

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)

Complainant,)

v.)

FRANK STONEMARK,)

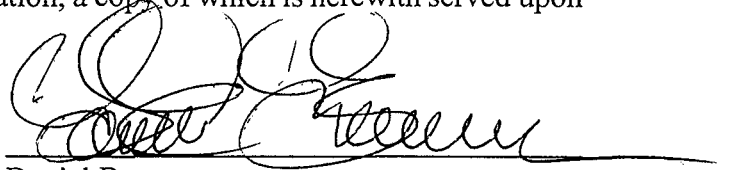
Respondent.)

AC 04 - 43

NOTICE OF FILING

TO: Frank Stonemark, 2417 - 2ND New Era 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.



Daniel Brenner
Assistant State's Attorney

January 9, 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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JAN 29 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)

Complainant,)

v.)

FRANK STONEMARK,)

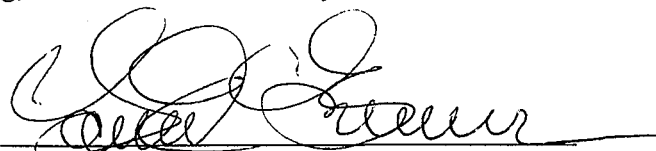
Respondent.)

AC 04 -

43

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

JAN 29 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

v.

FRANK STONEMARK,

Respondent.

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AC 04 - 43
Site Code: 0778125012

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 # 0778125012. The facility is known to the Agency as the Pomona/Frank Stonemark site.

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

4. On January 7, 2004, 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 January 7, 2004, 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); and
2. The Respondent has caused or allowed the deposition of general construction or demolition debris; or clean construction or demolition debris at the facility in violation of 415 ILCS 5/21(p)(7).

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 \$3,000.00 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 -
	)	
FRANK STONEMARK,	)	
	)	
Respondent.	)	

FACILITY: POMONA/FRANK STONEMARK SITE

COUNTY: JACKSON

DATE OF INSPECTION: January 7, 2004

SITE CODE: 0778125012

CIVIL PENALTY: \$3,000.00

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

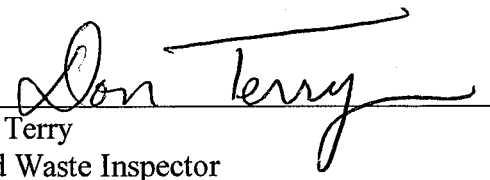
IN THE MATTER OF:

0778125012 / Jackson County
Pomona / Frank Stonemark
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 January 7, 2004, between the hours of 9:50 am and 10:05 am, Affiant conducted an inspection of the open dump site known as Pomona / Frank Stonemark, 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 Frank Stonemark, Pomona, Illinois, open dump site.


Don Terry
Solid Waste Inspector

Subscribed and Sworn To before me
this 9 day of January, 2004.


Notary Public



PEOPLE'S
EXHIBIT

A

NARRATIVE INSPECTION REPORT DOCUMENT
OPEN DUMP SITE

Date of Inspection: January 7, 2004

Inspector: Don Terry

Site Code: 077 812 5012

County: Jackson

Site Name: Pomona / Frank Stonemark

Time: 9:50 am – 10:05 am

Location: *Pomona – Section 15*

Owner of Property: Frank Stonemark

Volume of Waste found at site: 40 cu/yds

GPS: N 37°39.088 W 089°19.101

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 an inspection done of the site on June 10, 2003.

According to the Jackson County Assessor's Office, the site is owned by Frank Stonemark residing at 2417-2D New Era Rd, Murphysboro, IL 62966. Mr. Stonemark has received three notices that his property is out of compliance. At the time of this inspection, violations regarding open dumping were observed.

A waste pile of approximately 40 cubic yards in size was observed (**Photos #01 & #03-#10, see sketch**). This appears to be the same waste pile referenced in the Inspection Narrative of June 10, 2003. Upon examination of the pile, I observed that it contained scrap metal, furniture, household fixtures, construction / demolition debris, waste tires, and other materials not readily identifiable. These materials appear to have been transported from off site and consolidated for disposal at this location.

During this inspection, I observed no evidence of open burning as was noted during the June 10, 2003 inspection (**Photo #02, see sketch**).

My inspection ended at approximately 10:05 am.

Page 2

077 812 5012

Pomona / Frank Stonemark

January 7, 2004

Violations Observed:

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1) & (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 & (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection, evidence of open dumping resulting in litter and the deposition of general or clean construction / demolition debris was observed at the site (Photos #1 – #4, see sketch).

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;
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: There is no record of Mr. Stonemark having applied for or received a permit from the Agency to conduct a waste-storage, waste-treatment or waste-disposal operation. During this inspection, violations of the Act, regulations and standards were observed by this inspector.

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 of Mr. Stonemark having applied for or having received a permit to operate a landfill or a waste management site.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 7, 2004

Inspector: Don Terry

Site Code: 077 812 5012

County: Jackson

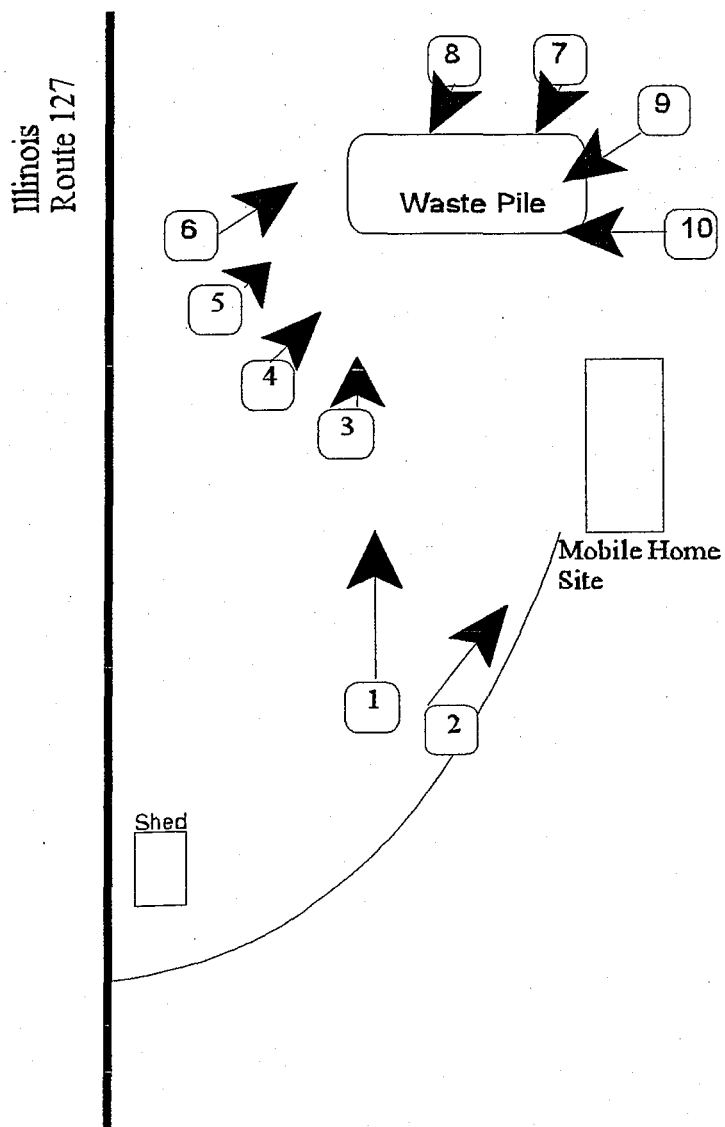
Site Name: Pomona / Frank Stonemark

Time: 9:50 am – 10:05 am

Not Drawn to Scale

All locations are approximate

O → indicates approx. location & direction of photos





DIGITAL INSPECTION PHOTOS

Date: January 7, 2004	Site #: 077 812 5012	County: JACKSON
Time: 9:53 am	Site Name: Pomona / Frank Stonemark	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: North		
PHOTO FILE NAME: 0778125012-01072004-01		

Date: January 7, 2004
Time: 9:53 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME: 0778125012-01072004-02





DIGITAL INSPECTION PHOTOS

Date: January 7, 2004	Site #: 077 812 5012	County: JACKSON
Time: 9:54 am	Site Name: Pomona / Frank Stonemark	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: North		
PHOTO FILE NAME:		
0778125012-01072004-03		

Date: January 7, 2004
Time: 9:54 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME:
0778125012-01072004-04





DIGITAL INSPECTION PHOTOS

Date: January 7, 2004	Site #: 077 812 5012	County: JACKSON
Time: 9:55 am	Site Name: Pomona / Frank Stonemark	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Northeast		
PHOTO FILE NAME:		
0778125012-01072004-05		

Date: January 7, 2004
Time: 9:55 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME:
0778125012-01072004-06





DIGITAL INSPECTION PHOTOS

Date: January 7, 2004	Site #: 077 812 5012	County: JACKSON
Time: 9:56 am	Site Name: Pomona / Frank Stonemark	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southwest		
PHOTO FILE NAME:		
0778125012-01072004-07		

Date: January 7, 2004
Time: 9:56 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southwest
PHOTO FILE NAME:
0778125012-01072004-08





DIGITAL INSPECTION PHOTOS

Date: January 7, 2004	Site #: 077 812 5012	County: JACKSON
Time: 9:56 am	Site Name: Pomona / Frank Stonemark	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southwest		
PHOTO FILE NAME:		
0778125012-01072004-09		

Date: January 7, 2004
Time: 9:57 am
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: West
PHOTO FILE NAME:
0778125012-01072004-10



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)

Complainant,)

v.)

FRANK STONEMARK,)

Respondent.)

AC 04 - 43

CLERK
JAN 26 PM 3:14
JACKSON COUNTY, IL

Serve on: Frank Stonemark, 2417 - 2nd New Era 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: Frank Stonemark

Address: 2417 - New Era Rd Murphysboro IL

Sex: Male X Female

Age: 8.25-41

Date of service: 01-23, 2004

Time: 09:29 A.m.

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy

[Signature]

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE