



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
CLERK'S OFFICE

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6020

AUG 31 2006

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

A-007-12

August 23, 2006

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

Re: Illinois Environmental Protection Agency v. Francis E. Morris
IEPA File No. 183-06-AC; 0598070001—Gallatin County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

AUG 31 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
FRANCIS E. MORRIS,)
))
Respondent.)

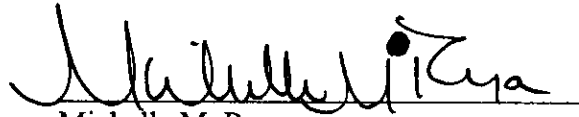
AC 07-12
(IEPA No. 183-06-AC)

NOTICE OF FILING

To: Francis E. Morris
329 County Road 320 E.
Norris City, Illinois 62869

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: August 23, 2006

VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of her July 12, 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2004).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4)(2004).
- (4) That Respondent caused or allowed the open dumping of waste in a manner resulting in 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 Six Thousand Dollars (\$6,000.00). 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 September 30, 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 wire*
Illinois Environmental Protection Agency

Date: 8/23/06

Prepared by: Susan E. Santarelli, 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
) IEPA DOCKET NO.
 v.)
)
 Francis E. Morris)
)
 Respondent.)

AFFIDAVIT

Affiant, Maggie Stevenson, 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 July 12, 2006, between 2:45 p.m. and 2:50 p.m., Affiant conducted an inspection of a disposal site operated by Francis E. Morris, located in Gallatin County, Illinois, and known as Morris, Francis by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0598070001 by the Agency.
3. Affiant inspected said Morris, Francis 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 Morris, Francis.

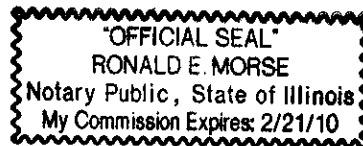
Maggie Stevenson

Subscribed and Sworn to before me

this 15th day of August, 2006

Ronald E. Morse
Notary Public

MES:gs/26891/08-15-06



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Gallatin LPC#: 0598070001 Region: 7 - Marion

Location/Site Name: Omaha/Morris, Francis

Date: 07/12/2006 Time: From 2:45 PM To 2:50 PM Previous Inspection Date: _____

Inspector(s): Maggie Stevenson, Diane Shasteen Weather: 82 F, Scattered Clouds, Muddy w/standing water

No. of Photos Taken: # 5 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # _____ No

Interviewed: _____ Complaint #: C-06-166

Latitude: _____ Longitude: _____ Collection Point Description: -

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Francis E. Morris
329 County Road 320 N
Norris City, IL 62869

Scott Price
22595 Vineyard Road
Omaha, IL 62871

	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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0598070001

Inspection Date: 07/12/2006

	(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 checked="" 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.

Narrative
LPC #0598070001 – Gallatin County
Omaha/Morris, Francis
Page 1 of 3

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0598070001

Date: July 12, 2006

County: Gallatin

Inspector: Maggie Stevenson

Subject: Morris, Francis (also known as F.E. Morris)

Complaint #: C-06-166

General Remarks

G.P.S.: None Available

Time: 2:45 PM

Volume of waste found at site: 200 CY

Owner of Property: Francis E. Morris

Weather: 82 F, Scattered Clouds

Soil Conditions: Muddy with standing water

This inspection was made as the result of a complaint received by this office. The site is located at 22595 Vineyard Road in rural Omaha, Illinois. The site was easily accessed by Vineyard Road. IEPA Inspector Diane Shasteen and GEC Intern Joshua Lochhead accompanied this inspector on the site inspection. No one inquired as to our presence on the property. Five pictures were taken of the waste, which consisted of construction and demolition debris along with various refuse. Open burning was occurring at the site during the inspection.

Upon arrival at the site, the smoldering debris and pile of additional construction and demolition debris was visible from the road. I took three panoramic photos (001-003) to document the location of the debris. Picture 004 is evidence of a smoldering debris pile consisting of charred and burned dimensional lumber, various metal scraps, portions of concrete blocks, portions of bricks, and other unidentifiable burned remains. The picture also shows that even with the heavy rains that had occurred on July 12, 2006, the pile of debris was still smoldering. A liquid discharge surrounded the pile. As labeled on the site map, pile A was approximately 20 ft. X 20 ft. X 4 ft. establishing approximately 60 cubic yards of burned construction & demolition waste.

Pile B (picture 005) was more like a berm consisting of dimensional lumber, metals, broken concrete, broken brick, earth, and charred lumber which had apparently been brought in from off-site. This pile was approximately 35 ft. X 15 ft. X 6 ft. establishing approximately 117 cubic yards of construction & demolition debris. The berm extended approximately the same distance (35 ft.) angling toward pile A but much of that berm was earth mixed with an

Narrative

LPC #0598070001 – Gallatin County

Omaha/Morris, Francis

Page 2 of 3

occasional scattering of debris as far as this inspector could see. The entire area was muddy with standing water and accessibility was limited but tracks remained in the area indicating a piece of heavy equipment or vehicle of some type had been on the site prior to the rains.

We left the site and drove past the house. There was not a mailbox with visible markings but the house had a plaque by the front door that indicated it was the home of Scott and Tonya Price and family which matches the respondent on the complaint received by this office. To the north of the home and garage (picture 001) was a blue Mack semi tractor with an attached trailer. The tractor was marked F.E. Morris, Norris City, IL, US DOT #62171, (618) 962-3108. The plate number was not distinguishable other than it was an Illinois plate beginning in 242 XXX. There was also a dark colored pickup truck in the drive with an Illinois plate 698 701.

We proceeded to the Gallatin County Tax Assessor's Office in Shawneetown. The property was identified as being owned by Francis Morris (F.E. Morris Excavating) at RR #2 Norris City, IL 62869. Mr. Morris owns 40 acres at this location and an additional 30 acres south of the 40 acres, all in Gallatin County. Mr. Morris also owns over 400 acres in White County in Indian Creek Township which borders Gallatin County. Scott Price was identified through the 911 registry as residing at the property located at 22595 Vineyard Road in rural Omaha, Illinois were the alleged violations occurred.

Francis E. Morris has a physical address of 329 County Rd. 320 N in rural Norris City Illinois and a phone number of (618) 962-3108. Mr. Price has a physical address of 22595 Vineyard Road in rural Omaha Illinois and a phone number of (618) 962-3217.

Francis E. Morris has a previous file with IEPA, LPC# 1938075003, in which F.E. Morris and Scott Price demolished a building for the Village of Enfield in 2000 and improperly disposed of demolition debris by open dumping it on Mr. Morris' property located in rural Norris City Illinois. A receipt was received by this office on October 16, 2002 from Dozit Co., Inc. in Morganfield Kentucky and signed by driver Scott Price. The site was returned to compliance in October 2004 after a follow-up inspection.

The following conditions, which constitute violations, were observed:

Illinois Environmental Protection Act Requirements:

1. **9(a) Cause, threaten or allow air pollution in Illinois**
2. **9(c) Cause or allow open burning**
3. **12(a) Cause, threaten or allow water pollution in Illinois**
4. **12(d) Create a water pollution hazard**
5. **21(a) Cause or allow open dumping**
6. **21(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:**
 - (1) **Without a permit**
 - (2) **In violation of any regulations or standards adopted by the Board**
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**
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:**

Narrative
LPC #0598070001 – Gallatin County
Omaha/Morris, Francis
Page 3 of 3

- (1) Litter**
- (3) Open burning**
- (4) Deposition of waste in standing or flowing waters**
- (7) Deposition of general construction or demolition debris or clean construction or demolition debris**

35 Illinois Administrative Code Requirements Subtitle G:

- (1) 812.101(a) Failure to submit an application for a permit to develop and operate a landfill**

Findings:

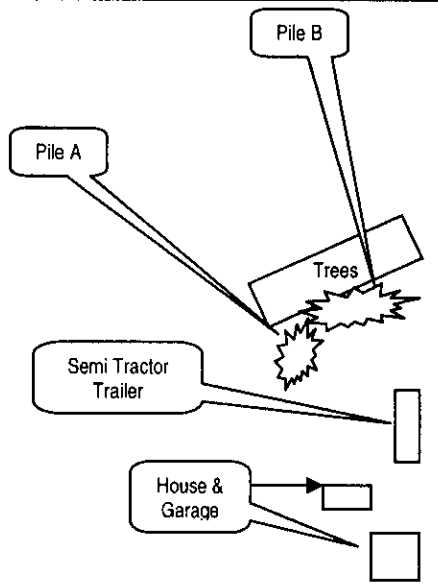
Francis E. Morris and Scott M. Price have repeatedly open dumped construction & demolition debris. They have also open burned the debris documented during this investigation. The improper method of disposal as referenced in photos taken of this site has created a potential environmental hazard, a scenic blight, and a public nuisance. Debris on the Morris property fits the definition of litter and waste as defined in Illinois Statutes. No record was found showing Francis E. Morris or Scott M. Price having applied for or having been granted a permit to develop and operate a landfill.

LPC #0598070001 – Gallatin County
Omaha/Morris, Francis
July 12, 2006/ 2:45 PM

North



IL 141



Wallace Road

Site Map Key

Not drawn to scale/all locations approximate



Photo and direction



Notations



DIGITAL PHOTOGRAPHS



**Date: 07/12/2006
Time: 2:45 PM
Direction: South
Photo by: M. Stevenson
Exposure #: 001
Comments: Home on property with plaque at door stating the names of Scott Price and family members.**



**Date: 07/12/2006
Time: 2:45 PM
Direction: Southwest
Photo by: M. Stevenson
Exposure #: 002
Comments: Edge of field adjacent to home with the beginnings of the smoldering pile of debris on the right.**

File Names: 0598070001 ~07122006-001 through 005.jpg



DIGITAL PHOTOGRAPHS



**Date: 07/12/2006
Time: 2:45 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 003
Comments: Distance
picture of smoldering pile
of construction &
demolition debris.**



**Date: 07/12/2006
Time: 2:45 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 004
Comments: Charred and
burned dimensional
lumber, various metal
scraps, portions of
concrete blocks, portions
of bricks, and smoke
appearing in white.**

File Names: 0598070001 ~07122006-001 through 005.jpg



DIGITAL PHOTOGRAPHS



**Date: 07/12/2006
Time: 2:45 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 005
Comments: Dimensional
lumber, metals, broken
concrete, broken brick,
charred lumber.**

File Names: 0598070001 ~07122006-001 through 005.jpg

PROOF OF SERVICE

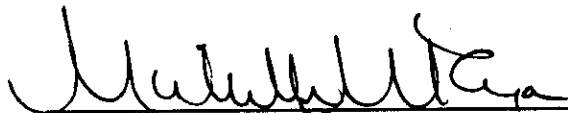
I hereby certify that I did on the 23rd day of August 2006, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Francis E. Morris
329 County Road 320 E.
Norris City, Illinois 62869

certified # 7004 2510 0001 8588 0786

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

THIS FILING SUBMITTED ON RECYCLED PAPER