



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

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

February 3, 2009

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

AC09-34

Re: Illinois Environmental Protection Agency v. Jack Campbell
IEPA File No.2-09-AC: 1938075005—White County

Dear Mr. Therriault:

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

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

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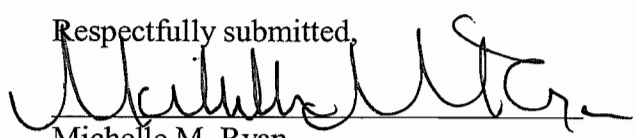
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JACK CAMPBELL,)
)
Respondents.)

AC 09-34
(IEPA No. 2-09-AC)

NOTICE OF FILING

To: Jack Campbell
412 North East Street
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
Assistant Counsel

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

Dated: February 3, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 06 2009

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JACK CAMPBELL,)
Respondent.)

AC 09-34
(IEPA No. 2-09-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 (2006).

FACTS

1. That Jack Campbell is the current owner and operator ("Respondent") of a facility located at 291 County Road 30E (lots 15, 16, 23, 24, 58 & 59), southwest of Norris City, White County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Gossett/Campbell, Jack.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1938075005.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on January 7, 2009, Robert Mileur of the Illinois Environmental Protection Agency's ("Illinois EPA") 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.

5. That on 2-3-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 2995.

VIOLATIONS

Based upon direct observations made by Robert Mileur during the course of his January 7, 2009 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) (2006).
- (2) 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 March 15, 2009, 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 (2006), 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) (2006), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, 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 (2006). 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, Director
Illinois Environmental Protection Agency

Date: 2/3/09

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

REMITTANCE FORM

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JACK CAMPBELL,

Respondent.

ORIGINAL

AC 09.34

(IEPA No. 2-09-AC)

FACILITY: Gossett/Campbell, Jack

SITE CODE NO.: 1938075005

COUNTY: White

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: January 7, 2009

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

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FEB 05 2009

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
v.)
)
Jack Campbell)
)
)
Respondent.)

IEPA DOCKET NO.

AC09-34

AFFIDAVIT

Affiant, Robert A. Mileur, 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 January 7, 2009, between 12:15 p.m. and 12:30 p.m., Affiant conducted an inspection of a disposal site operated by Jack Campbell, located in White County, Illinois, and known as Gossett/Campbell, Jack by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1938075005 by the Agency.

3. Affiant inspected said Gossett/Campbell, Jack 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 Gossett/Campbell, Jack.

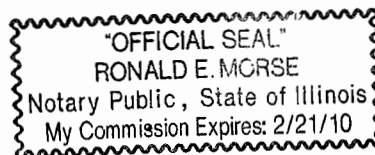
[Handwritten signature]

Subscribed and Sworn to before me

this 14th day of January, 2009

[Handwritten signature: Ronald E. Morse]
Notary Public

RAM:jkb/39061/01-14-09



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County: White LPC#: 1938075005 Region: 7 - Marion
 Location/Site Name: Gossett/Campbell, Jack
 Date: 01/07/2009 Time: From 12:15pm To 12:30pm Previous Inspection Date: 02/08/2008
 Inspector(s): Robert Mileur Weather: Cloudy 35 degrees with wind out of the north.
 No. of Photos Taken: # 19 Est. Amt. of Waste: 80 yds³ Samples Taken: Yes # No
 Interviewed: Complaint #: C-06-017
 Latitude: Longitude: Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Jack Campbell
 412 North East Street
 Norris City, Illinois 62869

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 STATE OF ILLINOIS
 Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 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 # 1938075005

Inspection Date: 02/08/2008

	(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 checked="" 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

- [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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
INSPECTION NARRATIVE

**LPC# 1938075005 - White
Gossett/Campbell, Jack
Inspector(s): Robert Mileur & Garrison Gross
January 7, 2009
FOS File**

Open Dumping Inspection Report Narrative

Robert Mileur & Garrison Gross representing the Agency inspected this site on January 7, 2009. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

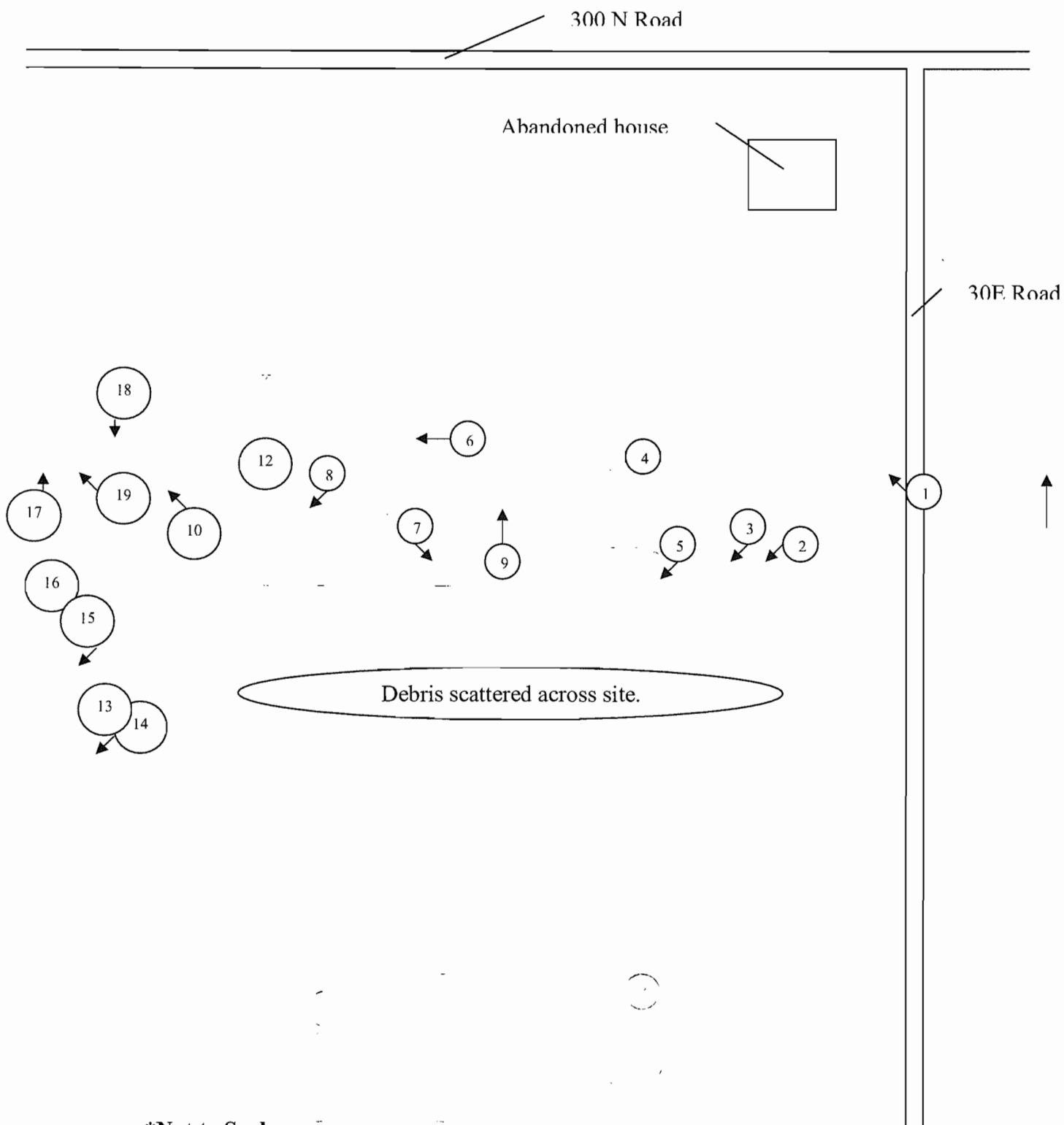
The inspection was a follow up inspection and consisted of walking the site and taking photographs.

Inspection Findings

We arrived at the site located southwest of Norris City in White county at around 12:15pm. We found the site unoccupied at the time of the inspection. Upon arrival I observed that much of the open dumping that was originally at the site still remains. The material is spread over approximately two acres and consisted of pieces of metal, old propane bottles, an old tractor, tires, mobile home remains, an old tow truck, tires, and general litter. The site and material is all overgrown with weeds and is not being protected with any intended future use. The tires that were found at the site were being stored unprotected and capable of holding water. There are nice kept homes in the neighborhood and the site is a blight on the surrounding properties. Mr. Campbell did send receipts for some of the clean-up but the last receipt received was on June 15, 2006. There still remains around 80 cubic yards of material. The site appears to be abandoned but a check of the White County Assessors office reveals that Mr. Campbell is still paying taxes on the property.

We completed the inspection at around 12:30pm.

SITE SKETCH



***Not to Scale**



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:16pm
Direction: NW
Photo by: Robert
Mileur
Exposure #: 001
Comments: View of
material near the
road. Appears to
be regular
household wastes.



Date: 1/7/09
Time: 12:17pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 002
Comments: Remains
of tires/axles off of
an old mobile
home.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:17pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 003
Comments: Remains
of a mobile home
that has been
sitting at the site for
over 2 years.



Date: 1/7/09
Time: 12:18pm
Direction: Down
Photo by: Robert
Mileur
Exposure #: 004
Comments: Buckets
and misc. debris
overgrown with
grass.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:18pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 005
Comments: Metal
debris scattered
across site.



Date: 1/7/09
Time: 12:18pm
Direction: W
Photo by: Robert
Mileur
Exposure #: 006
Comments: Debris
overgrown with
grass.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:19pm
Direction: SE
Photo by: Robert
Mileur
Exposure #: 007
Comments: More
metal found at site.



Date: 1/7/09
Time: 12:19pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 008
Comments: More
open dumped
material found
overgrown with
weeds.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:19pm
Direction: N
Photo by: Robert
Mileur
Exposure #: 009
Comments: View of
material open
dumped at site.



Date: 1/7/09
Time: 12:20pm
Direction: NW
Photo by: Robert
Mileur
Exposure #: 010
Comments: General
trash near wood
line.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:20pm
Direction: Down
Photo by: Robert
Mileur
Exposure #: 011
Comments: More
open dumped
trash found in the
woods.



Date: 1/7/09
Time: 12:21pm
Direction: W
Photo by: Robert
Mileur
Exposure #: 012
Comments: Open
dumped furnaces
and air
conditioners.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:21pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 013
Comments: Metals
and debris
scattered on the
southwest edge of
the property.



Date: 1/7/09
Time: 12:22pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 014
Comments: Debris
overgrown with
grass with ferrous
materials indicated
at the site.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:23pm
Direction: SW
Photo by: Robert
Mileur
Exposure #: 015
Comments: Old
tractor with missing
wheels and tractor
tires off rim to right



Date: 1/7/09
Time: 12:23pm
Direction: W
Photo by: Robert
Mileur
Exposure #: 016
Comments: Debris
found near the
west property line.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:24pm
Direction: N
Photo by: Robert
Mileur
Exposure #: 017
Comments: Front end
of a truck.



Date: 1/7/09
Time: 12:25pm
Direction: South
Photo by: Robert
Mileur
Exposure #: 018
Comments: Batteries,
old furnaces and
an air conditioner
not being
protected from the
elements.



DIGITAL PHOTOGRAPHS File Names: 1938075005~01072009- [Exp. #].jpg



Date: 1/7/09
Time: 12:26pm
Direction: NW
Photo by: Robert
Mileur
Exposure #: 019
Comments: Pile of
white goods
consisting of hot
water heaters,
chest freezers,
stoves, and
refrigerators.

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FEB 06 2009

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

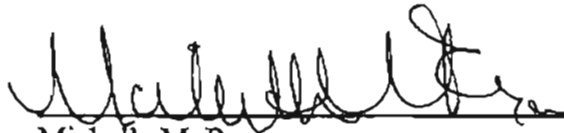
I hereby certify that I did on the 3rd day of February 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Jack Campbell
412 North East Street
Norris City, Illinois 62869

ORIGINAL

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


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield, Illinois 62794-9276
(217) 782-5544