

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JACK REEVES & JACQUELINE )  
 WATKINS, )  
 )  
 Respondents. )

AC 08 - 21

RECEIVED  
 CLERK'S OFFICE  
 MAR 03 2008  
 STATE OF ILLINOIS  
 Pollution Control Board

NOTICE OF FILING

To: Jack Reeves, 1128 Poplar Ridge Road, Murphysboro, Illinois 62966  
 Jacqueline Watkins, 6391 Hickory Ridge Road, Pomona, Illinois 62975

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  
 Jackson County Courthouse, 3<sup>rd</sup> Floor  
 Murphysboro, IL 62966  
 618-687-7200

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
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 Complainant, )  
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 v. )  
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 JACK REEVES & JACQUELINE )  
 WATKINS, )  
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 STATE OF ILLINOIS  
 Pollution Control Board

Serve on: Jack Reeves, 1128 Poplar Ridge 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: Jack Reeves  
 Address: 1128 Poplar Ridge Murboro IL 62966  
 Sex: Male  Female   
 Age: 10/31/32  
 Date of service: 02/26, 2008.  
 Time: 09:34 .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

COUNTY OF JACKSON,

ORIGINAL

Complainant,

v.

AC 08 - 21

JACK REEVES & JACQUELINE  
WATKINS,

Respondents.

RECEIVED  
CLERK'S OFFICE  
MAR 03 2008  
STATE OF ILLINOIS  
Pollution Control Board

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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
MAR 03 2008  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )

Complainant, )

v. )

JACK REEVES & JACQUELINE  
WATKINS, )

Respondents. )

ORIGINAL

AC 08 - 21  
Site Code: 0778125019

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2006), specifically 415 ILCS 5/31.1.

**FACTS**

1. The Respondent, Jack Reeves, is the present owner and in control and possession of a facility located in the County of Jackson, State of Illinois.

2. The Respondent, Jacqueline Watkins, upon information and belief, is in control and possession and an occupant of a facility located in the County of Jackson, State of Illinois.

3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778125019. The facility is known to the Agency as the Pomona/Jack Reeves site.

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

5 On January 4, 2008, 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 4, 2008, 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 the deposition of general construction or demolition; or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

### **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 violations specified above. Additionally, should the Respondents select 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 15, 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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966

DATED: 2/5, 2008

  
Daniel Brenner  
Assistant State's Attorney

RECEIVED  
CLERK'S OFFICE  
MAR 03 2008  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

COUNTY OF JACKSON.

ORIGINAL

Complainant,

v.

NO. AC 08 - 21

JACK REEVES & JACQUELINE  
WATKINS,

Respondents.

FACILITY: Pomona/Jack Reeves Site

COUNTY: JACKSON

DATE OF INSPECTION: January 4, 2008

SITE CODE: 0778125019

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



RECEIVED  
CLERK'S OFFICE

MAR 03 2008

STATE OF ILLINOIS  
Pollution Control Board

# JACKSON COUNTY HEALTH DEPARTMENT

## ORIGINAL AFFIDAVIT

A 2008-21

### IN THE MATTER OF:

077 812 5019 / Jackson County  
Pomona / Jack Reeves  
COMPLIANCE FILE

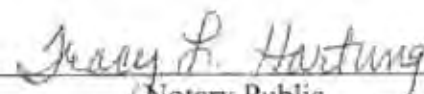
Respondent.

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 4, 2008, between the hours of 9:34 a.m. and 9:45 a.m., Affiant conducted an inspection of the open dump site known as Pomona / Jack Reeves, 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 Jack Reeves, Pomona, Illinois, open dump site.

  
\_\_\_\_\_  
Don Terry  
Environmental Compliance Inspector

Subscribed and Sworn To before me  
this 31 day of January, 2008

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



EXHIBIT

A

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

**RECEIVED**  
 CLERK'S OFFICE

MAR 03 2008

STATE OF ILLINOIS  
 Pollution Control Board

County: Jackson LPC#: 077 812 5019 Region: 7th Merion  
 Location/Site Name: Pomona / Jack Reeves  
 Date: 01/04/2008 Time: From 9:34 am To 9:45 am Previous Inspection Date: 11/18/2005  
 Inspector(s): Don Terry Weather: 30°F -- sunny with strong northwest winds  
 No. of Photos Taken: # 15 Est. Amt. of Waste: 50 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: no one Complaint #: 2008--020  
 Latitude: 37.68301 Longitude: -89.38516 Collection Point Description: Site Entrance -  
 (Example: Lat: 41 26493 Long: -89.38294) Collection Method: GPS - Accuracy +/- 20 feet

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

**\*\* OWNER \*\***  
 Mr. Jack Reeves  
 1128 Poplar Ridge Rd.  
 Murphysboro, IL 62966

ORIGINAL

**\*\* OPERATOR \*\***  
 Mrs. Jacqueline Watkins  
 6391 Hickory Ridge Road  
 Pomona, IL 62975

	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 # 077 812 5019

Inspection Date: 01/04/2008

	(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"/>

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:** January 4, 2008

**Inspector:** Don Terry

**Site Code:** 077 812 5019

**County:** Jackson

**Site Name:** Murphysboro / Jack Reeves

**Time:** 9:34 a.m. – 9:45 a.m.

**Location:** Lat 37.68301 Long -89.38516

**GPS Accuracy:** +/- 20 feet

**Estimated Volume of Waste at Site:** 50 cubic yards

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### **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 a complaint received by this office. Weather conditions at the time of the inspection were: sunny with strong northwest winds and a temperature of approximately 30°F. I was accompanied on this inspection by Henry Mulder and Cherie DeWulf of the Jackson County Health Department.

According to the Jackson County Assessor's Office, the site is owned by Jack Reeves. Records at the Jackson County Health Department show that Mr. Reeve's daughter, Jacqueline Watkins currently resides at this site. It is also known to this office that Mrs. Watkins has been a resident at this site and has been the known operator since at least August 2004.

I arrived at the site and observed open dumped waste scattered around the site from Hickory Ridge Road, a public roadway. I walked toward the residence and observed waste open dumped on the driveway, east of the underground dwelling (**Photos #1 & #2, Site Sketch**). The waste in the area included, but was not limited to: scrap metal, plastic items, wooden furniture, cardboard, a mattress, filled plastic bags and cloth. At the time of the inspection, these items 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.

At this time I observed Mr. Mulder and Ms. DeWulf go to the front door of the residence. I then observed an adult male come to the door, speak to the two briefly and then go back into the house. At this time Mr. Mulder and Ms. DeWulf walked north to inspect a private septic lagoon located on the property.

East of the residence, I observed waste scattered on the ground (**Photos #3 - #10, Site Sketch Area A**). The waste in this area included, but was not limited to: dimensional lumber, electronic devices, plastic items, scrap metal, wooden furniture, PVC pipe, household garbage, filled plastic bags, fuel containers, cardboard, cloth items, electrical wire, metal containers and glass items (**Photos #3 - #10, Site Sketch Area A**). At the time of the inspection, these items 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.

Page 2  
077 812 5019  
Pomona / Jack Reeves  
January 4, 2008

Northeast of the residence I observed waste piles in the area where two mobile homes had been located during previous inspections (**Photos #11 - #15, Site Sketch Area B**). The waste in this area included, but was not limited to: dimensional lumber, plywood, furniture, scrap metal, paper, cloth, plastic items, fiberglass insulation, glass items, cloth items and metal containers (**Photos #11 - #15, Site Sketch Area B**). At the time of the inspection, these items 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 total volume of waste observed was approximately 50 cubic yards.

My inspection ended at approximately 9:45 a.m.

**Violations Observed:**

**Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1 & 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 open dumping that resulted in litter and the deposition of general construction or demolition debris was observed (**Photos #1 - #15, Site Sketch Areas A & B**)**

# OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 4, 2008

Inspector: Don Terry

Site Code: 077 812 5019

County: Jackson

Site Name: Pomona / Jack Reeves

Time: 9:34 a.m. – 9:45 a.m.

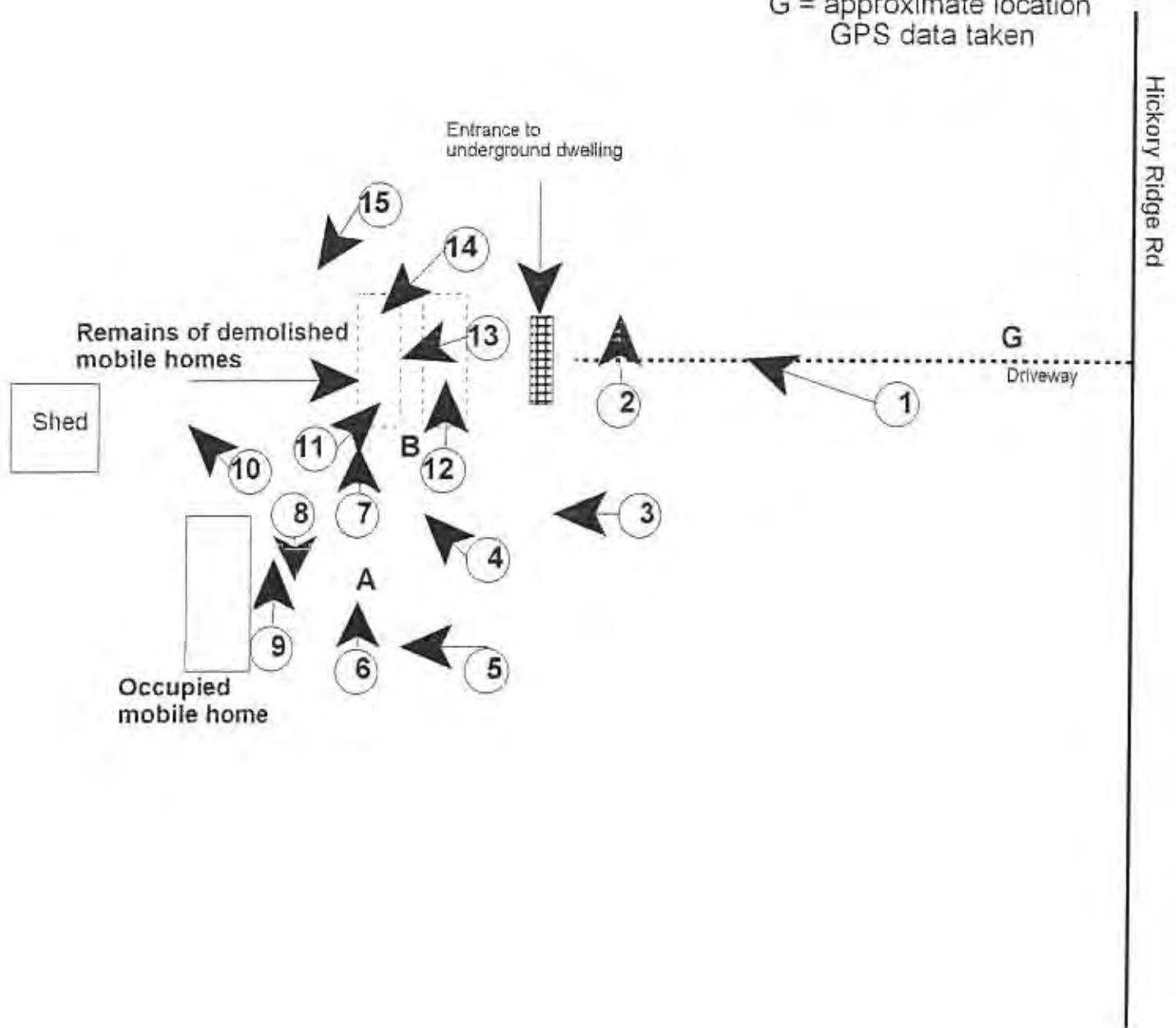
Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos



G = approximate location  
GPS data taken





# Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-01

Time: 9:35 a.m.

Photo Taken Toward:  
Northwest



Photo Name:  
0778125019-01042008-02

Time: 9:35 a.m.

Photo Taken Toward:  
North





# Jackson County Inspection Digital Photo Sheet – Page 2

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-03

Time: 9:36 a.m.

Photo Taken Toward:  
West



Photo Name:  
0778125019-01042008-04

Time: 9:36 a.m.

Photo Taken Toward:  
Northwest







# Jackson County Inspection Digital Photo Sheet – Page 3

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-05

Time: 9:36 a.m.

Photo Taken Toward:  
West



Photo Name:  
0778125019-01042008-06

Time: 9:36 a.m.

Photo Taken Toward:  
North





# Jackson County Inspection Digital Photo Sheet – Page 4

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-07

Time: 9:36 a.m.

Photo Taken Toward:  
  
North



Photo Name:  
0778125019-01042008-08

Time: 9:37 a.m.

Photo Taken Toward:  
  
Southwest





# Jackson County Inspection Digital Photo Sheet – Page 5

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-09

Time: 9:37 a.m.

Photo Taken Toward:  
North



Photo Name:  
0778125019-01042008-10

Time: 9:37 a.m.

Photo Taken Toward:  
Northwest





# Jackson County Inspection Digital Photo Sheet – Page 6

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-11

Time: 9:37 a.m.

Photo Taken Toward:

Northeast



Photo Name:  
0778125019-01042008-12

Time: 9:38 a.m.

Photo Taken Toward:

West





# Jackson County Inspection Digital Photo Sheet – Page 7

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-13

Time: 9:38 a.m.

Photo Taken Toward:

Southwest



Photo Name:  
0778125019-01042008-14

Time: 9:38 a.m.

Photo Taken Toward:

Southwest





# Jackson County Inspection Digital Photo Sheet – Page 8

Date of Inspection: January 4, 2008  
Photos by: Don Terry

Site #: 077 812 5019  
Site Name: Pomona / Jack Reeves

Photo Name:  
0778125019-01042008-15

Time: 9:39 a.m.

Photo Taken Toward:

Southwest





**MICHAEL L. WEPSIEC**  
State's Attorney Jackson County  
Jackson County Courthouse, Third Floor  
Murphysboro, Illinois 62966  
(618) 687-7200 FAX (618) 687-7215



February 28, 2008

ORIGINAL

**RECEIVED**  
CLERK'S OFFICE

MAR 03 2008

STATE OF ILLINOIS  
Pollution Control Board

Clerk of the Board  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

A 08-21

Re: Administrative Citation - Pomona/Jack Reeves Site  
Site Code 0778125019  
Inspection Date: January 4, 2008  
Date of Service: Various

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Jack Reeves and Jacqueline Watkins, co-respondents. The site is known as the Pomona/Jack Reeves site.

Jack Reeves' mailing address is 1128 Poplar Ridge Road, Murphysboro, Illinois 62966. Jacqueline Watkins' is 6391 Hickory Ridge Rd., Pomona, Illinois 62975. Also enclosed with this material is a proof of service showing the respondents were served with a copy of the Citation on February 16 and February 26, 2008.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

Daniel Brenner  
Assistant State's Attorney  
Jackson County, Illinois

enclosures

cc. Jackson County Health Department