

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 KRD TRUCKING,)
)
 Respondent.)

AC 10 - 27

ORIGINAL

NOTICE OF FILING

To: KRD Trucking, Attention: Mr. John D. McGee, Vice President of Operations,
20340 Stoney Island, Lynwood, Illinois 60411

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
Jackson County Courthouse, 3rd Floor
Murphysboro, IL 62966
618-687-7200

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MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
KRD TRUCKING,)
)
Respondent.)

AC 10 - 27

ORIGINAL

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of
Jackson.



Daniel Brenner
Assistant State's Attorney
Jackson County Courthouse, 3rd Floor
Murphysboro, IL 62966
618-687-7200

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

RECEIVED
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MAY 17 2010
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 KRD TRUCKING,)
)
 Respondent.)

AC10 - 27
Site Code: 0778035026

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.*, specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, KRD Trucking, is the present owner and operator of a waste hauling/trucking company located at 20340 Stoney Island, Lynwood, Illinois.
2. The Respondent was in responsible charge of a tractor-trailer truck with Illinois license number 337524, and trailer number T-559, being driven on US Route 51 South, near the Village of DeSoto, Illinois, then easterly on State Route 149, near the intersection of US Route 51 and State Route 149, on April 22, 2010.
3. The Respondent has owned said vehicle for all material times hereto.
4. On April 22, 2010, Don Terry, Environmental Compliance Inspector, and Bart Hagston, Solid Waste Manager, both employed by the Jackson County Health Department witnessed litter being blown out of the vehicle. A copy of their report and their affidavits are attached hereto and made a part hereto.

VIOLATIONS

On the basis of their direct observations on April 22, 2010, they determined that the Respondent has caused or allowed open dumping; and resulted in the following violation:

1. The Respondent has caused or allowed litter in violation of 415 ILCS 5/21(p)(1).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 June 15, 2010, 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, 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 Fifteen Hundred Dollars (\$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), 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, checks shall be made payable in equal amounts (50% of total penalty each) to:

- (1) County of Jackson, c/o Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois 62966; and
- (2) 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.

Respondent shall complete and return the enclosed Remittance Forms with payments 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 Complainant may either initiate proceedings against Respondent in Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

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 also 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. YOUR PETITION MUST STATE THE REASON(S) YOU BELIEVE THE PRESENT MATTER SHOULD NOT BE ISSUED. IF YOU FAIL TO FILE YOUR PETITION AND STATE THE REASONS THE PRESENT MATTER SHOULD NOT BE ISSUED, 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, 3rd Floor
Murphysboro, Il 62966

DATED: May 10, 2010

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

Daniel Brenner
Assistant State's Attorney

REMITTANCE FORM TO COUNTY OF JACKSON

RECEIVED
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MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
KRD TRUCKING,)
)
Respondent.)

AC10 - 21
Site Code: 0778035026

FACILITY: Jackson Co./KRD Trucking
COUNTY: JACKSON
DATE OF INSPECTION: April 22, 2010
SITE CODE: 0778035026

Date Remitted: _____, 2010

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

RECEIVED
CLERK'S OFFICE

MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM TO ILLINOIS EPA

ORIGINAL

COUNTY OF JACKSON,)
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Complainant,)
)
v.)
)
KRD TRUCKING,)
)
Respondent.)

AC10 - 27
Site Code: 0778035026

FACILITY: Jackson Co./KRD Trucking
COUNTY: JACKSON
DATE OF INSPECTION: April 22, 2010
SITE CODE: 0778035026

Date Remitted: _____, 2010

SS/FEIN # _____

Signature _____

NOTE

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

JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

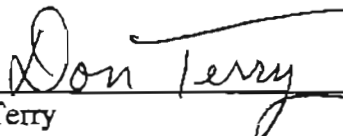
IN THE MATTER OF:

077 803 5026 / Jackson County
Jackson County / KRD Trucking
COMPLIANCE FILE

KRD Trucking, Respondent.

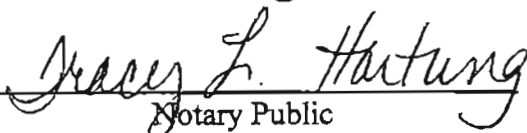
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is an Environmental Compliance Inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On April 22, 2010, between the hours of 2:48 p.m. and 2:57 p.m., Affiant conducted an inspection of the open dump site known as Jackson / KRD Trucking, 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 KRD Trucking, De Soto, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 5 day of May, 2010



Notary Public



JACKSON COUNTY HEALTH DEPARTMENT

AFFIDAVIT

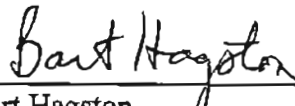
IN THE MATTER OF:

077 803 5026 / Jackson County
Jackson County / KRD Trucking
COMPLIANCE FILE

KRD Trucking, Respondent.

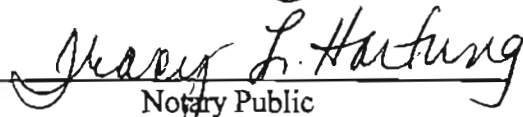
Affiant, Bart Hagston, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is the Solid Waste Manager employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On April 22, 2010, between the hours of 2:48 p.m. and 2:57 p.m., Affiant conducted an inspection of the open dump site known as Jackson / KRD Trucking, 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 helped to develop and reviewed 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 KRD Trucking, De Soto, Illinois, open dump site.



Bart Hagston
Solid Waste Manager

Subscribed and Sworn To before me
this 5 day of May, 2010



Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Jackson LPC#: 077 803 5026 Region: 7 - Marion
 Location/Site Name: Jackson County / KRD Trucking
 Date: 04/23/2010 Time: From 2:48 pm To 2:57 pm Previous Inspection Date: _____
 Inspector(s): Don Terry, Bart Hagston Weather: 74°F - Partly cloudy with moderate winds
 No. of Photos Taken: # 5 Est. Amt. of Waste: < 1 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one Complaint #: _____
 Latitude: 37.82502 Longitude: -89.20373 Collection Point Description: Other -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

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

KRD Trucking
Attention: Mr. John D. McGee
Vice President of Operations
20340 Stoney Island
Lynwood, IL 60411



	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 AND REGULATIONS	<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 # 077 803 5026

Inspection Date: 04/23/2010

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input 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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:	21(b) No person shall abandon, dump or deposit any waste upon the public highways.....	<input checked="" 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 and subsection (k) of Section 55 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).

Inspection Report Document: Open Dump Site Narrative

Date of Inspection: April 22, 2010

Time: 2:48 p.m. – 2:57 p.m.

Site Code: 077 803 5026

Site Name: Jackson County / KRD Trucking
(IL Route 149 & US Route 51 near De Soto, IL)

County: Jackson

Inspector: Don Terry & Bart Hagston

Est. Waste Volume: < 1 cubic yard

Location: Lat 37.82502 Long -89.20373

GENERAL REMARKS

Background: This inspection was conducted as a follow up to observations made by Don Terry and by Bart Hagston of the Jackson County Health Department, of litter being deposited along US Highway 51 and IL Route 149 near De Soto, IL. These highways are used by waste haulers, including KRD Trucking, to travel to and from the Southern Illinois Regional Landfill, Inc (SIRLI), north of De Soto. This office previously warned KRD Trucking about litter coming from its transfer trailers in a letter dated December 2, 2009 (**Attachment Pages 1-2**).

The inspection images were captured from a video taken during the inspection process. Arrows were added to inspection images to point out litter that was escaping from the transfer trailer.

During the stated date and time, Mr. Terry and Mr. Hagston conducted an inspection of the site listed above. Weather conditions at the time of the inspection were: Partly cloudy with moderate winds and a temperature of approximately 74°F.

Mr. Terry was driving south on US Route 51 entering De Soto, while Mr. Hagston was capturing video images. As we entered the village of De Soto, we were behind a grain truck which was directly behind a KRD transfer trailer (**Photo #1, Site Sketch-See Arrow**). At this time waste was observed blowing out the top of the transfer trailer and falling onto the highway (**Photo #1, Site Sketch-See Arrow**). Mr. Terry and Mr. Hagston observed that the KRD transfer trailer's mesh cover was open, allowing pieces of waste to be captured by the wind and escape from the trailer. As we approached the intersection of US Route 51 and IL Route 149 more litter was observed escaping out the top of the KRD transfer trailer and falling onto the highway (**Photos #2 & #3, Site Sketch-See Arrows**).

The KRD transfer trailer then turned east onto IL Route 149. At this time, the grain truck that was between our vehicle and the KRD transfer trailer continued north, allowing us to be directly behind the KRD transfer trailer. While traveling east behind the KRD transfer trailer, Mr. Terry as well as Mr. Hagston observed paper and plastic escaping from the trailer, landing on the highway (**Photos #4 & #5, Site Sketch-See Arrows**). Additional small particles of litter, that were not captured on camera, were also observed by Mr. Terry and Mr. Hagston falling from the KRD transfer trailer. These small particles of litter appeared to be escaping the trailer from the bottom of the rear door.

Page 2

077 803 5026

Jackson County / KRD Trucking

April 22, 2010

It was while traveling on IL Route 149 that Mr. Hagston was able to observe that the trailer was labeled with "T-559" (**Photo #4, Site Sketch**) and displayed an Illinois license plate #337 524 (**Photo #5, Site Sketch**).

Our inspection ended at approximately 2:57 p.m.

The total volume of waste was < 1 cubic yard.

Violations Observed:

Item #5(21)(a): Cause or allow open dumping; **Item #8(21)(p)(1): 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 #17(21)(b): No person shall abandon, dump or deposit any waste upon the public highway.....: During the inspection, waste that had been dumped upon a public highway was observed.

OPEN DUMP INSPECTION SITE SKETCH

Date of Inspection: April 22, 2010

Time: 2:48 p.m. – 2:57 p.m.

Site Code: 077 803 5026

Site Name: Jackson County / KRD Trucking

Inspector: Don Terry & Bart Hagston

County: Jackson

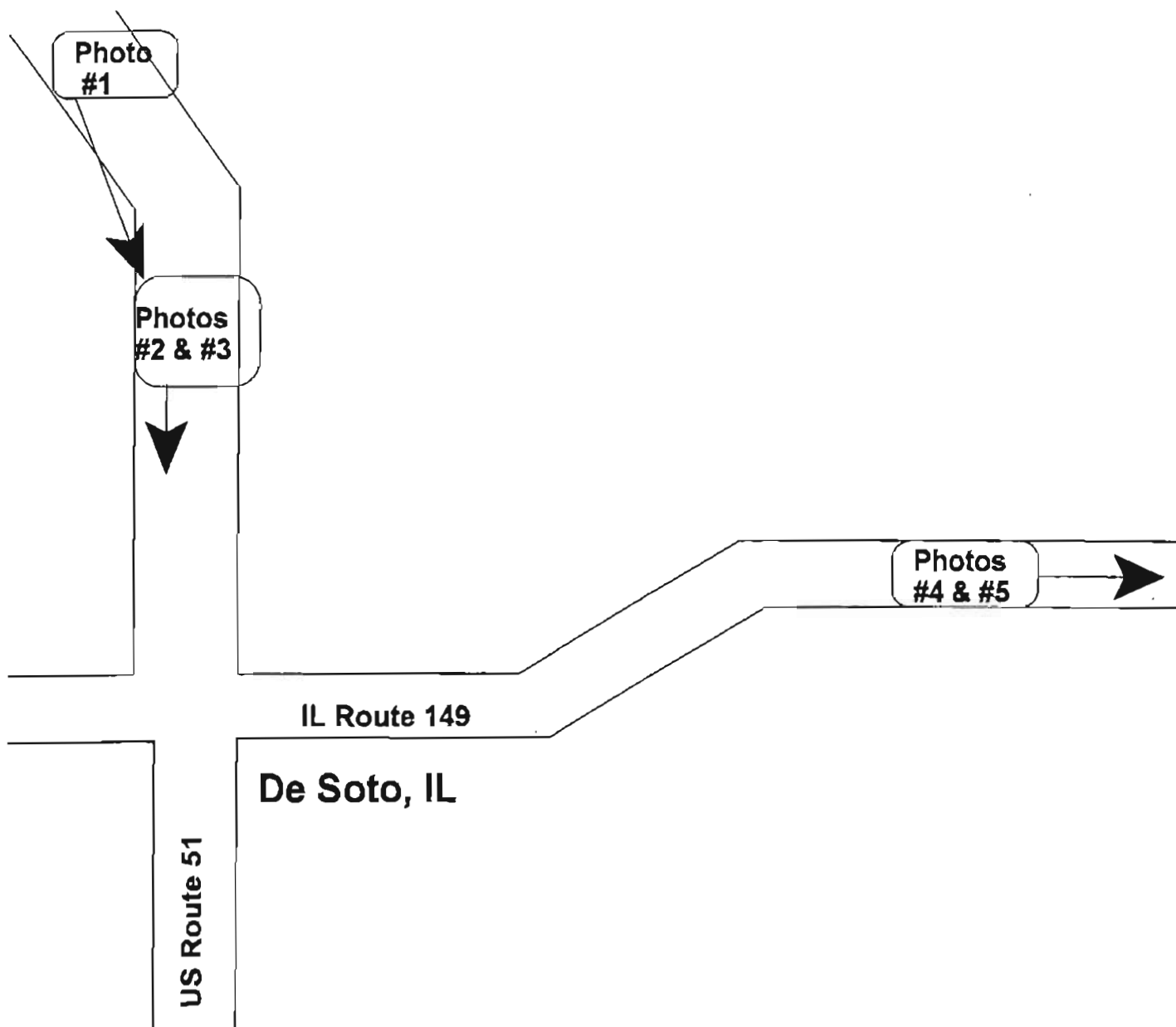
Est. Waste Volume: < 1 cubic yard

Location: Lat 37.82502 Long -89.20373

Not Drawn to Scale

All Locations Are Approximate

○ → Indicates *Approximate* Location & Direction of Photos





Date of Inspection: April 22, 2010
Photos by: Bart Hagston

Site #: 077 803 5026
Site Name: Jackson County / KRD Trucking

Photo Name:
0778035026-04222010-01

Time: 2:48 p.m.

Photo Taken Toward:

Southeast

Arrow added to photo to show
litter.



Photo Name:
0778035026-04222010-02

Time: 2:48 p.m.

Photo Taken Toward:

South

Arrow added to photo to show
litter.





Date of Inspection: April 22, 2010
Photos by: Bart Hagston

Site #: 077 803 5026
Site Name: Jackson County / KRD Trucking

Photo Name:
0778035026-04222010-03

Time: 2:48 p.m.

Photo Taken Toward:

South

Arrow added to photo to show
litter.



Photo Name:
0778035026-04222010-04

Time: 2:53 p.m.

Photo Taken Toward:

East

Arrow added to photo to show
litter.





Date of Inspection: April 22, 2010
Photos by: Bart Hagston

Site #: 077 803 5026
Site Name: Jackson County / KRD Trucking

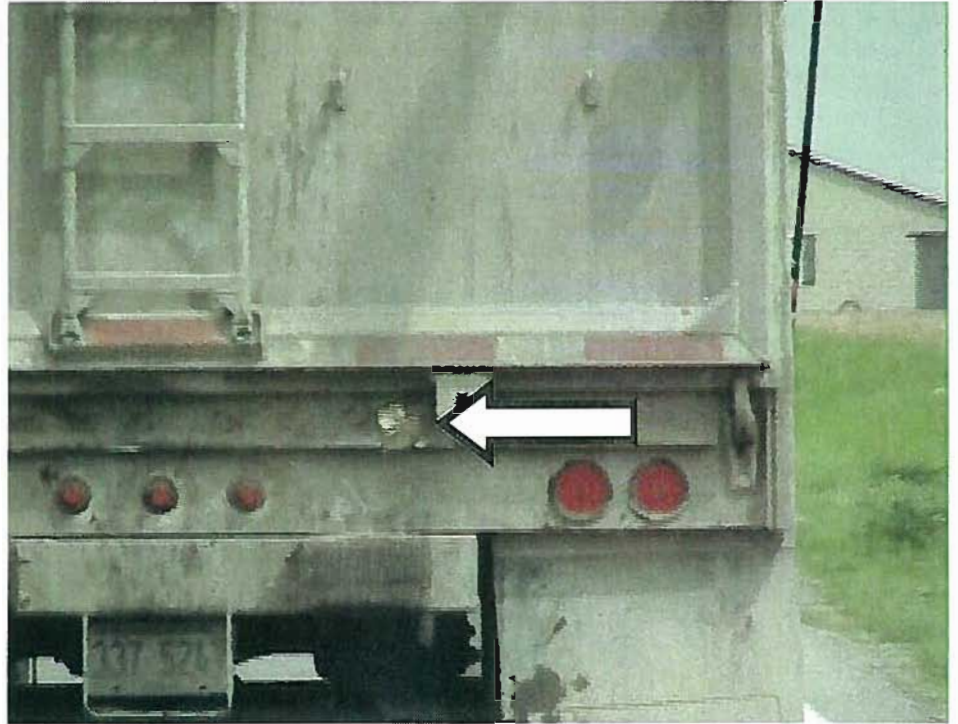
Photo Name:
0778035026-04222010-05

Time: 2:53 p.m.

Photo Taken Toward:

East

Arrow added to photo to show
litter.



RECEIVED
CLERK'S OFFICE
MAY 17 2010
STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 10th day of May 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully repaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled: ADMINISTRATIVE CITATION, AFFIDAVITS, OPEN DUMP INSPECTION CHECKLIST, OPEN DUMP NARRATIVE, SITE SKETCH AND DIGITAL PHOTO SHEETS

To: KRD Trucking
Attention: Mr. John D. McGee
Vice President of Operations
20340 Stoney Island
Lynwood, Illinois 60411

ORIGINAL

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

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



Daniel Brenner
Assistant State's Attorney
County of Jackson, Illinois



MICHAEL L. WEPSIEC
State's Attorney Jackson County
Jackson County Courthouse, Third Floor
Murphysboro, Illinois 62966
(618) 687-7200 FAX (618) 687-7215

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MAY 17 2010



STATE OF ILLINOIS
Pollution Control Board

May 10, 2010

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

A 10-27

ORIGINAL

Re: Administrative Citation – Jackson County/KRD Trucking
Site Code 0778035026
Inspection Date: April 22, 2010

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against KRD Trucking of Lynwood, Illinois. The Respondent's mailing address is KRD Trucking, Attention: Mr. John D. McGee, Vice President of Operations, 20340 Stoney Island, Lynwood, Illinois 60411.

I will file proof of service once that is obtained on Respondent. Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

Daniel Brenner
Assistant State's Attorney
Jackson County, Illinois

encls

cc: Jackson County Health Department