

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ROCKY LEE MORSE, )  
 )  
 Respondent. )

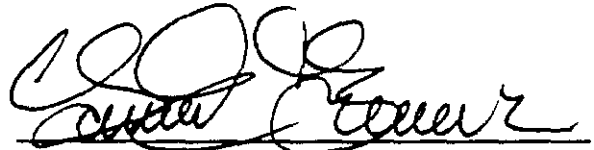
AC 06 - 14  
Site Code: 0770405015

**RECEIVED**  
CLERK'S OFFICE  
OCT 27 2005  
STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF FILING**

TO: Rocky Lee Morse, 6 Mobile Ranch Road, Lot 35, Murphysboro, Illinois 62966 and  
P.O. Box 339, Grand Tower, Illinois 62942

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution  
Control Board an ADMINISTRATIVE CITATION a copy of which is herewith served upon you.



Daniel Brenner  
Assistant State's Attorney

October 11, 2005

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT 27 2005

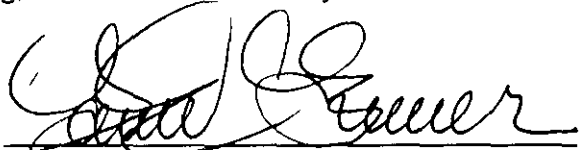
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ROCKY LEE MORSE, )  
 )  
 Respondent. )

AC 06 - 14

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, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

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

**RECEIVED**  
CLERK'S OFFICE  
OCT 27 2005  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON,                    )  
  )  
                  Complainant,            )  
  )  
v.    )  
  )  
ROCKY LEE MORSE,                    )  
  )  
                  Respondent.            )

AC 06 - 14  
Site Code: 0770405015

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2002), 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 #0770405015. The facility is known to the Agency as the Grand Tower/Rocky Lee Morse site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On September 8, 2005, 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 September 8, 2005, 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 open burning at the facility in violation of 415 ILCS 5/21(p)(3); and
3. 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 \$4,500.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than December 1, 2005. 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, 3<sup>rd</sup> Floor  
Murphysboro, Il 62966

DATED: Oct. 11, 2005



Daniel Brenner  
Assistant State's Attorney

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Jackson LPC#: 077 040 5015 Region: 7 - Marion  
 Location/Site Name: Grand Tower / Rocky Lee Morse  
 Date: 09/08/2005 Time: From 2:20 pm To 2:35 pm Previous Inspection Date: 06/03/2005  
 Inspector(s): Don Terry Weather: 90°F -- hazy with calm winds  
 No. of Photos Taken: # 9 Est. Amt. of Waste: 80 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: no one at site Complaint #: 2004-048

Responsible Party  
 Mailing Address(es)  
 and Phone  
 Number(s):

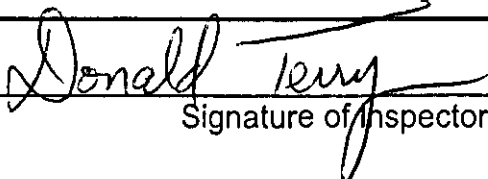
Rocky Lee Morse  
 P. O. Box 339  
 Grand Tower, IL 62942

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input type="checkbox"/>
8.	21(p)	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	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 077 040 5015

Inspection Date: 09/08/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

  
\_\_\_\_\_  
Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**NARRATIVE INSPECTION REPORT DOCUMENT**  
**OPEN DUMP SITE**

**Date of Inspection:** September 8, 2005

**Inspector:** Don Terry

**Site Code:** 077 040 5015

**County:** Jackson

**Site Name:** Grand Tower / Rocky Lee Morse

**Time:** 2:20 pm – 2:35 pm

**Property Owner:** Rocky Lee Morse

**Volume of Waste:** 80 cu yds

**GENERAL REMARKS**

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to one conducted on June 3, 2005 during which continuing violations regarding open dumping and open burning were observed. I was accompanied on this inspection by Kevin Gillespie of the Jackson County Health Department. Weather condition at the time of the inspection were: 90°F, hazy with calm winds.

Upon arrival, I observed that both buildings which were being demolished during my last inspection were gone (**Photo #1, Site sketch**). I observed no roll off or other container at this site by which the demolition debris or any of the waste could be transported for proper disposal (**Photo #1, Site sketch**).

At the north end of the property, I observed a burn pile containing ash and charred materials that included dimensional lumber, metal, landscape waste and other materials not easily identifiable (**Photo #2, Site sketch Area A**).

I walked south along the fence and observed a pile of approximately sixty open dumped used tires (**Photo #3, Site sketch Area C**).

To the west of the fence (**Photos #4 - #6, Site sketch Area B**) I observed a waste pile consisting of ash, dimensional lumber, concrete, metal, glass bottles, vehicle parts, furniture, plastic items and other materials not easily identifiable.

South of this pile, I observed another waste pile at the edge of a small grove of trees (**Photos #8 & #9, Site sketch Area D**). This pile contained metal pipe, waste tires, plastic items, dimensional lumber, scrap metal and other items not easily identifiable.

On the west side of the site, I observed a waste pile (**Photo #9, Site sketch Area E**). This pile contained concrete, dimensional lumber, carpeting, plastic items and other materials not readily identifiable.

The total amount of waste was approximately 80 cu / yds. My inspection ended at approximately 2:35 pm.



Page 2

077 040 5015

Grand Tower / Rocky Lee Morse

September 8, 2005

**Continuing Violations Observed:**

**Item #1(9)(a): Cause, threaten or allow air pollution in Illinois; Item #2(9)(c): Cause or allow open burning; Item #8(21)(p)(3): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (3) Open Burning:** During the inspection, evidence of the continuing open burning of waste was observed at this site.

**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 and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris:** During the inspection, the continued open dumping of waste, causing litter and the deposition of general C/D debris was observed.

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

# OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: September 8, 2005

Inspector: Don Terry

Site Code: 077 040 5015

County: Jackson

Site Name: Grand Tower / Rocky Lee Morse

Time: 2:20 pm – 2:35 pm

Not Drawn to Scale

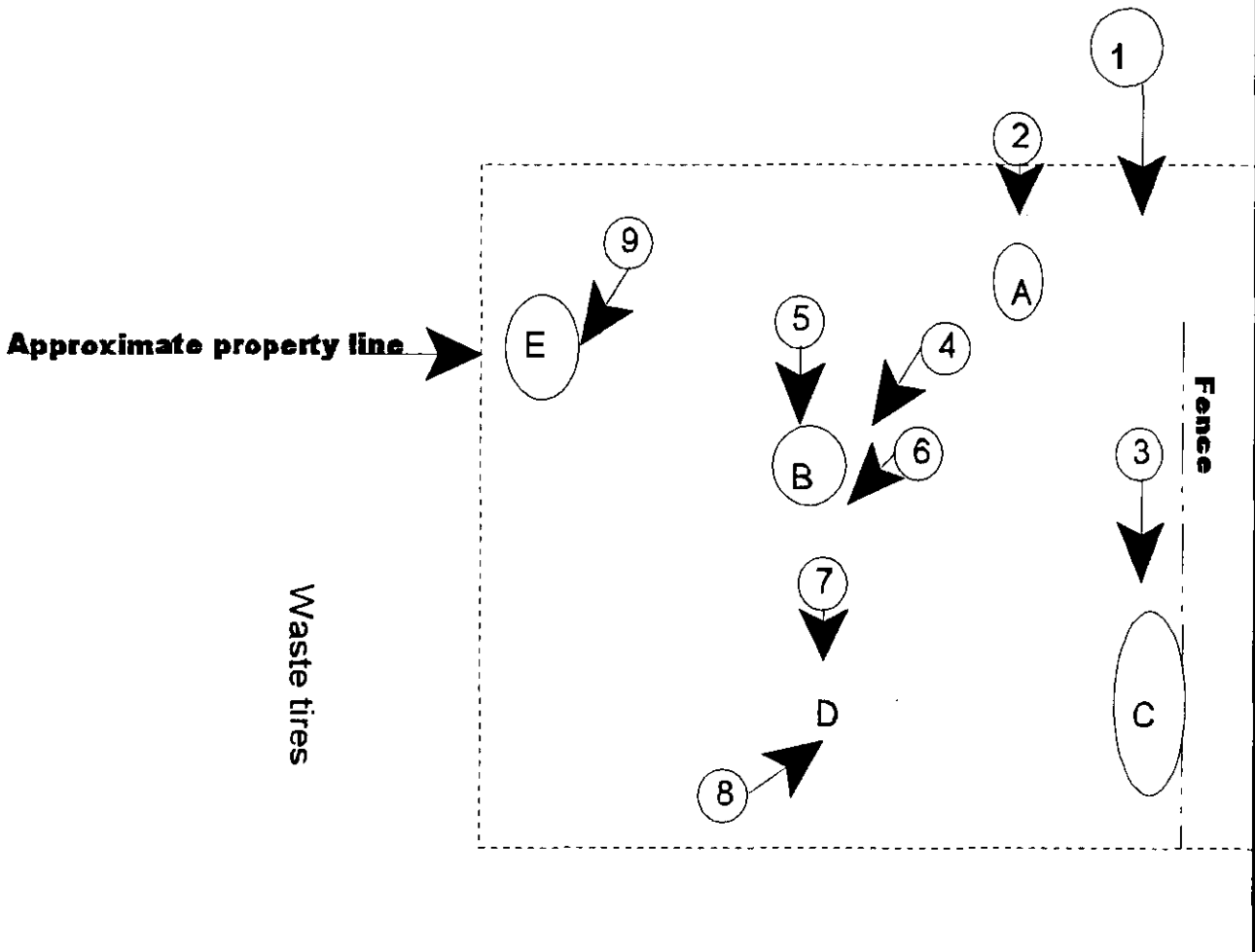
All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos



Grand Tower Rd

Route 3





# Inspection Digital Photo Sheet

Date: September 8, 2005	Site #: 077 040 5015	County: Jackson
Time: 2:20 pm	Site Name: Grand Tower / Rocky Lee Morse	

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

South

Photo File Name:

0770405015-09082005-01



Date: September 8, 2005

Time: 2:21 pm

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

South

Photo File Name:

0770405015-09082005-02





# Inspection Digital Photo Sheet

Date: September 8, 2005	Site #: 077 040 5015	County: Jackson
Time: 2:21 pm	Site Name: Grand Tower / Rocky Lee Morse	

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

South

Photo File Name:

0770405015-09082005-03



Date: September 8, 2005

Time: 2:23 pm

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

Southwest

Photo File Name:

0770405015-09082005-04





# Inspection Digital Photo Sheet

Date: September 8, 2005	Site #: 077 040 5015	County: Jackson
Time: 2:24 pm	Site Name: Grand Tower / Rocky Lee Morse	

Photo taken by: Don Terry
Comments – Photo taken towards:  South
Photo File Name:  0770405015-09082005-05



Date: September 8, 2005
Time: 2:24 pm
Photo taken by: Don Terry
Comments – Photo taken towards:  Southwest
Photo File Name:  0770405015-09082005-06





# Inspection Digital Photo Sheet

Date: September 8, 2005	Site #: 077 040 5015	County: Jackson
Time: 2:24 pm	Site Name: Grand Tower / Rocky Lee Morse	

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

South

Photo File Name:

0770405015-09082005-07



Date: September 8, 2005

Time: 2:25 pm

Photo taken by:  
Don Terry

Comments –  
Photo taken towards:

Northeast

Photo File Name:

0770405015-09082005-08





# Inspection Digital Photo Sheet

Date: September 8, 2005	Site #: 077 040 5015	County: Jackson
Time: 2:27 pm	Site Name: Grand Tower / Rocky Lee Morse	

Photo taken by: Don Terry
Comments – Photo taken towards:  Southwest
Photo File Name:  0770405015-09082005-09



Date:
Time:
Photo taken by:
Comments – Photo taken towards:
Photo File Name:

No Photo