

JAN 31 2007

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
ALVIN VALDEZ, and )  
RUBEN J. VALDEZ, )  
)  
Respondents. )

AC 07 - 34

NOTICE OF FILING

TO: Alvin and Ruben J. Valdez, 211 N. Walnut Street, DeSoto, Illinois 62924

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

January 18, 2007

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JAN 31 2007

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ALVIN VALDEZ and )  
 RUBEN J. VALDEZ, )  
 )  
 Respondents. )

AC 07 -

Site Code 0778035022

Serve on: Alvin Valdez, 211 N. Walnut Street, PO Box 163, DeSoto, Illinois 62924

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: Alvin Valdez at Jackson Co Sheriff Dept

Address: \_\_\_\_\_

Sex: <sup>w</sup> Male  Female \_\_\_\_\_ 1/5/88

Age: 1/5/88

Date of service: 1/22, 2007.

Time: 3:50 .m.

Linda Ellet  
/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

JAN 31 2007

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
ALVIN VALDEZ and )  
RUBEN J. VALDEZ, )  
)  
Respondents. )

AC 07 -

34

**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

**RECEIVED**  
CLERK'S OFFICE

JAN 31 2007

STATE OF ILLINOIS  
Pollution Control Board

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

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 07 - 34
	)	Site Code: 0778035022
ALVIN VALDEZ and	)	
RUBEN J. VALDEZ,	)	
	)	
Respondents.	)	

**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, Alvin Valdez, 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 Respondent, Ruben J. Valdez, upon information and belief, is Alvin Valdez's father and is in control and possession and an occupant of a facility located in the County of Jackson, Illinois.

2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778035022. The facility is known to the Agency as the DeSoto/Alvin Valdez site.

3. The Respondents have owned, occupied, controlled and/or operated the facility at all relevant times hereto.

4. On January 9, 2007, 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 Respondents have caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on January 9, 2007, an on-site inspection of the facility disclosed the following:

1. The Respondents have caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).
2. The Respondents have caused or allowed open burning at the facility in violation of 415 ILCS 5/21(p)(3).

### **CIVIL PENALTY**

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondents are subject to a civil penalty of \$1,500.00 for each of the violations specified above. Additionally, should the Respondents elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondents shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$3,000.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than March 1, 2007. 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 be 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: JAN 18, 2007

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

Daniel Brenner  
Assistant State's Attorney

REMITTANCE FORM

RECEIVED  
CLERK'S OFFICE  
JAN 31 2007  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ALVIN VALDEZ and )  
 RUBEN J. VALDEZ, )  
 )  
 Respondents. )

NO. AC 07 - 34

FACILITY: DeSoto/Alvin Valdez Site  
COUNTY: JACKSON  
DATE OF INSPECTION: January 9, 2007  
SITE CODE: 0778035022  
CIVIL PENALTY: \$3,000.00

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

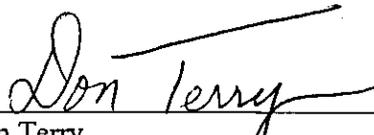
IN THE MATTER OF:

077 803 5022 / Jackson County  
DeSoto / Alvin Valdez  
COMPLIANCE FILE

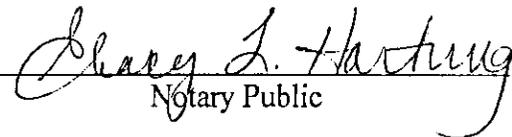
Respondent.

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 January 9, 2007, between the hours of 10:50 am and 11:06 am, Affiant conducted an inspection of the open dump site known as DeSoto / Alvin Valdez, 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 Alvin Valdez, DeSoto, Illinois, open dump site.

  
\_\_\_\_\_  
Don Terry  
Environmental Compliance Inspector

Subscribed and Sworn To before me  
this 16 day of January, 2007

  
\_\_\_\_\_  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Jackson                      LPC#: 077 803 5022                      Region: 7 - Marion  
 Location/Site Name: DeSoto / Alvin Valdez  
 Date: 01/09/2007    Time: From 10:50 am To 11:06 am    Previous Inspection Date: 07/10/2006  
 Inspector(s): Don Terry                      Weather: 38°F -- cloudy with strong NW winds  
 No. of Photos Taken: # 14    Est. Amt. of Waste: 335 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: no one                      Complaint #: \_\_\_\_\_  
 Latitude: 37.82693    Longitude: -89.25043    Collection Point Description: Site Entrance -  
 (Example: Lat.: 41.26493                      Long.: -89.38294)    Collection Method: GPS - Accuracy +/- 13

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

**\*\*OWNER\*\***  
Mr. Alvin Valdez  
211 N. Walnut  
P. O. Box 163  
DeSoto, IL 62924

**\*\*OPERATOR\*\***  
Mr. Ruben J. Valdez  
211 N. Walnut  
DeSoto, IL 62924

	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 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 type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 077 803 5022

Inspection Date: 01/09/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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</b>			
<b>SUBTITLE G</b>			
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"/>
<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:	807.201 Developmental Permit & 807.202 Operational Permit	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

## **Inspection Report Document: Open Dump Site Narrative**

**Date of Inspection:** January 9, 2007

**Inspector:** Don Terry

**Site Code:** 077 803 5022

**County:** Jackson

**Site Name:** DeSoto / Alvin Valdez

**Time:** 10:50 am – 11:06 am

**Location:** Lat 37.82693 Long -89.25043

**GPS Accuracy:** +/- 13 feet

**Approximate Volume of Waste at Site:** 335 cubic feet

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### **GENERAL REMARKS**

On January 31, 2006 this inspector and Bart Hagston of the Jackson County Health Department met at the site with site's operator, Mr. Reuben Valdez (father of site owner, Alvin Valdez) to discuss ways to bring the site into compliance. During this field visit, Mr. Valdez was asked if he or his son were operating an automobile parts or automobile salvage business given the large number of vehicles at the site. Mr. Valdez said that they were not operating any automobile business and all of the vehicles were for their personal use. He also said that he had brought some of the vehicles to Illinois from North Dakota.

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 of the site on July 10, 2006, during which open dumping violations were observed. Weather conditions at the time of the inspection were: cloudy with strong northwest winds and a temperature of approximately 38°F. I was accompanied on this inspection by Bart Hagston of the Jackson County Health Department.

According to the Jackson County Assessor's Office, the site is owned by Alvin Valdez.

I arrived at the site and from Dumaroc Road, a public roadway, I observed abandoned vehicles open dumped at the site as observed during previous inspections (**Photos #13 & #14, Site Sketch**).

I entered the site to begin my inspection. I observed abandoned vehicles of various makes and models that had been open dumped on this site (**Photos #1 - #5, Site Sketch Areas A & B**). At the time of the inspection, these vehicles were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use.

To the north of Mobile Home A (**See Site Sketch**), I observed a waste pile that consisted of, but was not limited to: lawn mowers, waste tires and white goods (**Photo #6, Site Sketch Area B**). At the time of the inspection, these items were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use.

To the west of Mobile Home A, I observed another waste pile (**Photo #7, Site Sketch Area B**). This waste consisted of, but was not limited to: waste tires, carpet, and scrap metal.

To the north of Mobile Home B (**See Site Sketch**), I observed a burn pile (**Photo #8, Site Sketch Area B**). This pile consisted of but was not limited to: ash, household garbage, paper products, wood packaging, metal cans, scrap metal, cardboard, fabric, plastic bottles and plastic bags.

I walked south from Mobile Home B and observed more abandoned vehicles (**Photos #9 - #12, Site Sketch Areas A & C**). At the time of the inspection, these vehicles were not in use, were not useable in their current condition, and were not stored in such a way as to protect any future use. During the inspection, I observed approximately forty-eight abandoned vehicles that had been open dumped on the site.

Some of the non-vehicular waste appeared to be in the same location and in the same condition as observed during my previous inspection (**IE - Photo #4, Site Sketch, white plastic tank**).

The total volume of waste observed during the inspection was approximately 335 cubic yards.

My inspection ended at approximately 11:06 am.

**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 the open dumping of waste that resulted in open burning and which caused, threatened or allowed 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:** During the inspection the open dumping of waste that resulted in litter was observed.

**Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit:** At the time of the inspection, this office had no record that the site owner had obtained a permit from the Illinois Environmental Protection Agency to conduct a waste-storage, waste-treatment or waste-disposal operation.

**Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board:** During the inspection, violations of regulations and standards adopted by the Board regarding daily cover and litter control were observed.

**Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act:** During the inspection waste that had been transported to this site for disposal, treatment, storage or abandonment was observed. During a field visit to the site conducted on January 31, 2006, Mr. Valdez confirmed that the vehicles observed at the site had been brought to the site from another location.

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

**Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill:** At the time of the inspection, this office had no record that the site owner had applied for a permit to develop or operate a landfill.

**Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site:** At the time of the inspection, this office had no record that the site owner had obtained a Developmental Permit to operate a solid waste management site.

**Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site:** At the time of the inspection, this office had no record that the site owner had obtained an Operational Permit to operate a solid waste management site.

# OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: January 9, 2007

Inspector: Don Terry

Site Code: 077 803 5022

County: Jackson

Site Name: DeSoto / Alvin Valdez

Time: 10:50 am – 11:06 am

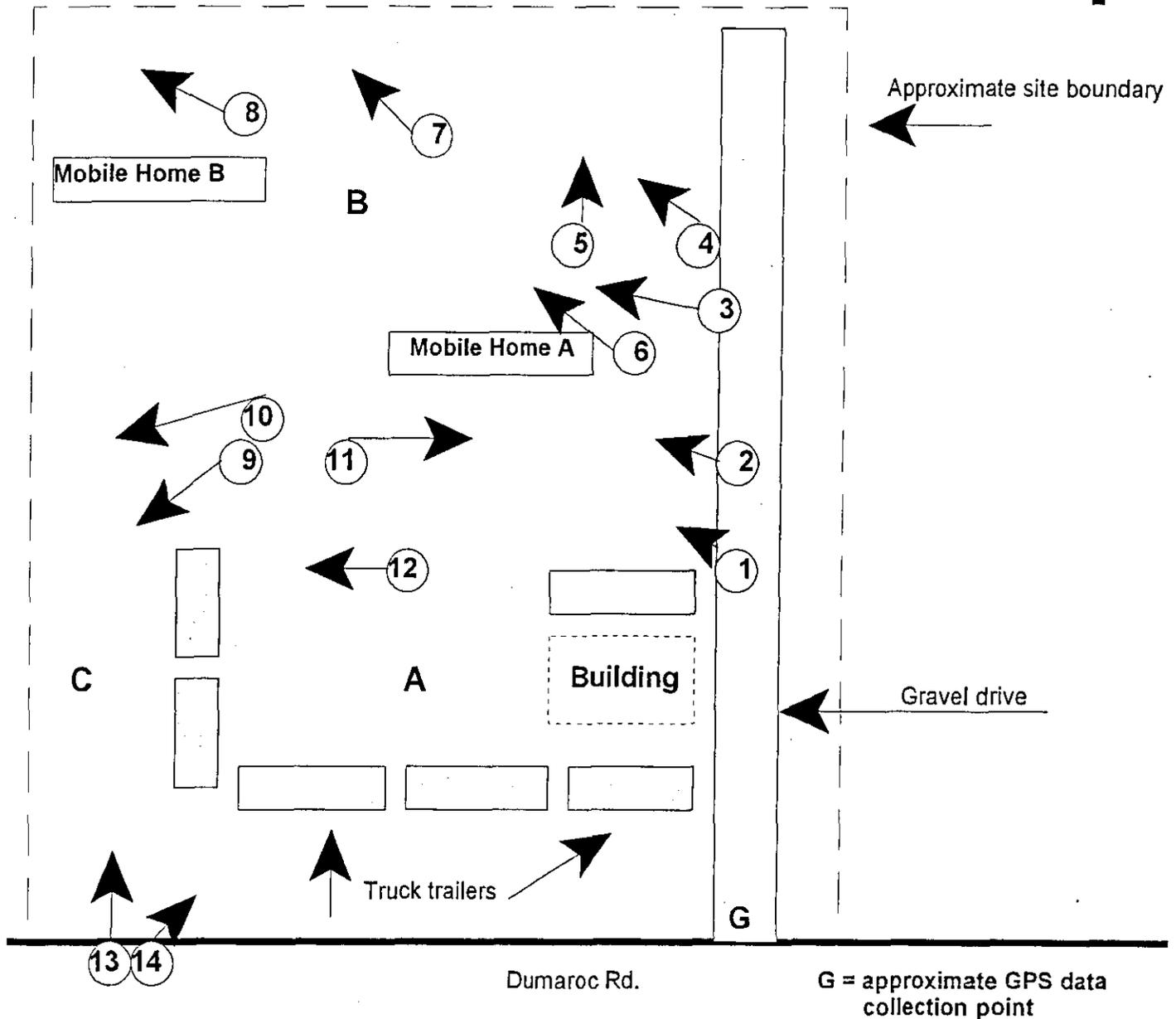
Location: Lat 37.82693 Long -89.25043

Accuracy = +/- 13 feet

Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos





# Jackson County Inspection Digital Photo Sheet – Page 1

Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-01

Time: 10:55 am

Photo Taken Toward:

Northwest



Photo Name:  
0778035022-01092007-02

Time: 10:56 am

Photo Taken Toward:

Northwest





# Jackson County Inspection Digital Photo Sheet – Page 2

Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-03

Time: 10:56 am

Photo Taken Toward:

Northwest



Photo Name:  
0778035022-01092007-04

Time: 10:56 am

Photo Taken Toward:

North





# Jackson County Inspection Digital Photo Sheet – Page 3

Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-05

Time: 10:56 am

Photo Taken Toward:

North



Photo Name:  
0778035022-01092007-06

Time: 10:57 am

Photo Taken Toward:

Northwest





Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-07

Time: 10:57 am

Photo Taken Toward:

Northwest



Photo Name:  
0778035022-01092007-08

Time: 10:58 am

Photo Taken Toward:

Northwest





Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-09

Time: 10:59 am

Photo Taken Toward:

Southwest



Photo Name:  
0778035022-01092007-10

Time: 10:59 am

Photo Taken Toward:

Southwest





# Jackson County Inspection Digital Photo Sheet – Page 6

Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-11

Time: 10:59 am

Photo Taken Toward:

East



Photo Name:  
0778035022-01092007-12

Time: 10:59 am

Photo Taken Toward:

West





# Jackson County Inspection Digital Photo Sheet – Page 7

Date of Inspection: January 9, 2007  
Photos by: Don Terry

Site #: 077 803 5022  
Site Name: DeSoto / Alvin Valdez

Photo Name:  
0778035022-01092007-13

Time: 11:03 am

Photo Taken Toward:

North



Photo Name:  
0778035022-01092007-14

Time: 11:03 am

Photo Taken Toward:

Northeast

