

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

**RECEIVED  
CLERK'S OFFICE**

**MAR 08 2013**

**STATE OF ILLINOIS  
Pollution Control Board**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ELMER and GREG ROWE, )  
 )  
 Respondents. )

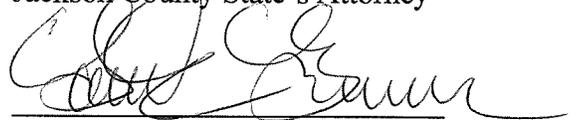
AC 13 - 39  
Site Code: 077 812 5011

**NOTICE OF FILING**

To: Elmer Rowe, 2260 Jerusalem Hill Road, Pomona, Illinois 62975  
and Greg Rowe, 230 Springdale 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.

MICHAEL C. CARR  
Jackson County State's Attorney



DANIEL BRENNER  
Assistant State's Attorney  
Jackson County Courthouse  
3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

015-00774

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

COUNTY OF JACKSON, )  
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 Complainant, )  
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 v. )  
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 ELMER and GREG ROWE, )  
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 Respondents. )

AC 13 - 39  
Site Code: 077 812 5011

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CLERK'S OFFICE  
MAR 08 2013  
STATE OF ILLINOIS  
Pollution Control Board

**Serve on: Greg Rowe, 230 Springdale 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: Greg Rowe  
Address: 230 Springdale Rd Murphysboro  
Sex: Male  Female   
Age: 81 1/2  
Date of service: 02/28/13, 2013.  
Time: 10:50 A.m.

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

Lee Burns

PLEASE RETURN TO:  
DANIEL BRENNER  
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

111943

03-00773

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF JACKSON, )  
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AC 13 - 39  
Site Code: 077 812 5011

RECEIVED  
CLERK'S OFFICE  
MAR 08 2013  
STATE OF ILLINOIS  
Pollution Control Board

Serve on: Elmer Rowe, 2260 Jerusalem Hill Road, Pomona, Illinois 62975

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: Elmer Rowe  
Address: 2260 Jerusalem Hill Rd Pomona IL  
Sex: Male  Female   
Age: 11-19-43  
Date of service: 02/28/13, 2013.  
Time: 10:15 A .m.

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

Lee Dwyer

PLEASE RETURN TO:  
DANIEL BRENNER  
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
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MAR 08 2013

STATE OF ILLINOIS  
Pollution Control Board

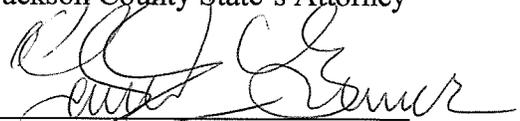
COUNTY OF JACKSON, )  
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 v. )  
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 ELMER and GREG ROWE, )  
 )  
 Respondents. )

AC 13 - 39  
Site Code: 077 812 5011

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Jackson.

MICHAEL C. CARR  
Jackson County State's Attorney



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 08 2013

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
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 Complainant, )  
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 v. )  
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 ELMER and GREG ROWE, )  
 )  
 Respondents. )

AC 13 - 39  
Site Code: 077 812 5011

**JURISDICTION**

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

**FACTS**

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

2. The Respondent, Greg Rowe, has access to and operates a facility located in the County of Jackson, Illinois.

3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 077 812 5011. The facility is known to the Agency as the Pomona/Elmer Rowe site.

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

5. On January 25, 2013, 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 25, 2013, an 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 scavenging at the facility in violation of 415 ILCS 5/21(p)(2).
3. The Respondents have caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).
4. The Respondents have caused or allowed the deposition of general or clean construction or demolition debris at the facility in violation of 415 ILCS 5/21(p)(7).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondents are 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 Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 1, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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 Fifteen Hundred Dollars (\$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), if Respondents fail to petition or elect 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, checks shall be made payable in equal amounts (50% of total penalty each) to:

- (1) County of Jackson, c/o Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois 62966; and
- (2) 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.

Respondents shall complete and return the enclosed Remittance Forms with payments 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 Respondents from the date payment is due up to and

including the date that payment is received. The Complainant may either initiate proceedings against either or both Respondents in Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

### **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 also 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. YOUR PETITION MUST STATE THE REASON(S) YOU BELIEVE THE PRESENT MATTER SHOULD NOT BE ISSUED. IF YOU FAIL TO FILE YOUR PETITION AND STATE THE REASONS THE PRESENT MATER SHOULD NOT BE ISSUED, 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: FEB. 25, 2013

MICHAEL C. CARR  
Jackson County State's Attorney

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

DANIEL BRENNER  
Assistant State's Attorney  
County of Jackson, Illinois

**REMITTANCE FORM TO COUNTY OF JACKSON**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ELMER and GREG ROWE, )  
 )  
 Respondents. )

AC13 - 39  
Site Code: 077 812 5011

FACILITY: Pomona/Elmer Rowe Site  
COUNTY: JACKSON  
DATE OF INSPECTION: January 25, 2013  
SITE CODE: 077 812 5011

Date Remitted: \_\_\_\_\_, 2013

SS or 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

**REMITTANCE FORM TO ILLINOIS EPA**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC13 -  
 ) Site Code: 077 812 5011  
 ELMER and GREG ROWE, )  
 )  
 Respondents. )

FACILITY: Pomona/Elmer Rowe Site  
COUNTY: JACKSON  
DATE OF INSPECTION: January 25, 2013  
SITE CODE: 077 812 5011

Date Remitted: \_\_\_\_\_, 2013

SS or FEIN # \_\_\_\_\_

Signature \_\_\_\_\_

**NOTE**

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

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Jackson LPC#: 077 812 5011 Region: 7 - Marion  
 Location/Site Name: Pomona / Elmer Rowe  
 Date: 01/25/2013 Time: From 1:47 pm To 2:01 pm Previous Inspection Date: 06/27/2002  
 Inspector(s): Don Terry Weather: 41°F -- Sunny with calm winds  
 No. of Photos Taken: # 15 Est. Amt. of Waste: 60 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Mr. Elmer Rowe Complaint #: 2013-018  
 Latitude: 37.62059 Longitude: -89.35171 Collection Point Description: Site Entrance -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 17 feet

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

**\*\*OWNER\*\***  
 Mr. Elmer Rowe  
 2260 Jerusalem Hill Road  
 Pomona, IL 62975

**\*\*OPERATOR\*\***  
 Mr. Greg Rowe  
 230 Springdale Road  
 Murphysboro, IL 62966

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 AND REGULATIONS	<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 checked="" 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 # 077 812 5011

Inspection Date: 01/25/2013

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
15.	815.201	<b>FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
16.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
17.	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

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- The provisions of subsection (p) of Section 21 and subsection (k) of Section 55 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

## *Inspection Report Document: Open Dump Site Narrative*

**Inspection Date:** January 25, 2013

**Time:** 1:47 p.m. – 2:01 p.m.

**Site Code:** 077 812 5011

**Site Name:** Pomona / Elmer Rowe

**County:** Jackson

**Inspector:** Don Terry

**Est. Waste Volume:** 60 cubic yards

**Previous Inspection:** 06/27/2002

**Location:** Lat 37.62059 Long -89.35171

**GPS Accuracy:** +/- 17 feet

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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 the Jackson County Health Department (Complaint #2013-018). Complainant stated that Greg Rowe, son of the land owner, was bringing in mobile homes, removing materials that could be sold and then disposed of the remaining materials by open burning them. Weather conditions at the time of the inspection were: Sunny with calm winds and a temperature of approximately 41°F. I was accompanied on this inspection by Henry Mulder of the Jackson County Health Department.

I approached the site from the east on Jerusalem Hill Road. From Jerusalem Hill Road I observed what appeared to be a mobile home frame in a field to the north. I observed that the mobile home frame was surrounded by materials scattered on the ground. The materials I observed scattered on the ground around the mobile home frame appeared to have been subjected to burning given that some of the ground and vegetation near the mobile home frame was black. Also most of the materials lying near the mobile home frame were a white/grey color, similar to ash.

I parked my vehicle and entered the site by walking along a driveway that crossed a creek (**Site Sketch**). To the south I observed waste piles (**Photos #1 & #2, Site Sketch Area A**). I observed that the ground around one of the waste piles was charred which would indicate that waste had been open burned at this location (**Photo #1, Site Sketch Area A**). The waste in the piles in the area labeled "A" on the Site Sketch, included, but was not limited to: ash, scrap metal, broken glass, waste tires, dimensional lumber, plywood, metal beverage cans, steel belts from tires, cardboard, an abandoned recreational vehicle, a plastic bucket, PVC pipe, metal electrical boxes and metal mattress springs.

To the east I observed the waste pile from the burned mobile home I saw from Jerusalem Hill Road when I arrived at the site (**Photos #3 - #5 & #10, Site Sketch MH1**).

I walked to the waste pile labeled MH1 on the Site Sketch. The waste in this pile consisted of, but was not limited to: ash, a steel frame, a metal bathtub, metal vent, PVC pipe, fiberglass insulation, electrical wire, broken gypsum board, and steel belts wrapped around a metal tire rim (**Photos #3 - #5 & #10, Site Sketch MH1**). The steel belts wrapped around the metal tire rim indicate that waste tires were disposed of by burning along with the other waste from the mobile home. As I walked around this waste pile, I could feel heat being given off by the waste, indicating that the mobile home had been burned recently. Southeast of the waste pile labeled MH1 on the site sketch, I observed a toilet and refrigerator which had been placed away from the burned mobile home (**Photo #9, Site Sketch MH1**).

East of the waste pile labeled MH1 on the site sketch, I observed other waste piles (**Site Sketch Areas B & C**). The waste in these piles consisted of but was not limited to: ash, dimensional lumber (some charred and some unburned), fiberglass insulation, wood paneling, wooden furniture, plastic tarpaulins, carpeting, waste tires, cardboard, plastic sheeting, roofing shingles, wooden pallets and roofing metal (**Photos #6 - #8, Site Sketch Areas B & C**).

I walked north up a small hill and observed what appeared to be waste remaining from the burning of a mobile home or other structure (**Photos #11 - #14, Site Sketch MH2**). The waste in this area consisted of, but was not limited to: ash, broken gypsum board, dimensional lumber, scrap metal, concrete blocks, fiberglass insulation, metal beverage cans and expanded polystyrene insulation boards. The vegetation and soil near this waste pile, as well as many of the items in the waste pile, were charred, indicating that the waste in this area had been burned at this location.

Mr. Mulder, a sanitarian at the Jackson County Health Department, explained to me that he knew that Mr. Elmer Rowe, the property owner, lived in the residence just south of where we were located. We walked toward the residence, when a dog began barking. At that time an individual came out of the residence and asked if he could help us. We introduced ourselves and asked the individual if he was Mr. Rowe. The individual confirmed that he was Mr. Rowe. It was then explained to Mr. Rowe that the open dumping and open burning of the demolition waste on his property was not permitted in Illinois. It was also explained to Mr. Rowe that the open dumping and open burning of the demolition waste could result in legal actions being taken, resulting in fines starting at \$1500 per violation. Mr. Rowe told us that his son, Greg Rowe was the one doing the trailer demolition and that it would not happen again. Mr. Rowe said his son told him that he could not make any money demolishing trailers and was discontinuing the practice.

The total volume of waste observed was approximately 60 cubic yards.

My inspection ended at approximately 2:01 p.m.

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, evidence of 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, 2 & 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, (2) Scavenging 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, scavenging and the deposition of general construction or demolition debris 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, the Jackson County Health Department (Department) had not received from the Illinois Environmental Protection Agency (Agency) documentation that the owner or the operator of this site had obtained from the Agency a permit to conduct 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 or standards adopted by the Board regarding the operation of a waste-storage, waste-treatment or waste-disposal site were observed. One such violation was of 811.107(k) that prohibits uncontrolled litter at the site. During the inspection, the open dumping of waste that resulted in litter was 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 brought to this site from another for disposal was observed. Also at the time of this inspection, this site did not meet any of the requirements of the Act for landfills.

**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 #9(55)(a)(2): No person shall: Cause or allow open burning of any used or waste tire:** During the inspection, evidence of the burning of waste tires was observed.

**Item #11(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill:** At the time of the inspection, the Department had not received from the Agency documentation that either the site owner or operator had submitted an application for a permit to develop and operate a landfill.

**Item #17(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site:** At the time of the inspection, the Department had not received from the Agency documentation that either the site owner or operator had obtained a Developmental Permit to operate a solid waste management site.

**Item #17(807.202): Failure to obtain an Operational Permit to operate a solid waste management site:** At the time of the inspection, the Department had not received from the Agency documentation that either the site owner or operator had obtained an Operational Permit to operate a solid waste management site.



# Jackson County Inspection Digital Photo Sheet – Page 1



**Public Health**  
Prevent. Promote. Protect.

Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-01

Time: 1:49 p.m.

Photo Taken Toward:

Southeast



Photo Name:  
0778125011-01252013-02

Time: 1:49 p.m.

Photo Taken Toward:

South





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-03

Time: 1:49 p.m.

Photo Taken Toward:

East



Photo Name:  
0778125011-01252013-04

Time: 1:49 p.m.

Photo Taken Toward:

Southeast





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-05

Time: 1:49 p.m.

Photo Taken Toward:

South



Photo Name:  
0778125011-01252013-06

Time: 1:50 p.m.

Photo Taken Toward:

Southeast





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-07

Time: 1:50 p.m.

Photo Taken Toward:  
Northeast



Photo Name:  
0778125011-01252013-08

Time: 1:50 p.m.

Photo Taken Toward:  
Northeast





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-09

Time: 1:51 p.m.

Photo Taken Toward:

Southeast

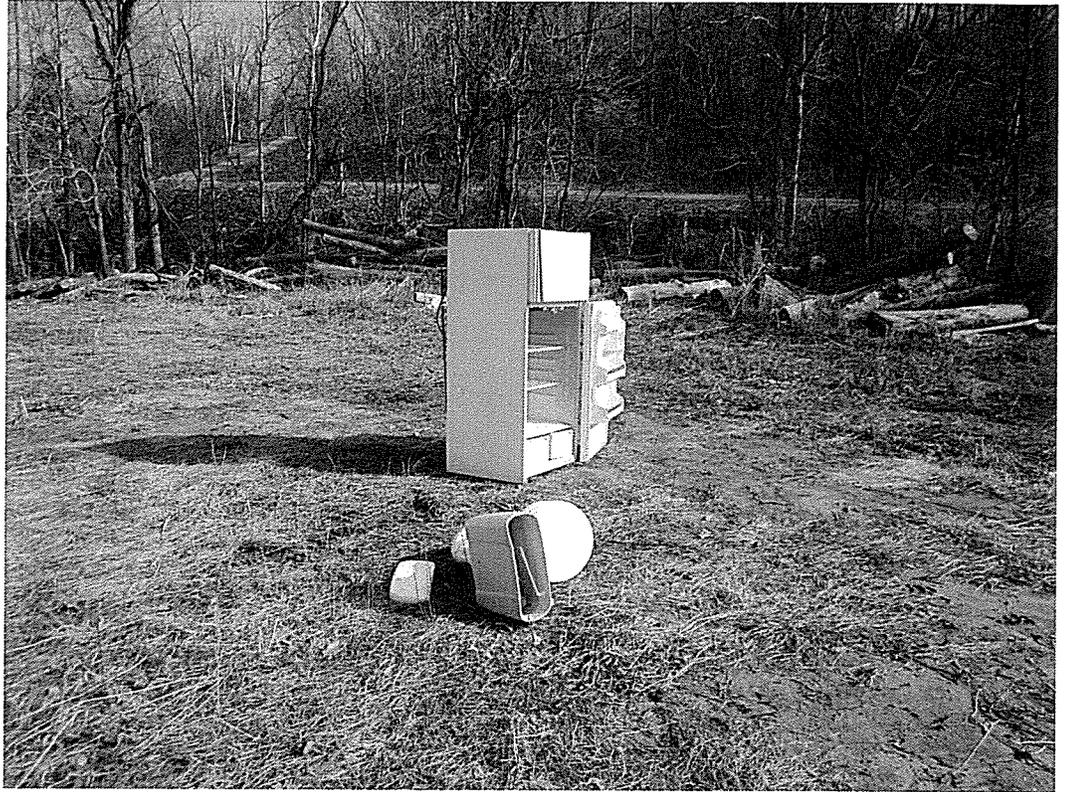


Photo Name:  
0778125011-01252013-10

Time: 1:51 p.m.

Photo Taken Toward:

Northwest





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-11

Time: 1:52 p.m.

Photo Taken Toward:

North



Photo Name:  
0778125011-01252013-12

Time: 1:52 p.m.

Photo Taken Toward:

Northwest





Inspection Date: January 25, 2013  
Photos by: Don Terry

Site #: 077 812 5011  
Site Name: Pomona / Elmer Rowe

Photo Name:  
0778125011-01252013-13

Time: 1:52 p.m.

Photo Taken Toward:  
Northwest



Photo Name:  
0778125011-01252013-14

Time: 1:52 p.m.

Photo Taken Toward:  
North





**JACKSON COUNTY STATE'S ATTORNEY**  
**Michael C. Carr, State's Attorney**

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966  
(618) 687-7200 • FAX (618) 687-7215

March 5, 2013

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

**RECEIVED**  
CLERK'S OFFICE

MAR 08 2013

STATE OF ILLINOIS  
Pollution Control Board

A2013-39

Re: Administrative Citation – Pomona/Elmer Rowe Site  
Site Code 077 812 5011  
Inspection Date: January 25, 2013  
Date of Service: February 28, 2013 (Both Respondents)

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Elmer and Greg Rowe. The site is known as the Pomona/Elmer Rowe site.

Elmer Rowe's mailing address is 2260 Jerusalem Hill Road, Pomona, Illinois 62975. Greg Rowe's mailing address is 230 Springdale Road, Murphysboro, Illinois 62966. Also enclosed with this material is a proof of service showing both of the respondents were served with the administrative citation packet.

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

Sincerely,

MICHAEL C. CARR  
Jackson County State's Attorney

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

DANIEL BRENNER  
Assistant State's Attorney  
Jackson County, Illinois

encls.

cc: Jackson County Health Department