20, 2005. This would indicate open burning of waste is still occurring at this site.

Southeast of the house I observed an abandoned mobile home. This is the same one observed on previous inspections (**Photos #3, #7 & #8, See sketch**). The mobile home is still missing a door allowing the contents to be affected by the elements (**Photos #3, #7 & #8, See sketch**).

South of the house I observed commercial white goods and other materials not readily identifiable (**Photos #6 & #9, See sketch**). This appeared to be the same waste observed during previous inspections open dumped on the site. I also observed a pile of approximately 15 waste tires open dumped near the abandoned mobile home (**Photos #7 & #8, See sketch**).

It does not appear that much waste has been removed from site since my last inspection and the open burning of waste continues.

The inspection ended at approximately 11:42 am.

Continuing Violations Observed:

Item #1(9)(a): Cause, threaten or allow air pollution in Illinois; Item #2(9)(c): Cause or allow open burning; Item #8(21)(p)(3): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (3) Open Burning: During the inspection, evidence of continued open burning was found on the site (Photos #2, #4 and #10, see sketch).

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1): 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: During the inspection the continued open dumping of materials resulting in litter was observed (Photos #1 – #10, see sketch).

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: Used tires which had been open dumped were observed at the site during the investigation (Photos #7 & #8, see sketch).

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit; Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board; Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act: There is still no record of Mr. Glasper or his son Tony having applied for or having received a permit from the Agency to operate a waste-storage, waste-treatment, or waste-disposal operation. Continued violations of the Act and standards established by the Board were observed regarding the lack of daily cover and the lack of litter control.

Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill; Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site; Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site: There is still no record of Mr. Glasper or his son Tony having applied for or having received developmental or operational permits for a waste management site.

Addendum:

On March 28, 2005, this inspector contacted the Jackson County Assessor's Office to confirm ownership of the site known as Ava / Elwood Glasper. The Jackson County Assessor's Office informed me that the owner is listed as Elwood Glasper residing at 403 N. Roan St., Johnson City, TN 37601.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: March 23, 2005

Inspector: Don Terry

Site Code: 077 800 5012

County: Jackson

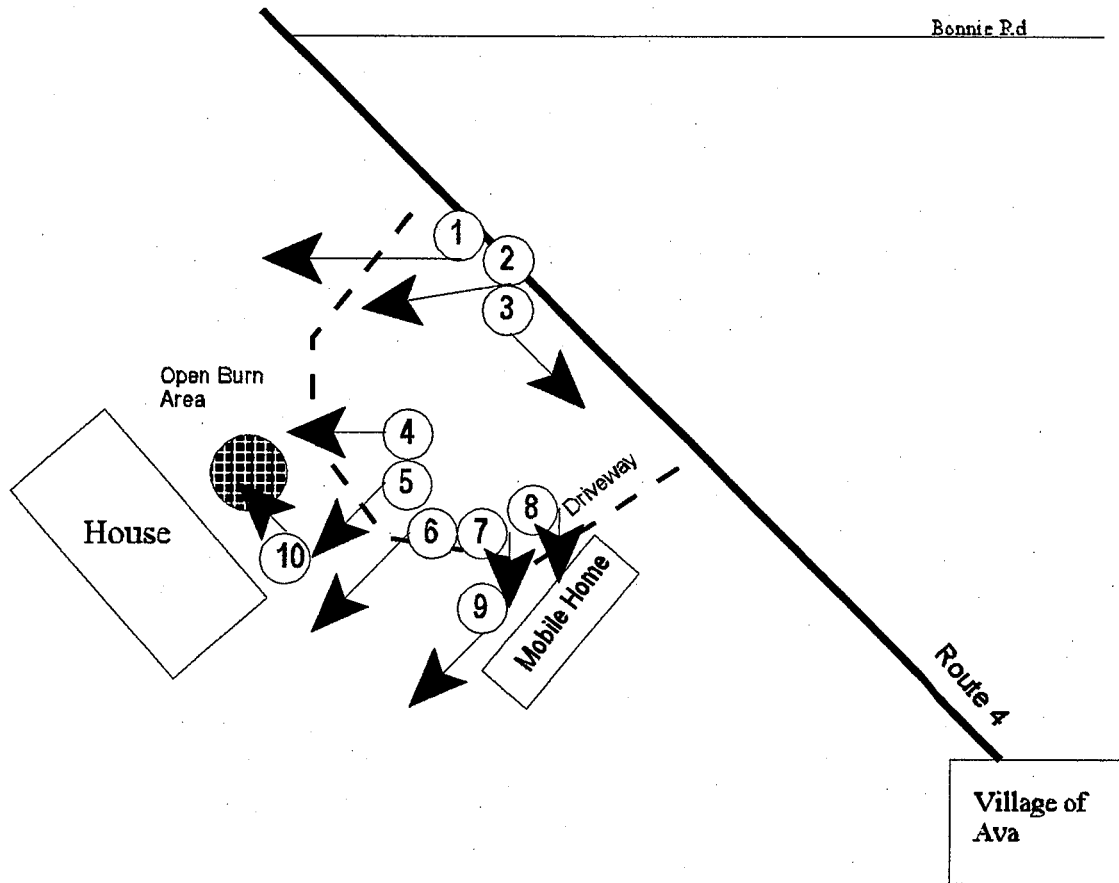
Site Name: Ava / Elwood Glasper

Time: 11:36 am - 11:42 am

Not Drawn to Scale

All locations are approximate

O → indicates approx. location & direction of photos





Digital Inspection Photo Sheet

Date: March 23, 2005	Site #: 077 800 5012	County: Jackson
Time: 11:38 am	Site Name: Ava / Elwood Glasper	

Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-03232005-01



Date: March 23, 2005
Time: 11:38 am
Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-03232005-02





Digital Inspection Photo Sheet

Date: March 23, 2005	Site #: 077 800 5012	County: Jackson
Time: 11:38 am	Site Name: Ava / Elwood Glasper	

Photo taken by: Don Terry
Comments – Photo taken towards: Southeast
Photo File Name: 0778005012-03232005-03



Date: March 23, 2005
Time: 11:38 am
Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-03232005-04





Digital Inspection Photo Sheet

Date: March 23, 2005	Site #: 077 800 5012	County: Jackson
Time: 11:39 am	Site Name: Ava / Elwood Glasper	

Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-03232005-05



Date: March 23, 2005
Time: 11:39 am
Photo taken by: Don Terry
Comments – Photo taken towards: Southwest
Photo File Name: 0778005012-03232005-06





Digital Inspection Photo Sheet

Date: March 23, 2005	Site #: 077 800 5012	County: Jackson
Time: 11:39 am	Site Name: Ava / Elwood Glasper	

Photo taken by: Don Terry
Comments – Photo taken towards: South
Photo File Name: 0778005012-03232005-07



Date: March 23, 2005
Time: 11:39 am
Photo taken by: Don Terry
Comments – Photo taken towards: South
Photo File Name: 0778005012-03232005-08





Digital Inspection Photo Sheet

Date: March 23, 2005	Site #: 077 800 5012	County: Jackson
Time: 11:40 am	Site Name: Ava / Elwood Glasper	

Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-03232005-09



Date: March 23, 2005
Time: 11:40 am
Photo taken by: Don Terry
Comments – Photo taken towards: North
Photo File Name: 0778005012-03232005-10

