RECEIVED
CLERK'S OFFICE
JAN 26 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04 - 39
	)	
EDWARD TOW,	)	
	)	
Respondent.	)	

NOTICE OF FILING

TO: Edward Tow, 215 N. Poplar, Elkville, IL 62932

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

Daniel Brenner
Assistant State's Attorney

January 13, 2004

Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse
Murphysboro, IL 62966
618-687-7200

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE
JAN 26 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04 - 39
	)	
EDWARD TOW,	)	
	)	
Respondent.	)	

APPEARANCE

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

Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, IL 62966
618-687-7200

C04-00130

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
JAN 26 2004
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04 - 39
	)	
EDWARD TOW,	)	
	)	
Respondent.	)	

Serve on: Edward Tow, 215 N. Poplar, Elkville, Illinois 62932

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: Edward TOW

Address: 1001 mulberry st murphysboro

Sex: Male X Female_____

Age: DOB DEC 2049

Date of service: 1-17, 2004

Time: 1450 pm.

/S/ Robert Burns, Jackson Co. Sheriff
By his Deputy Henderson #1601

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

RECEIVED
CLERK'S OFFICE
JAN 2 6 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04 - 39
	)	Site Code: 0778155007
EDWARD TOW,	)	
	)	
Respondent.	)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

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

2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778155007. The facility is known to the Agency as the Elkville/Edward Tow site.

3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.

4. On December 17, 2003, 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 Respondent has caused or allowed open dumping at the above described facility in a manner that

resulted in the following violations:

That on December 17, 2003, an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of $1,500.00 for each of violations specified above. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the $1,500.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than March 1, 2004. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Jackson County's Treasurer Office and mailed to the attention of Shirley Dillinger Booker, Jackson County Treasurer, Murphysboro, Illinois, 62966. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Jackson County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with Daniel Brenner, Assistant State's Attorney, Jackson County Courthouse, Third Floor, Murphysboro, Il 62966. **Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.**

Your original Petition must be filed with the Clerk of the Board at:

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

A copy must also be sent to:

Office of the State's Attorney
Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, Il 62966

DATED: 1/13, 2004

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	NO. AC 04 -
	)	
EDWARD TOW,	)	
	)	
Respondent.	)	

FACILITY:	ELKVILLE/EDWARD TOW SITE
COUNTY:	JACKSON
DATE OF INSPECTION:	December 17, 2003
SITE CODE:	0778155007
CIVIL PENALTY:	$1,500.00

Date Remitted _____

SS/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

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

IN THE MATTER OF:

077 815 5007/ Jackson County
Elkville / Edward Tow
COMPLIANCE FILE

Respondent.

Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.

2. On December 17, 2003, between the hours of 10:10 am and 10:30 am, Affiant conducted an inspection of the open dump site known as Elkville/Edward Tow, 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 Edward Tow, Elkville, Illinois, open dump site.

Don Terry
Solid Waste Inspector

Subscribed and Sworn To before me
this 7 day of January , 2004

Tracy L. Hartung
Notary Public

"OFFICIAL SEAL"
TRACY L. HARTUNG
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 03/04/2006

EXHIBIT A

NARRATIVE INSPECTION REPORT DOCUMENT
OPEN DUMP SITE

Date of Inspection: December 17, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 815 5007

County: Jackson

Site Name: Elkville / Edward Tow

Time: 10:10 am – 10:30 am

Location: *Vergennes / Section 13*

Owner of Property: Edward Tow

Volume of Waste found at site: 500 cu/yds

GENERAL REMARKS

During the above date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to one conducted on July 17, 2003. I was accompanied by Bart Hagston of the Jackson County Health Department.

At the time of this inspection, continuing violations of open dumping were observed. I observed no evidence of efforts to clean up the site since the previous inspection. Abandoned vehicles still litter the site. Many have broken windows allowing the materials in them to be exposed to the elements. At the time of the inspection, these vehicles were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use.

Besides abandoned vehicles, the waste I observed consisted of: waste tires, disposed motor vehicle parts, scrap metal and a variety of other materials not readily identifiable. Considering the type and amount of waste observed and the absence of any type of automotive repair business on site, one could reasonably assume that the materials were consolidated on the site for disposal.

My inspection concluded at approximately 10:30 am.

Violations Observed:

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: Litter: Open dumping of waste was observed at this location at the time of the inspection. The waste consisted of metal, motor vehicle parts, abandoned vehicles, tires on rims and other items and materials not readily identifiable.

Item #6 (21)(d) (1) and (2): Conduct any waste-storage, waste-treatment, or waste-disposal operation (1) without a permit, (2) in violation of any regulations or standards adopted by the board; 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; and Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill: During this inspection, 24 abandoned vehicles, a trailer, a boat, a port-a-potty and a variety of other refuse was observed on the site. Since no residence or business is located on this site, it appears that all of the waste was generated off-site and brought to this location for disposal. There is no record of Edward Tow being issued a permit by the Agency to operate a disposal operation at this location and the site does meet the requirements for a waste management facility.

OPEN DUMP INSPECTION
SITE SKETCH

Date Of Inspection: December 17, 2003

Inspector: Don Terry & Bart Hagston

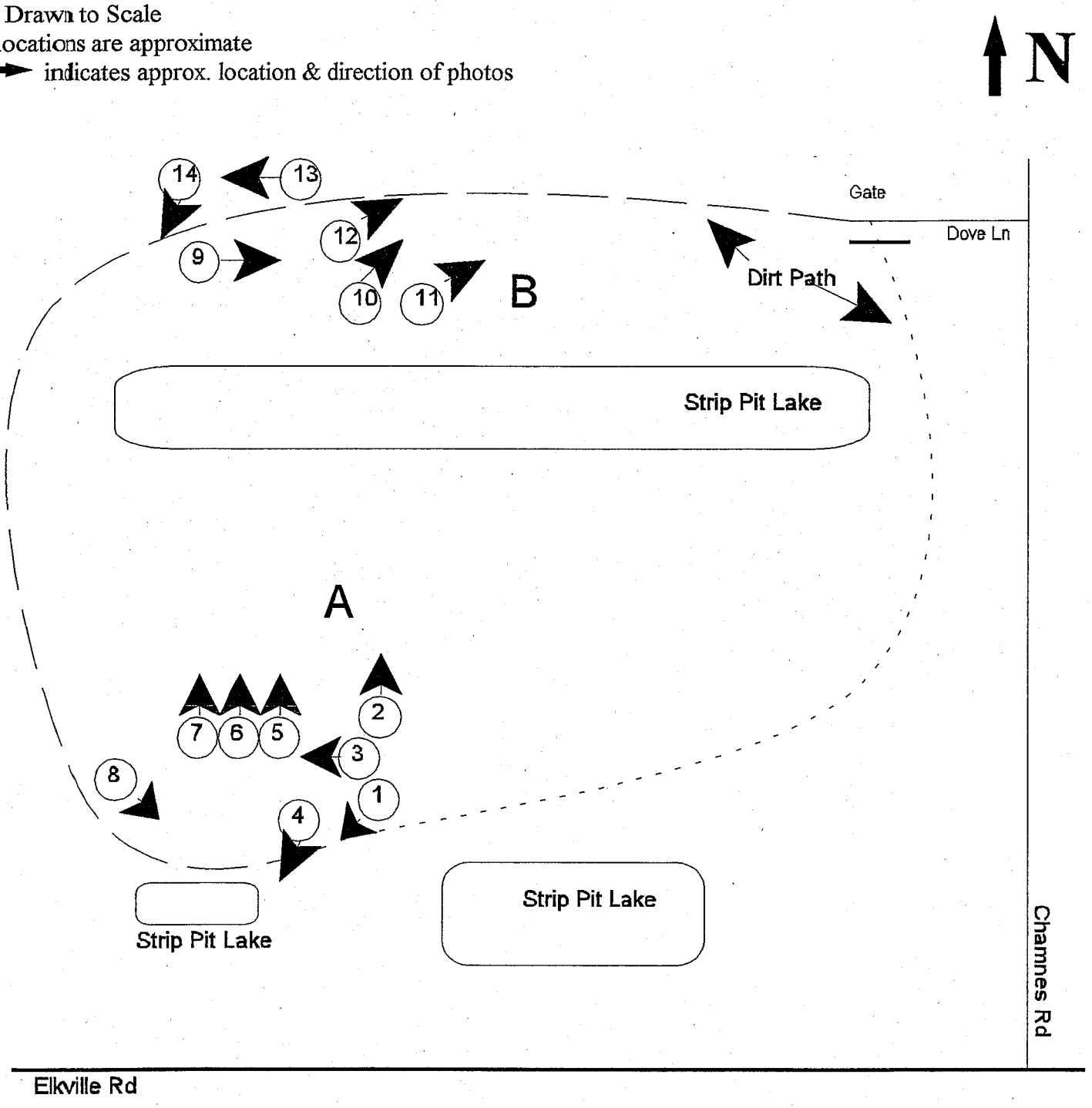
Site Code: 077 815 5007

County: Jackson

Site Name: Elkville / Edward Tow

Time: 10:10 am – 10:30 am

Not Drawn to Scale
All locations are approximate
O→ indicates approx. location & direction of photos



DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:14 am	Site Name: Elkville / Edward Tow	

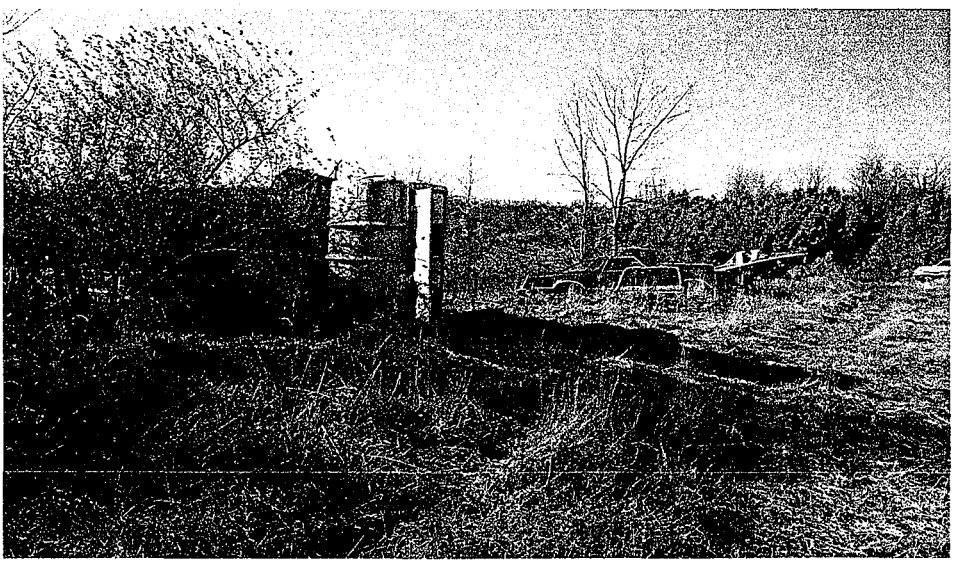
Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

Southwest

PHOTO FILE NAME:

0778155007-12172003-01



Date: December 17, 2003

Time: 10:14 am

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

North

PHOTO FILE NAME:

0778155007-12172003-02

DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:14 am	Site Name: Elkville / Edward Tow	

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

West

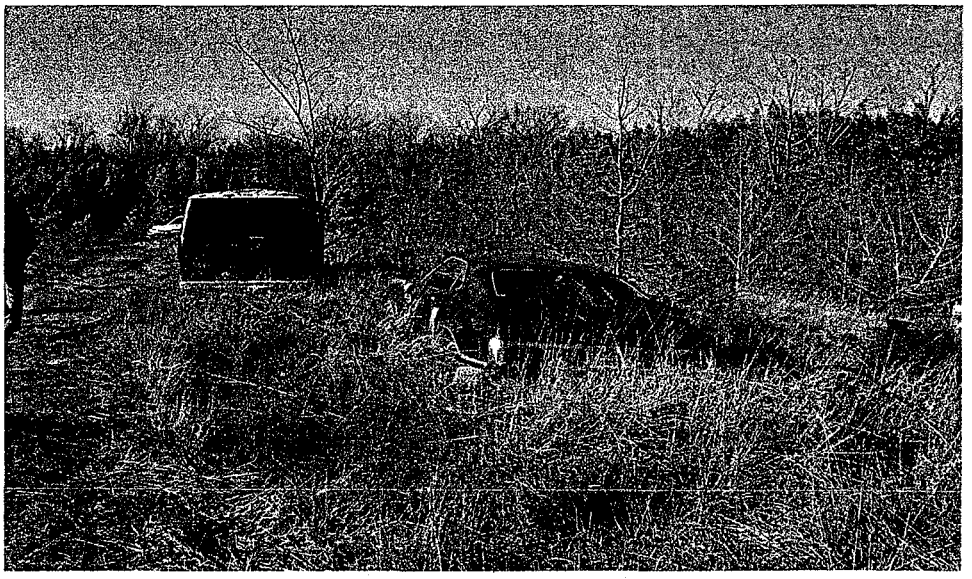


PHOTO FILE NAME:

0778155007-12172003-03

Date: December 17, 2003

Time: 10:14 am

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

Southwest

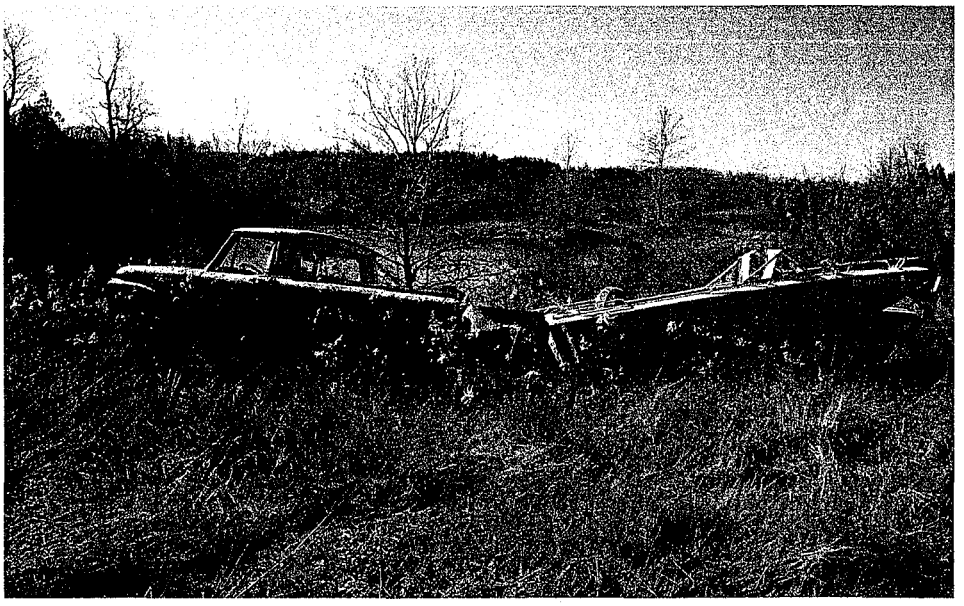


PHOTO FILE NAME:

0778155007-12172003-04

DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:15 am	Site Name: Elkville / Edward Tow	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: North		
PHOTO FILE NAME:		
0778155007-12172003-05		

Date: December 17, 2003
Time: 10:16 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: North
PHOTO FILE NAME:
0778155007-12172003-06

DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:16 am	Site Name: Elkville / Edward Tow	

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

North

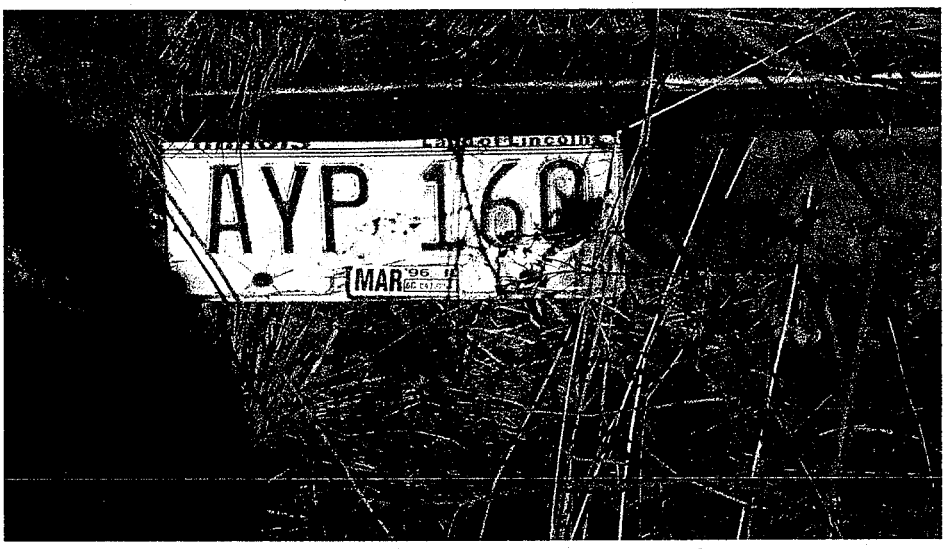


PHOTO FILE NAME:

0778155007-12172003-07

Date: December 17, 2003

Time: 10:17 am

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

Southeast

PHOTO FILE NAME:

0778155007-12172003-08

DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:17 am	Site Name: Elkville / Edward Tow	

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

East

PHOTO FILE NAME:

0778155007-12172003-09

Date: December 17, 2003
Time: 10:22 am

Photograph taken by:
Don Terry

COMMENTS: Pictures taken toward:

Northeast

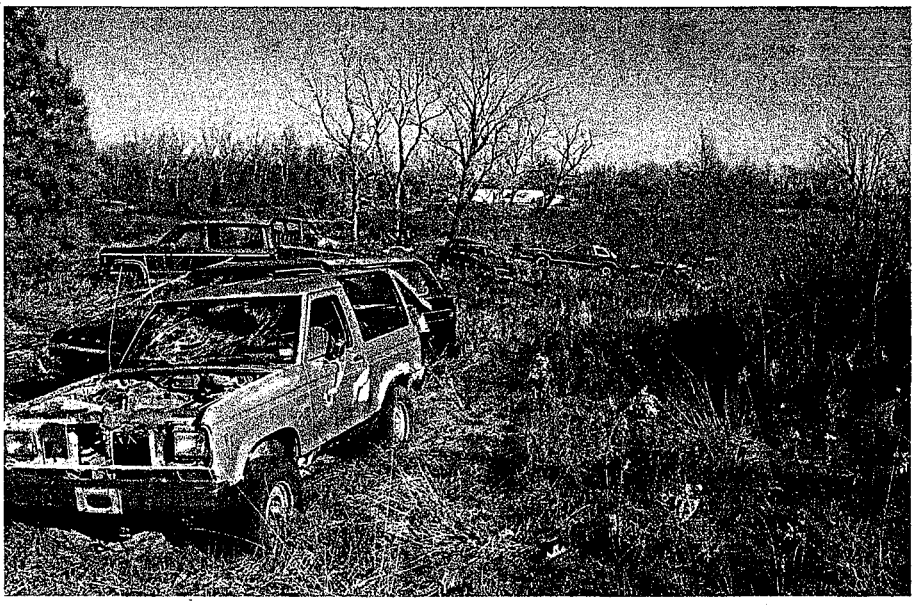
PHOTO FILE NAME:

0778155007-12172003-10

DIGITAL INSPECTION PHOTOS

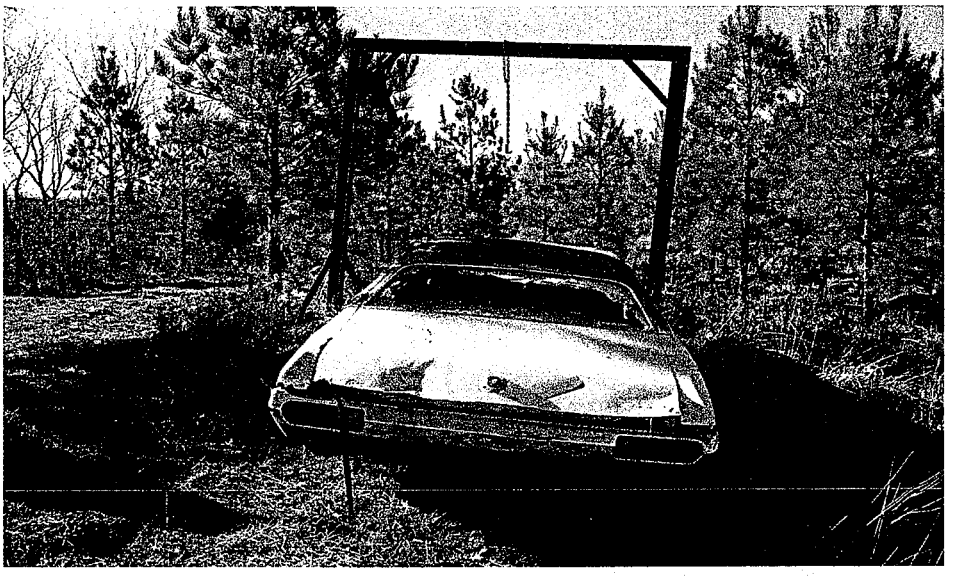
Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:22 am	Site Name: Elkville / Edward Tow	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Northeast		
PHOTO FILE NAME:		
0778155007-12172003-11		

Date: December 17, 2003
Time: 10:23 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME:
0778155007-12172003-12



DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 815 5007	County: **JACKSON**
Time: 10:24 am	Site Name: Elkville / Edward Tow	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: West		
PHOTO FILE NAME:		
0778155007-12172003-13		



Date: December 17, 2003
Time: 10:24 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778155007-12172003-14