



Public Health
Prevent. Promote. Protect.

Jackson County Health Department

PO Box 307 • 415 Health Dept. Road • Murphysboro, IL 62966
(618) 684-3143 x 128 • Fax (618) 684-6023 • www.jchdonline.org

November 9, 2020

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

Re: Administrative Citation – Somerset / Robert Green
Site Code 077 814 5098
Inspection Date: September 23, 2020

Dear Clerk :

Enclosed for filing with the Board is the Administrative Citation packet issued against Robert Green. The site is known as the Somerset Township / Robert Green site.

Robert Green's mailing address is: 15880 Highway 127, Murphysboro, IL 62966. Enclosed with this material is a "Certificate of Service" and an administrative citation packet that was delivered on October 31, 2020.

Please acknowledge receipt and filing of the enclosed materials.

Sincerely,

Deborah Johnson
Compliance Specialist

Enclosures

cc: Gene Turk, Assistant State's Attorney, Office of the State's Attorney, Jackson County
Division File/Regional File

2020-3050

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

| | | |
|--------------------|---|-----------------------|
| COUNTY OF JACKSON, |) | |
| |) | |
| Complainant, |) | AC 20- |
| |) | |
| v. |) | Site Code: 0778145098 |
| |) | |
| ROBERT GREEN, |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF SERVICE

TO: ROBERT GREEN, 15880 Highway 127, 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: ROBERT GREEN

Address: @ 1001 MULBERRY ST, M'boro IL

Sex: Male / Female (circle one); Approximate Age: 58

Date of Service: 10/31/2020, 2020; Time: 1030 a.m./p.m.

(If abode service, a copy was also mailed within two days to the named Respondent.)

Sgt. Kurt #2406
/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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

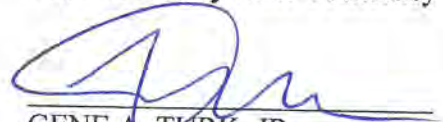
| | | |
|--------------------|---|-----------------------|
| COUNTY OF JACKSON, |) | |
| |) | |
| Complainant, |) | AC 20- |
| |) | |
| v. |) | Site Code: 0778145098 |
| |) | |
| ROBERT GREEN, |) | |
| |) | |
| Respondent. |) | |

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: October 20, 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, |) | |
| |) | |
| Complainant, |) | AC 20- |
| |) | |
| v. |) | Site Code: 0778145098 |
| |) | |
| ROBERT GREEN, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: ROBERT GREEN, 15880 Highway 127, Murphysboro, IL 62966

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

Dated: October 20, 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

COUNTY OF JACKSON,)
)
 Complainant,) AC 20-
)
 v.) Site Code: 0778145098
)
 ROBERT GREEN,)
)
 Respondent.)

ADMINISTRATIVE CITATION

NOW COMES the Complainant, County of Jackson, by and through the Jackson County State's Attorney, with this Administrative Citation against the Respondent, ROBERT GREEN, 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 Respondent, ROBERT GREEN, is the present owner, 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 0778145098. The facility is known to the Agency as the Somerset/Robert Green site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all material times hereto.
4. On September 23, 2020, Deborah Johnson, Environmental Compliance Inspector, Jackson

County Health Department, inspected the facility. A true and correct copy of the inspection report and her supporting Affidavit are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

The facility was most recently inspected on September 23, 2020. Based on her direct observations, Environmental Compliance Inspector Deborah Johnson 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. Respondent has caused or allowed open dumping, in violation of 415 ILCS 5/21(a).
- B. Respondent is conducting a waste storage, treatment, or disposal operation without a license or permit, in violation of 415 ILCS 5/21(d)(1).
- C. Respondent is storing waste in Illinois at a site which does not meet the requirements of the Act, in violation of 415 ILCS 5/21(e).
- D. Respondent has caused or allowed litter at the facility, in violation of 415 ILCS 5/21(p)(1).
- E. Respondent has caused or allowed open dumping of any waste in a manner which results in open burning, in violation of 415 ILCS 5/21(p)(3).
- F. Respondent has 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).
- G. Respondent has caused, threatened or allowed air pollution in Illinois, in violation of 415 ILCS 5/9(a).
- H. Respondent has caused or allowed open burning, in violation of 415 ILCS 5/9(c).

- I. Respondent has caused or allowed storage of one or more used/waste tires that were not altered, covered, or otherwise prevented from accumulating water, in violation of 415 ILCS 5/55(a)(3).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for three of the violations identified above, for a total penalty of FOUR THOUSAND FIVE HUNDRED (\$4,500.00). 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 thirty (30) days from the date that Respondent is served with this document, 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, 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

Respondent has the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If Respondent elects to contest this Citation, Respondent 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.

RESPONDENT'S PETITION FOR REVIEW MUST BE FILED WITHIN

**35 DAYS OF THE DATE OF SERVICE OF THE PRESENT CITATION
ON RESPONDENT. RESPONDENT'S PETITION MUST STATE THE
REASON(S) RESPONDENT BELIEVES THE PRESENT MATTER
SHOULD NOT BE ISSUED. IF RESPONDENT FAILS TO FILE A
PETITION AND STATE THE REASONS THE PRESENT MATTER
SHOULD NOT BE ISSUED, A DEFAULT ORDER AGAINST
RESPONDENT WILL BE ENTERED BY THE POLLUTION CONTROL
BOARD.**

Respondent's original Petition must be filed with the Clerk of the Board at:

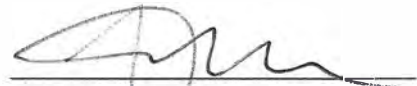
Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

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, Il 62966

Dated: October 20, 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: 0778145098 |
| ROBERT GREEN, |) | |
| |) | |
| Respondent. |) | |
| |) | |

FACILITY: Somerset/Robert Green Site

COUNTY: JACKSON

DATE OF INSPECTION: September 23, 2020

SITE CODE: 0778145098

Date Remitted: _____, 2020

SS or FEIN # _____

Signature _____

NOTE:

Please enter the date of your remittance, social security number, if an individual/natural person, or Federal Employer Identification Number (FEIN) if not a natural person, and sign the remittance form. Be sure the appropriate payment amount is enclosed. **DO NOT MAIL CASH.** Mail the payment, 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: 0778145098 |
| ROBERT GREEN, |) | |
| |) | |
| Respondent. |) | |
| |) | |

FACILITY: Somerset/Robert Green Site

COUNTY: JACKSON

DATE OF INSPECTION: September 23, 2020

SITE CODE: 0778145098

Date Remitted: _____, 2020

SS or FEIN # _____

Signature _____

NOTE:

Please enter the date of your remittance, social security number, if an individual/natural person, or Federal Employer Identification Number (FEIN) if not a natural person, and sign the remittance form. Be sure the appropriate payment amount is enclosed. **DO NOT MAIL CASH.** Mail the payment, along with this remittance form, to:

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

EXHIBIT A

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

**0778145098 / Jackson County
Somerset / Robert Green
COMPLIANCE FILE**

Robert Green, Respondent

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 September 23, 2020 between the hours of 9:11 a.m. and 9:15 a.m. Affiant conducted an inspection of the open dump site known as Somerset/ Robert Green, 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 Somerset/ Robert Green, Illinois, open dump site.


Deborah Johnson
Compliance Specialist

Subscribed and Sworn Before me
this 14th day of October, 2020


Notary Public



Electronic Filing: Received, Clerk's Office 11/09/2020 **AC 2021-002**
 Jackson County Health Department
Open Dump Evaluation Report

General Facility Information

| | | | |
|------------------------|-----------------------|-------------------|------------|
| BOL ID: | 0778145098 | Region: | Marion |
| USEPA ID: | Not Applicable | County: | Jackson |
| Site Name: | Somerset/Robert Green | Phone: | |
| Address: | 15880 Hwy 127 | Latitude: | 37.820325 |
| City/State/Zip: | Murphysboro, IL 62966 | Longitude: | -89.321886 |

| Owner | Second Address |
|---|--|
| Robert Green P.O. Box 401 Murphysboro, IL 62966 | Robert Green 15880 Highway 127 Murphysboro, IL 62966 |

Evaluation Details

| | |
|---------------------------------|----------------------------|
| Evaluation Type | Open Dump Inspection (21p) |
| Evaluation Date | September 23, 2020 |
| Inspector(s) | Deborah Johnson |
| Person(s) Interviewed | N/A |
| Previous Inspection Date | 4/22/2020 – FV |

Observations

| | |
|---|------------------------|
| Time | 9:11 a.m. – 9:15 a.m. |
| Weather Conditions (Description) | Cloudy with lite winds |
| Temperature (°F) | 65 |
| Photos Taken | 5 |
| Amount of Waste (Cubic Yards) | 10 |

Executive Summary

An Administrative Citation Warning Notice (ACWN) was originally issued to Mr. Green on November 9, 2009 and sent certified mail, but the notice was returned as “unclaimed” by the Murphysboro Post Office. Field visits and an inspection on July 17, 2013 resulted in another ACWN being issued to Mr. Green on July 22, 2013. Additional field visits were conducted by the Jackson County Health Department (JCHD) in 2014. Late in 2015, on-site materials caught on fire from illegal burning on the property. A Final warning letter was sent to Mr. Green on February 9, 2016, and a re-inspection of the property was conducted on May 9, 2016. Pursuant to the re-inspection, the JCHD inspector did not noted any apparent violations and the site appeared to be in general compliance.

On April 22, 2020, I conducted a site visit due to a complaint of active burning and open dumping on the property. I was able to meet with Mr. Green to discuss what he could legally burn on his property and discuss the open dumping of waste on the premises. I augmented our conversation in a letter dated April 23, 2020 to Mr. Green.

Due to several complaints received at JCHD, I conducted a re-inspection to the property on September 23, 2020. At the time of the inspection, I observed open burning and

Electronic Filing: Received, Clerk's Office 11/09/2020 **AC 2021-002**
 open dumping on the property. Subsequent to the inspection, I received additional complaints of on-going open burning.

According to the online property tax records of the Jackson County Assessor's Office, the open dumping location visible from Highway 127 is owned by Robert Green with a site address of 15880 Highway 127, Murphysboro, IL 62966. Mr. Green's mailing address is P.O. Box 401, Murphysboro, IL 62966.

Eagleview's Connect Explorer, aerial photography used by the Jackson County's Assessor's Office, shows the open dumping from Mr. Green's property extends onto the adjacent property owner. See the Site Diagram. A letter will be issued to the adjacent property owner for the open dumping on his property.

Evaluation Narrative

Upon arrival to the site, I noted that the gate to the property was closed and I parked in front of the gate. I conducted my inspection of the property adjacent to Highway 127. Immediately, I noticed a burn pile was still smoldering and the burn was recent (Photos 1). Partially erected fencing and vegetation hid from view portions of the property. Photos 3 and 4 show different views of the burn pile. Items open dumped in and around the active burn location included, but was not limited to, metal containers, construction and/or demolition debris, plastic containers, household waste, landscape waste, concrete blocks, ash, charred materials and other items not readily identifiable.

Photos 1, 2 and 5 show open dumping throughout the front of the property. Open dumping of waste in this location included, but was not limited to, an abandoned vehicle, a toilet, construction and/or demolition debris, various plastic and metal articles, yard implements, piping, tarpaulins, equipment, roofing shingles, window screens, fencing materials, used/waste tires, a ceiling fan, a sink, and various items not readily identifiable.

Waste noted in this narrative were haphazardly placed, 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.

| Summary of Apparent Violation(s) | | | |
|---|------------|-----------|--|
| Status | Date Cited | Violation | Narrative |
| New | 9/23/2020 | 21(a) | Cause or allow open dumping |
| New | 9/23/2020 | 21(d)(1) | Conduct a waste storage, treatment, or disposal operation without a permit |
| New | 9/23/2020 | 21(e) | Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act |
| New | 9/23/2020 | 21(p)(1) | Cause or allow open dumping of any waste in a manner which results in litter |
| New | 9/23/2020 | 21(p)(3) | Cause or allow open dumping of any waste in a manner which results in open burning |
| New | 9/23/2020 | 21(p)(7) | Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris |

Electronic Filing: Received, Clerk's Office 11/09/2020 **AC 2021-002**

| | | | |
|-----|-----------|----------|--|
| New | 9/23/2020 | 9(a) | Cause, threaten or allow air pollution in Illinois |
| New | 9/23/2020 | 9(c) | Cause or allow open burning |
| New | 9/23/2020 | 55(a)(3) | Cause or allow storage of a used/waste tire that is not altered, not covered, or otherwise prevented from accumulating water |

Attachment Listing

| ID | Type | Description |
|----|---------------|---------------------------------------|
| 1 | Miscellaneous | April 23, 2020 Letter to Robert Green |

Digital Photographs



Site: Somerset/
Robert Green
(0778145098)
Jackson County

Photo ID: 1
Photo Date: 9/23/2020
Photo Time: 9:11 a.m.
Direction: East
Taken By: Deborah Johnson

Open dumped waste included, but was not limited to, an abandoned vehicle, a toilet, metal and plastic items, yard implements, tarpaulins, construction and/or demolition debris, household waste, landscape waste, concrete blocks, ash, charred materials and other items not readily identifiable.



Site: Somerset/
Robert Green
(0778145098)
Jackson County

Photo ID: 2
Photo Date: 9/23/2020
Photo Time: 9:11 a.m.
Direction: Northeast
Taken By: Deborah Johnson

Open dumped waste included, but was not limited to, various metal items, roofing shingles, window screens, equipment, fencing, used/waste tires, plastic containers, dimensional lumber, a ceiling fan, tarpaulins, and other items not readily identifiable.



Site: Somerset/
Robert Green
(0778145098)
Jackson County

Photo ID:3
Photo Date: 9/23/2020
Photo Time: 9:11 a.m.
Direction: Southeast
Taken By: Deborah Johnson

Another view of the burn location, and the open dumped items surrounding the abandoned vehicle.



Site: Somerset/
Robert Green
(0778145098)
Jackson County

Photo ID: 4
Photo Date: 9/23/2020
Photo Time: 9:11 a.m.
Direction: East
Taken By: Deborah Johnson

Close up of the active burning of waste in the burn pile.



Site: Somerset/
Robert Green
(0778145098)
Jackson County

Photo ID: 5
Photo Date: 9/23/2020
Photo Time: 9:12 a.m.
Direction: Northeast
Taken By: Deborah Johnson

Close up of some of the
waste items noted in Photo
2.

Site Diagram(s)

Site Diagram 1: September 23, 2020 • Somerset/Robert Green (0778145098) • Jackson County



Eagleview's Connect Explorer Image Date 3/17/2019

Photo locations are approximate.

The aerial photograph is historical in nature and not necessarily an accurate depiction of conditions at the time of the inspection.



JACKSON COUNTY HEALTH DEPARTMENT

P.O. Box 307, 415 HEALTH DEPARTMENT RD, MURPHYSBORO, IL 62966-0307

PH: 618-684-3143 FAX: 618-684-6023

Public Health
Prevent. Promote. Protect.

April 23, 2020

Mr. Robert Green
P.O. Box 401
Murphysboro, IL 62966

Re: Open dumping/open burning of waste at 15880 Highway 127

Dear Mr. Green:

As discussed during a recent visit to your property, a complaint was received at the Jackson County Health Department (JCHD) alleging open burning of demolition debris on the property. During the field visit on April 22, 2020, I observed an old burn location and piles of construction and/or demolition debris and landscape waste on your property (see attached Photos 1 - 5).

We discussed that construction and/or demolition debris can not legally be burned in Illinois. During the discussion, you indicated you will be using the construction and/or demolition debris for on-site building projects. Store the material away from the landscape waste you intend to burn, and protect the material for future use.

As a reminder, Illinois law prohibits individuals from dumping, burying or burning waste on their own property or any other property in violation of the Act and regulations. Illinois law also defines "Litter" as *"any discarded used or unconsumed substance or waste...or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly."*

The only waste permitted to be open burned at a residence or property include on-site generated landscape waste (i.e. tree branches, leaves, grass clippings, etc.) and paper from domicile waste (does not include food packaging, furniture, clothing, shingles, etc.). See the attached waste disposal brochure.

Any non-compliance may result in a potential enforcement action and could result in civil penalties starting at \$1500 per offense. If you have any questions regarding this issue, contact me at (618) 684-3143, ext. 128.

Sincerely,

Deborah Johnson
Compliance Specialist

cc: Regional File

Attachment: 1
Page 1

COPY