

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

AUG 23 2005

STATE OF ILLINOIS  
Pollution Control Board

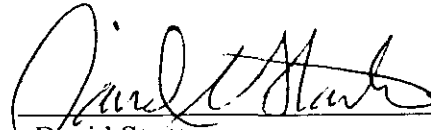
County of Perry, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 William Campbell, Jr., )  
 )  
 Respondent. )

County AC #: PC-05-011

AC06-07

APPEARANCE

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

  
\_\_\_\_\_  
David Stanton  
Perry County State's Attorney

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** **RECEIVED**  
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AUG 23 2005

STATE OF ILLINOIS  
Pollution Control Board

County of Perry, )  
)  
Complainant, )  
)  
v. )  
)  
William Campbell, Jr., )  
)  
Respondent. )

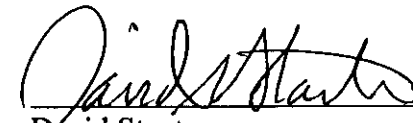
County AC #: PC-05-011

*AC06-07*

**NOTICE OF FILING**

TO: William Campbell, Jr.  
1471 North Oak Street  
DuQuoin, IL 62832

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.

  
\_\_\_\_\_  
David Stanton  
Perry County State's Attorney

August 12, 2005

Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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

**RECEIVED**  
CLERK'S OFFICE

AUG 23 2005

STATE OF ILLINOIS  
Pollution Control Board

County of Perry, )  
)  
Complainant, )  
)  
v. ) County AC#: PC-05-011  
William Campbell, Jr., )  
)  
Respondent. )

AC06-07

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

**FACTS**

1. The Respondent is the present occupant and in control and possession of a facility located in the County of Perry, 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 #1450200001. The facility is known to the Agency as the William Campbell, Jr. Site.
3. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.
4. On August 1, 2005, Field Inspector, Jon Gregory, inspected the facility. A true and correct copy of the inspection report, along with a signed affidavit, are attached and incorporated herein by reference as Exhibit A.

**VIOLATIONS**

On the basis of Field Inspector Jon Gregory's direct observation during the course of his August 1, 2005 inspection of the above named facility, 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:

(1) That respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21 (p)(1) (2002).

#### **CIVIL PENALTY**

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each violation specified above in paragraph 1, for a total of One Thousand Five Hundred Dollars (\$1,500.00). This is total of One Thousand Five Hundred Dollars (\$1,500.00) for this Citation. 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 One Thousand Five Hundred Dollars (\$1,500.00) fine.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondents fail 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, your check should be made payable to the Perry County's Treasurer Office and mailed to the attention of Bill Taylor, Perry County Treasurer, Perry County Government Building, P.O. Box 158, Pinckneyville, Illinois, 62274. 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 Perry 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 signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall be filed with the Perry County State's Attorney office. **Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.**

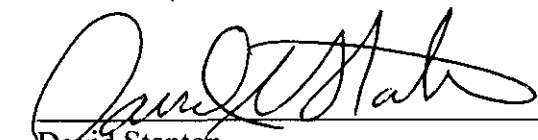
Your original Petition must be filed with the Clerk of the Board at:

The Honorable Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

A copy must also be sent to:

Office of the State's Attorney  
David Stanton  
Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274

DATED: August 12, 2005

  
David Stanton  
Perry County State's Attorney

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CLERK'S OFFICE

AUG 23 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY

Complainant,

v.

William Campbell, Jr.

Respondent.

County AC#: PC-05-011

AC06-07

AFFIDAVIT

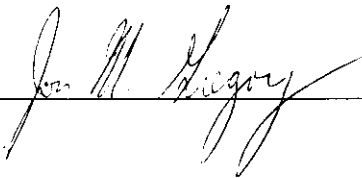
Affiant, Jon M. Gregory, being first duly sworn, voluntarily deposes and states as follows:

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 **August 1, 2005**, between **9:03 a.m.** and **9:08 a.m.**, Affiant conducted an inspection of a disposal site operated by William Campbell, Jr., located in Perry County, Illinois, and known as the William Campbell, Jr. site by the Perry County Solid Waste Management Department. Said site has been assigned site code number 1450200001 by the Perry County Solid Waste Management Department.

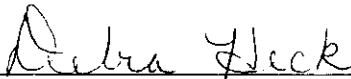
3. Affiant inspected said William Campbell, Jr. site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 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 William Campbell, Jr. site.

  
\_\_\_\_\_

Subscribed and Sworn to before me

this 12 day of August 2005

  
\_\_\_\_\_  
Notary Public





REMITTANCE FORM

RECEIVED  
CLERK'S OFFICE

AUG 23 2005

STATE OF ILLINOIS  
Pollution Control Board

County of Perry, )  
)  
Complainant, )  
)  
v. )  
William Campbell, Jr., )  
)  
Respondent. )

County AC #: PC-05-011

*ACOG-07*

FACILITY: William Campbell, Jr. Site  
COUNTY: Perry  
DATE OF INSPECTION: 8/1/05  
SITE CODE: 1450200001  
CIVIL PENALTY: \$1,500.00

Date Remitted \_\_\_\_\_

SS/FEIN # \_\_\_\_\_

Signature \_\_\_\_\_

NOTE

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

Bill Taylor, Perry County Treasurer  
Perry County Government Building  
P.O. Box 158  
Pinckneyville, IL 62274

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

**Site #: 1450200001**

**Date: August 1, 2005**

**County: Perry**

**Inspector: Jon Gregory**

**Subject: William Campbell, Jr. Open Dump Site Inspection**

**General Remarks:** On Monday, August 1, 2005, an open dump site inspection was conducted at the William Campbell, Jr. residence. The residence is located at 1471 North Oak Street in DuQuoin. The inspection was conducted as a follow up to a March 28, 2005 inspection. The inspection took place between 9:03 a.m. and 9:08 a.m. The weather was clear and sunny with the temperature in the 80's.

Upon arrival to the site, I knocked at the front door of the mobile residence. There was no answer. Most of this site is easily viewed from the public street and it is very unsightly. Just north of the mobile home residence is a pile of demolition debris from a house that has been demolished (Photos 001 & 002). The pile of debris measures approximately 60' x 30'.

The entire yard was littered with various items and was very unsightly (Photos 003 & 004). I observed two open dumped tires (Photo 006) and an engine block dumped on the ground and unprotected from the elements (Photo 005). I estimated that there is approximately 300 cubic yards of waste open dumped at this site.

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Perry                      LPC#: 1450200001                      Region: 7 - Marion  
 Location/Site Name: St. Johns / William Campbell, Jr.  
 Date: 08/01/2005    Time: From 9:03am    To 9:08am    Previous Inspection Date: 03/28/2005  
 Inspector(s): Jon Gregory                      Weather: clear, sunny, temp. in the 80's  
 No. of Photos Taken: # 6    Est. Amt. of Waste: \_\_\_\_\_ yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_                      Complaint #: \_\_\_\_\_

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


William Campbell, Jr.  
 1471 North Oak Street  
 DuQuoin, IL 62832

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 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 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 # 1450200001

Inspection Date: 08/01/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
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

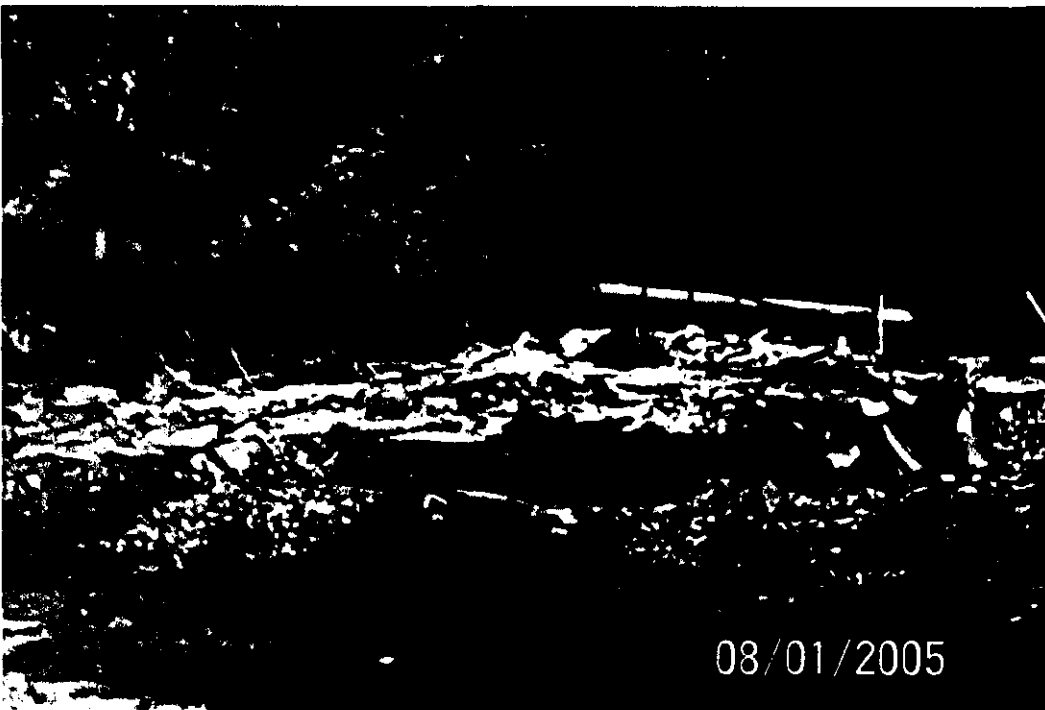
1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory 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.



**DIGITAL PHOTOGRAPHS**



**Date:** 8/1/05  
**Time:** 9:03am-9:08am  
**Direction:** NW  
**Photo by:** Jon Gregory  
**Exposure #:** 001  
**Comments:**



**Date:** 8/1/05  
**Time:** 9:03am-9:08am  
**Direction:** NW  
**Photo by:** Jon Gregory  
**Exposure #:** 002  
**Comments:**

**File Names:** 1450200001-08012005~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 8/1/05  
Time: 9:03am-9:08am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 003  
Comments:



Date: 8/1/05  
Time: 9:03am-9:08am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 004  
Comments:

File Names: 1450200001-08012005~[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 8/1/05  
Time: 9:03am-9:08am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 005  
Comments:



Date: 8/1/05  
Time: 9:03am-9:08am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 006  
Comments:

File Names: 1450200001-08012005~[Exp. #].jpg