

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERKS OFFICE
FEB 19 2020
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)	
)	
Complainant,)	AC 20-
)	
v.)	Site Code: 077 810 5103
)	
NORMAN MARTIE and MONICA)	
MARTIE,)	
)	
Respondents.)	

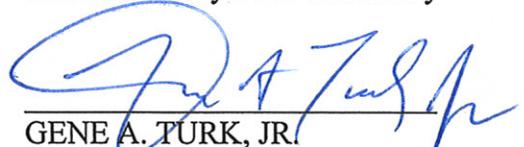
NOTICE OF FILING

TO: Norman Martie, 9814 Highway 127 South, Murphysboro, IL 62966

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board an Administrative Citation in the above-styled action, a copy of which is herewith served upon you.

Dated: February 5, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



GENE A. TURK, JR.
Assistant State's Attorney
Office of the State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
618-687-7200
gene.turk@jacksoncounty-il.gov
Counsel for the Complainant

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF JACKSON,)	
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NORMAN MARTIE and MONICA)	
MARTIE,)	
)	
Respondents.)	

RECEIVED
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 STATE OF ILLINOIS
 Pollution Control Board

NOTICE OF FILING

TO: Monica Martie, 9814 Highway 127 South, Murphysboro, IL 62966

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board an Administrative Citation in the above-styled action, a copy of which is herewith served upon you.

Dated: February 5, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



 GENE A. TURK, JR.
 Assistant State's Attorney
 Office of the State's Attorney
 Jackson County Courthouse, 3d Floor
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 Counsel for the Complainant

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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COUNTY OF JACKSON,)	
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)	
NORMAN AND MONICA MARTIE,)	
)	
Respondents.)	

APPEARANCE

NOW COMES Gene A. Turk, Jr., Assistant Jackson County State's Attorney, and enters his appearance in the above-styled cause on behalf of the Complainant, County of Jackson.

Dated: February 5, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



 GENE A. TURK, JR.
 Assistant State's Attorney
 Office of the State's Attorney
 Jackson County Courthouse, 3d Floor
 Murphysboro, Illinois 62966
 618-687-7200
gene.turk@jacksoncounty-il.gov
 Counsel for the Complainant

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF JACKSON,)	
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FEB 19 2020
 STATE OF ILLINOIS
 Pollution Control Board

CERTIFICATE OF SERVICE

TO: Norman Martie, 9814 Highway 127 South, Murphysboro, IL 62966

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Notice of Filing in the above-styled action were hand delivered to:

Name: Andre' Adams - Stepson
 Address: 9814 Highway 127, Murphysboro, IL 62966
 Sex: Male / Female (circle one) Approximate Age: 8-28-94
 Date of Service: 2-11, 2020
 Time of Service: 8:45 a.m. / p.m.

Mike Bastin
 /s/ Robert Burns, Jackson County Sheriff
 By his Deputy

Please return original to: GENE A. TURK, JR.
 Assistant State's Attorney
 Office of the State's Attorney
 Jackson County Courthouse, 3d Floor
 Murphysboro, Illinois 62966
 Counsel for the Complainant

*Copy
 Mailed
 02/11/20*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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FEB 19 2020
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,) AC 20-
)
 v.) Site Code: 077 810 5103
)
 NORMAN AND MONICA MARTIE,)
)
 Respondents.)

CERTIFICATE OF SERVICE

TO: Monica Martie, 9814 Highway 127 South, Murphysboro, IL 62966

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Notice of Filing in the above-styled action were hand delivered to:

Name: Andre' Adams - Son
Address: 9814 Highway 127, Murphysboro, IL 62966
Sex: (Male)/Female (circle one) Approximate Age: 8-28-94
Date of Service: 2-11, 2020
Time of Service: 8:45 (a.m.)/p.m.

Mike Bastien
/s/ Robert Burns, Jackson County Sheriff
By his Deputy

Please return original to: GENE A. TURK, JR.
Assistant State's Attorney
Office of the State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
Counsel for the Complainant

Copy
mailed
02/11/20

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)	
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v.)	Site Code: 077 810 5103
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NORMAN AND MONICA MARTIE,)	
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 CLERK'S OFFICE
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 STATE OF ILLINOIS
 Pollution Control Board

ADMINISTRATIVE CITATION

NOW COMES the Complainant, County of Jackson, by and through the Jackson County State's Attorney, with this Administrative Citation against the Respondents, NORMAN MARTIE and MONICA MARTIE, alleging as follows:

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 Respondents, Norman Martie and Monica Martie, are the present owners, occupants 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 077 810 5103. The facility is known to the Agency as the Murphysboro/Norman & Monica Martie site.
3. The Respondents have owned, occupied, controlled and/or operated the facility at all material times hereto.

4. On December 20, 2019, Deborah Johnson, Environmental Compliance Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of her Affidavit, along with her inspection report, are attached and incorporated herein by reference as Exhibit A.
5. Previously, on October 19, 2018, an Administrative Citation Warning Notice ["ACWN"] was issued to Norman and Monica Martie for open burning and open dumping apparent violations.
6. Subsequently, a Continuing Violation Notice ["CVN"] was issued on February 13, 2019.
7. On May 15, 2019, an ACWN was issued to the same individuals for the same address.
8. On July 12, 2019, another CVN was issued to the same Respondents.

VIOLATIONS

The facility was most recently inspected on December 20, 2019. Based on Environmental Compliance Inspector Deborah Johnson's direct observations, she has determined the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

- A. The Respondents have caused or allowed litter at the facility, in violation of 415 ILCS 5/21(p)(1).
- B. The Respondents have caused or allowed open burning at the facility, in violation of 415 ILCS 5/21(p)(3).
- C. The Respondents have caused or allowed the deposit 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 FOUR THOUSAND FIVE HUNDRED (\$4,500.00).

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 thirty (30) days from the date that you are served with this document, 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, 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 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 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, checks shall be made payable in equal amounts (50% of the 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.

Respondent 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 Respondent from the date payment is due up to and including the date that payment is received. The Complainant may either initiate proceedings against the Respondent 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 the Jackson County State's Attorney. The mailing addresses are noted below.

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 MATTER 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:

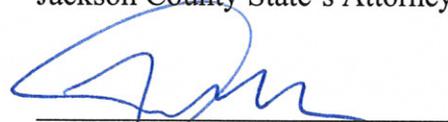
Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

A copy must also be sent to:

Jackson County State's Attorney
c/o Gene A. Turk, Jr., Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, Illinois 62966

Dated: February 5, 2020.

MICHAEL C. CARR
Jackson County State's Attorney



GENE A. TURK, JR.
Assistant State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro, Illinois 62966
618-687-7200
gene.turk@jacksonco-il.gov
Counsel for Complainant

REMITTANCE FORM TO COUNTY OF JACKSON

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	AC 20-
v.)	
)	Site Code: 077 810 5103
NORMAN MARTIE and MONICA)	
MARTIE,)	
)	
Respondent.)	

FACILITY: Murphysboro/Norman & Monica Martie Site

COUNTY: JACKSON

DATE OF INSPECTION: December 20, 2019

SITE CODE: 077 810 5103

Date Remitted: _____, 2020

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. Mail the check, along with this remittance form, to:

Liz Hunter, Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois 62966

REMITTANCE FORM TO ILLINOIS EPA

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	AC 20-
v.)	
)	Site Code: 077 810 5103
NORMAN MARTIE and MONICA)	
MARTIE,)	
)	
Respondents.)	

FACILITY: Murphysboro/Norman & Monica Martie Site

COUNTY: JACKSON

DATE OF INSPECTION: December 20, 2019

SITE CODE: 077 810 5103

Date Remitted: _____, 2020

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. Mail the check, along with this remittance form, to:

Illinois Environmental Protection Agency
Attn: Fiscal Services
P.O. Box 19276
Springfield, Illinois 62794-9276

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

**0778105103/ Jackson County
Murphysboro / Norman & Monica Martie
COMPLIANCE FILE**

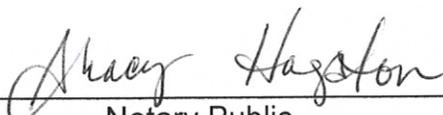
Norman & Monica Martie, Respondents.

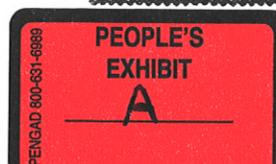
Affiant, Deborah Johnson, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is an Environmental Compliance inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On December 20, 2019, between the hours of 9:18 a.m. and 9:23 a.m. Affiant conducted an inspection of the open dump site known as Murphysboro/ Norman & Monica Martie, 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 Murphysboro/ Norman & Monica Martie, Illinois, open dump site.


Deborah Johnson
Compliance Specialist

Subscribed and Sworn Before me
this 26 day of December, 2019


Notary Public



Jackson County Health Department
Open Dump Evaluation Report

General Facility Information			
BOL ID:	0778105103	Region:	Marion
USEPA ID:	Not Applicable	County:	Jackson
Site Name:	Murphysboro/Norman Martie	Phone:	
Address:	9814 Hwy 127 South	Latitude:	37.737834
City/State/Zip:	Murphysboro, IL 62966	Longitude:	-89.323715

Owner	Operator
Norman Martie 9814 Hwy 127 South Murphysboro, IL 62966	Monica Martie 9814 Hwy 127 South Murphysboro, IL 62966

Evaluation Details	
Evaluation Type	Open Dump Inspection (21P)
Evaluation Date	December 20, 2019
Inspector(s)	Deborah Johnson
Person(s) Interviewed	N/A
Previous Inspection Date	July 12, 2019

Observations	
Time	9:18 a.m.– 9:23 a.m.
Weather Conditions (Description)	Partly sunny; low winds
Temperature (°F)	43
Photos Taken (Yes/No)	7
Amount of Waste (Cubic Yards)	≈ 15

Executive Summary

Pursuant to a complaint received at the Jackson County Health Department (JCHD) alleging open burning at this site, I conducted a follow up inspection on December 20, 2019. Brittany Jones of JCHD accompanied during the inspection. The complaint was valid, and I observed evidence of open burning.

The original inspection of this site was pursuant to an open burning complaint. An Administrative Citation Warning Notice (ACWN) was issued to Norman and Monica Martie on October 19, 2018 for open burning and open dumping apparent violations. Subsequently, a Continuing Violation Notice (CVN) was issued on February 13, 2019, another ACWN on May 15, 2019, and another CVN on July 12, 2019. During the July 12, 2019 inspection, I noticed a large portion of the open dumped items had been removed and the front yard was mostly cleaned-up. However, as of December 20, 2019 inspection, Mr. and Ms. Martie had not fully complied with the CVN issued on July 12, 2019, and during the follow-up inspection, I observed evidence of open burning in the front yard and continuing open dumping of waste in the backyard.

Evaluation Narrative

Upon arrival, I started the inspection by photographing the burn location in the front yard (Photo 1). Adjacent to the burn location, and among metal drums and a metal trash can, were charred remains of waste metal items, a fabric chair, plastic items and cardboard. Photo 2 shows packaging material inside one of the metal drums. I then went to the residence. No one answered the knock at the door. From this location, I photographed a close-up of the recent burn pile (Photo 3) and an overview of the burn location (Photo 4). The burn pile consisted of charred dimensional lumber, hose, various types of wire, and landscape waste. Also, on the ground were waste chair components, wooden boards, a hose, and a wooded drawer with charred metal cans inside of it.

In the back portion of the property, I noticed that the majority of the open dumped waste was still in the back yard and was moved into a central location (Photo 5). The open dumped waste included, but was not limited to: fabric couch/chair, carpet, used waste tire, wooden boards and dimensional lumber, various metal and plastic items, electronics, landscape waste, and items not readily identifiable. Photo 6 shows the dilapidated building at the northeast corner of the property. Before I left the backyard, I noted that most of the waste against the residence had been removed from that location (Photo 7).

As of this report, I have not received any recycling and/or waste disposal receipts. Waste material listed in this narrative were not in use, were not usable in their current condition and/or were not stored in a manner to protect the material for future use.

According to the Jackson County Assessor's Office online records, the real estate tax bill for this property is sent to Mr. Norman Martie located at the site address. The parcel number is 14-15-301-003.

Summary of Apparent Violation(s)			
Status	Date Cited	Violation	Narrative
Continuing	12/20/2019	21(a)	Cause or allow open dumping
Continuing	12/20/2019	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
Continuing	12/20/2019	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	12/20/2019	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	12/20/2019	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Continuing	12/20/2019	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	12/20/2019	9(c)	Cause or allow open burning

Continuing	12/20/2019	55(a)(3)	Cause or allow storage of a used/waste tire that is not altered, not covered, or otherwise prevented from accumulating water
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Attachment Listing		
ID	Type	Description
No Attachments		

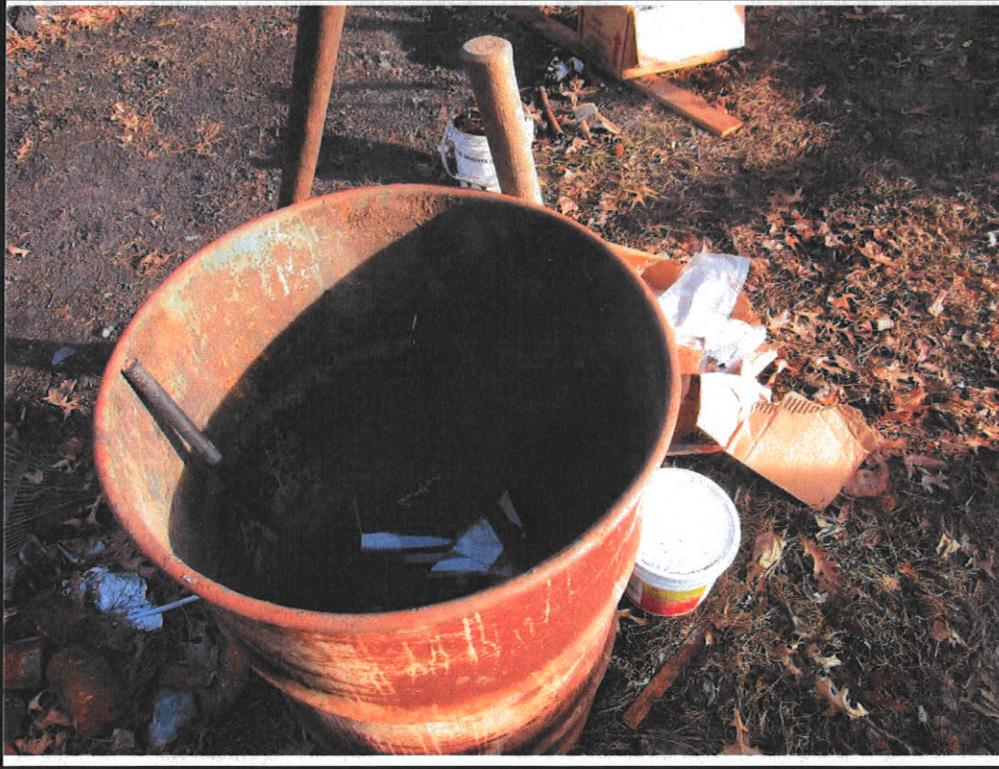
Digital Photographs



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 1
Photo Date: 12/20/2019
Photo Time: 9:21 a.m.
Direction: East
Taken By: Deborah Johnson

Among metal drums and a metal trash can were charred remains of waste metal items, a fabric chair, plastic items and cardboard.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 2
Photo Date: 12/20/2019
Photo Time: 9:21 a.m.
Direction: East
Taken By: Deborah Johnson

Packaging material inside the burn barrel. Charred cans, a plastic container, and cardboard surround the barrel.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 3
Photo Date: 12/20/2019
Photo Time: 9:22 a.m.
Direction: West
Taken By: Deborah Johnson

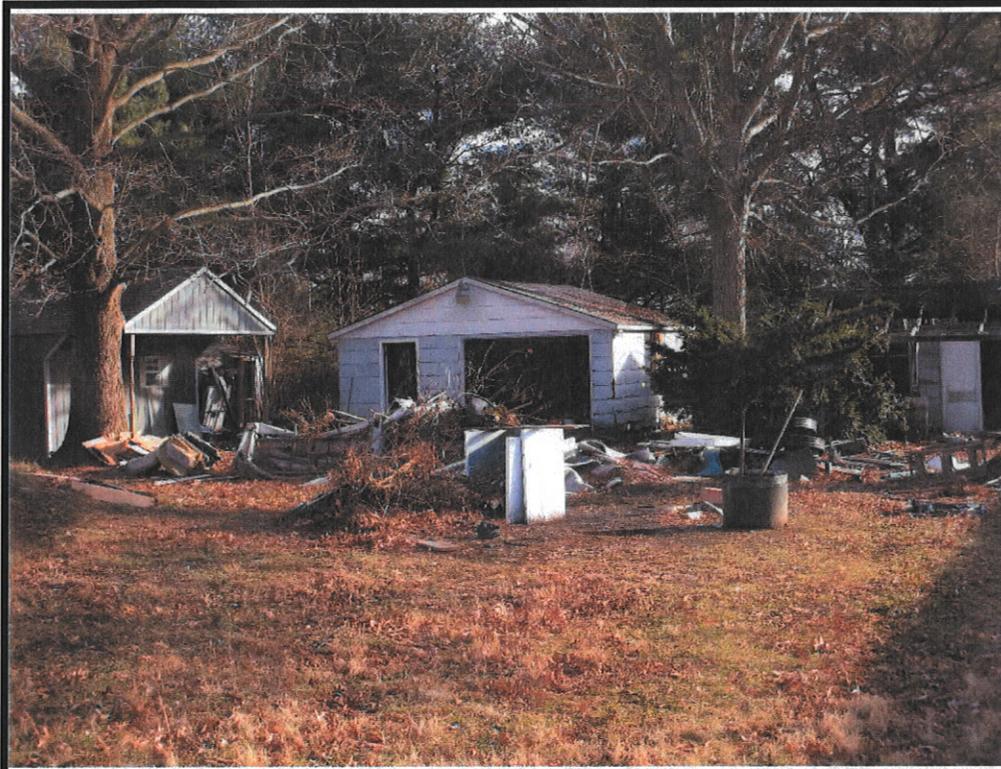
The burn pile consisted of charred dimensional lumber, hose, various types of wire, and landscape waste. Also, on the ground were waste chair components, wooden boards, a hose, and a wooded drawer with charred metal cans inside of it.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 4
Photo Date: 12/20/2019
Photo Time: 9:22 a.m.
Direction: West
Taken By: Deborah Johnson

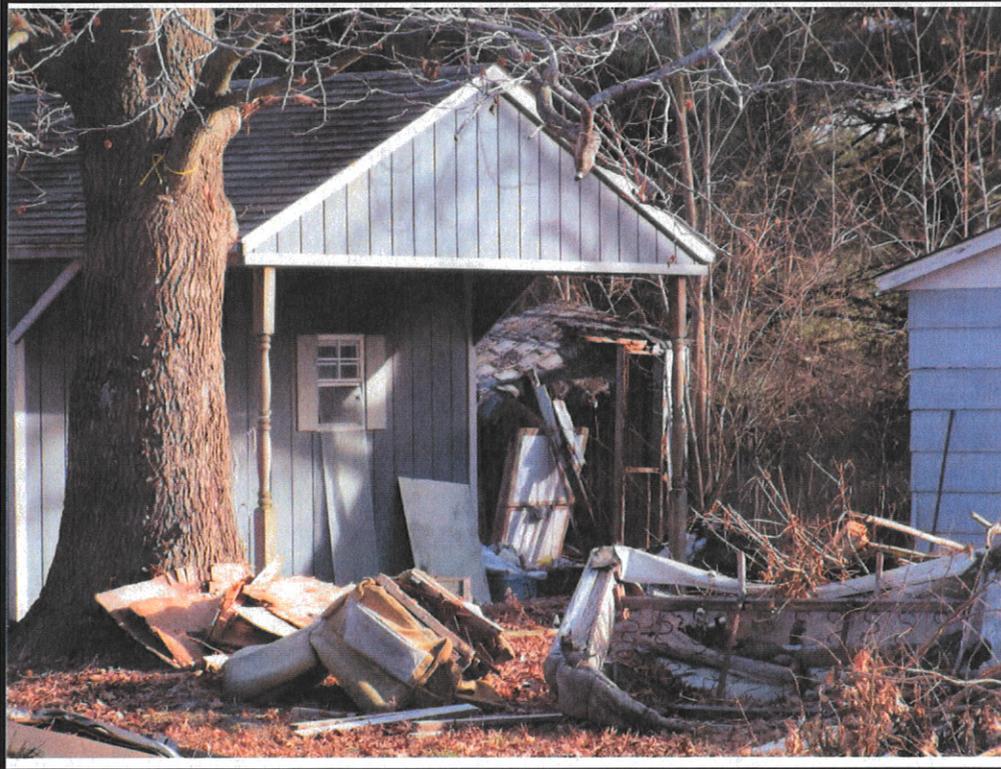
An overview of the burn location that includes the items identified in Photos 1 through 3.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 5
Photo Date: 12/20/2019
Photo Time: 9:23 a.m.
Direction: Northeast
Taken By: Deborah Johnson

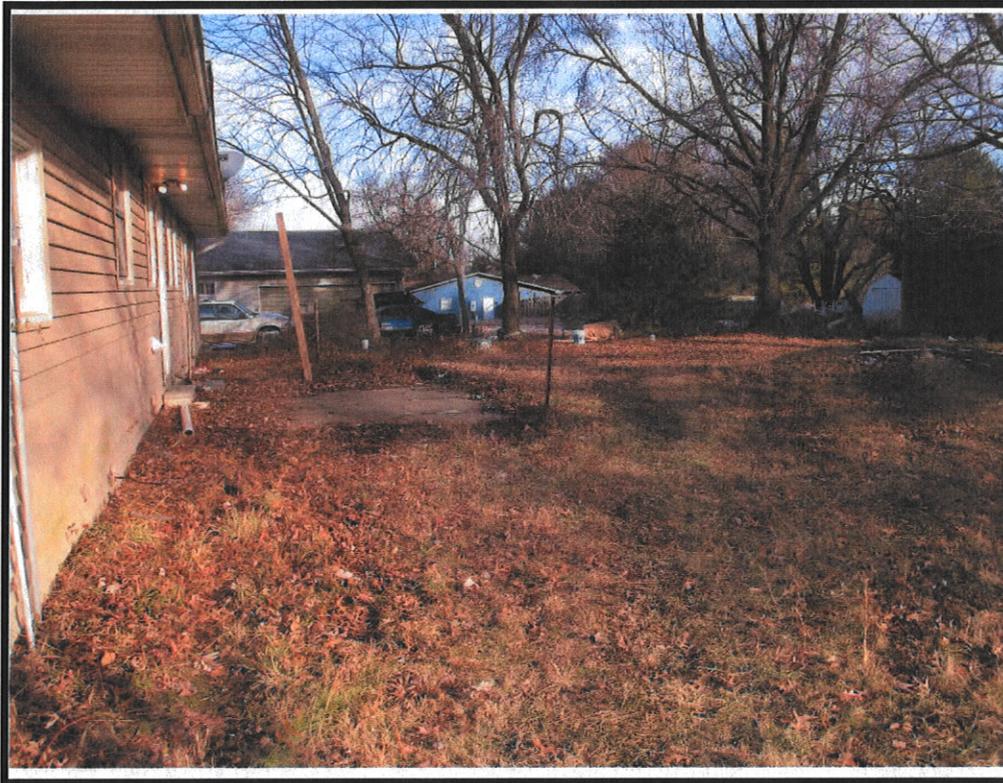
Open dumped waste in the backyard included, but was not limited to: fabric couch, chair and cushions, carpet, used waste tire, wooden boards and dimensional lumber, various metal and plastic items, electronics, landscape waste, and items not readily identifiable.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 6
Photo Date: 12/20/2019
Photo Time: 9:23 a.m.
Direction: Northeast
Taken By: Deborah Johnson

Close up of the open dumped waste fabric couch and chair. Note the dilapidated building in the northeastern corner of the property.



Site: Murphysboro/
Norman & Monica Martie
(0778105103)
Jackson County

Photo ID: 7
Photo Date: 12/20/2019
Photo Time: 9:23 a.m.
Direction: North
Taken By: Deborah Johnson

Open dumped waste from
this location had been
removed.

Site Diagram(s)

Site Diagram 1: December 20, 2019 • Murphysboro/Norman Martie (0778105103) • Jackson County



Google Earth: Image Date – 3/3/2019
Locations of photos are approximate.



Received, Clerk's Office 02/19/2020
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

Thursday, February 13, 2020

RECEIVED
CLERKS OFFICE

FEB 19 2020

STATE OF ILLINOIS
Pollution Control Board

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

Re: Administrative Citation – Murphysboro/ Norman & Monica Martie Site
Site Code: 077 810 5103
Inspection Date: December 20, 2019
Summons Served: February 11, 2020

Dear Clerk:

Pursuant to 415 ILCS 5/31.1(c), enclosed for filing with the Board is the Administrative Citation packet issued against Norman Martie and Monica Martie. The site is known as the Murphysboro/ Norman & Monica Martie site.

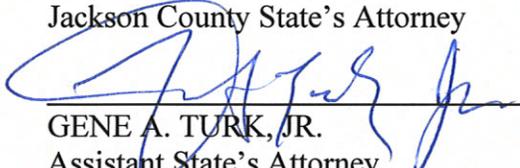
Norman Martie's mailing address is: 9814 Highway 127 South, Murphysboro, IL 62966
Monica Martie's mailing address is: 9814 Highway 127 South, Murphysboro, IL 62966

Enclosed with this material is a proof of service showing that the Complaint for Administrative Citation was served upon both Respondents by the Sheriff of Jackson County with the packet of supporting documents.

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

Sincerely,

MICHAEL C. CARR
Jackson County State's Attorney


GENE A. TURK, JR.
Assistant State's Attorney
Jackson County, Illinois

Enclosures

cc: Deborah Johnson, Jackson County Health Department