

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS
Pollution Control Board

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

AC 07 - 35

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS
Pollution Control Board

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

AC 07 - 35
0778140035

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

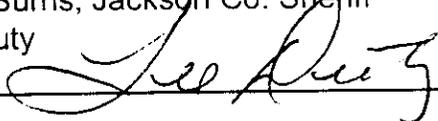
Sex: Male Female

Age: 45/41

Date of service: 01/29, 2007.

Time: 09:46 .m.

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



PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS
Pollution Control Board

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

AC 07 - 35

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

RECEIVED
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS
Pollution Control Board

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

AC 07 - 35
Site Code: 0778140035

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 # 0778140035. The facility is known to the Agency as the Murphysboro/Gary Easton (2) site.
3. The Respondent has 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 his affidavit, is attached and incorporated herein by reference as Exhibit A.

5. On March 18, 2004, the Illinois Pollution Control Board in docket number AC 04 -42 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 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 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: 1/17, 2007

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

Daniel Brenner
Assistant State's Attorney

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

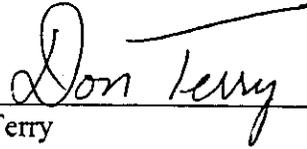
IN THE MATTER OF:

077 814 0035 / Jackson County
Murphysboro / Gary Easton (2)
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 11:15 am and 11:30 am, Affiant conducted an inspection of the open dump site known as Murphysboro/Gary Easton (2), 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 Gary Easton, Murphysboro, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

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


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Jackson LPC#: 077 814 0035 Region: 7 - Marion
 Location/Site Name: Murphysboro / Gary Easton (2)
 Date: 01/09/2007 Time: From 11:15 am To 11:30 am Previous Inspection Date: 12/17/2003
 Inspector(s): Don Terry Weather: 38°F -- cloudy with strong NW winds
 No. of Photos Taken: # 26 Est. Amt. of Waste: 3000 yds³ Samples Taken: Yes # No
 Interviewed: no one Complaint #:
 Latitude: 37.81918 Longitude: -89.33210 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 18 feet

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

Mr. Gary Easton
 P. O. Box 796
 Murphysboro, IL 62966

	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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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 checked="" 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 # 0747 814 0035

Inspection Date:

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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 checked="" 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:	807.201 Developmental Permit & 807.202 Operational Permit	<input checked="" 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 9, 2007

Inspector: Don Terry

Site Code: 077 814 0035

County: Jackson

Site Name: Murphysboro / Gary Easton (2)

Time: 11:15 am – 11:30 am

Location: Lat 37.81918 Long -89.33210

GPS Accuracy: +/- 18 feet

Approximate Volume of Waste at Site: 3000 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 at the site. 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 the 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.

Upon arrival at the site, I observed, from Grange Hall Road, a public roadway, abandoned vehicles and waste open dumped at the site (**Photos #1 & #2, Site Sketch**). The materials observed from the roadway were unsightly and were not organized or labeled. I entered the site to continue my inspection.

I proceeded south along a dirt driveway on the west side of a large shed (**Site Sketch**). Beginning at the north end of the site and proceeding south, I observed waste open dumped all around the site. This waste included, but was not limited to: waste tires, abandoned vehicles, metal vehicle parts, metal barrels, plastic buckets, and other items not easily identifiable (**Photos #1 - #15 & #19, Site Sketch**). At the time of the inspection, these vehicles and other 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.

I then walked west and observed more waste that was open dumped on the site (**Photos #16 - #22, Site Sketch**). The waste included, but was not limited to: abandoned vehicles, waste tires, metal vehicle parts, metal barrels and other items not easily identifiable. At the time of the inspection, these vehicles and other 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.

I walked north along the east side of the shed and observed more open dumped waste (**Photos #23 - #26, Site Sketch**). This waste included, but was not limited to: abandoned vehicles, metal vehicle parts, waste tires, metal barrels and other items not readily identifiable. At the time of the inspection, these vehicles and other 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.

Throughout the inspection, I observed trees and other vegetation growing up through and around the waste (**Photos #3 - #14 and #16 - #26, Site Sketch**). This is evidence that the waste has not been moved in at least one growing season.

The total volume of waste observed was approximately 3000 cubic yards.

My inspection ended at approximately 11:30 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.

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit: At the time of the inspection, this office had no record that the site owner had obtained from the Illinois Environmental Protection Agency (Agency), a permit to operate a waste-storage, waste-treatment or waste-disposal operation.

Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board: During the inspection, violations of regulations and standards adopted by the Board regarding litter containment and daily cover were observed.

Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act: During the inspection, waste that had been transported to the site for disposal, treatment, storage or abandonment was observed. Evidence that this waste had been transported to this location includes, but is not limited to: the quantity of the waste and the multiple nature of some of the material (IE several metal barrels were observed). Also, this site does not meet the requirements of a landfill.

Page 3

077 814 0035

Murphysboro / Gary Easton (2)

January 9, 2007

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: During the inspection, waste tires that had been open dumped were observed.

Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill: At the time of the inspection, this office had no record that the site owner had submitted to the Agency, an application to develop or operate a landfill.

Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site: At the time of the inspection, this office had no record that the site owner had obtained from the Agency a Developmental Permit to operate a solid waste management site.

Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site: At the time of the inspection, this office had no record that the site owner had obtained from the Agency an Operational Permit to operate a solid waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 9, 2007

Inspector: Don Terry

Site Code: 077 814 0035

County: Jackson

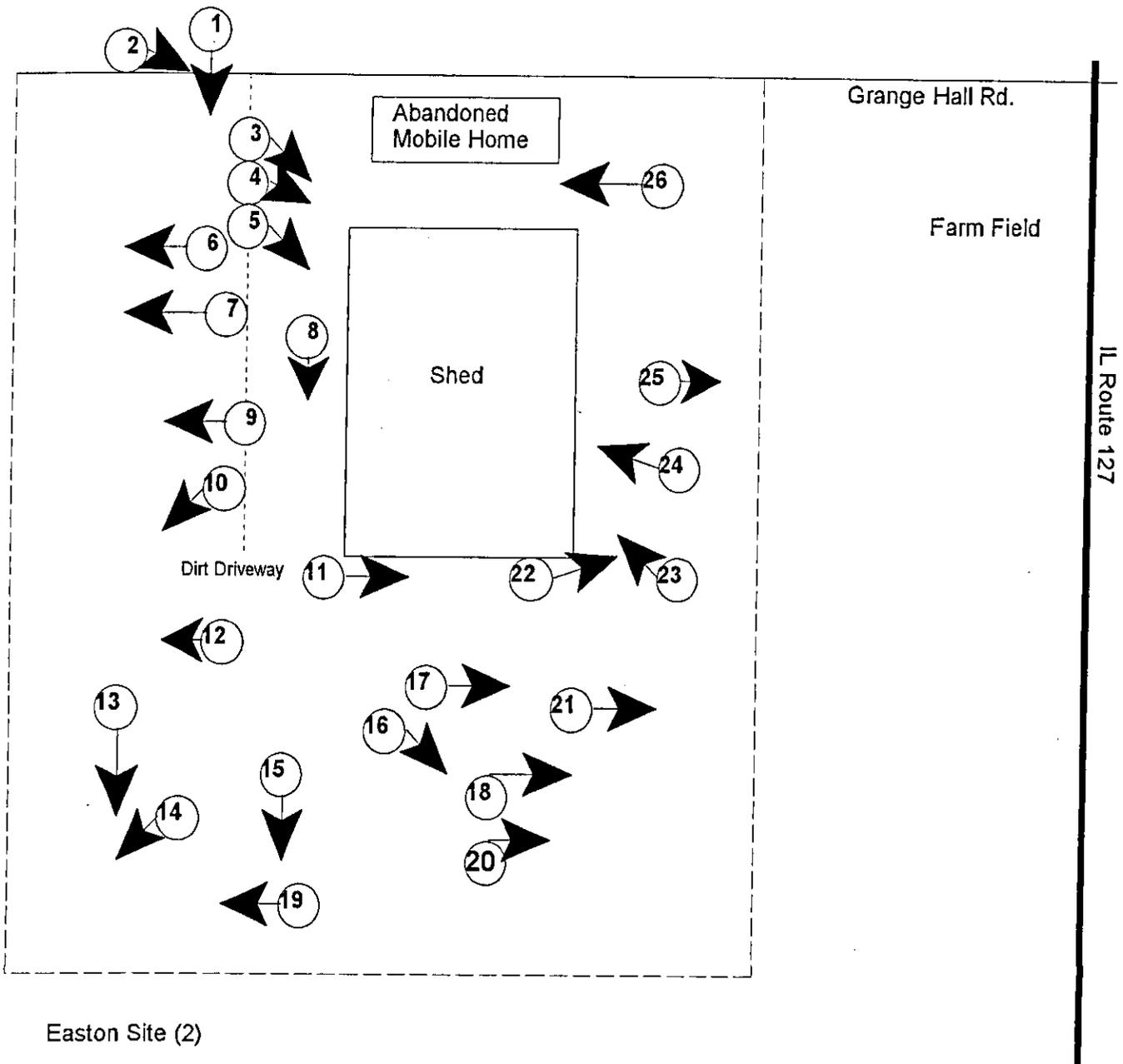
Site Name: Murphysboro / Gary Easton (2)

Time: 11:15 am - 11:30 am

Not Drawn to Scale

All locations are approximate

O → indicates approx. location & direction of photos



Easton Site (2)



Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-01

Time: 11:17 am

Photo Taken Toward:

South



Photo Name:
0778140035-01092007-02

Time: 11:17 am

Photo Taken Toward:

Southeast





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-03

Time: 11:18 am

Photo Taken Toward:

Southeast

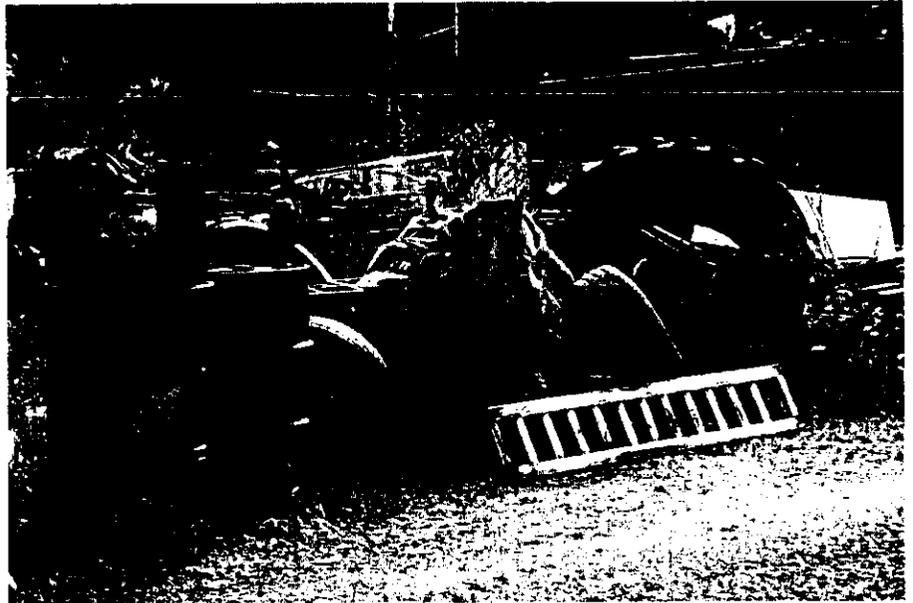


Photo Name:
0778140035-01092007-04

Time: 11:18 am

Photo Taken Toward:

Southeast





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-05

Time: 11:18 am

Photo Taken Toward:

Southeast



Photo Name:
0778140035-01092007-06

Time: 11:18 am

Photo Taken Toward:

West





Jackson County Inspection Digital Photo Sheet – Page 4

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-07

Time: 11:18 am

Photo Taken Toward:

West



Photo Name:
0778140035-01092007-08

Time: 11:19 am

Photo Taken Toward:

South





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-09

Time: 11:19 am

Photo Taken Toward:

West

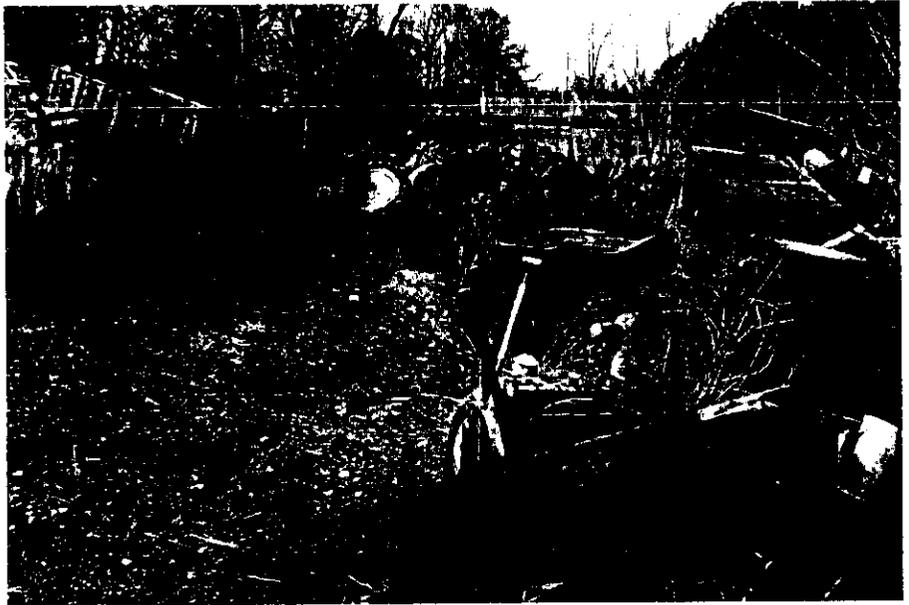
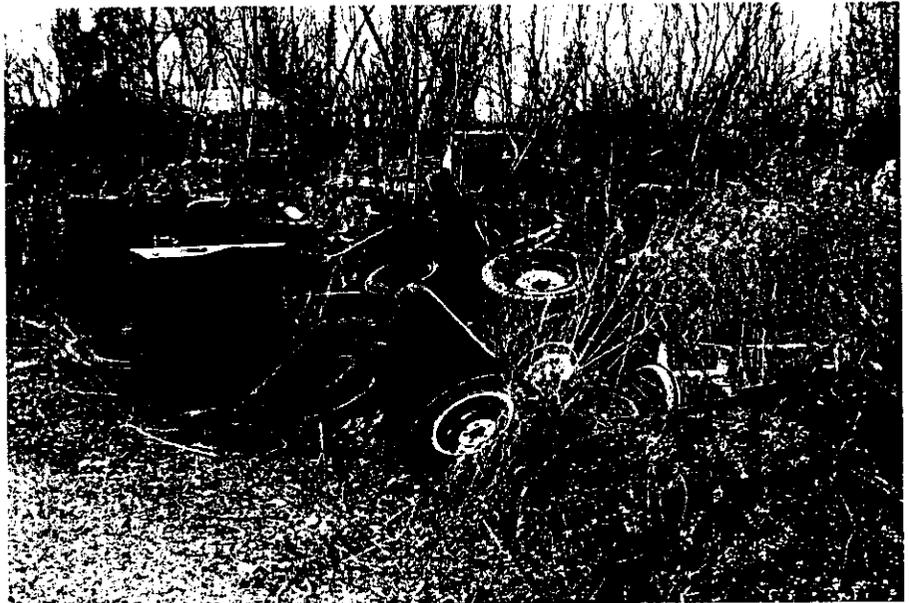


Photo Name:
0778140035-01092007-10

Time: 11:19 am

Photo Taken Toward:

Southwest





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-11

Time: 11:20 am

Photo Taken Toward:

East

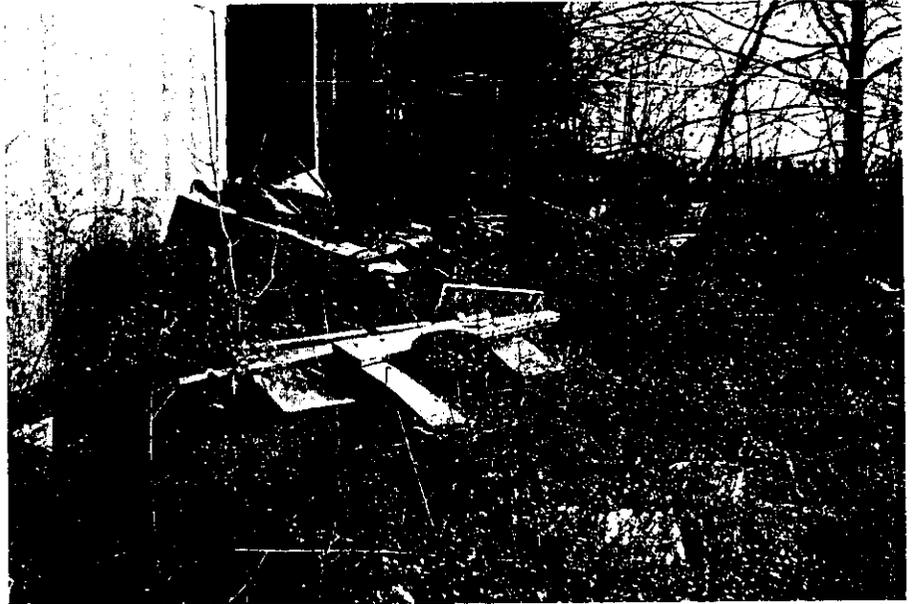


Photo Name:
0778140035-01092007-12

Time: 11:20 am

Photo Taken Toward:

West





Jackson County Inspection Digital Photo Sheet – Page 7

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-13

Time: 11:20 am

Photo Taken Toward:

South



Photo Name:
0778140035-01092007-14

Time: 11:21 am

Photo Taken Toward:

Southwest





Jackson County Inspection Digital Photo Sheet – Page 8

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-15

Time: 11:21 am

Photo Taken Toward:

South

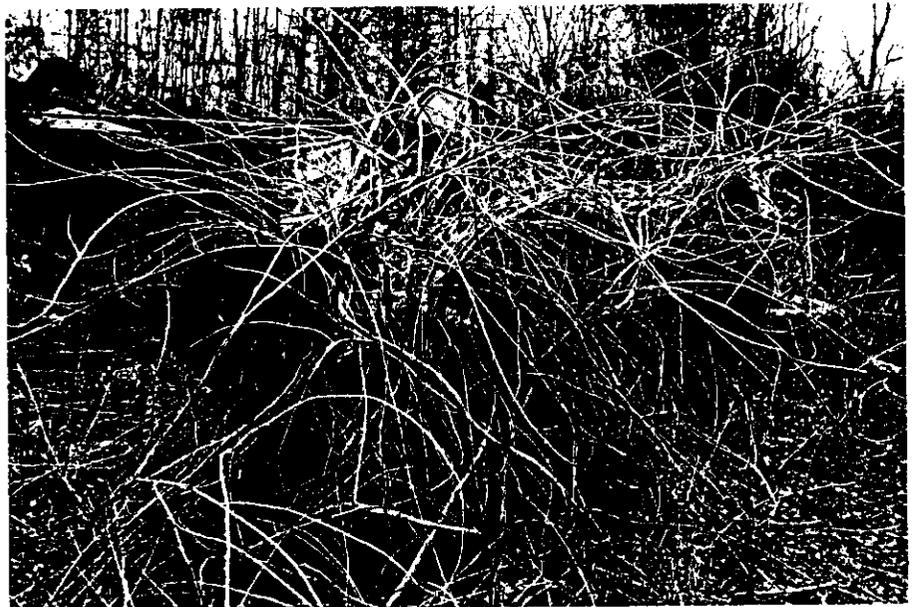


Photo Name:
0778140035-01092007-16

Time: 11:21 am

Photo Taken Toward:

Southeast





Jackson County Inspection Digital Photo Sheet – Page 9

Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-17

Time: 11:21 am

Photo Taken Toward:

East



Photo Name:
0778140035-01092007-18

Time: 11:21 am

Photo Taken Toward:

East





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-19

Time: 11:22 am

Photo Taken Toward:
West

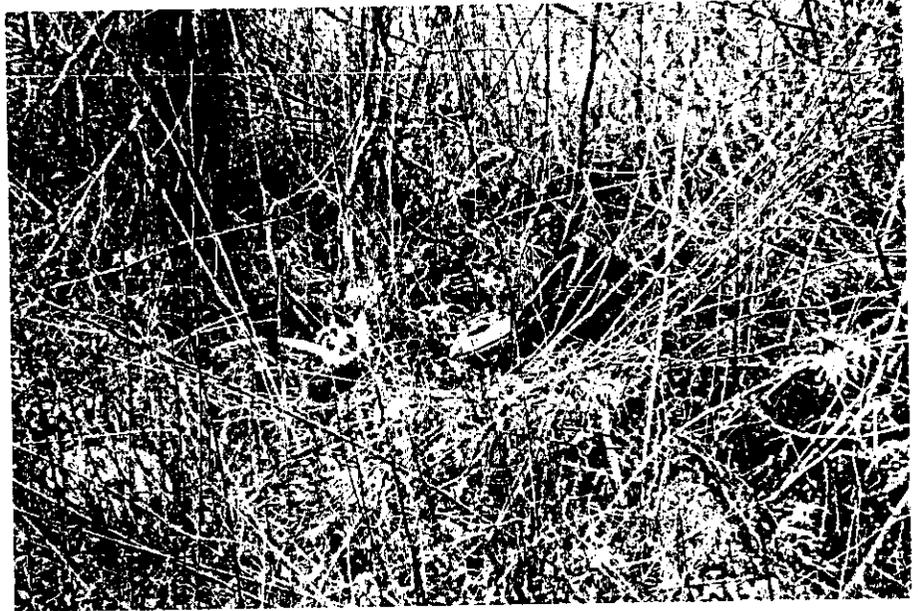


Photo Name:
0778140035-01092007-20

Time: 11:23 am

Photo Taken Toward:
Southeast





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-21

Time: 11:23 am

Photo Taken Toward:

East

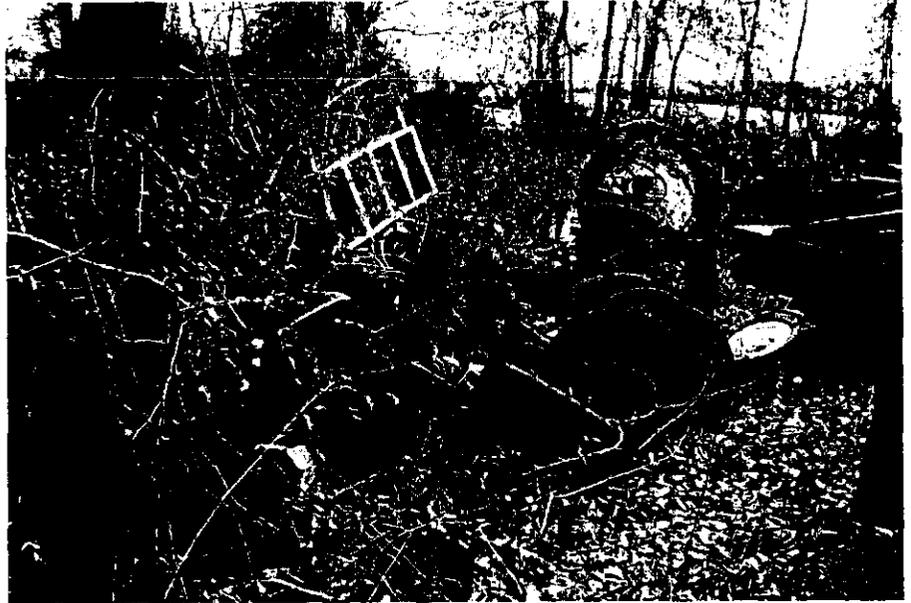


Photo Name:
0778140035-01092007-22

Time: 11:24 am

Photo Taken Toward:

East





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-23

Time: 11:25 am

Photo Taken Toward:

Northwest



Photo Name:
0778140035-01092007-24

Time: 11:25 am

Photo Taken Toward:

Northwest





Date of Inspection: January 9, 2007
Photos by: Don Terry

Site #: 0778140035
Site Name: Murphysboro / Gary Easton (2)

Photo Name:
0778140035-01092007-25

Time: 11:25 am

Photo Taken Toward:

East



Photo Name:
0778140035-01092007-26

Time: 11:26 am

Photo Taken Toward:

West

