



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE

FEB 14 2006

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

February 7, 2006

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Ac06-26

Re: Illinois Environmental Protection Agency v. Marshall and Juanita Garrison
IEPA File No. 7-06-AC; 0818075006—Jefferson County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan

Michelle M. Ryan
Assistant Counsel

Enclosures

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERK'S OFFICE

FEB 14 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 MARSHALL and JUANITA GARRISON,)
)
 Respondent.)

AC 06-26


(IEPA No. 7-06-AC)

NOTICE OF FILING

To: Marshall & Juanita Garrison
21977 North Krupp Lane
Centralia, Illinois 62801

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,


 Michelle M. Ryan
 Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: February 7, 2006

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his January 5, 2006 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 15, 2006, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2004), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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 One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each

violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), 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, Respondents' check shall be made payable to the 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. Along with payment, Respondents shall complete and return the enclosed Remittance Form 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 Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2004). If Respondents elect to contest this Administrative Citation, then Respondents shall 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, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. 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.

Douglas P. Scott
Douglas P. Scott, Director *by me*
Illinois Environmental Protection Agency

Date: 2/7/06

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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CLERK'S OFFICE

FEB 14 2006

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MARSHALL and JUANITA GARRISON

Respondents.

AC *06-26*

(IEPA No. 7-06-AC)

FACILITY: Garrison, Marshall & Juanita

SITE CODE NO.: 0818075006

COUNTY: Jefferson

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: January 5, 2006

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
)
v.)
)
Marshall & Juanita Garrison)
)
)
Respondents.)

IEPA DOCKET NO.

AFFIDAVIT

Affiant, Garrison Gross, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 5, 2006, between 12:35 PM and 12:50 PM, Affiant conducted an inspection of a disposal site owned by Marshall & Juanita Garrison, located in Jefferson County, Illinois, and known as Centralia/Garrison, Marshall & Juanita by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818075006 by the Agency.
3. Affiant inspected said Centralia/Garrison, Marshall & Juanita 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 Centralia/Garrison, Marshall & Juanita.

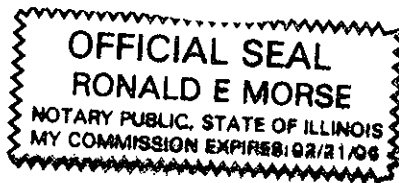
Garrison Gross

Subscribed and Sworn to before me

this 17th day of January, 2006

Ronald E. Morse
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jefferson LPC#: 0818075006 Region: 7 - Marion
 Location/Site Name: Centralia / GARRISON, Marshall & Juanita
 Date: 01/05/2006 Time: From 12:35 PM To 12:50 PM Previous Inspection Date: 05/19/2005
 Inspector(s): Garrison Gross & Robert Mileur Weather: Overcast Skies, 37°F, Moderate Breeze
 No. of Photos Taken: # 14 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # _____ No
 Interviewed: Juanita Garrison Complaint #: C - 03-091

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

GARRISON, Marshall & Juanita 21977 North Krupp Lane Centralia, IL 62801	
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	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 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 # 0818075006

Inspection Date: 01/05/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0818075006

County: Jefferson

Site Name: Centralia / GARRISON, Marshall & Juanita

Township: Grand Prairie

Date of Inspection: January 5, 2006

Inspector: G. Gross & R. Mileur

GPS Coordinates: N 38.44909° W 089.07047°

Subject: Follow-up Inspection At Marshall & Juanita Garrison Property

General Remarks: A Follow-up Open Dump Inspection was conducted on Thursday, January 5, 2006 at the property of Marshall & Juanita Garrison. Garrison Gross and Robert Mileur of the Illinois EPA Bureau of Land conducted the inspection. The property is located at 21977 North Krupp Lane, Centralia, Illinois, 62801. The inspection was performed as a follow up to two previous inspections. Weather conditions at the time of the inspection were overcast skies, 37° F, with a moderate breeze.

The inspection began at 12:35 PM. I proceeded to the residence and spoke to Juanita Garrison. She said her husband had gone back to work and she was the only one working on the clean up. She said they had hauled off several old cars from the property. I questioned her about removing the piles of trash. She said they had been using Steve's Disposal Service for garbage pickup. I suggested that they should get a dumpster or roll off box for the waste disposal. She said she would check in to it. I informed her that I would need to walk around and take more pictures of the site. She agreed, but did not go with me.

I proceeded to the western edge of the property. Several waste vehicles had been removed from the site. Two waste vehicles were still at this location (photos 001 and 002). Two demolished mobile homes were observed on the western portion of the property. Both were demolished, leaving the frame, wood flooring and portions of the walls intact (photos 001 and 004). Approximately 100 waste tires were observed in a pile near one of the demolished mobile homes (photo 003).

A pile of household waste was observed near mobile home #4 (photo 005). Another large pile of household waste was observed between mobile home #2 and #3 (photo 006). A household trash collection ring and a small number of waste tires were observed north of mobile home #3 (photo 007). A small pile of household waste and a roll of old carpet were observed near mobile home #2 (photos 008 and 009). Two small piles of tires and another small pile of household waste were observed near mobile home #1 (photos 010, 011 and 012). Many of the household waste piles contained bags of trash or partially burned trash. Other forms of waste including demolition debris were observed in the various piles.

What appeared to be waste items, were packed into the bed of a truck near mobile home #1. The wastes included but were not limited to metal and demolition debris (photo 013). Wastes including clothing, furniture, 5-gallon buckets, 55-gallon drums, household trash, and tires were observed in the front yard of mobile home #1 (photo 014). Several tires were still being improperly used for weight on the mobile home roofs. Most of the waste tires that were observed at the site were off the rim. Approximately 500 cubic yards of waste was observed at the site. The inspection ended at approximately 12:50 PM.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: January 5, 2006

Site #: 0818075006

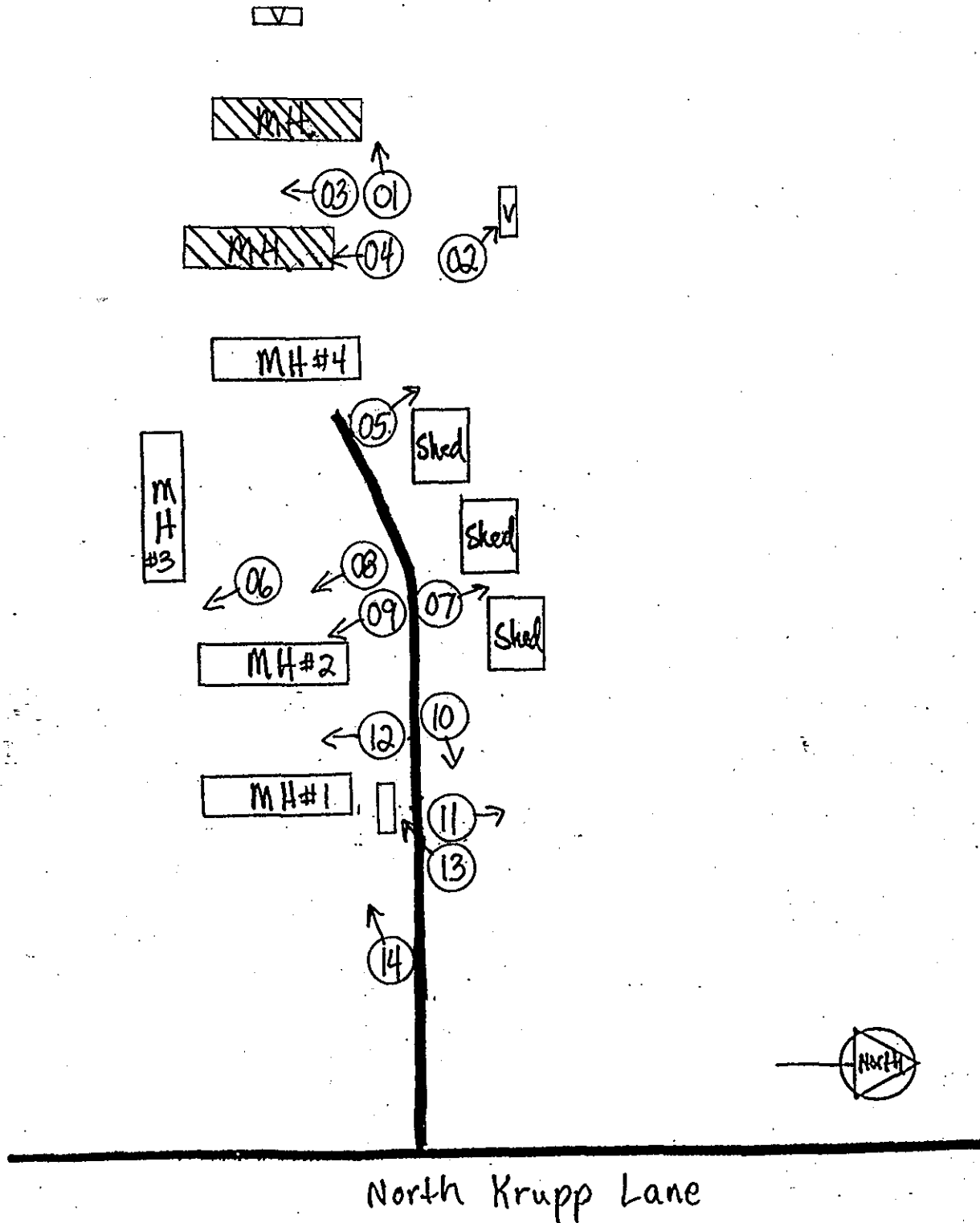
Site Name: Centralia / GARRISON, Marshall & Juanita

County: Jefferson

Inspector: Garrison Gross & Robert Mileur

GPS Coordinates: N 38.44909° W 089.07047°

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



**Date: 01/05/2006
Time: 12:42 PM
Direction: West
Photo by: G. Gross
Exposure #: 001
Comments:**



**Date: 01/05/2006
Time: 12:42 PM
Direction: Northwest
Photo by: G. Gross
Exposure #: 002
Comments:**

File Names: 0818075006~01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/05/2006
Time: 12:43 PM
Direction: South
Photo by: G. Gross
Exposure #: 003
Comments:



Date: 01/05/2006
Time: 12:43 PM
Direction: South
Photo by: G. Gross
Exposure #: 004
Comments:

File Names: 0818075006~01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/05/2006
Time: 12:44 PM
Direction: North
Photo by: G. Gross
Exposure #: 005
Comments:



Date: 01/05/2006
Time: 12:44 PM
Direction: South
Photo by: G. Gross
Exposure #: 006
Comments:

File Names: 0818075006~01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/05/2006
Time: 12:45 PM
Direction: North
Photo by: G. Gross
Exposure #: 007
Comments:



Date: 01/05/2006
Time: 12:45 PM
Direction: South
Photo by: G. Gross
Exposure #: 008
Comments:

File Names: 0818075006-01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 01/05/2006
Time: 12:45 PM
Direction: Southeast
Photo by: G. Gross
Exposure #: 009
Comments:**



**Date: 01/05/2006
Time: 12:45 PM
Direction: East
Photo by: G. Gross
Exposure #: 010
Comments:**

File Names: 0818075006~01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/05/2006
Time: 12:46 PM
Direction: North
Photo by: G. Gross
Exposure #: 011
Comments:

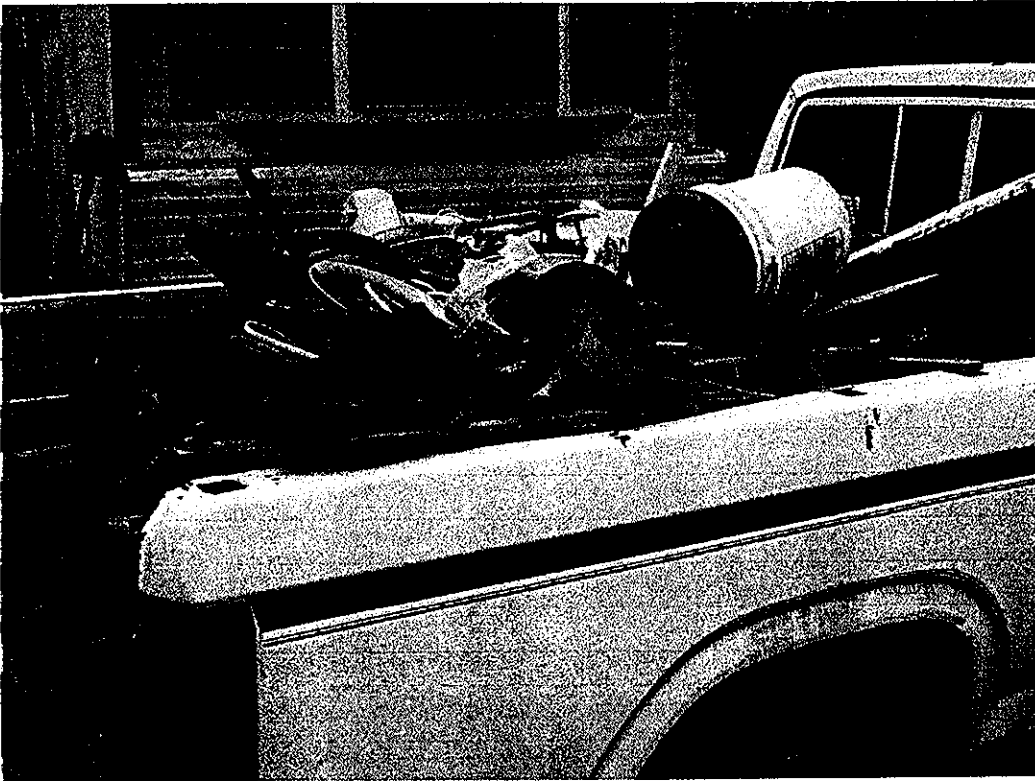


Date: 01/05/2006
Time: 12:46 PM
Direction: South
Photo by: G. Gross
Exposure #: 012
Comments:

File Names: 0818075006~01052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 01/05/2006
Time: 12:46 PM
Direction: South
Photo by: G. Gross
Exposure #: 013
Comments:**



**Date: 01/05/2006
Time: 12:49 PM
Direction: West
Photo by: G. Gross
Exposure #: 014
Comments:**

File Names: 0818075006~01052006-[Exp. #].jpg


PROOF OF SERVICE

I hereby certify that I did on the 7th day of February 2006, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Marshall & Juanita Garrison
21977 North Krupp Lane
Centralia, Illinois 62801

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


William D. Ingersoll, Mgr.
Enforcement Programs

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING SUBMITTED ON RECYCLED PAPER