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FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GARY EASTON,)
)
Respondent.)

AC 07 - 39

NOTICE OF FILING

TO: Gary Easton, 148 Ava 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.



Daniel Brenner
Assistant State's Attorney

January 17, 2007

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

07-00236

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GARY EASTON,)
)
Respondent.)

AC 07 - 39
077814 0027

Serve on: Gary Easton, 148 Ava 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 Easton

Address: 148 AVA ROAD MURPHYSBORO IL

Sex: Male Female

Age: 45/41

Date of service: 01/29, 2007.

Time: 09:46 .m.

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy

[Signature]

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 GARY EASTON,)
)
 Respondent.)

AC 07 - 39

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
ADMINISTRATIVE CITATION

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FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.) AC 07 - 39
) Site Code: 0778140027
GARY EASTON,)
)
Respondent.)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2004), 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 # 0778140027. The facility is known to the Agency as the Murphysboro/Easton Automotive site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On January 9, 2007, Field Inspectors, Don Terry and Bart Hagston, both with Jackson County Health Department, inspected the facility. A true and correct copy of the inspection report, along their respective affidavits, are attached and incorporated herein by reference as Exhibit A.

5. On March 18, 2004, the Illinois Pollution Control Board in docket number AC 04 -44 entered an order and found this same Respondent, Gary Easton, had violated section 21(p)(1) of the Illinois Environmental Protection Act, 410 ILCS 5/ 1 *et. seq.* on this same site pursuant to an Administrative Citation filed by this same Complainant, County of Jackson.

VIOLATIONS

On the basis of the Field Inspectors' direct observation, it is 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 January 9, 2007, 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).

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 second or subsequent violation. 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 March 1, 2007. 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 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: 1/18, 2007

A handwritten signature in cursive script, appearing to read "Daniel Brenner", written over a horizontal line.

Daniel Brenner
Assistant State's Attorney

FEB 07 2007

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) NO. AC 07 - 39
)
 GARY EASTON,)
)
 Respondent.)

FACILITY: Murphysboro/Easton Automotive Site

COUNTY: JACKSON

DATE OF INSPECTION: January 9, 2007

SITE CODE: 0778140027

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

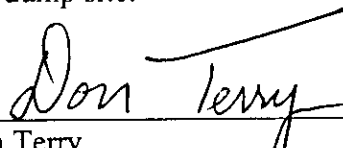
IN THE MATTER OF:

077 814 0027 / Jackson County
Murphysboro / Easton Automotive
COMPLIANCE FILE

Respondent.

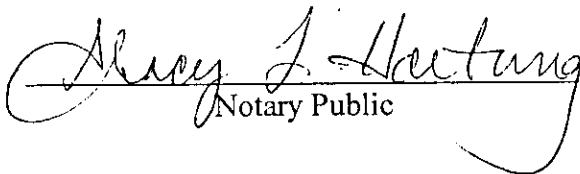
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On January 9, 2007, between the hours of 11:31 am and 11:36 am, Affiant conducted an inspection of the open dump site known as Murphysboro/Easton Automotive, 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 Easton Automotive, Murphysboro, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 16 day of January, 2007



Notary Public



JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

077 814 0027 / Jackson County
Murphysboro / Easton Automotive
COMPLIANCE FILE

Respondent.

Affiant, Bart Hagston, 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 January 9, 2007, between the hours of 11:31 am and 11:36 am, Affiant conducted an inspection of the open dump site known as Murphysboro/Easton Automotive, 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 Easton Automotive, Murphysboro, Illinois, open dump site.

Bart Hagston

Bart Hagston, Manager
Solid Waste Program

Subscribed and Sworn To before me
this *16* day of *January*, 2007

Tracy L. Hartung
Notary Public



Inspection Report Document: Open Dump Site Narrative

Date of Inspection: January 9, 2007

Inspectors: Don Terry & Bart Hagston

Site Code: 077 814 0027

County: Jackson

Site Name: Murphysboro / Easton Automotive

Time: 11:31 am – 11:36 am

Location: Lat 37.80600 Long -89.33266

GPS Accuracy: +/- 21 feet

Approximate Volume of Waste at Site: 600 cubic yards

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to an inspection conducted on December 17, 2003 during which open dumping violations were observed. Weather conditions at the time of the inspection were: cloudy with strong northwest winds and a temperature of approximately 38°F. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

According to the Jackson County Assessor's Office, the site is owned by Gary Easton.

I arrived at the site and observed waste that was open dumped on the site (**Photos #1 - #5, Site Sketch**). The waste consisted of, but was not limited to: abandoned vehicles, waste tires, scrap metal, metal barrels, plastic items and other materials not easily identifiable. The material south of the house was visible from Calcutta Lane and was unorganized, not labeled and was unsightly (**Photos #1 - #2, Site Sketch**). At the time of the inspection, the vehicles and other items observed 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 site appeared relatively unchanged since the December 17, 2003 inspection.

The total volume of waste was approximately 600 cubic yards.

The inspection ended at approximately 11:36 am.

Violations Observed:

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 open dumping of waste that resulted in litter was observed.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 9, 2007

Inspector: Don Terry & Bart Hagston

Site Code: 077 814 0027

County: Jackson

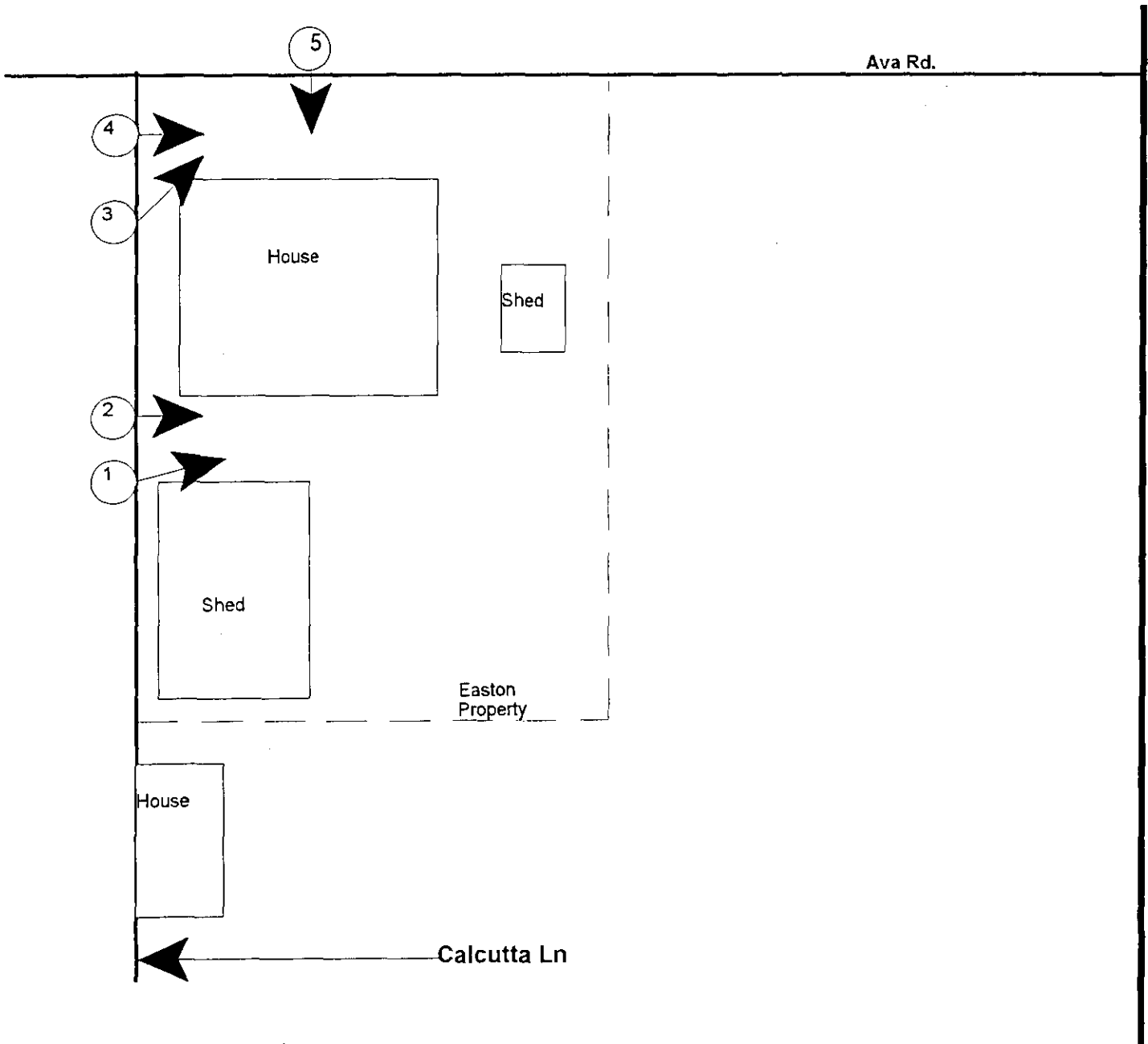
Site Name: Murphysboro / Easton Automotive

Time: 11:31 am – 11:36 am

Not Drawn to Scale

All locations are approximate

O → indicates *approximate* location & direction of photos





Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: January 9, 2007
Photos by: Bart Hagston

Site #: 077 814 0027
Site Name: Murphysboro / Easton Automotive

Photo Name:
0778140027-01092007-01

Time: 11:33 am

Photo Taken Toward:
Northeast



Photo Name:
0778140027-01092007-02

Time: 11:33 am

Photo Taken Toward:
East





Jackson County Inspection Digital Photo Sheet – Page 2

Date of Inspection: January 9, 2007
Photos by: Bart Hagston

Site #: 077 814 0027
Site Name: Murphysboro / Easton Automotive

Photo Name:
0778140027-01092007-03

Time: 11:33 am

Photo Taken Toward:
Northeast



Photo Name:
0778140027-01092007-04

Time: 11:33 am

Photo Taken Toward:
Northeast





Jackson County Inspection Digital Photo Sheet – Page 3

Date of Inspection: January 9, 2007
Photos by: Bart Hagston

Site #: 077 814 0027
Site Name: Murphysboro / Easton Automotive

Photo Name:
0778140027-01092007-05

Time: 11:34 am

Photo Taken Toward:

South

