

RECEIVED
CLERK'S OFFICE

MAR 31 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 DAVID SKIDMORE,)
)
 Respondent.)

AC 06 - 32

NOTICE OF FILING

TO: David Skidmore, 1 Mineral Springs Drive, Ava, Illinois 62907

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

March 21, 2006

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.)
)
DAVID SKIDMORE,)
)
Respondent.)

AC 06 - 32

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

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 31 2006

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
DAVID SKIDMORE,)
)
Respondent.)

AC 06 - 32

Serve on: David Skidmore, 1 Mineral Springs Dr., Ava, Illinois 62907

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: David Skidmore

Address: at Jackson Co Sheriff Dept

Sex: Male Female

Age: 3-12-56

Date of service: 3/27/06 2006.

Time: 10:20 am.

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

PLEASE RETURN TO:

DANIEL BRENNER
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

RECEIVED
CLERK'S OFFICE

MAR 31 2006

STATE OF ILLINOIS
Pollution Control Board

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

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 06 - 32
)	Site Code: 0778005012
DAVID SKIDMORE,)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2004), 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 # 0778005012. The facility is known to the Agency as the Ava/David Skidmore site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On February 28, 2006, 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 February 28, 2006, 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).

2. The Respondent has caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).

3. The Respondent has caused or allowed the deposition of general construction or demolition; or clean construction or demolition debris 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 May 1, 2006. 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: 3/21, 2006

A handwritten signature in black ink, appearing to read "Daniel Brenner", written over a horizontal line.

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM

COUNTY OF JACKSON,)
)
 Complainant,)
)
v.) NO. AC 06 -
)
DAVID SKIDMORE,)
)
)
 Respondent.)

FACILITY: AVA/DAVID SKIDMORE SITE
COUNTY: JACKSON
DATE OF INSPECTION: February 28, 2006
SITE CODE: 0778005012
CIVIL PENALTY: \$4,500.00

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

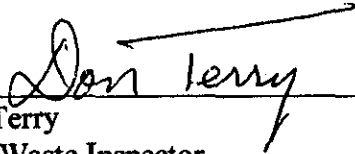
IN THE MATTER OF:

077 800 5012 / Jackson County
Ava / David Skidmore
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 February 28, 2006, between the hours of 10:45 am and 10:55 am, Affiant conducted an inspection of the open dump site known as Ava / David Skidmore, 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 David Skidmore, Ava, Illinois, open dump site.



Don Terry
Solid Waste Inspector

Subscribed and Sworn To before me
this 2 day of March, 2006



Notary Public



DAVID SKIDMORE
ADMINISTRATIVE CITATION

EXHIBIT A

NARRATIVE INSPECTION REPORT DOCUMENT
OPEN DUMP SITE

Date of Inspection: February 28, 2006

Inspector: Don Terry

Site Code: 077 800 5012

County: Jackson

Site Name: Ava / David Skidmore

Time: 10:45 am – 10:55 am

Location: Lat 37.89960 Long -89.51298

GPS Accuracy: +/- 7 feet

Approximate Volume of Waste at Site: 60 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 an inspection conducted on July 21, 2005 during which violations regarding open dumping and open burning were observed. Mr. Skidmore received a VNL (L-2006-JC102) as a result of this previous inspection as well as verbal warnings on at least two other occasions during field visits by Health Department staff.

Weather conditions at the time of the inspection were: cloudy with calm winds and a temperature of approximately 68°F. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

According to the Jackson County Assessor's Office and the Jackson County Clerk's Office, the site is owned by David Skidmore of 1 Mineral Springs Dr., Ava, IL.

I arrived at the site and observed what appeared to be a waste pile to the northwest of the main building (**Site Sketch**) where I had observed a burn pile during my previous inspection and field visits. I walked to the location and observed a waste pile consisting of landscape waste, metal wire, scrap metal, concrete blocks, dimensional lumber and ash (**Photos # 1, #2 & #5, Site Sketch**). Some of the listed items were charred indicating that they had been burned.

I commented to Mr. Hagston that during a field visit to this site on September 13, 2005, I used a binder clip to attach a green colored warning tag to a piece of metal in the waste pile directing that the waste not be burned but be taken to the landfill. Mr. Hagston reached into the burn pile and retrieved what appeared to be the very same tag (**Photo #5, Site Sketch & Attachment A**). Upon closer examination of the tag, this inspector's name was still visible on it despite that it had been torn, partially burned and faded from weathering.

Page 2
077 800 5012
Ava / David Skidmore
February 28, 2006

To the north of the waste pile I observed a field where I had observed abandoned vehicles during previous inspections. Today I observed no abandoned vehicles in the field and that area appeared to be in general compliance (**Photo #3, Site Sketch**).

To the southeast of the burn pile I observed a pile of construction / demolition debris which had been open dumped on the site (**Photo #4, Site Sketch**).

I walked south from the burn pile to a location south of the building where I observed another burn pile (**Photos #6 - #8, Site Sketch**). This burn pile consisted of ash, landscape waste, dimensional lumber paper, plastic, a telephone and other materials not readily identifiable.

East of this second burn pile I observed an abandoned mobile home (**Photos #9 & #10, Site Sketch**). The mobile home was missing a door and a window. Waste had been open dumped in a pile near the abandoned mobile home (**Photo #10, Site Sketch**). At the time of the inspection, the mobile home was not in use, was not useable in its current condition, and was not stored in such a way as to protect any future use.

The total volume of waste at this site was approximately 60 cu / yds.

My inspection ended at approximately 10:55 am.

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 this inspection, the continued open dumping of waste resulting in open burning, threatening to cause air pollution in Illinois was 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 and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During this inspection, the continued open dumping of waste resulting in litter and the deposition of general construction or demolition debris was observed.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jackson LPC#: 077 800 5012 Region: 7 - Marion
 Location/Site Name: Ava / David Skidmore
 Date: 02/28/2006 Time: From 10:45 am To 10:55 am Previous Inspection Date: 07/21/2005
 Inspector(s): Don Terry Weather: 68°F - cloudy with calm winds
 No. of Photos Taken: # 10 Est. Amt. of Waste: 60 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one at site Complaint #: 2003--140
 Latitude: 37.89960 Longitude: -89.51298 Collection Point Description: Main Gate -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 7 feet

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

Mr. David Skidmore
1 Mineral Springs Dr.
Ava, IL 62907

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 # 077 800 5012

Inspection Date: 02/28/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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"/>
OTHER REQUIREMENTS			
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"/>

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.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: February 28, 2006

Inspector: Don Terry

Site Code: 077 800 5012

County: Jackson

Site Name: Ava / David Skidmore

Time: 10:45 am – 10:55 am

Location: Lat 37.89960 Long -89.51298

GPS Accuracy = +/- 7 feet

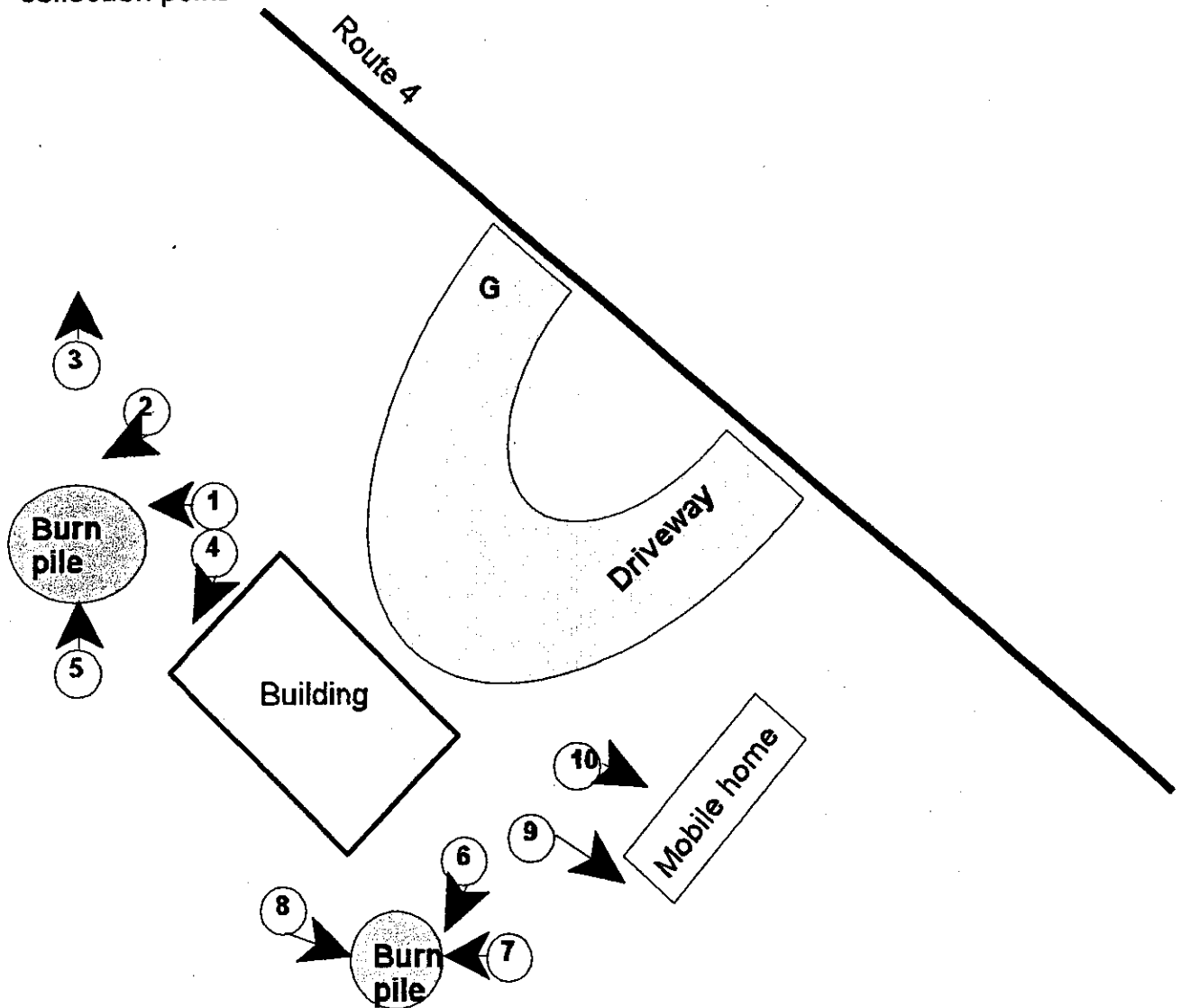
Not Drawn to Scale

All Locations Are Approximate

○ → Indicates Approximate Location & Direction of Photos



G = approximate GPS data collection point





Inspection Digital Photo Sheet

Date: February 28, 2006	Site #: 077 800 5012	County: Jackson
Time: 10:50 am	Site Name: Ava / David Skidmore	

Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-02282006-01



Date: February 28, 2006
Time: 10:50 am
Photo taken by: Don Terry
Comments – Photo taken towards: Southwest
Photo File Name: 0778005012-02282006-02

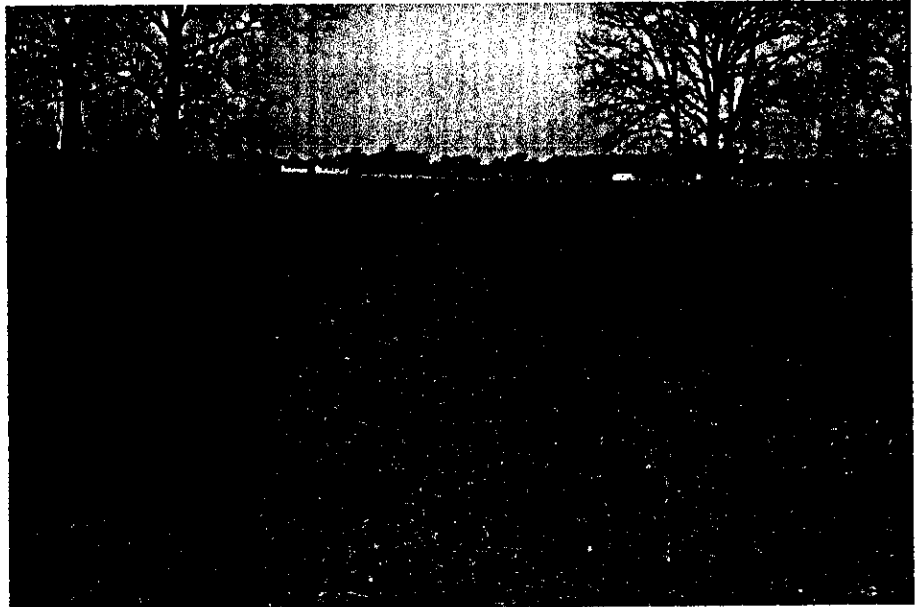




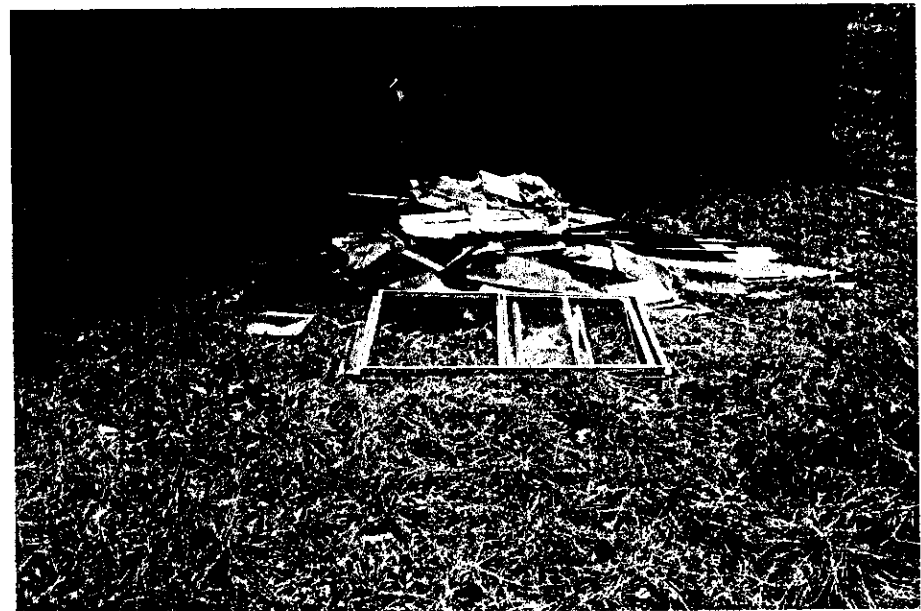
Inspection Digital Photo Sheet

Date: February 28, 2006	Site #: 077 800 5012	County: Jackson
Time: 10:50 am	Site Name: Ava / David Skidmore	

Photo taken by: Don Terry
Comments – Photo taken towards: North
Photo File Name: 0778005012-02282006-03



Date: February 28, 2006
Time: 10:50 am
Photo taken by: Don Terry
Comments – Photo taken towards: Southwest
Photo File Name: 0778005012-02282006-04

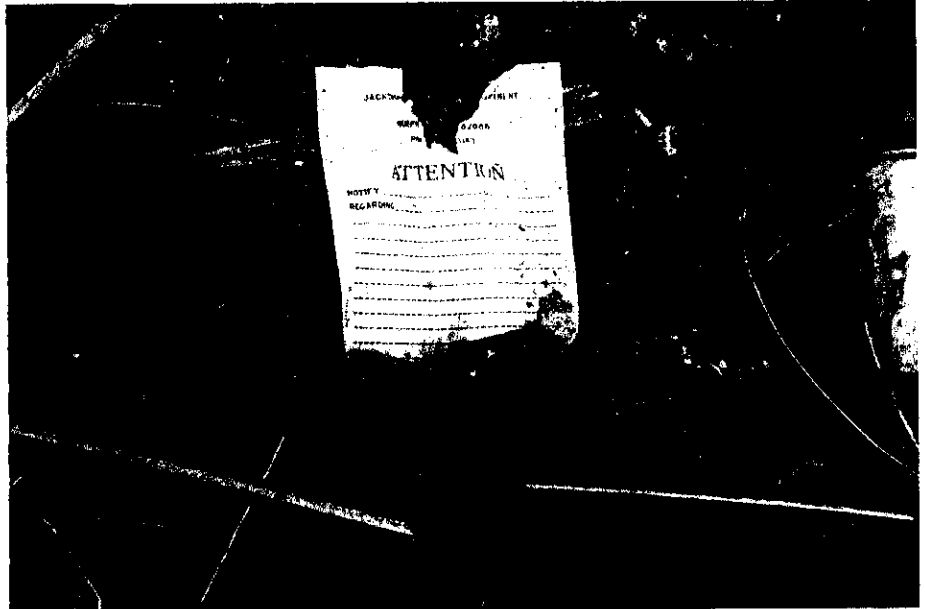




Inspection Digital Photo Sheet

Date: February 28, 2006	Site #: 077 800 5012	County: Jackson
Time: 10:51 am	Site Name: Ava / David Skidmore	

Photo taken by: Don Terry
Comments -- Photo taken towards: North
Photo File Name: 0778005012-02282006-05



Date: February 28, 2006
Time: 10:53 am
Photo taken by: Don Terry
Comments -- Photo taken towards: Southwest
Photo File Name: 0778005012-02282006-06





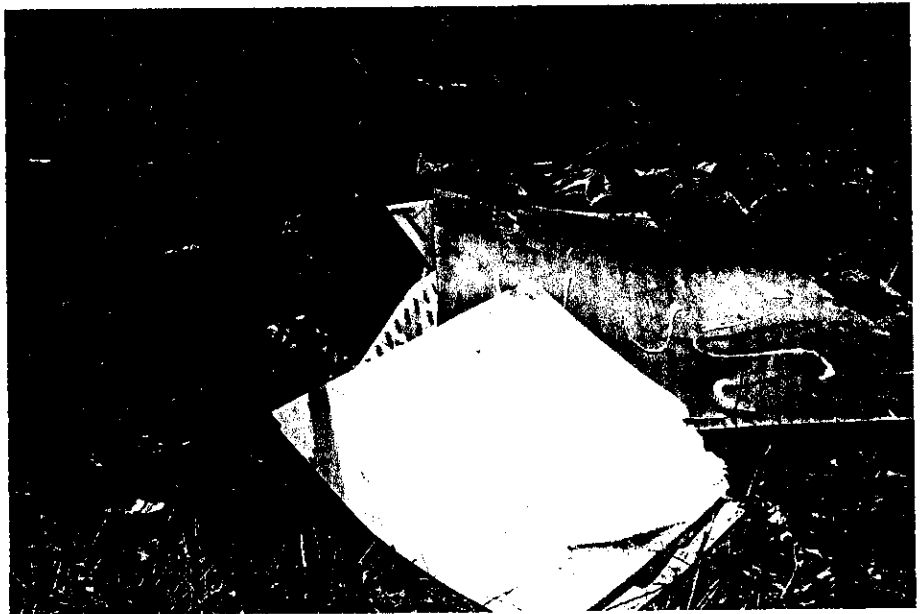
Inspection Digital Photo Sheet

Date: February 28, 2006	Site #: 077 800 5012	County: Jackson
Time: 10:53 am	Site Name: Ava / David Skidmore	

Photo taken by: Don Terry
Comments – Photo taken towards: West
Photo File Name: 0778005012-02282006-07



Date: February 28, 2006
Time: 10:53 am
Photo taken by: Don Terry
Comments – Photo taken towards: Southeast
Photo File Name: 0778005012-02282006-08

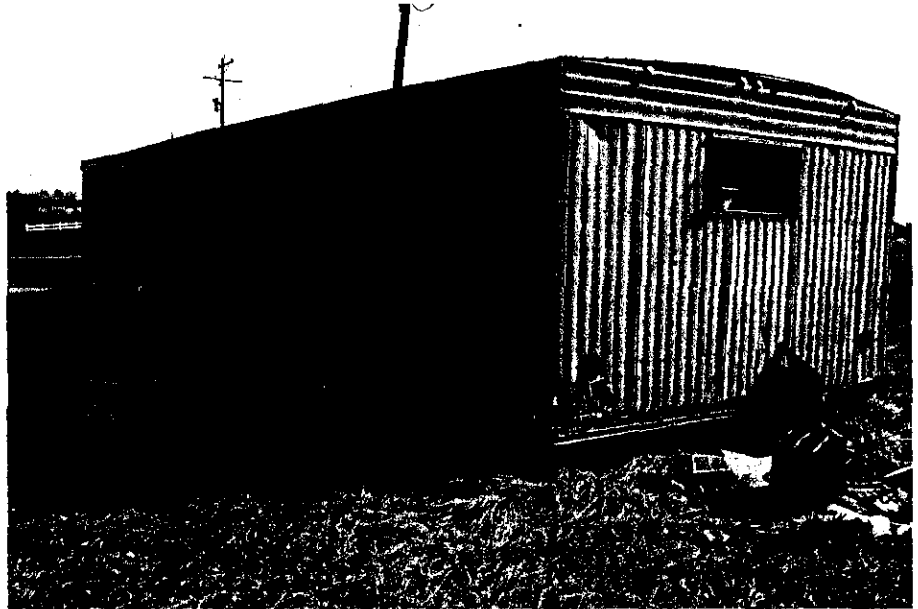




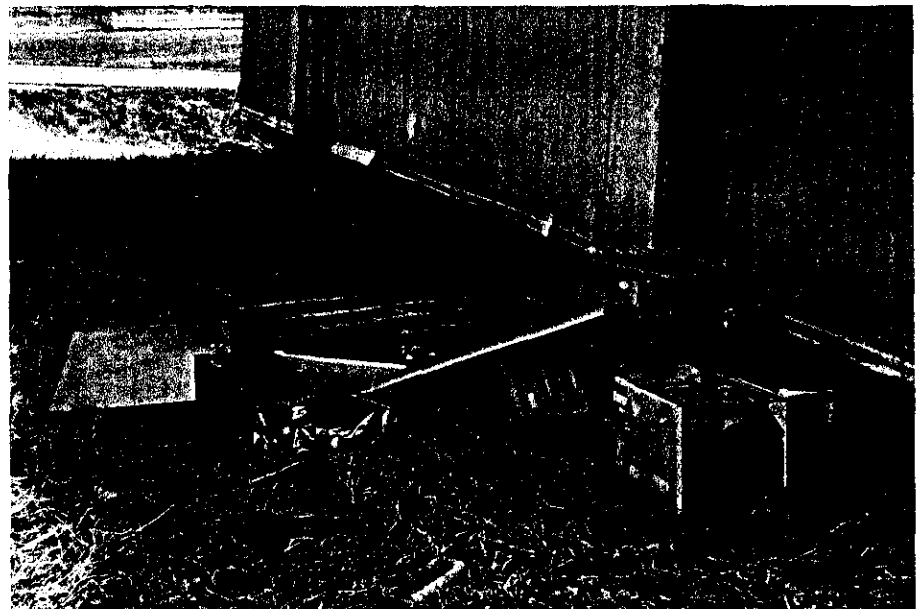
Inspection Digital Photo Sheet

Date: February 28, 2006	Site #: 077 800 5012	County: Jackson
Time: 10:53 am	Site Name: Ava / David Skidmore	

Photo taken by: Don Terry
Comments – Photo taken towards: Southeast
Photo File Name: 0778005012-02282006-09



Date: February 28, 2006
Time: 10:53 am
Photo taken by: Don Terry
Comments – Photo taken towards: Southeast
Photo File Name: 0778005012-02282006-10



**Attachment A: Enlargement of Photo #5
Ava/David Skidmore / 077 800 5012 / February 28, 2006**

