

**RECEIVED**  
CLERK'S OFFICE

APR 03 2006

STATE OF ILLINOIS  
Pollution Control Board

**INFORMATIONAL NOTICE !!!**

*Acc 06-35*

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

**NOTE:** This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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APR 03 2006

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
JERRY L. WATSON, )  
 )  
Respondent. )

AC 06-35  
(IEPA No. 70-06-AC)

**NOTICE OF FILING**

To: Jerry L. Watson  
P.O. Box 579  
105 Cardinal Lane  
Energy, IL 62933

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,

\_\_\_\_\_  
Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: March 29, 2006

**RECEIVED**  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 03 2006

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

JERRY L. WATSON,

Respondent.

AC 06-35  
(IEPA No. 70-06-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2004).

FACTS

1. That Jerry L. Watson ("Respondent") is the present owner and operator of a facility located at 8980 Crenshaw Road in rural Energy, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Energy/Watson, Jerry L.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1998585013.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on March 2, 2006, Garrison Gross of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

## VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his March 2, 2006 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (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) (2004).
  
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of general construction or demolition debris; or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2004).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 15, 2006, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2004), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondent fails to petition or elects 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, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2004). If Respondent elects to contest this Administrative Citation, then Respondent shall 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, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. 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.

Douglas P. Scott  
Douglas P. Scott, Director *by wcc*  
Illinois Environmental Protection Agency

Date: 3/29/06

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

**RECEIVED**  
CLERK'S OFFICE

APR 03 2006

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
JERRY L. WATSON, )  
Respondent. )

AC *06-35*  
(IEPA No. 70-06-AC)

FACILITY: Energy/Watson, Jerry L.

SITE CODE NO.: 1998585013

COUNTY: Williamson

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: March 2, 2006

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 ) IEPA DOCKET NO.  
 v. )  
 )  
 Jerry L. Watson )  
 )  
 Respondent. )

AFFIDAVIT

Affiant, Garrison Gross, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 2, 2006, between 9:15 AM and 9:50 AM, Affiant conducted an inspection of a disposal site operated by Jerry L. Watson, located in Williamson County, Illinois, and known as Energy/Watson, Jerry L. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1998585013 by the Agency.
3. Affiant inspected said Energy/Watson, Jerry L. 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 Energy/Watson, Jerry L.

*Garrison Gros*

Subscribed and Sworn to before me

this 14 day of March, 2006

*Marcia A. English*  
Notary Public

GRG





LPC # 1998585013

Inspection Date: 03/02/2006

	(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 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)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<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.



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Narrative Inspection Report

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**Site #:** 1998585013 **Site Name:** Energy / Watson, Jerry L.  
**County:** Williamson **Township:** Herrin  
**Date of Inspection:** March 2, 2006 **Inspectors:** G. Gross, J. Winters  
**GPS Coordinates:** N 37.77568° W 088.99344° (#419)

**Subject:** Open Dump Site Inspection At Jerry L. Watson Property

**General Remarks:** An Open Dump Site Inspection was conducted on Thursday, March 2, 2006, at the property of Jerry L. Watson. Garrison Gross and Jay Winters of the Illinois EPA Bureau of Land conducted the inspection. The property is located at ~8980 Crenshaw Road in rural Energy, Illinois. It consists of a parcel containing approximately 37.78 acres. The inspection was performed as a follow up to a previous inspection conducted on August 17, 2005. Weather conditions at the time of the inspection were scattered clouds, 60° F, and a moderate breeze.

The inspection began at 9:15 AM. We were unable to access by site by vehicle due to a metal gate blocking the entrance to the property. We parked the vehicle and walked toward the gate. Before entering the site we observed waste tires and dimensional lumber partially overgrown with vegetation (photo 001). We proceeded up a small hill around the gate. The inspection began at the southern portion of the property. At the time of the previous inspection, this was the area where we focused our attention on open dumped waste items. Proceeding beyond the gate we observed two waste mobile homes and three waste vehicles (photos 002 and 003). Construction and demolition waste (dimensional lumber) was observed just north of the waste vehicles (photo 004). Woody and non-woody vegetation was growing up around these areas.

Large slabs of concrete were observed east of the main access road (photo 005). The slabs were stacked in an orderly fashion. It appeared that the slabs had been there for some time due to small trees growing between the stacks. Two mobile homes on the west side of the main road were observed (photo 006). One mobile home appeared to be properly leveled and in use for storage purposes. The other mobile home appeared to be level, but did not have steps to allow access. More busted concrete was observed on the east side of the road (photo 007). It did not appear that it was being properly used for fill material because it was piled higher than the surrounding property elevation.

We walked down a road that headed west off the main road. We observed what appeared to be a mobile trailer, covered with construction / demolition wastes (photo 008). The trailer was also overgrown in weeds, and vines. We observed the front end of a waste vehicle (photo 009). Three more waste mobile homes were observed west of the main access road. One of these mobile homes was partially collapsed (photo 010). The other two were unlevelled and overgrown with vegetation (photo 011). The fill area, where the demolition debris from the Carterville School had been dumped, had been leveled (photo 012). No visible signs of commingled non-clean wastes were observed in this area. We headed east, back toward the main access road. Wastes including but not limited to pallets, metal and tires were observed in this location (photo 013).

**March 2, 2006**  
**1998585013 - Williamson County**  
**Energy / Watson, Jerry L.**

We headed north on the main access road and proceeded to the northern part of the property. At the time of the previous inspection, this area was not investigated. We observed a waste mobile home that had not been leveled and did not appear to be in use (photo 014). Several waste vehicles, vehicle parts and machinery were observed on either side of the main access road (photos 015-019). Three more waste mobile homes were observed in the northwestern portion of the site (photo 020). All were unlevelled and haphazardly placed on the slope of the hill. Two boats, a truck bed, and other unidentifiable machinery were observed near the edge of the main access road. All of these waste items were overgrown in vegetation and did not appear to have been used for sometime.

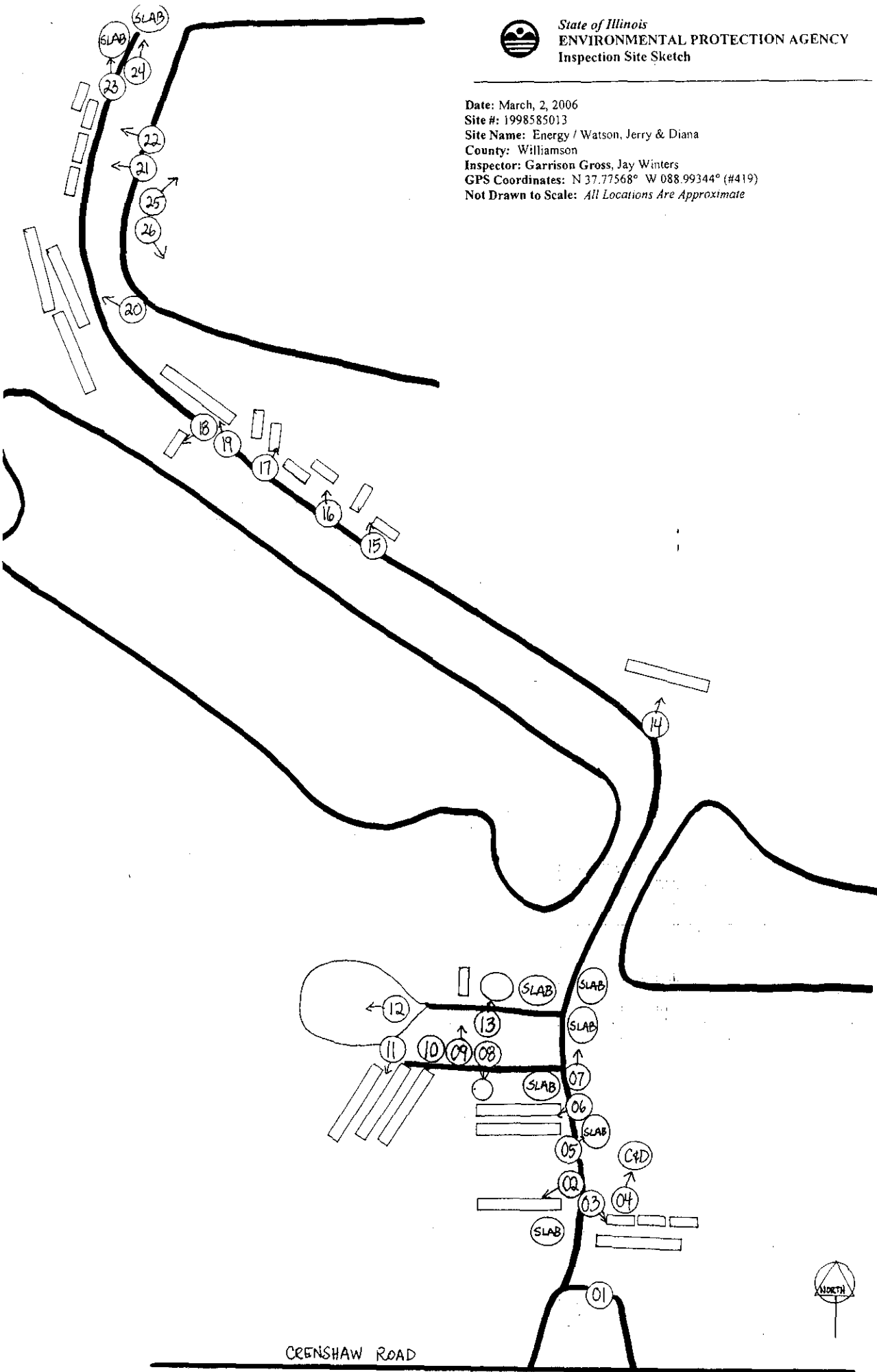
We continued walking north on the main access road and observed three piles of construction and demolition wastes in the form of busted concrete (photos 023 and 024). The busted concrete was not being properly used for fill material because it was piled higher than the surrounding property elevation. It was also noted that extensive excavation work was taking place (photos 025 and 026). The area was approximately 2-3 acres and consisted of a 3-walled berm located on a hill. Due to the extreme topographical variations and the existence of 2 small lakes, it's speculated use is unknown. Because an NPDES Storm Water Construction Permit is required for soil disturbances involving more than one acre, the Illinois EPA Bureau of Water was notified of the excavation work.

Upon leaving the site, a man drove up in a truck and asked us what we were doing. We identified ourselves and explained the purpose of the visit. He identified himself as Chris Poole, a friend of Mr. Watson. He said he had been watching the site for Mr. Watson while he was out of town. He said some items had been stolen from the property and he saw our vehicle parked near the road. He said he stopped to investigate. The total amount of waste at the site is approximately 2000 cubic yards. The inspection ended at approximately 9:50 AM.



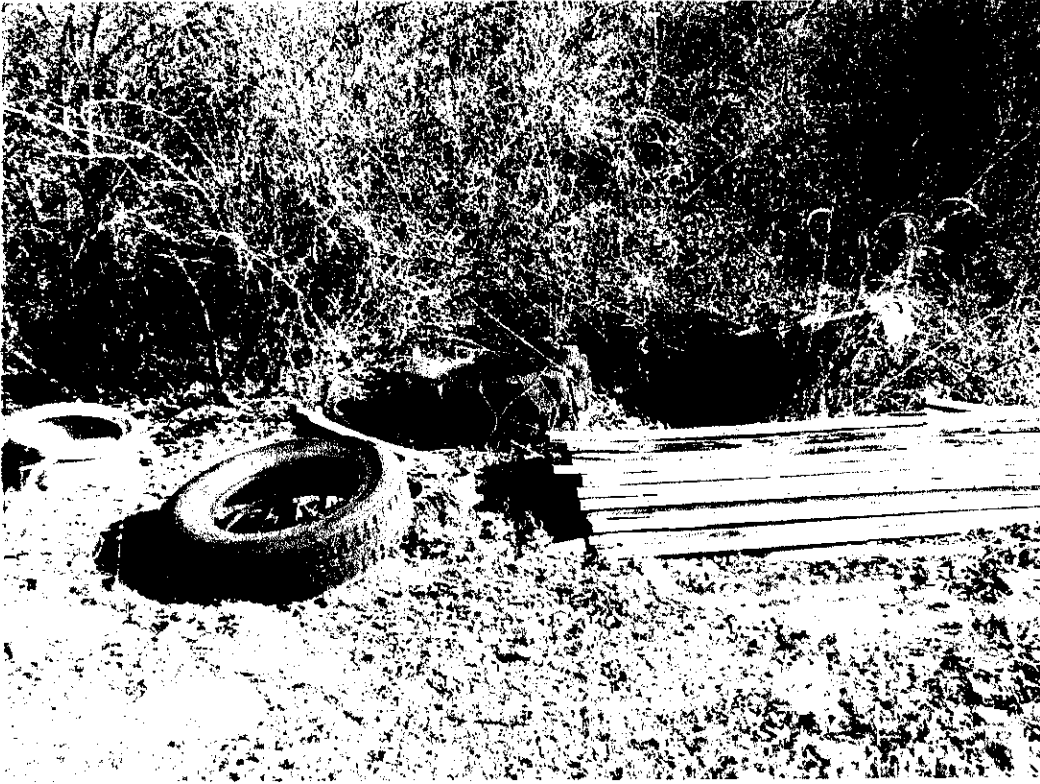
State of Illinois  
 ENVIRONMENTAL PROTECTION AGENCY  
 Inspection Site Sketch

Date: March, 2, 2006  
 Site #: 1998585013  
 Site Name: Energy / Watson, Jerry & Diana  
 County: Williamson  
 Inspector: Garrison Gross, Jay Winters  
 GPS Coordinates: N 37.77568° W 088.99344° (#419)  
 Not Drawn to Scale: All Locations Are Approximate

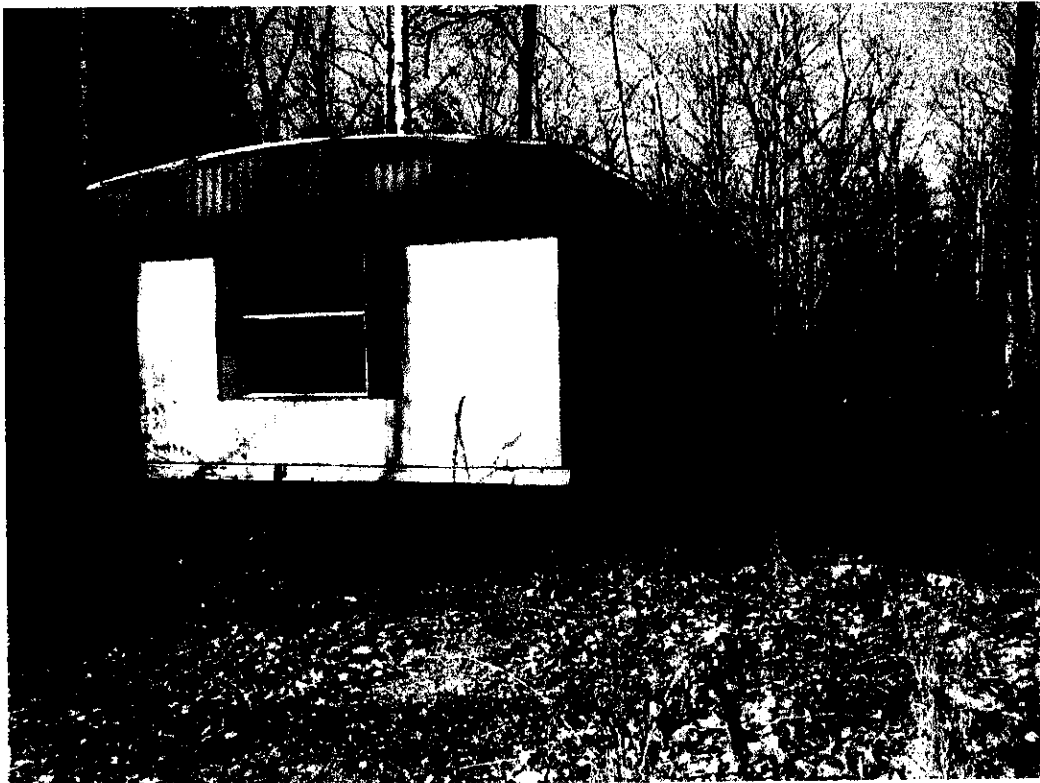




## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:21 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 001  
Comments:



Date: 03/02/2006  
Time: 9:22 AM  
Direction: West  
Photo by: G. Gross  
Exposure #: 002  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:23 AM  
Direction: Southeast  
Photo by: G. Gross  
Exposure #: 003  
Comments:



Date: 03/02/2006  
Time: 9:23 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 004  
Comments:

File Names:1998585013-03022006-[Exp. #].jpg

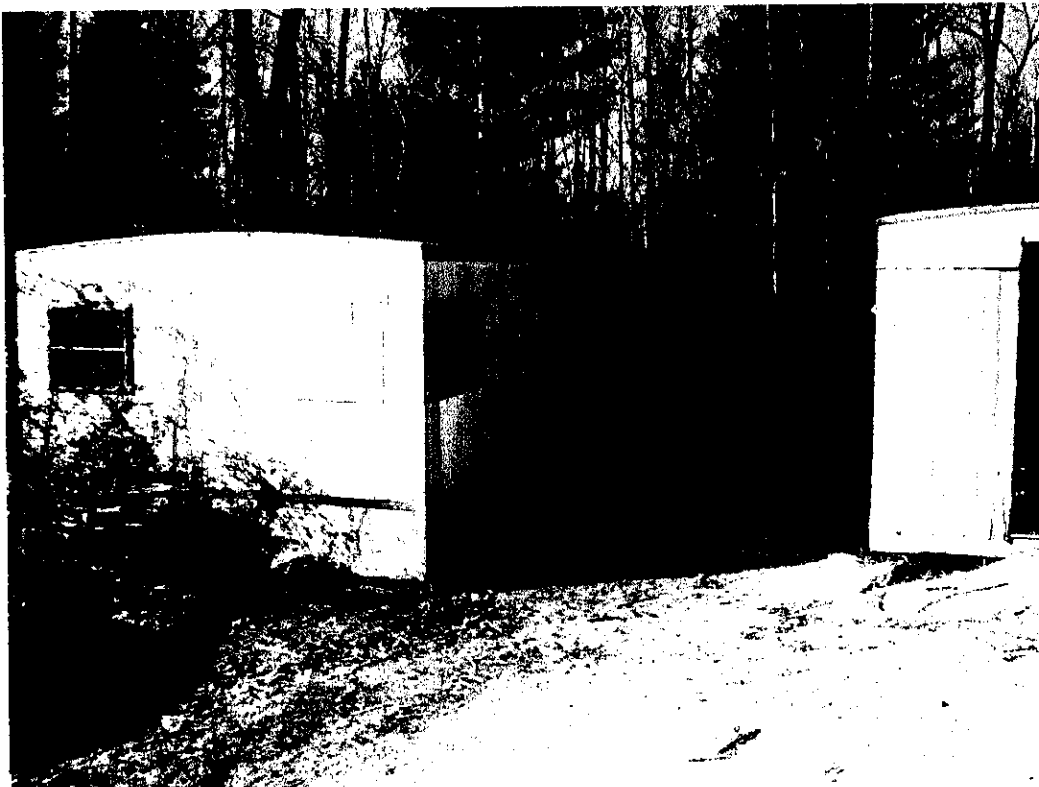




**DIGITAL PHOTOGRAPHS**



Date: 03/02/2006  
Time: 9:24 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 005  
Comments:



Date: 03/02/2006  
Time: 9:24 AM  
Direction: West  
Photo by: G. Gross  
Exposure #: 006  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:25 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 007  
Comments:



Date: 03/02/2006  
Time: 9:25 AM  
Direction: South  
Photo by: G. Gross  
Exposure #: 008  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 03/02/2006  
Time: 9:26 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 009  
Comments:**



**Date: 03/02/2006  
Time: 9:27 AM  
Direction: Southwest  
Photo by: G. Gross  
Exposure #: 010  
Comments:**

**File Names:1998585013~03022006-[Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:27 AM  
Direction: Southwest  
Photo by: G. Gross  
Exposure #: 011  
Comments:



Date: 03/02/2006  
Time: 9:28 AM  
Direction: West  
Photo by: G. Gross  
Exposure #: 012  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 03/02/2006  
Time: 9:30 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 013  
Comments:



Date: 03/02/2006  
Time: 9:33 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 014  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 03/02/2006  
Time: 9:33 AM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 015  
Comments:**

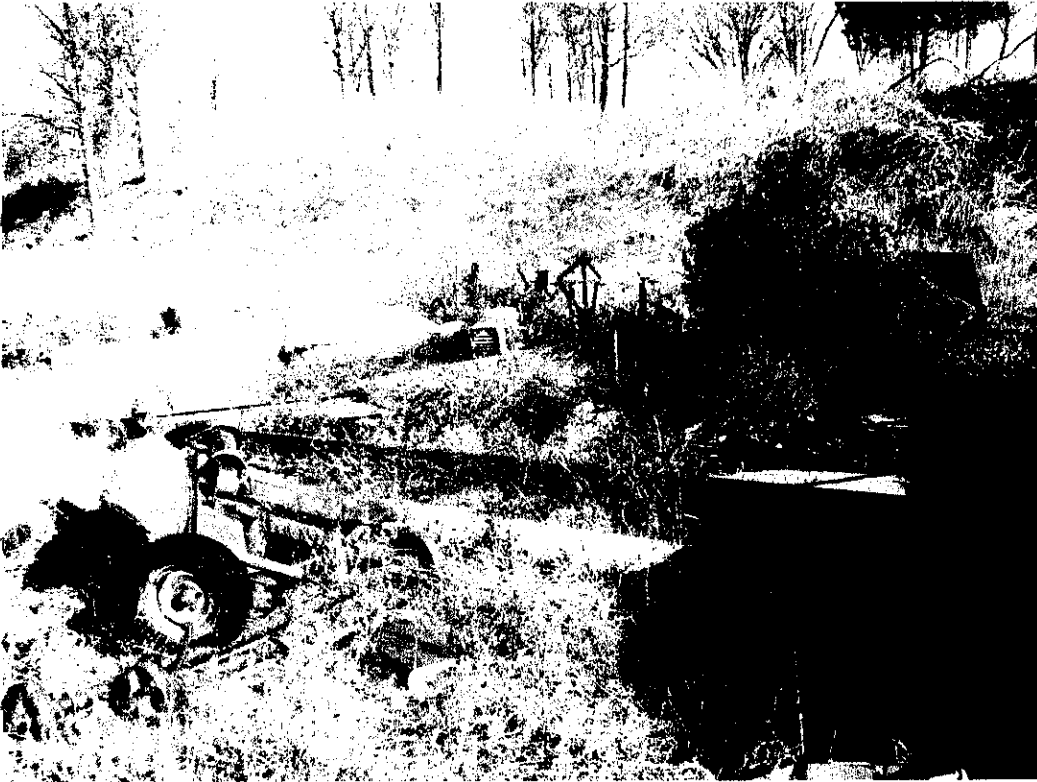


**Date: 03/02/2006  
Time: 9:34 AM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 016  
Comments:**

**File Names:1998585013-03022006-[Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:34 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 017  
Comments:



Date: 03/02/2006  
Time: 9:34 AM  
Direction: Southwest  
Photo by: G. Gross  
Exposure #: 018  
Comments:

File Names:1998585013-03022006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:35 AM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 019  
Comments:



Date: 03/02/2006  
Time: 9:36 AM  
Direction: Northwest  
Photo by: G. Gross  
Exposure #: 020  
Comments:

File Names:1998585013-03022006-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:37 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 021  
Comments:



Date: 03/02/2006  
Time: 9:37 AM  
Direction: North  
Photo by: G. Gross  
Exposure #: 022  
Comments:

File Names:1998585013-03022006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:38 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 023  
Comments:



Date: 03/02/2006  
Time: 9:39 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 024  
Comments:

File Names:1998585013-03022006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 03/02/2006  
Time: 9:39 AM  
Direction: Northeast  
Photo by: G. Gross  
Exposure #: 025  
Comments:



Date: 03/02/2006  
Time: 9:39 AM  
Direction: Southeast  
Photo by: G. Gross  
Exposure #: 026  
Comments:

File Names:1998585013~03022006-[Exp. #].jpg

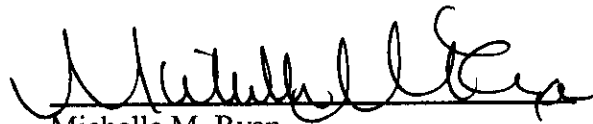
**PROOF OF SERVICE**

I hereby certify that I did on the 29th day of March 2006, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Jerry L. Watson  
P.O. Box 579  
105 Cardinal Lane  
Energy, IL 62933

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544