

JUN 0 3 2005

STATE OF ILLINOIS BEFORE THE ILLINOIS POLLUTION CONTROL BOARD Pollution Control Board

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	1
v.)	AC 05 - 76
)	
GARY CLOVER,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Gary Clover, 1336 Hoffman Road, 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.

Daniel Brenner

Assistant State's Attorney

May 17th, 2005

Daniel Brenner

Assistant State's Attorney

Jackson County Courthouse

Murphysboro, IL 62966

618-687-7200

RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 0 3 2005

STATE OF ILLINOIS Pollution Control Board

			Polition Contic
COUNTY OF JACKSON,)		
Complainant,)		
)	1	
v.)	AC 05 -	
•)		
GARY CLOVER,)		
Respondent.)		

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIVED CLERK'S OFFICE COUNTY OF JACKSON, JUN 0 3 2005 STATE OF ILLINOIS Complainant, Pollution Control Board AC 05 - 16 v. GARY CLOVER, Respondent. Serve on: Gary Clover, 1336 Hoffman Road, Murphysboro, IL 62966 **PROOF OF SERVICE** I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Appearance were hand delivered to: Name: Jackson Co. Sheriffs Dept. 1001 Mulberry Street Address: Murphysboro, IL 62966 Female Sex: Male Age: /0/ Date of service: Time: 2,'0 /S/ Robert Burns, Jackson Co. Sheriff By his Deputy PLEASE RETURN TO:

DANIEL BRENNER

JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

ADMINISTRATIVE CITATION

JUN 0 3 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)		Foliation Common and
)		
Complainant,)		
)	• /	
v.)	AC 05- 76	
)	Site Code: 0778105010	
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. (2002), specifically 415 ILCS 5/31.1.

FACTS

- 1. The Respondent is the present owner and occupant 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 #0778105010. The facility is known to the Agency as the Murphysboro/Gary Clover site.
- 3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
- 4. On April 18th, 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.

5. On March 18th, 2004, the Illinois Pollution Control Board (in AC-04-37) found the Respondent to be in violation of 415 ILCS 5/21(p)(1) and 415 ILCS 5/21(p)(7) on the same site.

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 April 18th, 2005, 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; or clean construction or demolition debris at the facility in violation of 415 ILCS 5/21(p)(7).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of \$3,000.00 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 \$6,000.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than July 18th, 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: <u>5/25</u>, 2005

Daniel Brenner

Assistant State's Attorney

RECEIVED CLERK'S OFFICE

REMITTANCE FORM

JUN 0 3 2005

STATE OF ILLINOIS Pollution Control Board

COUNTY OF JACKSON,)			
Complainant,)			
)	al		
v.)	NO. AC 05 - 16		
)			
GARY CLOVER,)			
Respondent.)			
FACILITY: MURPHYSBORO/GA	ARY CL	OVER SITE	,	,
COUNTY: JACKSON				
DATE OF INSPECTION: April 18	th , 2005			
SITE CODE: 0778105010				
CIVIL PENALTY: \$6,000.00				
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:

077 810 5010/ Jackson County Murphysboro / Gary Clover 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 April 18, 2005, between the hours of 10:15 am and 10:26 am, Affiant conducted an inspection of the open dump site known as Murphysboro / Gary Clover, 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 Gary Clover, Murphysboro, Illinois, open dump site.

Don Terry

Solid Waste Inspector

Subscribed and Sworn To before me this 16th day of May, 2005

Notary Public

"OFFICIAL SEAL"
TRACY L. HARTUNG
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 03/04/2006

err

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Jackson	LPC#: 077 810 5010 Region: 7 - Marion	
Location/S	Site Name:	Murphysboro / Gary Clover	
Date:	04/18/2005	Time: From 10:15 am To 10:26 am Previous Inspection Date: 12/19/2003	3
Inspector((s): Don Tei	Weather: 74°F - sunny with moderate winds	
No. of Pho	otos Taken: #	# 12 Est. Amt. of Waste: 711 yds³ Samples Taken: Yes# No	
Interviewe	ed: no one	at site Complaint #:	
Dooponoit	ala Dortu	Mr. Gary Clover	
Responsib Mailing Ad		1336 Hoffman Road	
and Phone	е	Murphysboro, IL 62966	
Number(s)):		
	<u> </u>		
	SECTION	DESCRIPTION	VIOL
		LINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
	T		Γ 🚐
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	
		CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL	
6.	21(d)	OPERATION:	
	(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	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH REIN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	SULTS
	(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

LPC# 077 810 5010

Inspection Date:

04/18/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	\boxtimes
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		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	\boxtimes
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: (□) PCB; (□) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:	807.201 Developmental Permit & 807.202 Operational Permit	\boxtimes
	-		
	,		
			·

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.

Signature of Inspector(s)

- 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: April 18, 2005 Inspector: Don Terry

Site Code: 077 810 5010 County: Jackson

Site Name: Murphysboro / Gary Clover Time: 10:15 am – 10:26 am

Location: 1336 Hoffman Rd, Murphysboro Owner of Property: Gary Clover

Volume of Waste found at site: 711 cu/yds

GENERAL REMARKS

During the above date and time, I conducted an inspection of the site listed above as a follow up to one conducted by this office on December 19, 2003 to determine if the site had been brought back into compliance. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department. During the inspection, continuing violations of open dumping were observed.

The site is owned by Mr. Gary Clover, who owns and operates Gary D. Clover's Roofing from this site. Upon arriving at the site we went directly to the house and knocked on the door several times. No one answered.

We traveled along a dirt driveway that wound to the west and south of the house (See sketch). I observed an area west of the house that appeared to be a mobile home which is being demolished (Photo #1, See sketch). Demolition debris had been open dumped in and around the mobile home.

West of the mobile home demolition I observed a collection of white goods which had been open dumped (Photo #2, See sketch).

I traveled south along the driveway and to the west I observed an area containing four abandoned vehicles, plywood, scrap metal and other not readily identifiable materials which had been open dumped (Photos #3, See sketch).

Continuing south along the driveway, I observed an abandoned school bus (Photo #4, See sketch). The bus' rear door was open exposing the contents to the elements.

South of the bus, on the west side of the driveway, I observed waste I had earlier observed from the Photo #3 position (See sketch). From my current position I observed that the waste in this area consisted of dimensional lumber, scrap metal, vehicles, and other waste not easily identifiable (Photo #5, See sketch).

Page 2 077 810 5010 Murphysboro / Gary Clover April 18, 2005

I continued south along the driveway. I observed an area containing six abandoned mobile homes in various states of demolition (Photos #6 & #8, See sketch).

To the northwest of these abandoned mobile homes, I observed a collection of three abandoned vehicles (Photo #7, See sketch).

South of the area where I observed the abandoned mobile homes, I observed approximately ten abandoned vehicles littering the site (**Photos #9 & #11, See sketch**). To the north of these abandoned vehicles, I observed a pile of approximately 100 waste tires and metal rims (**Photo #10, See sketch**).

Southeast of the tires, I observed an area containing an abandoned truck, mobile home and trailer (Photo #12, See sketch).

Most of the materials, mobile homes and vehicles observed during this inspection appeared to be the same as observed during my December 19, 2003 inspection. At the time of the inspection, the vehicles, mobile homes and other materials were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use.

The total amount of waste observed during this inspection was approximately 711 cu / yds. My inspection ended at approximately 10:26 am.

Continuing Violations 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; (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection open dumping was observed that resulted in litter and the deposition of general construction or demolition debris; or clean construction or demolition debris at the site.

<u>Item #6(21)(d)(1)</u>: Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit; <u>Item #6(21)(d)(2)</u>: Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board: There is still no record of Mr. Clover having applied for or having received a permit from the Agency to conduct a waste-storage, waste-treatment, or waste-disposal operation at this location. During the inspection violations of regulations and standards adopted by the Board regarding daily cover and litter control were observed.

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: Due to the quantity and type of waste observed, it would be reasonable to assume that much of the waste was brought onto the site from other locations for the purpose of disposal.

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<u>Item #9(55)(a)(1)</u>: No person shall: Cause or allow open dumping of any used or waste tire: During the inspection approximately 100 waste tires were observed to have been open dumped on the site.

<u>Item #10(812.101)(a)</u>: Failure to submit an application for a permit to develop and operate a landfill; <u>Item #15(807.201)</u>: Failure to obtain a Developmental Permit to operate a solid waste management site; <u>Item #15(807.202)</u>: Failure to obtain an Operational Permit to operate a solid waste management site: There is no record of Mr. Clover having applied for or having received a permit to develop or operate a landfill or a waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: April 18, 2005

Inspectors: Don Terry & Bart Hagston

Site Code:

077 810 5010

Site Name: Murphysboro / Gary Clover

County: Jackson

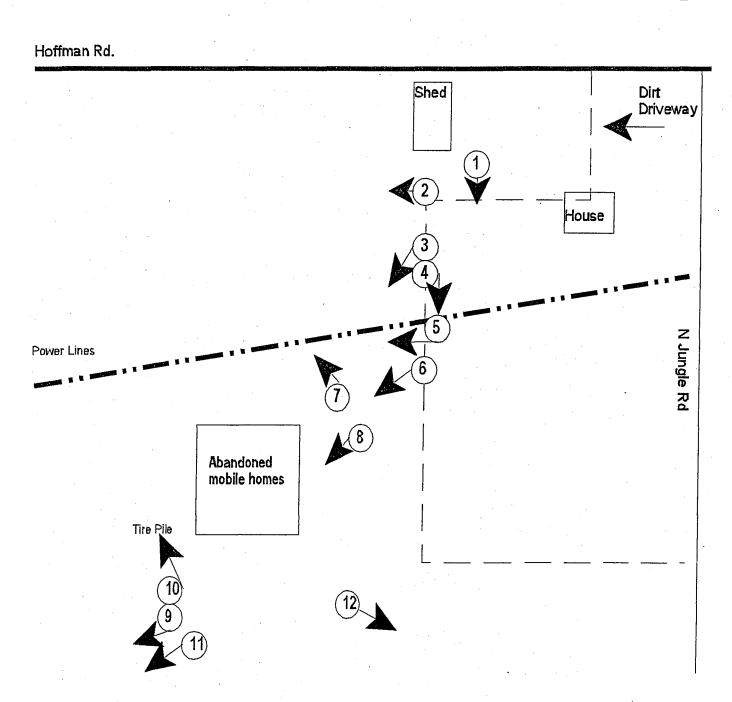
Time: 10:15 am - 10:26 am

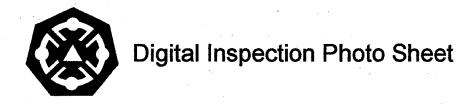
Not Drawn to Scale

All locations are approximate

O indicates approx. location & direction of photos







Date:	April 18, 2005	Site #: 077 810 5010	County:	Jackson
Time:	10:18 am	Site Name: Murphysboro / Gary Clover		

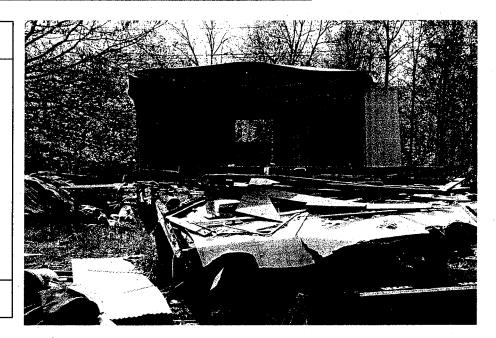
Photo taken by: Bart Hagston

Comments – Photo taken towards:

South

Photo File Name:

0778105010-04182005-01



Date: April 18, 2005

Time: 10:18 am

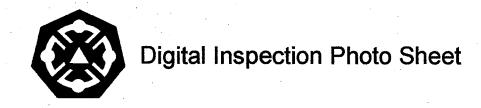
Photo taken by: Bart Hagston

Comments – Photo taken towards:

West



Photo File Name:



Date: April 18, 2005 Site #: 077 810 5010 County: Jackson

Time: 10:19 am Site Name: Murphysboro / Gary Clover

Photo taken by: Bart Hagston

Comments – Photo taken towards:

Southwest

Photo File Name:

0778105010-04182005-03



Date: April 18, 2005

Time: 10:19 am

Photo taken by: Bart Hagston

Comments – Photo taken towards:

South



Photo File Name:



Digital Inspection Photo Sheet

Date:	April 18, 2005	Site #: 077 810 5010	County: Jackson
Date:	April 18, 2005	Site #: 077 810 5010	County: Jacks

Time: 10:19 am Site Name: Murphysboro / Gary Clover

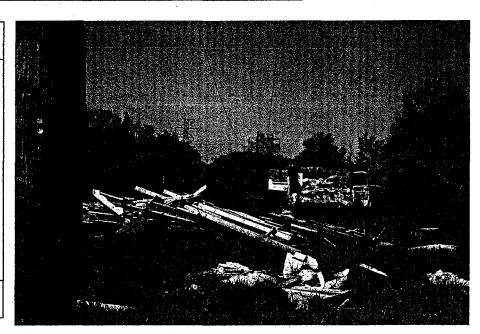
Photo taken by: Bart Hagston

Comments – Photo taken towards:

West

Photo File Name:

0778105010-04182005-05



Date: April 18, 2005

Time: 10:20 am

Photo taken by: Bart Hagston

Comments – Photo taken towards:

Southwest



Photo File Name:



Digital Inspection Photo Sheet

			l	
Date: April 18, 2	005 Site #: 077 8	10 5010	County:	Jackson

Time: 10:20 am Site Name: Murphysboro / Gary Clover

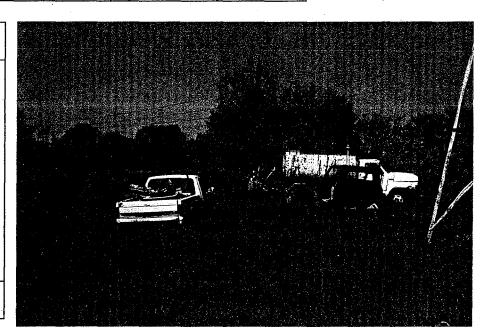
Photo taken by: Bart Hagston

Comments – Photo taken towards:

Northwest

Photo File Name:

0778105010-04182005-07



Date: April 18, 2005

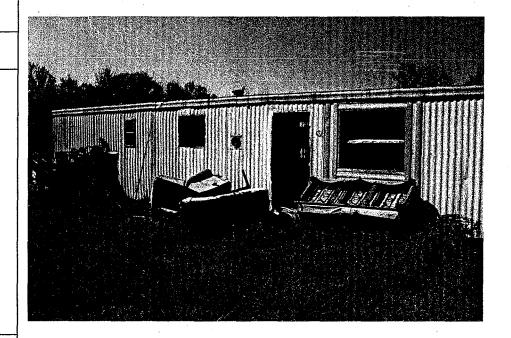
Time: 10:21 am
Photo taken by:

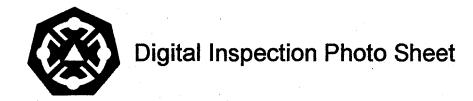
Bart Hagston

Comments – Photo taken towards:

Southwest







		•		
Date:	April 18, 2005	Site #: 077 810 5010	County:	Jackson

Time: 10:21 am Site Name: Murphysboro / Gary Clover

Photo taken by: Bart Hagston

Comments – Photo taken towards:

Southwest

Photo File Name:

0778105010-04182005-09



Date: April 18, 2005

Time: 10:21 am

Photo taken by: Bart Hagston

Comments – Photo taken towards:

Northwest



Photo File Name:



Digital Inspection Photo Sheet

Date:	April 18, 2005	Site #: 077 810 5010	County: Jackson
Time:	10:22 am	Site Name: Murphysboro / Gary Clover	

Photo taken by: Bart Hagston

Comments – Photo taken towards:

Southwest

Photo File Name:

0778105010-04182005-11



Date: April 18, 2005

Time: 10:22 am

Photo taken by: Bart Hagston

Comments -

Photo taken towards:

Southeast



Photo File Name: