

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Perry. )  
 )  
 Complainant. )  
 )  
 v. )  
 )  
 Debbie Melvin. )  
 )  
 Respondent. )

**RECEIVED**  
CLERK'S OFFICE

AUG 15 2005

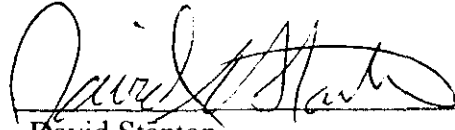
*CL-05*

STATE OF ILLINOIS  
Pollution Control Board

County AC #: ~~PC-05-019~~

**APPEARANCE**

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

  
\_\_\_\_\_  
David Stanton  
Perry County State's Attorney

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

County of Perry. )  
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Respondent. )

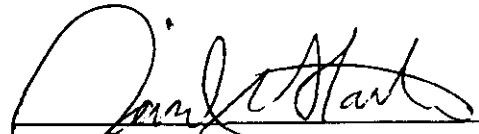
County AC #: <sup>06-05</sup> ~~PC-05-013~~

**RECEIVED**  
CLERK'S OFFICE  
AUG 15 2005  
STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF FILING**

TO: Debbie Melvin  
1464 North Division  
DuQuoin, IL 62832

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.

  
\_\_\_\_\_  
David Stanton  
Perry County State's Attorney

August 12, 2005

Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

(1) That respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21 (p)(1) (2002).

#### **CIVIL PENALTY**

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each violation specified above in paragraph 1, for a total of One Thousand Five Hundred Dollars (\$1,500.00). This is total of One Thousand Five Hundred Dollars (\$1,500.00) for this Citation. 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 One Thousand Five Hundred Dollars (\$1,500.00) fine.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondents fail to petition or elect 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, your check should be made payable to the Perry County's Treasurer Office and mailed to the attention of Bill Taylor, Perry County Treasurer, Perry County Government Building, P.O. Box 158, Pinckneyville, Illinois, 62274. 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 Perry 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 signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall be filed with the Perry County State's Attorney office. **Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.**

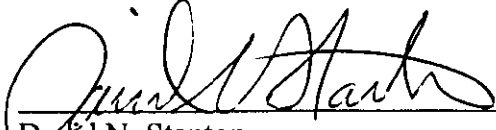
Your original Petition must be filed with the Clerk of the Board at:

The Honorable Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

A copy must also be sent to:

Office of the State's Attorney  
David Stanton  
Perry County Courthouse  
1 Public Square  
Pinckneyville, IL 62274

DATED: August 12, 2005

  
\_\_\_\_\_  
David N. Stanton  
Perry County State's Attorney

**RECEIVED**  
CLERK'S OFFICE

AUG 15 2005

COUNTY OF PERRY

Complainant,

v.

Debbie Melvin

Respondent.

)  
) STATE OF ILLINOIS  
) Pollution Control Board

)  
) AC 06-05  
) County AC# PC-05013  
)  
)  
)  
)  
)  
)  
)

**AFFIDAVIT**

Affiant, Jon M. Gregory, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Perry County Solid Waste Management Department and has been so employed at all times pertinent hereto.

2. On **August 1, 2005**, between **8:25 a.m.** and **8:33a.m.**, Affiant conducted an inspection of a disposal site operated by Debbie Melvin, located in Perry County, Illinois, and known as the Debbie Melvin Residence site by the Perry County Solid Waste Management Department. Said site has been assigned site code number 1450200004 by the Perry County Solid Waste Management Department.

3. Affiant inspected said Debbie Melvin Residence site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 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 Debbie Melvin Residence site.

Jon M. Hegarty

Subscribed and Sworn to before me

this 12 day of August, 2005

Debra Heck  
Notary Public







**RECEIVED**  
CLERK'S OFFICE

AUG 15 2005

STATE OF ILLINOIS  
Pollution Control Board

**REMITTANCE FORM**

County of Perry. )  
 )  
 Complainant. )  
 )  
 v. )  
 Debbie Melvin. )  
 )  
 Respondent. )

County AC #: *06-05*  
~~PC-05-013~~

FACILITY: Debbie Melvin Residence  
COUNTY: Perry  
DATE OF INSPECTION: August 1, 2005  
SITE CODE: 1450200004  
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:

Bill Taylor, Perry County Treasurer  
Perry County Government Building  
P.O. Box 158  
Pinckneyville, IL 62274

**Perry County Solid Waste Management Department**  
**Narrative Inspection Report**

**Site #: 1450200004**

**Date: 8/1/05**

**County: Perry**

**Inspector: Jon Gregory**

**Subject: Debbie Melvin Open Dump Site Inspection**

**General Remarks:** On Monday, August 1, an open dump site inspection was conducted at the Debbie Melvin residence, located at 1464 North Division in DuQuoin (St. Johns). The inspection was conducted as a follow up to an inspection conducted at this site on April 26, 2005. The initial inspection was conducted in response to a complaint received by the Perry County Solid Waste Management Department. The inspection was conducted between 8:25 a.m. and 8:33 a.m. The weather was clear and sunny with the temperature in the low 80's.

Upon arrival at the site, I observed a pile of partially burned waste as I walked to the front door of the trailer. I knocked at the door and there was no answer. I began my inspection by photographing the aforementioned burn pile that measured approximately 8' x 8' (Photos 001 – 003, 009). The pile contained the burned remains of cans, bottles, a bicycle, a bed frame/mattress, and two tires (Photos 001 – 003, 009). A car battery was also observed to be open dumped beside the burn pile (Photo 002).

I also observed a junk mobile home that is open dumped on the north side of the yard (Photos 004 & 005). This unsightly mobile home is not useable in its present condition and is not being protected from the elements for future use. I also observed five junk lawnmowers in the yard (Photos 006 – 008). None of the mowers appeared to be useable in their present condition, nor did it appear that they had been used recently, as the grass was growing over the tires of the mower illustrated in Photo 006.

As I was concluding my inspection, Joe Penske, the boyfriend of Debbie Melvin and co-inhabitant of the mobile home, came outside to speak with me. I had met Joe during my April 26 inspection of the residence. I informed Mr. Penske that it had been well over sixty days since my last inspection and that the property was still in violation of the Environmental Protection Act and that he and Debbie Melvin, the property owner, had done nothing to comply. When questioned, Mr. Penske stated that he had burned the waste to make the pile smaller so that it would fit into a dumpster that he was planning to rent to get rid of the waste. I stated that it was evident that a tire had been burned in the pile and Mr. Penske denied burning any tires. Mr. Penske became very defensive and loud and began complaining about his neighbors and their yards. Mr. Penske said that he and Debbie Melvin didn't have to do anything with the junk mobile home. Mr. Penske began using profanity and told me to leave and never come back. I left the site at 8:33 a.m. I estimated that there was approximately 90 cubic yards of waste open dumped at this site.



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

County: Perry LPC#: 1450200004 Region: 7 - Marion  
 Location/Site Name: Debbie Melvin Residence  
 Date: 08/01/2005 Time: From 8:25am To 8:33am Previous Inspection Date: 04/26/2005  
 Inspector(s): Jon Gregory Weather: clear, sunny, 80's  
 No. of Photos Taken: # 9 Est. Amt. of Waste: 90 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Joe Penske Complaint #:     

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

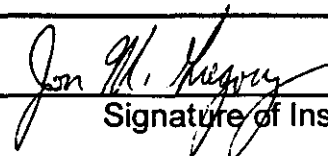
Debbie Melvin  
1464 North Division  
DuQuoin, IL 62832

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 # 1450200004

Inspection Date: 08/01/2005

	(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 checked="" 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"/>
			<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.



## DIGITAL PHOTOGRAPHS



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: E  
Photo by: Jon Gregory  
Exposure #: 001  
Comments:



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: NE  
Photo by: Jon Gregory  
Exposure #: 002  
Comments:

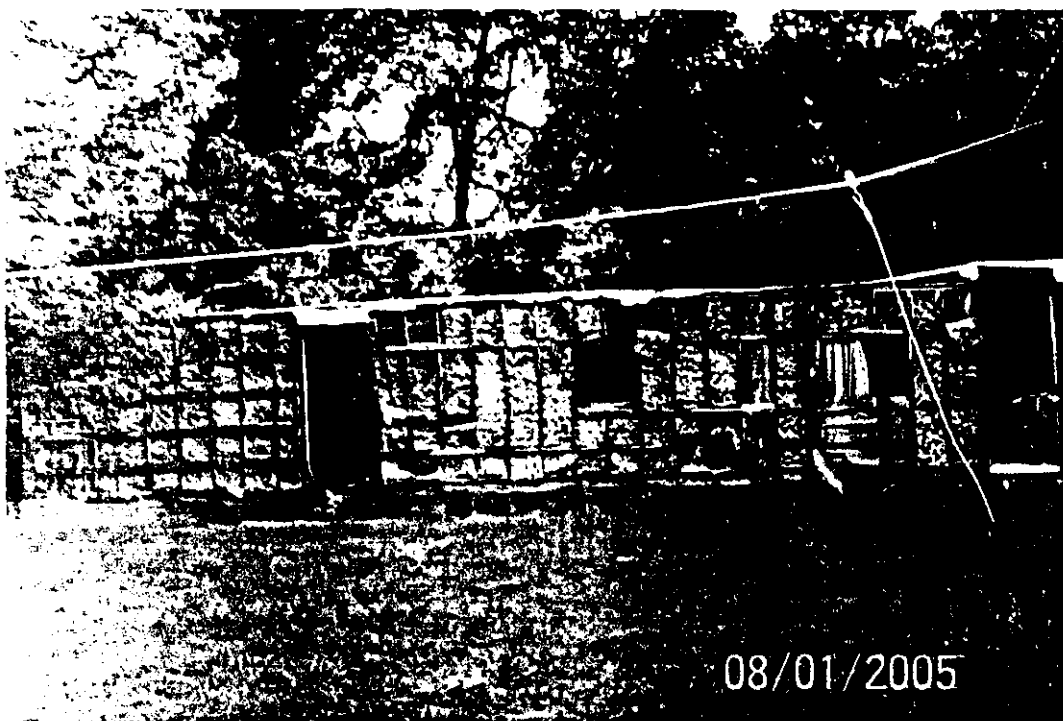
File Names: 1450200004-08012005--[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: NE  
Photo by: Jon Gregory  
Exposure #: 003  
Comments:



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: N  
Photo by: Jon Gregory  
Exposure #: 004  
Comments:

File Names: 1450200004-08012005--[Exp. #].jpg

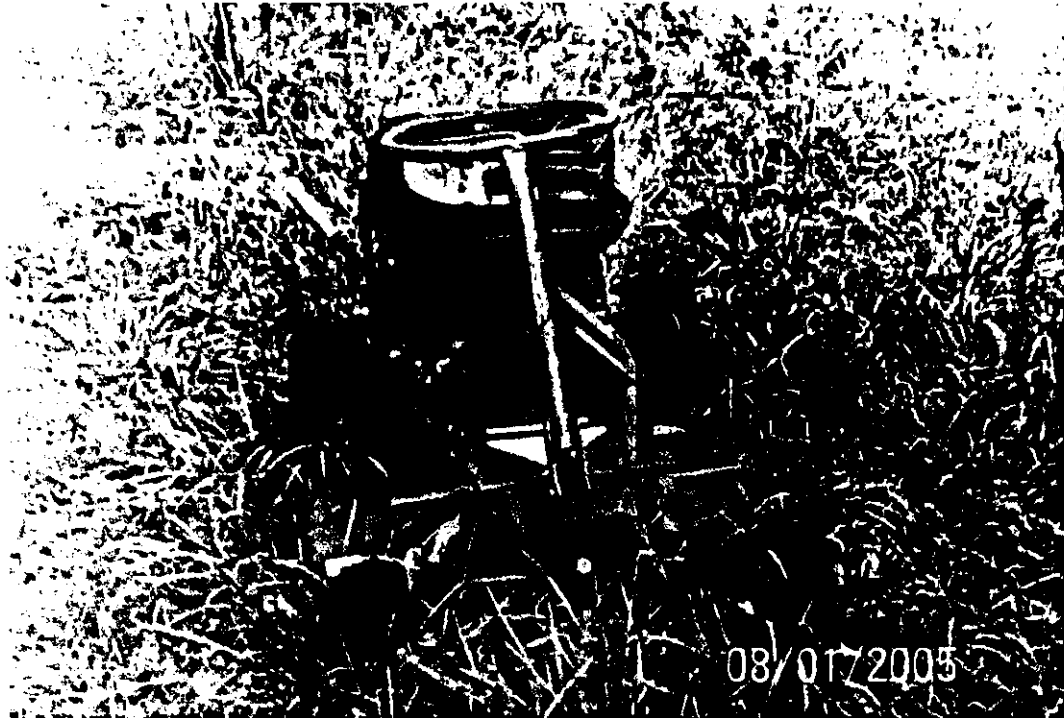




**DIGITAL PHOTOGRAPHS**



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: N  
Photo by: Jon Gregory  
Exposure #: 005  
Comments:



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 006  
Comments:

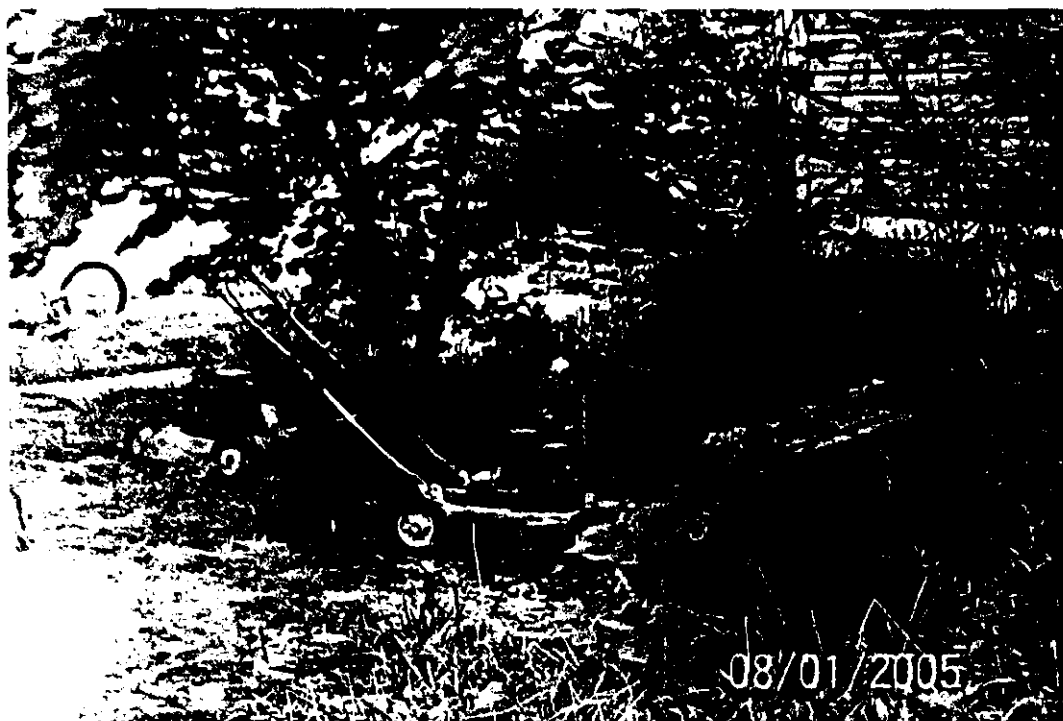
File Names: 1450200004-08012005--[Exp. #].jpg



### DIGITAL PHOTOGRAPHS



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: W  
Photo by: Jon Gregory  
Exposure #: 007  
Comments:

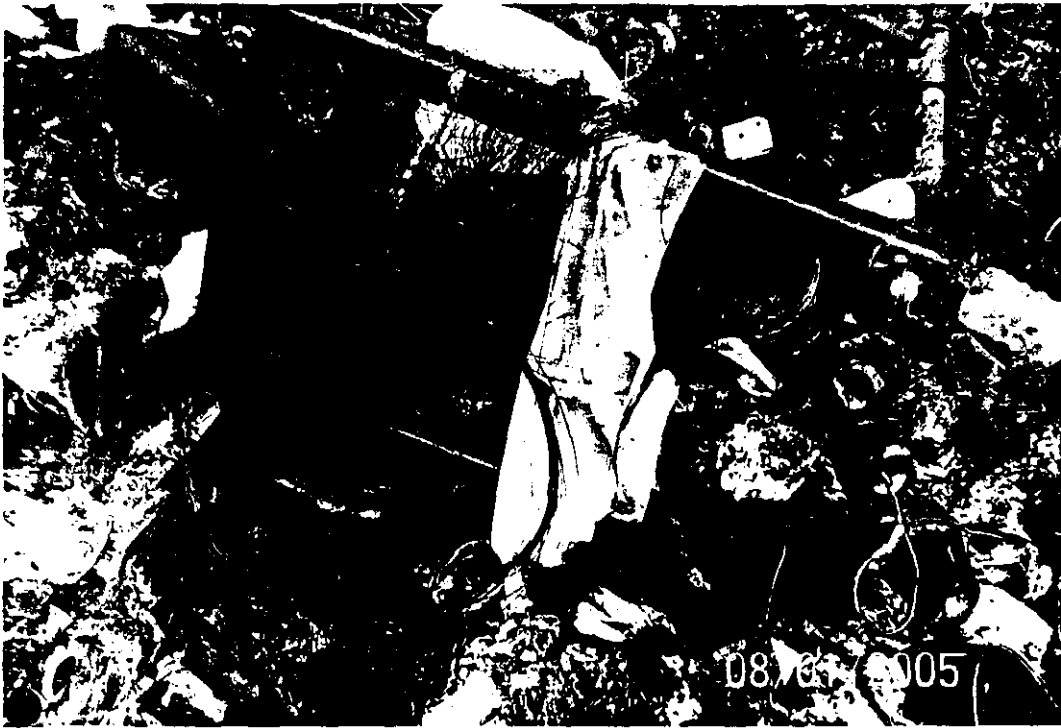


Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: NW  
Photo by: Jon Gregory  
Exposure #: 008  
Comments:

File Names: 1450200004-08012005--[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 8/1/05  
Time: 8:25am - 8:33am  
Direction: S  
Photo by: Jon Gregory  
Exposure #: 009  
Comments:

Date:  
Time:  
Direction:  
Photo by:  
Exposure #:  
Comments:

File Names: 1450200004-08012005--[Exp. #].jpg