



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

**ORIGINAL
RETURN TO CLERK'S OFFICE**

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APR 06 2012

**STATE OF ILLINOIS
Pollution Control Board**

AC 12-42

April 3, 2012

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. John K. Croslow
IEPA File No. 80-12-AC; 1018025004—Lawrence County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOHN K. CROSLow,

Respondent.

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AC

1242

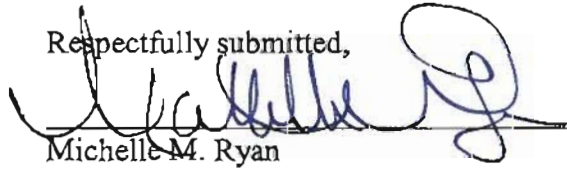
(IEPA No. 80-12-AC)

NOTICE OF FILING

To: John K. Croslow
1045 Madison Street
Bridgeport, IL 62417

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: April 3, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
APR 06 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHN K. CROSLow,)
)
)
)
)
Respondent.)

AC 12-42
(IEPA No. 80-12-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2010).

FACTS

1. That John K. Croslow is the current operator ("Respondent") of a facility located approximately 1.75 miles south of Bridgeport at 719 N 800 E Road, Lawrence County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Croslow, Marguerite.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1018025004.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on February 15, 2012, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 4-3-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0711.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his February 15, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2010).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010).
- (4) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 30, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 4/2/2012

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JOHN K. CROSLow,)
Respondent.)

AC 12-42
(IEPA No. 80-12-AC)

FACILITY: Croslow, Marguerite
SITE CODE NO.: 1018025004
COUNTY: Lawrence
CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: February 15, 2012

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

AFFIDAVIT

AC 12-42
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STATE OF ILLINOIS
Pollution Control Board

I, Garrison Gross, being first duly sworn upon oath, depose and state as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 15, 2012, between 11:45 a.m. and 12:05 p.m., Affiant conducted an inspection of the Marguerite Croslow site in Lawrence County, Illinois, known as Bridgeport / Croslow, Marguerite, by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1018025004 by the Agency.
3. Affiant inspected said Bridgeport / Croslow, Marguerite site by an on-site inspection, which included walking and photographing the site.
4. As a result of the material actions referred to in paragraph 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 Bridgeport / Croslow, Marguerite.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 13th day of March, 2012

Gail Stricklin
Notary Public

OFFICIAL SEAL
GAIL STRICKLIN
Notary Public, State of Illinois
My Commission Expires 08-03-14

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Lawrence LPC#: 1018025004 Region: 7 - Marion
 Location/Site Name: Bridgeport / Croslow, Marguerite
 Date: 02/15/2012 Time: From 11:45 a.m. To 12:10 p.m. Previous Inspection Date: N/A
 Inspector(s): Garrison Gross Weather: overcast skies, 43°F, light breeze, rain
 No. of Photos Taken: # 11 Est. Amt. of Waste: 30 yds³ Samples Taken: Yes # _____ No
 Interviewed: N/A Complaint #: C-12-011-M

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

Marguerite Croslow
 308 Fairmont Street
 Bridgeport, Illinois 62417

Gerald R. Croslow
 28 Edgewood Lane
 Centralia, Illinois 62801
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 STATE OF ILLINOIS
 Pollution Control Board**

	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 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 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 # 1018025004

Inspection Date: 02/15/2012

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
10.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 1018025004 – Lawrence County
Site Name: Bridgeport / Croslow, Marguerite
Date of Inspection: February 15, 2012
Inspector: Garrison Gross

Subject: Open Dump Site Inspection at Marguerite Croslow Property

General Remarks: An Open Dump Site Inspection was conducted on Wednesday, February 15, 2012, at property owned by Marguerite Croslow. Garrison Gross, representing the Illinois EPA Bureau of Land, conducted the inspection. David Carter representing Illinois the Department of Natural Resources Division of Oil and Gas was present during the inspection. The property is located approximately 1.75 miles south of Bridgeport at ~719 N 800 E Road. The inspection was performed as a follow up to a telephone complaint (C-12-011-M) alleging open dumping and open burning of tires. Weather conditions at the time of the inspection were overcast skies, rain, 43° F, with a light breeze. Surface conditions were wet and muddy.

Inspection Findings: The inspection began at approximately 11:45 a.m. We entered the site from 800 E Road (County Road 8) and traveled west approximately 400 yards along a single lane gravel and dirt road. The site consisted of agricultural fields and a wooded area. The road split and we continued up the left branch which led in a northwesterly direction. Approximately 140 yards from the intersection, we observed evidence of open burning. An area approximately 20 feet in diameter, was observed that contained numerous tire beads, steel belting, tire residue, ash, shingles and painted dimensional lumber (photos 001-003). A 1-gallon metal can was laying at the east edge of the pile and the contents may have been used as an accelerant. One unburned tire was present and it contained water and organic matter (photo 004). Due to the lack of leaves or surrounding vegetation, it appeared that the open burning of tires at this area was recent.

We traveled back to the intersection and followed the other branch north. We observed another area where open burning had occurred (photo 005 and 006). This area was approximately 12 feet in diameter and contained steel belting, tire residue, ash and unburned pieces of tires. One unburned tire was present and it contained water and organic matter (photo 007). The site was partially covered with hay bales and landscape waste (leaves). Due to the amount of landscape waste that was present, it appeared that the leaves had been dumped at the site; possibly to conceal the burning activities.

We continued north along the access road. Several men were working on an oil well along the northern part of the property. I did not interview them. Approximately 100 truck and tractor tires were observed in the wooded area located between the two access roads (photo 008 – 010). The tires were off the rim and contained water and organic matter. Some of the tires in this area appeared to have been there for a long time. Trees were growing up through some of the tires and algae was growing on some of them (photo 011). Approximately 30 cubic yards of waste was observed at the site. The inspection ended at approximately 12:05 p.m.

1018025004 – Lawrence County
Bridgeport / Croslow, Marguerite
February 15, 2012

Additional Remarks: Information concerning property ownership / control was obtained through tax records from the Supervisor of Assessment's Office in Lawrence County. Marguerite Croslow, 308 Fairmont Street, Bridgeport, Illinois 62417 is listed as the owner. The tax bill is mailed to Gerald R. Croslow, 28 Edgewood Lane, Centralia, Illinois 62801. The property is referred to as parcel 03-000-305-00 containing 37 acres and parcel 03-000-306-00 containing 40 acres.

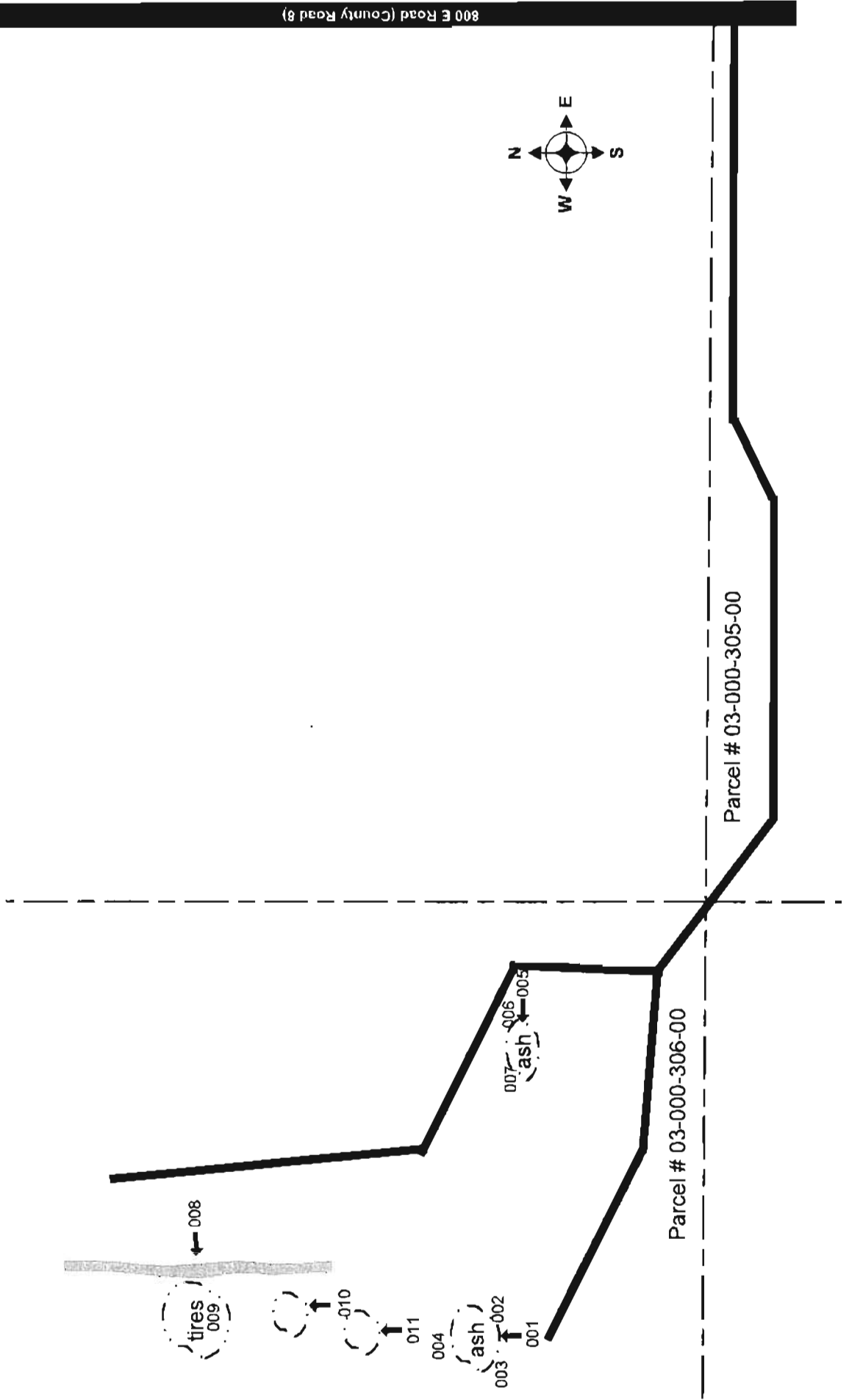
Summary of Apparent Violations:

9(a)	21(d)(2)	21(p)(7)	812.101(a)
9(c)	21(e)	55(a)(1)	
21(a)	21(p)(1)	55(a)(2)	
21(d)(1)	21(p)(3)	55(k)(1)	

State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: February 15, 2012
BOL ID #: 1018025004 – Lawrence County
Site Name: Croslow, Marguerite
Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 11:49 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 001
Comments: evidence of
open burning of tires



Date: 02/15/2012
Time: 11:49 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 002
Comments: tire beads,
steel belting, tire residue

File Names: 1018025004~02152012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 11:49 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 003
Comments: construction /
demolition debris
(shingles and painted
dimensional lumber)



Date: 02/15/2012
Time: 11:49 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 004
Comments: water in tires

File Names: 1018025004~02152012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 11:53 a.m.
Direction: west
Photo by: Garrison Gross
Exposure #: 005
Comments: evidence of
open burning of tires



Date: 02/15/2012
Time: 11:53 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 006
Comments: steel belting,
tire residue

File Names: 1018025004~02152012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 11:53 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 007
Comments: water in tires



Date: 02/15/2012
Time: 11:57 a.m.
Direction: west
Photo by: Garrison Gross
Exposure #: 008
Comments: open dumped waste tires

File Names: 1018025004~02152012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 11:58 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 009
Comments: water in tires



Date: 02/15/2012
Time: 11:59 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 010
Comments: open dumped waste tires

File Names: 1018025004~02152012-[Exp. #]-.jpg



DIGITAL PHOTOGRAPHS



Date: 02/15/2012
Time: 12:00 p.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 011
Comments: open dumped
waste tires

PROOF OF SERVICE

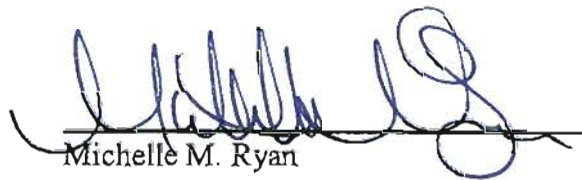
I hereby certify that I did on the 3rd day of April 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: John K. Croslow
1045 Madison Street
Bridgeport, IL 62417

RECEIVED
CLERK'S OFFICE
APR 06 2012
STATE OF ILLINOIS
Pollution Control Board

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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