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CLERK'S OFFICE

JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GARY EASTON,)
)
Respondent.)

AC 04 - 44

NOTICE OF FILING

TO: Gary Easton, P.O. Box 796, Murphysboro, Il 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.



Daniel Brenner
Assistant State's Attorney

January 16, 2004

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)

Complainant,)

v.)

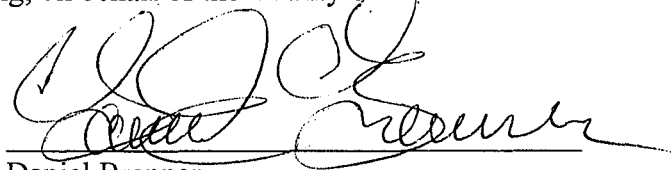
GARY EASTON,)

Respondent.)

AC 04 - 44

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

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

JAN 29 2004

**STATE OF ILLINOIS
Pollution Control Board**

COUNTY OF JACKSON,

Complainant,

v.

GARY EASTON,

Respondent.

)
)
)
)
)
)
)
)
)
)

AC 04 - 44
Site Code: 0778140027

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 #0778140027. The facility is known to the Agency as the Murphysboro/Easton Automotive 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: 1/16, 2004



Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	NO. AC 04 -
	)	
GARY EASTON,	)	
	)	
Respondent.	)	

FACILITY: MURPHYSBORO/GARY CLOVER SITE

COUNTY: JACKSON

DATE OF INSPECTION: December 17, 2003

SITE CODE: 0778140027

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

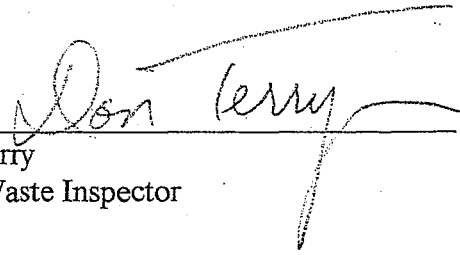
IN THE MATTER OF:

077 814 0027 / Jackson County
Murphysboro / Easton Automotive
COMPLIANCE FILE

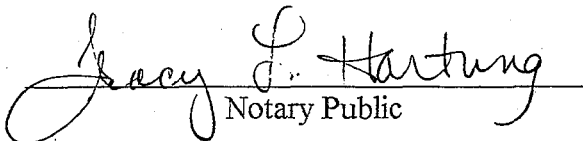
Respondent.

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 9:50 am and 9:55 am, Affiant conducted an inspection of the open dump site known as Murphysboro / Easton Automotive, Jackson County, Illinois.
3. Affiant inspected said open dump site by an inspection from a location adjacent to the site.
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 Gary Easton, Murphysboro, Illinois, open dump site.


Don Terry
Solid Waste Inspector

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


Notary Public



— EXHIBIT A —

NARRATIVE INSPECTION REPORT DOCUMENT
OPEN DUMP SITE

Date of Inspection: December 17, 2003	Inspector: Don Terry & Bart Hagston
Site Code: 077 814 0027	County: Jackson
Site Name: Murphysboro / Easton Automotive	Time: 9:50 am – 9:55 am
Location: Ava Road, Murphysboro, IL	Owner of Property: Gary Easton
Volume of Waste found at site: 600 cu / yds	GPS: N 37°48'21.43" W 089°19'55.15"

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 made on April 25, 2003 by this office. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

This inspection was made from a public roadway. We drove by the site on Calcutta Ln which borders the Easton site to the west. From this location I observed waste that had been open dumped on the property. The waste materials included abandoned vehicles, abandoned tractors and tractor parts, tire rims, scrap metal, barrels and other materials not readily identifiable (**Photo #1 - #4, see sketch**).

During the inspection the open dumping of waste tires was also observed. Mr. Easton owns an automotive business but I observed no evidence of the systematic reuse of these tires by Mr. Easton in the regular course of his business. The tires were open dumped in the back yard without cover (**Photo #2, see sketch**).

My inspection ended at approximately 9:55 am.

Page 2

077 814 0027

Murpysboro / Easton Automotive

December 17, 2003

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: (1) Litter: During the inspection, open dumping was observed that resulted in litter.

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit; 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: There is no record that Mr. Easton received a permit from the Agency to conduct a waste-storage, waste-treatment, or waste-disposal operation. Also during the inspection violations regarding the operation of a waste-storage, waste-treatment, or waste-disposal operation were 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: Due to the quantity and type of waste observed during the inspection, it would be reasonable to assume that the materials were transported from another site and consolidated for disposal at this location.

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire: During the inspection, the open dumping of waste tires was observed.

Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill; Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site; Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site: There is no record that Mr. Easton has applied for or obtained a permit to develop or operate a landfill or a solid waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: December 17, 2003

Inspector: Don Terry & Bart Hagston

Site Code: 077 814 0027

County: Jackson

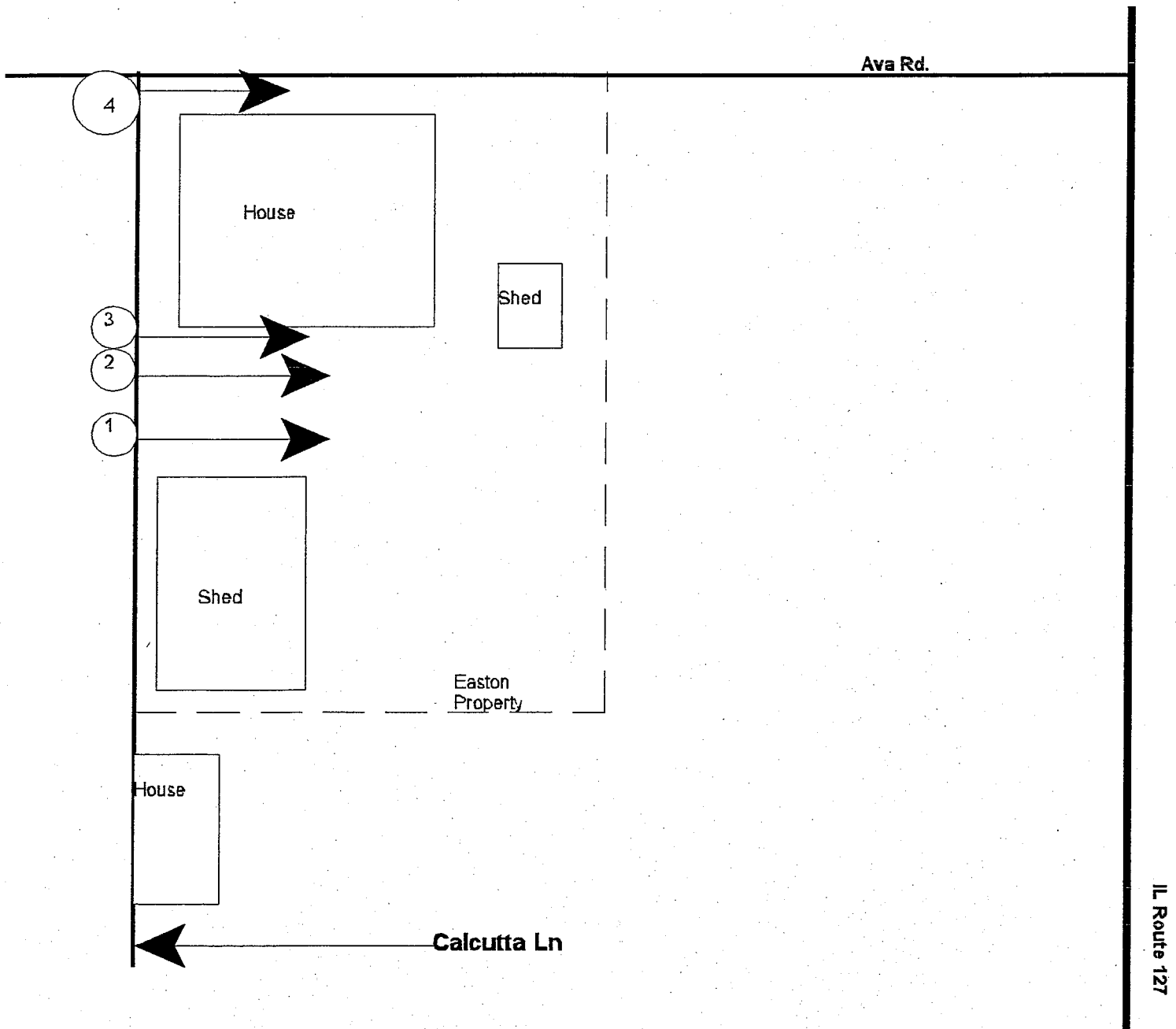
Site Name: Murphysboro / Easton Automotive

Time: 9:50 am – 9:55 am

Not Drawn to Scale

All locations are approximate

O → indicates *approximate* location & direction of photos





DIGITAL INSPECTION PHOTOS

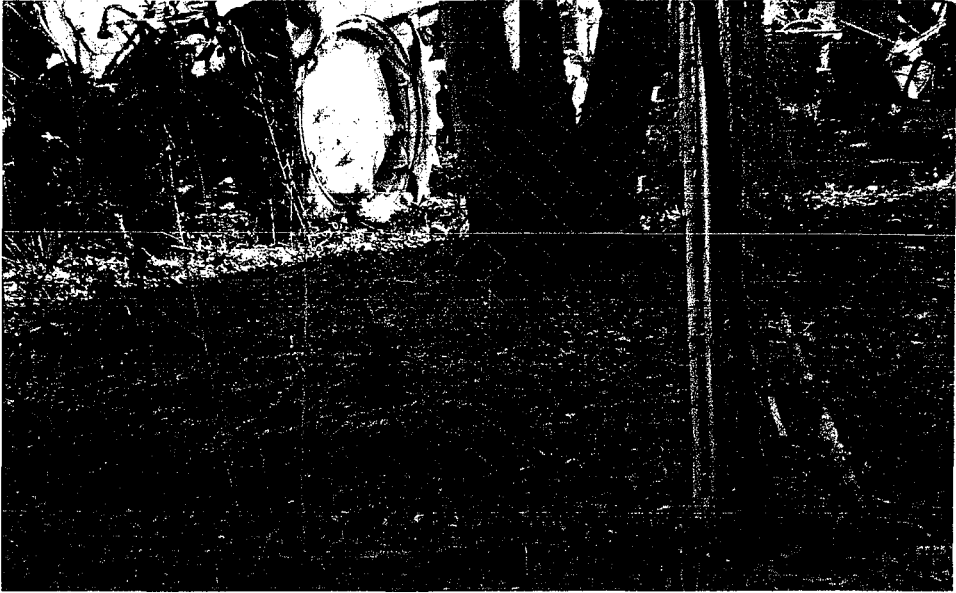
Date: December 17, 2003	Site #: 077 814 0027	County: JACKSON
Time: 9:55 am	Site Name: Murphysboro / Easton Automotive	
Photograph taken by: Bart Hagston		
COMMENTS: Pictures taken toward:		
East		
PHOTO FILE NAME: 0778140027-12172003-01		

Date: December 17, 2003
Time: 9:55 am
Photograph taken by: Bart Hagston
COMMENTS: Pictures taken toward:
East
PHOTO FILE NAME: 0778140027-12172003-02





DIGITAL INSPECTION PHOTOS

Date: December 17, 2003	Site #: 077 814 0027	County: JACKSON
Time: 9:55 am	Site Name: Murphysboro / Easton Automotive	
Photograph taken by: Bart Hagston		
COMMENTS: Pictures taken toward:		
East		
PHOTO FILE NAME: 0778140027-12172003-03		

Date: December 17, 2003
Time: 9:55 am
Photograph taken by: Bart Hagston
COMMENTS: Pictures taken toward:
East
PHOTO FILE NAME: 0778140027-12172003-04



Site # 0778140027

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CO4-00181

COUNTY OF JACKSON,)

Complainant,)

v.)

GARY EASTON,)

Respondent.)

AC 04 - 44

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CLERK'S OFFICE

JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

Serve on: Gary Easton, P.O. Box 796, Mursphysboro, IL 629662

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: Gary Easton

Address: at JCSO

Sex: Male ☒ Female ☐

Age: 04-05-1941

Date of service: Jan. 26, 2004

Time: 1153 A.m.

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy

Don Cullberry

PLEASE RETURN TO:

DANIEL BRENNER

JACKSON COUNTY STATE'S ATTORNEY'S OFFICE