

ILLINOIS POLLUTION CONTROL BOARD
July 26, 2007

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 07-34
) (Administrative Citation)
 ALVIN VALDEZ and RUBEN J. VALDEZ,)
)
 Respondent.)


ORDER OF THE BOARD (by G.T. Girard):

On July 23, 2007, the complainant filed "A Motion to Withdraw and Dismiss Administrative Citation". The motion concerns an administrative citation filed with the Board on January 31, 2007, concerning a site designated with the Site Code # 0778035022 and known to the Illinois Environmental Protection Agency as the DeSoto/Alvin Valdez site. The site is located in Jackson County. On March 1, 2007, respondents filed a petition for review with the Board and the Board accepted the matter for hearing on March 15, 2007.

In the motion, the complainant indicates that the site has been cleaned up and complainant wishes to withdraw and dismiss the administrative citation. The Board therefore dismisses the petition for review and the administrative citation and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 26, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

JAN 31 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD


COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 ALVIN VALDEZ, and)
 RUBEN J. VALDEZ,)
)
 Respondents.)

AC 07 - 34

NOTICE OF FILING

TO: Alvin and Ruben J. Valdez, 211 N. Walnut Street, DeSoto, Illinois 62924

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 18, 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

JAN 31 2007

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 ALVIN VALDEZ and)
 RUBEN J. VALDEZ,)
)
 Respondents.)

AC 07 -

Site Code 0778035022

Serve on: Alvin Valdez, 211 N. Walnut Street, PO Box 163, DeSoto, Illinois 62924

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: Alvin Valdez at Jackson Co Sheriff Dept

Address: _____

Sex: ^w Male Female _____ 1/5/88

Age: 1/5/88

Date of service: 1/22, 2007.

Time: 3:50 .m.

Linda Ellet
/S/ Robert Burns, Jackson Co. Sheriff
By his Deputy

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

RECEIVED
CLERK'S OFFICE

JAN 31 2007

STATE OF ILLINOIS
Pollution Control Board

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

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 07 - 34
)	Site Code: 0778035022
ALVIN VALDEZ and)	
RUBEN J. VALDEZ,)	
)	
Respondents.)	

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, Alvin Valdez, 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, Ruben J. Valdez, upon information and belief, is Alvin Valdez's father and is in control and possession and an occupant of a facility located in the County of Jackson, Illinois.

2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778035022. The facility is known to the Agency as the DeSoto/Alvin Valdez site.

3. The Respondents have owned, occupied, controlled and/or operated the facility at all relevant times hereto.

4. On January 9, 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 Respondents have 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 Respondents have caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).
2. The Respondents have caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondents are subject to a civil penalty of \$1,500.00 for each of the violations specified above. Additionally, should the Respondents elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondents 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: JAN 18, 2007

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

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE
JAN 31 2007
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 ALVIN VALDEZ and)
 RUBEN J. VALDEZ,)
)
 Respondents.)

NO. AC 07 - 34

FACILITY: DeSoto/Alvin Valdez Site

COUNTY: JACKSON

DATE OF INSPECTION: January 9, 2007

SITE CODE: 0778035022

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