

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAY 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
RYAN DANTONE, d/b/a)
THE GALLERY,)
)
Respondent.)

AC 07 - 59
Site Code: 0778035019

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, Ryan Dantone, 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 Respondent, Ryan Dantone, also operates a business situated at the site doing business as 'The Gallery'.
3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778035019. The facility is known to the Agency as the DeSoto/Ryan Dantone site.
4. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.

5. On April 5, 2007, 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 Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on April 5, 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).
2. The Respondents has caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).
3. 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 \$1,500.00 for each of the 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 \$4,500.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than June 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, in accordance with its rules, 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

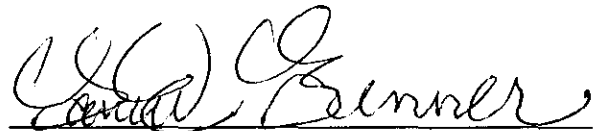
must be filed with the Clerk of the Board at:

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: April 24, 2007

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

MAY 14 2007

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 RYAN DANTONE, d/b/a)
 THE GALLERY,)
)
 Respondent.)

NO. AC 07 - 59

FACILITY: DeSoto/Ryan Dantone Site
COUNTY: JACKSON
DATE OF INSPECTION: April 5, 2007
SITE CODE: 0778035019
CIVIL PENALTY: \$4,500.00

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

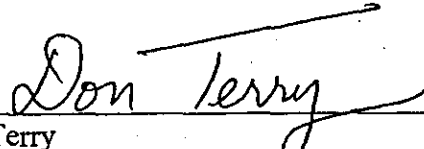
IN THE MATTER OF:

077 803 5019 / Jackson County
DeSoto / Ryan Dantone
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 5, 2007, between the hours of 2:51 pm and 3:00 pm, Affiant conducted an inspection of the open dump site known as DeSoto / Ryan Dantone, 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 Ryan Dantone, DeSoto, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 10 day of April, 2007



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jackson LPC#: 077 803 5019 Region: 7 - Marion
 Location/Site Name: DeSoto / Ryan Dantone
 Date: 04/05/2007 Time: From 2:51 pm To 3:00 pm Previous Inspection Date: 05/31/2007
 Inspector(s): Don Terry Weather: 46°F -- partly cloudy with moderate west winds
 No. of Photos Taken: # 8 Est. Amt. of Waste: 2 yds³ Samples Taken: Yes # No
 Interviewed: no one Complaint #: 2007-079
 Latitude: 37.82611 Longitude: -89.27879 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 9 feet

Responsible Party Mailing Address(es) and Phone Number(s): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Mr. Ryan Dantone 5008 Old Hwy. 51 Makanda, IL 62924 </div>	
--	--

	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 # 077 803 5019

Inspection Date: 04/05/2007

	(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 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"/>

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.

Inspection Report Document: Open Dump Site Narrative

Date of Inspection: April 5, 2007

Inspector: Don Terry

Site Code: 077 803 5019

County: Jackson

Site Name: DeSoto / Ryan Dantone

Time: 2:51 pm – 3:00 pm

Location: Lat 37.82611 Long -89.27879

GPS Accuracy: +/- 9 feet

Approximate Volume of Waste at Site: 2 cubic yards

GENERAL REMARKS

BACKGROUND: On February 18, 2005, this inspector investigated this site for possible open dumping and open burning. The inspection found that open dumping and open burning had occurred and Mr. Dantone was sent **Violation Notice L-2005-JC153**. Mr. Dantone signed for this letter on March 7, 2005 (**Attachment: Page 1**). On March 21, 2005, this office received from Mr. Dantone a Compliance Commitment Agreement (CCA), regarding the violations at the site (**Attachment: Pages 2 & 3**). In his CCA, Mr. Dantone wrote on Page 2, Section 4, *"In regards to the open dumping resulting in litter, open burning, and the deposition of general construction or demolition debris, all activities leading to the results stated above shall immediately cease and there will be no further activities of this nature in the future."*

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to a call received by this office indicating that roofing shingles and other construction materials were being burned at the site. Weather conditions at the time of the inspection were: partly cloudy with moderate west winds and a temperature of approximately 46°F. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

According to the Illinois Secretary of State's Office, Ryan Dantone is the agent for Dantone, LLC which operates the Gallery Show Club (**Attachment: Page 4**).

As I approached the site from the south on U. S. Hwy 51, I observed dense smoke arising from a location east of the building on site (**Site Sketch Area A**). I approached the location from where the smoke was originating and observed what appeared to be a waste pile smoldering, giving off white smoke (**Photo #1, Site Sketch**).

I exited the vehicle and walked to the smoldering waste pile. The smoke was thick and irritating to the eyes and lungs. I observed that the waste pile consisted of, but was not limited to: ash, roofing shingles, polystyrene foam, PVC pipe, dimensional lumber, furniture, scrap metal and landscape waste (**Photos #1 - #9, Site Sketch Area A**). The roofing shingles I observed appeared consistent with those used on the building housing the show club.

Page 2
077 803 5019
DeSoto / Ryan Dantone
April 5, 2007

I also noted an area of disturbed soil west of the waste pile (**Photo #1: Individual Digital Photo Sheet-Page1; Site Sketch Area B**). It appeared that waste materials had been pushed away from the building, creating the waste pile while disturbing the soil. I observed material scattered around in the area of disturbed soil that appeared to be similar to the materials I observed in the smoldering waste pile.

I also observed vehicle mud tracks leading from the waste area and proceeding west on the parking lot (**Photo #1: Individual Digital Photo Sheet-Page1; Site Sketch Area C**). These tracks ended at a piece of equipment parked on the west end of the building (**Site Sketch: Area C**). This particular piece of equipment had a scoop on the front which could have been used to move waste along the ground, disturbing the soil.

The total volume of waste observed was approximately 2 cubic yards.

My inspection ended at approximately 3:00 pm.

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, the open dumping of waste that resulted in open burning and which caused, threatened or allowed air pollution in Illinois was 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 and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection, the open dumping of waste that resulted in litter and the deposition of general construction or demolition debris was observed.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: April 5, 2007

Inspector: Don Terry

Site Code: 077 803 5019

County: Jackson

Site Name: DeSoto / Ryan Dantone

Time: 2:51 pm – 3:00 pm

Location: Lat 37.82611 Long -89.27879

GPS Accuracy = +/- 9 feet

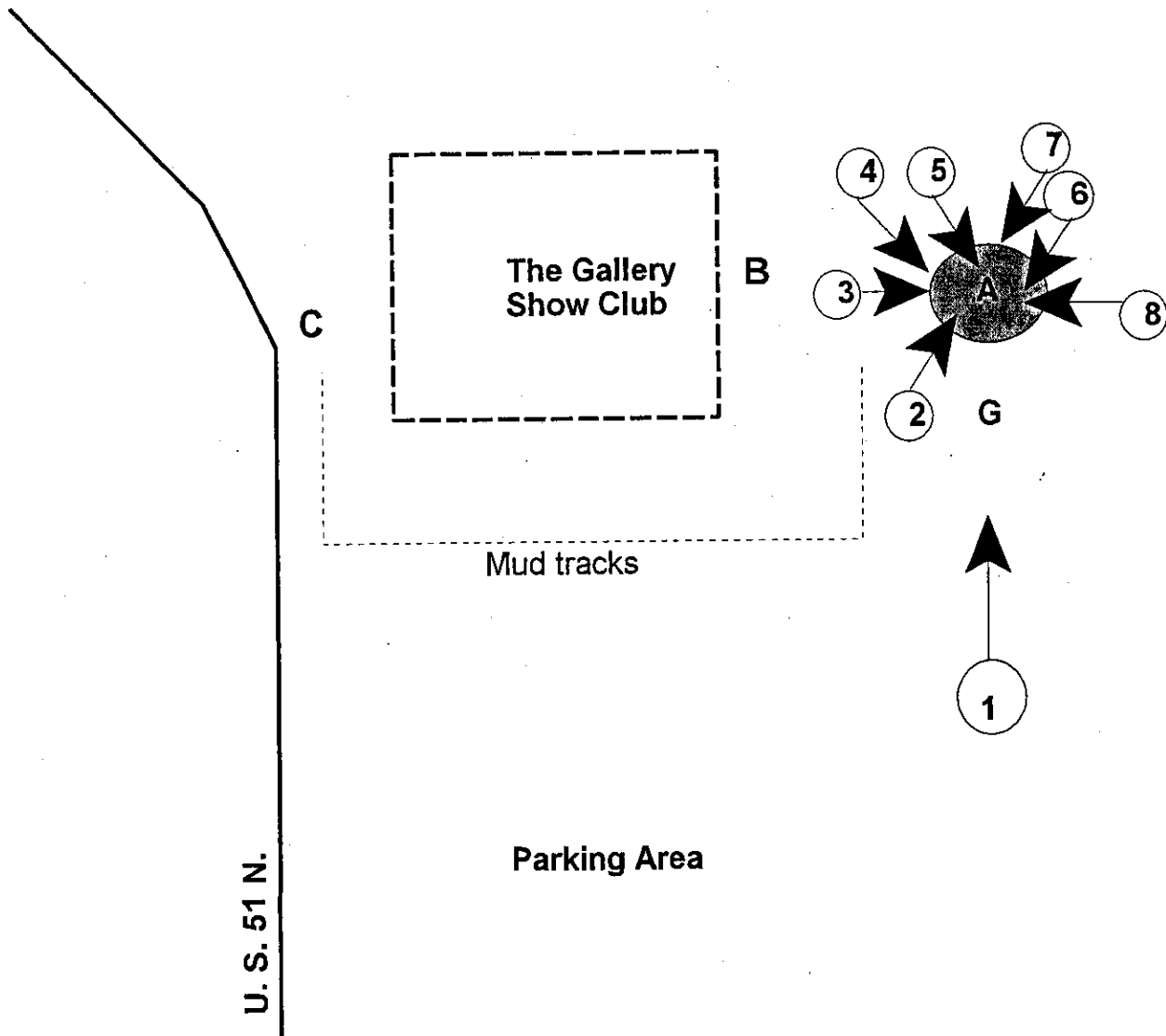
Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos



G = approximate GPS data collection point

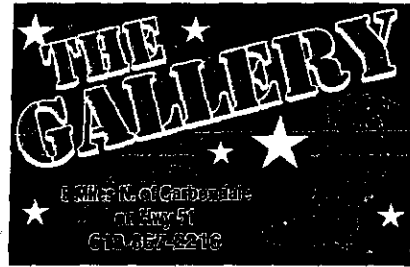


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>Rita Dantone</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Rita Dantone</i> C. Date of Delivery <i>3-7-05</i></p>
<p>1. Article Addressed to:</p> <p><i>Rita Dantone</i> <i>PO Box 760</i> <i>Carbondale, IL 62905-0760</i></p> <p><i>301</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 2260 0005 0889 5665</p>

RECEIVED

MAR 21 2005

Jackson County Health Dept.
Murphysboro, Illinois



THE GALLERY

16310 North Highway 51
DeSoto, Illinois 62924
(618) 867-2216

March 17, 2005

Jackson County Health Department
Attn: Don Terry
Solid Waste Management Division
PO Box 307
Murphysboro, IL 62966-0307

Attachment

Page 2

Dear Mr. Terry:

I have received and read through the Violation Notice regarding VIOLATION NOTICE NUMBER L-2005-JC153. The following will address each violation specified in Attachment A of the notice.

Section 1

In regards to the evidence of open burning of waste, all activities of this nature will immediately cease and there will be no more open burning of waste at this location. All waste will be properly disposed of by March 25, 2005.

Section 2

In regards to the evidence of open burning of refuse, all activities of this nature will immediately cease and there will be no more open burning of refuse at this location. All general refuse will be removed from this site by March 25, 2005 and transported to a permitted landfill or transfer station.

Section 3

In regards to the waste which had been openly dumped, there will no longer be anyone allowed to openly dump of any waste at this location and all such actions will cease immediately.

Section 4

In regards to the open dumping resulting in litter, open burning, and the deposition of general construction or demolition debris, all activities leading to the results stated above shall immediately cease and there will be no further activities of this nature in the future. All litter and construction or demolition debris will be properly removed and disposed of by March 25, 2005.

Section 5

In regards to the open burning of trade waste, all activities of this nature will immediately cease and there will be no more open burning of trade waste at this location. All such trade waste will be removed from the site and properly disposed of by March 25, 2005.

Following the above corrective actions, all copies of receipts documenting the proper disposal or recycling of the waste will be submitted to the Jackson County Health Department's Solid Waste Management Section no later than April 8, 2005.

Sincerely,



Ryan Dantone

Attachment
Page 4

CYBERDRIVEILLINOIS

JESSE WHITE
SECRETARY OF STATE

SERVICES PROGRAMS PRESS PUBLICATIONS DEPARTMENTS CONTACT

LLC FILE DETAIL REPORT

Entity Name	DANTONE LLC	File Number	00947482
Status	GOODSTANDING	On	05/17/2006
Entity Type	LLC	Type of LLC	Domestic
File Date	06/25/2003	Jurisdiction	IL
Agent Name	RYAN DANTONE	Agent Change Date	11/09/2005
Agent Street Address	5008 OLD US HWY 51	Principal Office	5008 OLD US HWY 51 MAKANDA 62958
Agent City	MAKANDA	Management Type	MGR
Agent Zip	62958	Dissolution Date	06/01/2043
Annual Report Filing Date	05/17/2006	For Year	2006
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

[Return to the Search Screen](#)Purchase Certificate of Good Standing
(One Certificate per Transaction)

BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE



Jackson County Inspection
Individual Digital Photo Sheet – Page 1

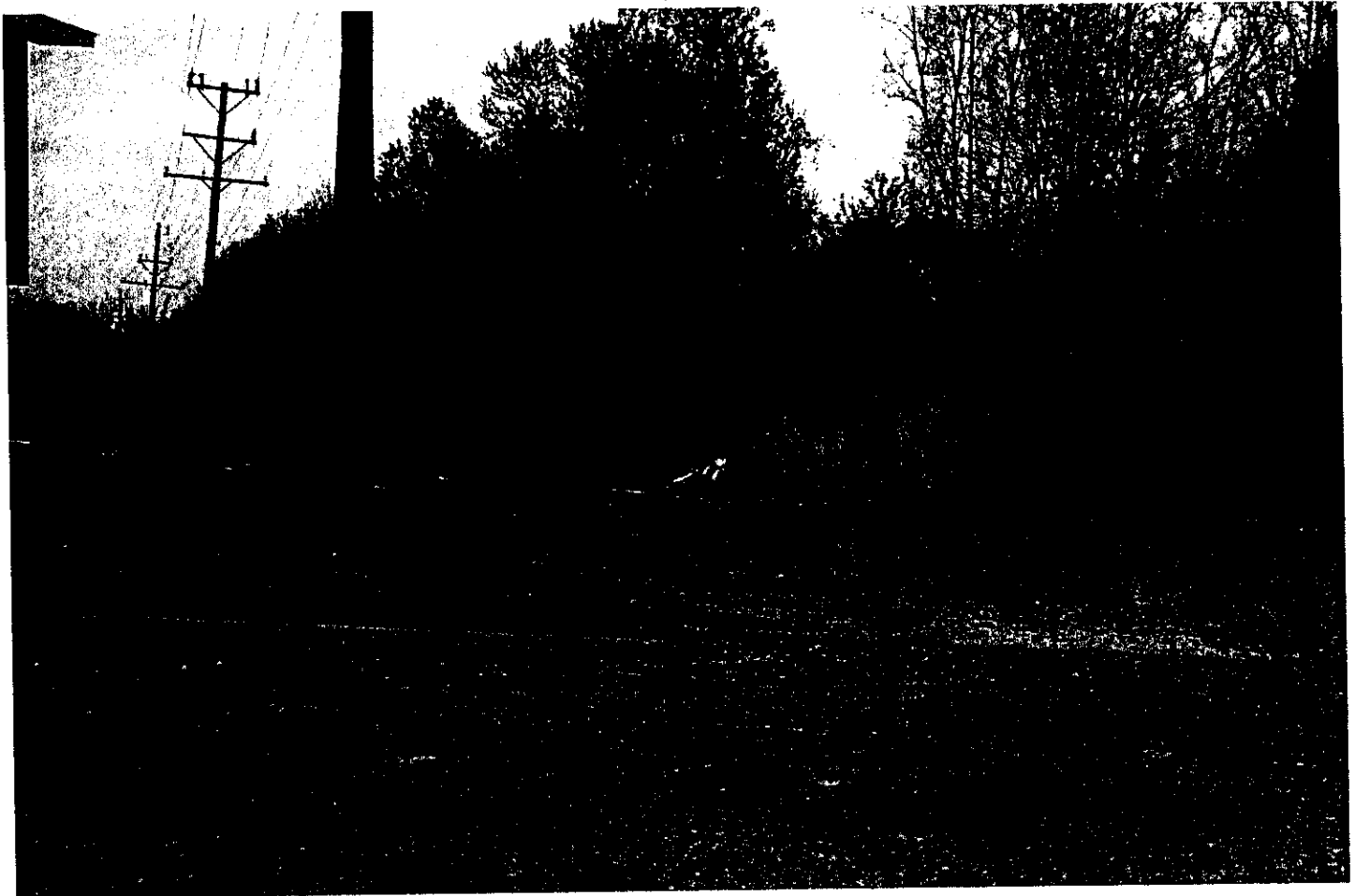
Date of Inspection: April 5, 2007
Photos by: Don Terry

Site #: 077 803 5019
Site Name: DeSoto / Ryan Dantone

Photo Name:
0778035019-04052007-01

Time: 2:54 pm

Photo Taken Toward: North





Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: April 5, 2007
Photos by: Don Terry

Site #: 077 803 5019
Site Name: DeSoto / Ryan Dantone

Photo Name:
0778035019-04052007-01

Time: 2:54 pm

Photo Taken Toward:

North



Photo Name:
0778035019-04052007-02

Time: 2:56 pm

Photo Taken Toward:

Northeast





Jackson County Inspection Digital Photo Sheet – Page 2

Date of Inspection: April 5, 2007
Photos by: Don Terry

Site #: 077 803 5019
Site Name: DeSoto / Ryan Dantone

Photo Name:
0778035019-04052007-03

Time: 2:56 pm

Photo Taken Toward:

East



Photo Name:
0778035019-04052007-04

Time: 2:57 pm

Photo Taken Toward:

Southeast





Jackson County Inspection Digital Photo Sheet – Page 3

Date of Inspection: April 5, 2007
Photos by: Don Terry

Site #: 077 803 5019
Site Name: DeSoto / Ryan Dantone

Photo Name:
0778035019-04052007-05

Time: 2:57 pm

Photo Taken Toward:

Southeast

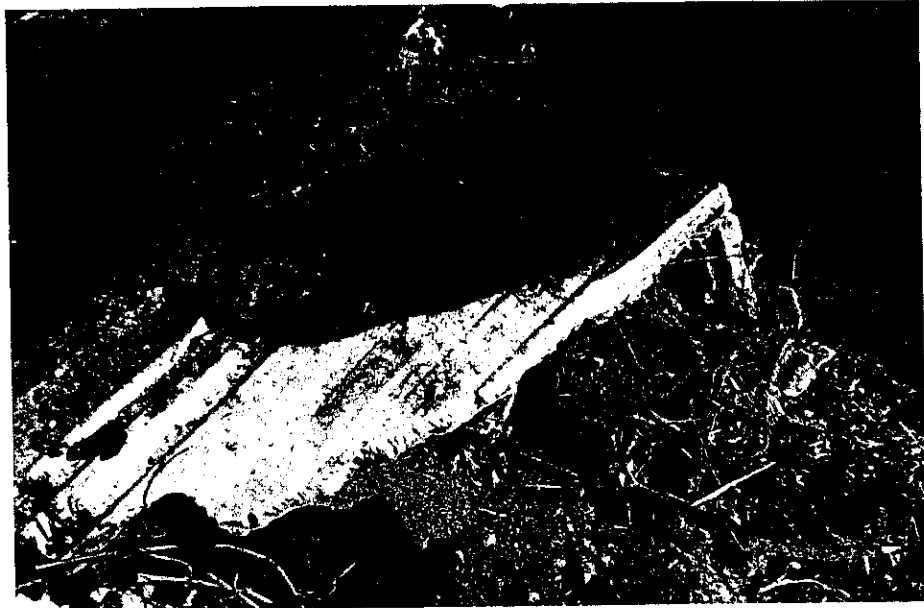


Photo Name:
0778035019-04052007-06

Time: 2:57 pm

Photo Taken Toward:

Southwest





Jackson County Inspection Digital Photo Sheet – Page 4

Date of Inspection: April 5, 2007
Photos by: Don Terry

Site #: 077 803 5019
Site Name: DeSoto / Ryan Dantone

Photo Name:
0778035019-04052007-07

Time: 2:57 pm

Photo Taken Toward:

Southwest



Photo Name:
0778035019-04052007-08

Time: 2:57 pm

Photo Taken Toward:

West



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,

Complainant,

v.

RYAN DANTONE, d/b/a
THE GALLERY,

Respondent.

ORIGINAL

)
)
)
)
)
)
)
)
)
)

AC 07 - 59
Site Code: 0778035019

RECEIVED
CLERK'S OFFICE

MAY 14 2007

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Ryan Dantone, 5008 Old Hwy. 51, Makanda, Illinois 62958

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

April 19, 2007

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 14 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
RYAN DANTONE, d/b/a)
THE GALLERY,)
)
Respondent.)

AC 07 - 59
Site Code: 0778035019

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