



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

PAT QUINN, GOVERNOR

DOUGLAS B. SCOTT, DIRECTOR
**RECEIVED
CLERK'S OFFICE**

JUN 04 2010

**STATE OF ILLINOIS
Pollution Control Board**

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

June 2, 2010

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

AC10-28

ORIGINAL

Re: Illinois Environmental Protection Agency v. Gary J. and James R. Szczeblewski
IEPA File No.164-10-AC; 0550455034—Franklin 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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JUN 04 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GARY J. and JAMES R. SZCZEBLEWSKI,)
)
)
Respondents.)

AC 10-28
(IEPA No. 164-10-AC)

ORIGINAL

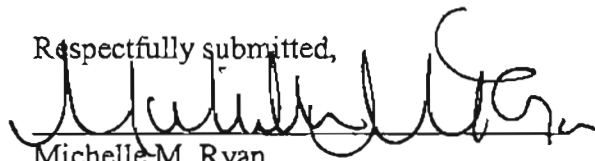
NOTICE OF FILING

To: Gary J. Szczebleski
111 East Franklin Avenue
Sesser, Illinois 62884

James R. Szczebleski
111 East Franklin Avenue
Sesser, Illinois 62884

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: June 2, 2010

RECEIVED
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JUN 04 2010
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GARY J. and JAMES R. SZCZEBLEWSKI,)
)
)
)
)
Respondents.)

AC 10-28
(IEPA No. 164-10-AC)

ORIGINAL

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 (2008).

FACTS

1. That Gary and James Szczebleski ("Respondents") are the current owners and operators of a facility located at 402 East Yung Road, Sesser, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Sesser/Szczebleski, Gary J. and James R.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0550455034.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on April 21, 2010, Maggie Stevenson of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of

her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 6-2-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 8049.

VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of her April 21, 2010 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2008).
- (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)(2008).
- (3) That Respondents 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) (2008).

CIVIL PENALTY

On April 15, 2010, the Board found Gary J. and James R. Szczeblewski in violation of Section 21(p)(1) and Section 21(p)(7) of the Act in AC 09-56. Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1) and 21(p)(7) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondents are subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation and pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 21(p)(3), for a total of Seven Thousand Five Hundred Dollars (\$7,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2008), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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) (2008), if Respondents fail 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2008). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 6/11/2010

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

RECEIVED
CLERK'S OFFICE

JUN 04 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GARY J. and JAMES R. SZCZEBLEWSKI,)
)
)
)
Respondents.)

AC *10-28*
(IEPA No. 164-10-AC)

ORIGINAL

FACILITY: Sesser/Szczablewski, Gary J. and James R.
SITE CODE NO.: 0550455034
COUNTY: Franklin
DATE OF INSPECTION: April 21, 2010
CIVIL PENALTY: \$7,500.00

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.

RECEIVED
CLERK'S OFFICE

JUN 04 2010

STATE OF ILLINOIS
Pollution Control Board

AC10-28

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.)
)
 Gary J Szczeblewski and James R Szczeblewski)
)
 Respondents.)

IEPA DOCKET NO.

ORIGINAL

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 April 21, 2010, between 2:45 PM and 4:00 PM, Affiant conducted an inspection of a disposal site operated by Gary J and James R Szczeblewski, located in Franklin County, Illinois, and known as Szczeblewski, Gary J & James R by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0550455034 by the Agency.

3. Affiant inspected said Szczeblewski, Gary J & James R site by an on-site inspection which included walking and photographing the site.

Szczeblewski Affidavit

2 | Page

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 Szczeblewski, Gary J and James R site.

Maggie Stevenson

Maggie Stevenson

Subscribed and Sworn to before me

this 5th day of May, 2010

Ronald E. Morse
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
OFFICE
JUN 04 2010
STATE OF ILLINOIS
Pollution Control Board

County: Franklin LPC#: 0550455034 Region: 7 - Marion
 Location/Site Name: Sesser/Szczeblewski, Gary J & James R
 Date: 4/21/2010 Time: From 2:45 To 4:00 Previous Inspection Date: 08/18/2009
 Inspector(s): Maggie Stevenson Weather: 72 F, Scattered Clouds
 No. of Photos Taken: # 10 Est. Amt. of Waste: 60 yds³ Samples Taken: Yes # No
 Interviewed: James Szczeblewski Complaint #: C-10-114
 Latitude: 38.09737 Longitude: -89.04706 Collection Point Description: Main Gate -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Gary J. Szczeblewski
 111 E. Franklin Street
 P.O. Box 465
 Sesser, IL 62884
 618-625-5813

James R. Szczeblewski
 111 E. Franklin Street
 P.O. Box 465
 Sesser, IL 62884
 618-625-5813

ORIGINAL

	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 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 # 0550455034

Inspection Date: 4/21/2010

	(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 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 checked="" type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: AC 2009-056 ORDER ENTERED ON: 4/15/2010	<input checked="" 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.



State of Illinois
Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0550455034 – Franklin County
Site Name: Sesser/Szczeblewski, Gary J & James R
Date: April 21, 2010
Inspector: Maggie Stevenson

General Remarks

This inspection was made as the result of a complaint received by this office on April 21, 2010. Gary Szczeblewski agreed to the site inspection.

Inspection Findings

We arrived at the site to find a pickup truck with a flatbed trailer attached and loaded with tires (picture 0550455034~04212010-003). An approximate 40 CY roll off box (unmarked as to owner/business) was also on site but the contents were covered with dirt/mud/vegetation (pictures 0550455034~04212010-001, 0550455034~04212010-002). There was an area to the east of the field road where brush and vegetation had been burned and was still smoldering (pictures 0550455034~04212010-005, 0550455034~04212010-006). A large pile of mud and debris had been piled west of the field road. Jim Szczeblewski stated he placed there to get it out of the ditch area in case of rain. Jim explained that if it rained he would not be able to get the backhoe in there. The area showed signs that open burning had occurred but most of the ash was covered with mud (picture 0550455034~04212010-004). The area that had been on fire (and put out by the fire department) was obvious due to the wilted vegetation, charred vegetation and charred green limbs on surrounding trees (pictures 0550455034~04212010-007 and 0550455034~04212010-008). Ash and the charred remains of springs similar to a mattress, dimensional lumber, wire, shingles, and miscellaneous debris were present at the open burning site (picture 0550455034~04212010-004).

As we talked with Jim he said that he did not realize there was waste within the brush. I emphasized that he could not burn the waste as a means of disposal and he needed to curtail all burning of brush until the site has been returned to compliance by IEPA. He gave his head an affirmative nod leading me to believe that he understood. I asked Jim who he got the roll-off from and he said Lovelady. I explained that I was not familiar with Lovelady and he said they bought the roll-off business from Acosta. Jim told me where he planned to take the tires but I missed documenting the name of the recycler. I stressed to Jim that we would need the receipts. Jim voluntarily offered that he had already removed one full roll-off from the property. He said he planned to have the current roll-off removed and another roll-off brought in tomorrow (4/22/2010). There were three people on the site during the inspection, Jim Szczeblewski and two workers.

Jim stated that we needed to take a walk to the other side of the railroad, on the City side, and note all the trash and debris that flows through the large drainage pipe leading to his property. He said the City needs to do something about it (pictures 0550455034~04212010-009 and 0550455034~04212010-010).

Additional Remarks:

The site is located at ~402 E. Yung Road (approximation given by Franklin County Tax Assessor) in Sesser, Illinois. The site was easily accessed by a field road on the Szczeblewski property near the Burlington Northern Railroad. According to the Franklin County Tax Assessor, the property is owned by Gary J and James R. Szczeblewski of 411 E. Franklin Street in Sesser. The tax bill is being sent to Gary J. and James R. Szczeblewski at P.O. Box 564 in Sesser, Illinois. The parcel number is 01-12-402-001, lot 3 of SE Yung Road. According to Chief Barrett, the site is approximately 85’ outside of the Sesser City limits along the Burlington Northern Railroad and directly borders the City limits on Yung Road. The site is surrounded on three sides by residential property.

Open dumping continued to be apparent during the inspection and the means of improper disposal was documented in photos take of the site on 4/21/2010. The excessive waste items and the manner in which they are being disposed of are creating a scenic blight, public nuisance, and an environmental health hazard. People were noted outside doing yard work and sitting on porches at the time of the inspection.

Inspector Phil Fatka accompanied me on the inspection. Ten pictures were taken of the site and an area adjacent to the site by Inspector Stevenson during the inspection. Open burning had occurred at the site and was documented by the pictures taken during the IEPA inspection the same day.

Pictures from previous site inspections correspond to pictures of burned and charred debris taken on April 21, 2010.

<u>Current Picture</u>	<u>Previous Picture</u>
0050455034~04212010-004	0550455034~08182009-007
0050455034~04212010-007	0550455034~08182009-008
0050455034~04212010-008	0550455034~08182009-009
	0550455034~08182009-010
	0550455034~08182009-011
	0550455034~08182009-012
	0550455034~08182009-013
	0550455034~08182009-014
	0550455034~08182009-015

Comparison pictures taken on August 18, 2009 clearly indicate the presence of waste in the brush during a time of the year when brush is at a peak. Due to experience of site investigations year round, it would be expected that the brush at this site would have been less dense in April than in August so the waste would have been more apparent.

I returned to the site at ~1:15 PM on 4/22/2010 and there was only one roll-off on site. The weather was overcast but dry on the day of my return. The same roll-off remained on site as noted in pictures taken on 4/21/2010. A mattress had been placed on top of the debris in the roll-off. The pickup and trailer loaded with tires was gone. No one was at the site and the metal gate and cable were pulled across the field road to attempt to block entrance to the site.

FILENAME

2009 Szczebiewski, Gary J & James R AC2 Site Map

DESCRIPTION

LPC # 0550455034 - Franklin County
Sessaer/Szczebiewski, Gary J & James R
April 21, 2010
Time frame: 2:45-4:00



Small ditch ~1'
deep and 2' wide

Trailer w/tires

Open Burning of
landscape waste

pickup

Roll-off

Field Road

Metal gate and cable

Yung Road

N. Cecarum Street

N. Swana Street

N. Davis Street

Map Key

All locations are approximate/Not drawn to scale

Photo/Direction.....

Drain/Culvert.....



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: northeast
Photo by: M. Stevenson
Exposure #: 001
Comments: roll-off with
small amount of
insulation, dirt, and brick.
Lattice fencing, a pipe,
and dirt.**



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: Southeast
Photo by: M. Stevenson
Exposure #: 002
Comments: roll-off filled
with dirt, vegetation,
small amount of
dimensional lumber, and a
pvc pipe.**

File Names: 0550455034 ~04212010-001 through 010.jpg



DIGITAL PHOTOGRAPHS



Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 003
Comments: background shows an area of burning in correlation to the roll-off and truck.



Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 004
Comments: open burning covered with dirt and mud. Dimensional lumber, mattress springs, wire, shingles, miscellaneous debris.

File Names: 0550455034 ~04212010-001 through 010.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 005
Comments: Smoldering debris which appeared to be landscape waste.**



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 006
Comments: Smoldering debris which appeared to be landscape waste.**

File Names: 0550455034 ~04212010-001 through 010.jpg



DIGITAL PHOTOGRAPHS



Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: northwest
Photo by: M. Stevenson
Exposure #: 007
Comments: Charred debris including dimensional lumber, plastic, cans, wilted vegetation, and charred green trees.



Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 008
Comments: Charred green trees.

File Names: 0550455034 ~04212010-001 through 010.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 009
Comments: View from
Sesser side of RR tracks.
Culvert is located in
bottom left of picture.
Some scattered debris
among the broken
branches and vegetation.**



**Date: 4/21/2010
Time: 2:45-4:00 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 010
Comments: plastic cup
and soda bottle debris.**

File Names: 0550455034 ~04212010-001 through 010.jpg

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF LAND/FIELD OPERATIONS SECTION
COMPLAINT INVESTIGATION FORM

Complaint #: C - 10 - 114

Date Received: 4/21/10

By: MES

BOL/FOS - Marion Region

CONFIDENTIAL

By E-mail, By Phone, In Person, By Mail

DLPC #: 0550455034

COUNTY: Franklin

Location/Facility Name: Sesser

/ Szczblewski, Gary and Jim

Complainant City of Sesser - Police Chief Barrett

Respondent Szczblewski, Gary and Jim

Address

Address

Sesser

Telephone #: () -

Telephone #: (618) 625 - 5813

Directions to Source: farm land bordering RR

Complaint Details: open burning debris and brush with billowing black dense smoke moving over the RR
and into homes on the opposite side of the RR tracks in city limits.

Refer to reverse for more details

INVESTIGATION FINDINGS

By: MES PWC

Date: 4/21/10

Interviewed:

Time: 2:45 Pm

Investigation Results (Select one of the following):

Refer to inspection report dated: 4/21/10

Refer to below and/or reverse for more details: file 0550455034 and IPCB opinion and order dated 4.15.2010

Complainant notified of findings?

Referred to:

File Opened?

0550455034-Franklin Co
Sesser/Szyszkowski
April 21, 2010
0550455034-04212010-007

Burlington
Northern
Railroad

Wilted
Vegetation

Misc Debris

Charred dimensional
lumber

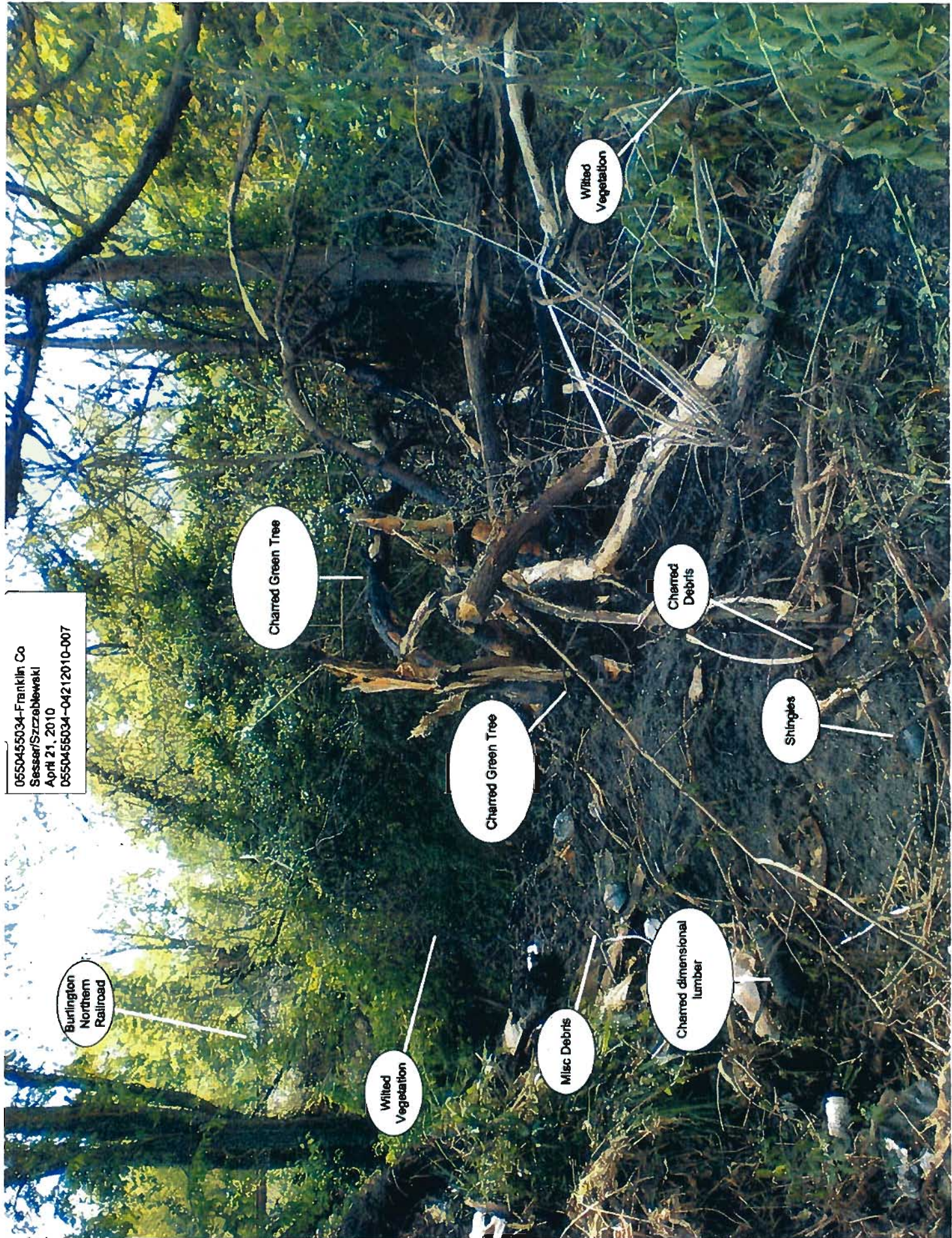
Charred Green Tree

Charred Green Tree

Charred
Debris

Shingles

Wilted
Vegetation





Case # 10-04059
Exhibit - One



Case # 10-04059
Exhibit - Two





Case # 10-04059
Exhibit - Three



Case # 10-04059
Exhibit - Four



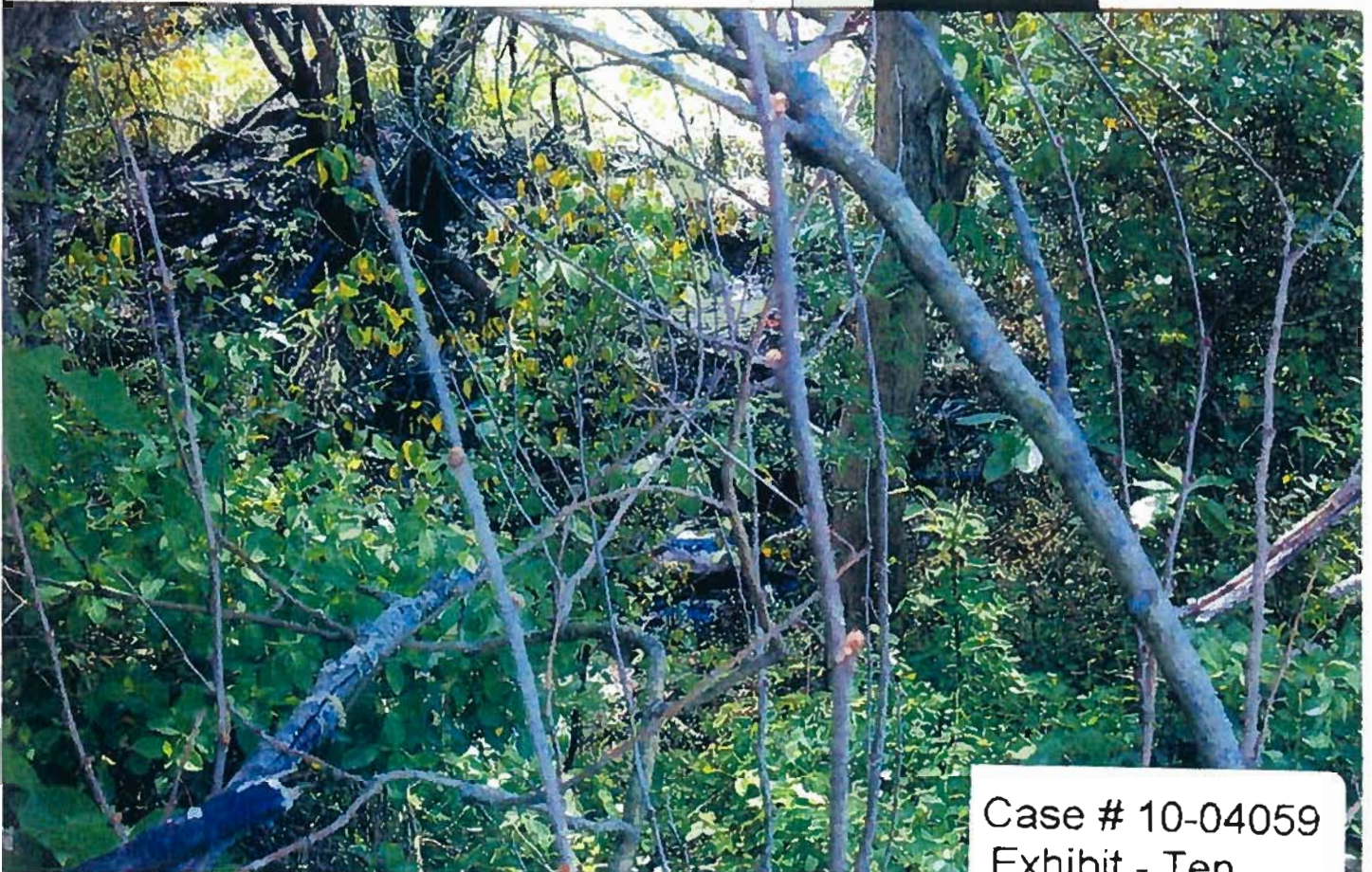
Exhibit - Seven



Case # 10-04059
Exhibit - Eight



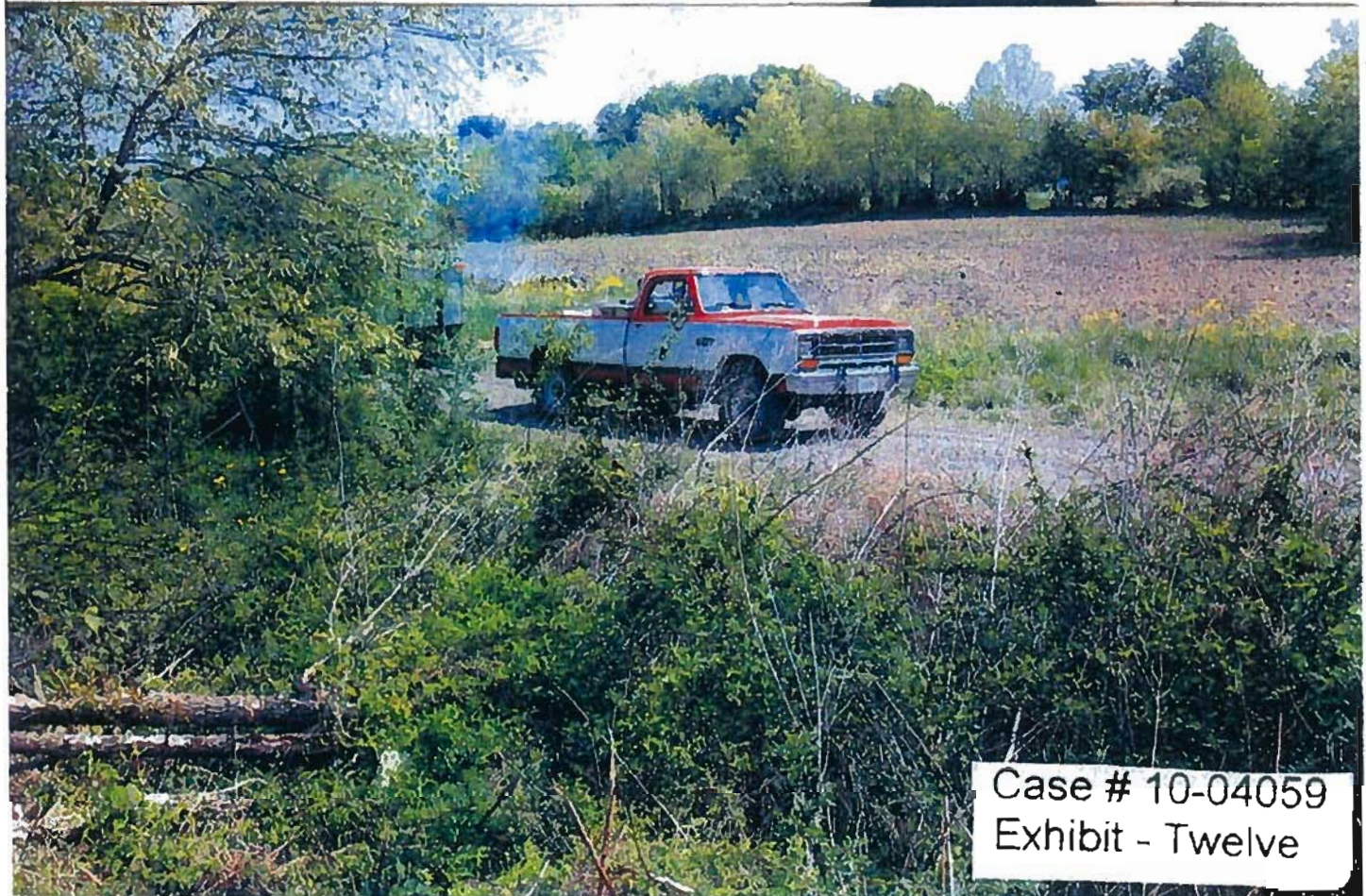
Case # 10-04059
Exhibit - Nine



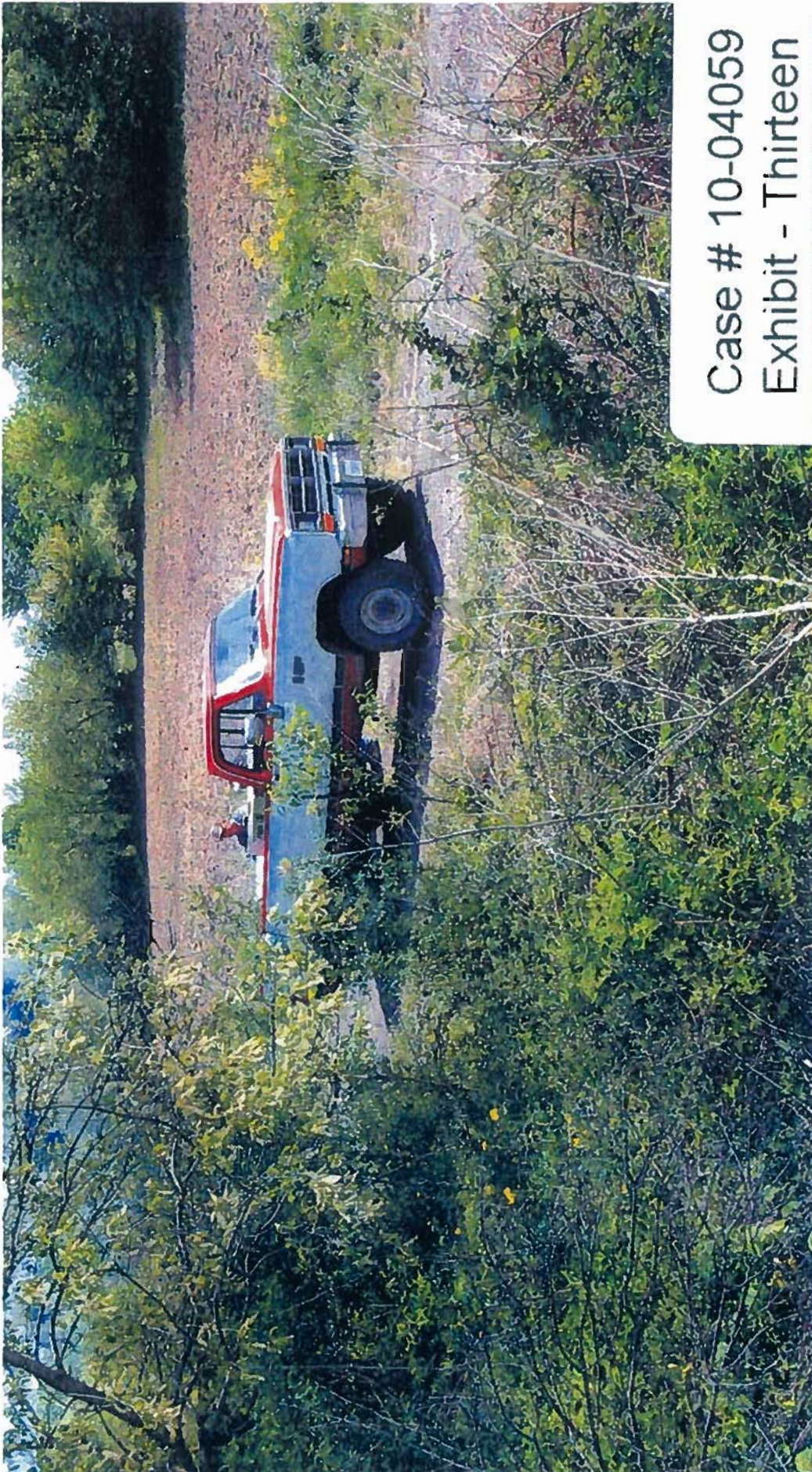
Case # 10-04059
Exhibit - Ten



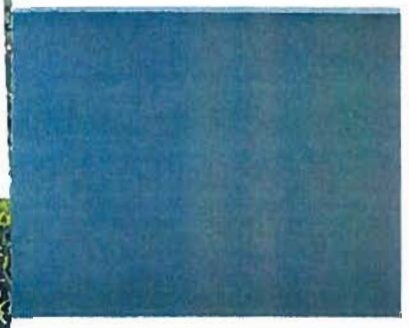
Case # 10-04059
Exhibit - Eleven



Case # 10-04059
Exhibit - Twelve



Case # 10-04059
Exhibit - Thirteen



SESSER POLICE DEPARTMENT SESSER, IL 62884 (618)625-2341 INCIDENT REPORT	APR 21 2010
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OFFENSE: FIRES	CODE 9054	DATE 04/21/2010	TIME 1033	OFFICER: BARRETT, JOHN S-1	CASE NUMBER 1004059A	
LOCATION OF OCCURANCE: YUNG ROAD AT THE RAILROAD TRACKS			FROM DATE 04/21/2010	TIME 1033	TO DATE 04/21/2010	TIME 1033
ADDITIONAL REPORTS: FEDERAL COURT ORDER PHOTOGRAPH'S				CASE STATUS OTHER JURISDICTION		
VICTIM OF OFFENSE: ENVIRONMENTAL PROTECTION AGENCY ADDRESS: WEST MAIN STREET CITY: MARION STATE: IL ZIP: 62959 PHONE: (618)993-7200						
VICTIM OF OFFENSE: CITY OF SESSER ADDRESS: 302 WEST FRANKLIN CITY: SESSER STATE: IL ZIP: 62884 PHONE: (618)625-3611						
VICTIM OF OFFENSE: BURLINGTON NORTHERN & SANTA FE RAILR ADDRESS: POB 1286 CITY: CENTRALIA STATE: IL ZIP: 62801 PHONE: (618)995-2688						
[WITNESS OF OFFENSE] SESSER FIRE PROTECTION DISTRICT 910 SOUTH PARK STREET		[SEX] C/U/ SESSER	[DATE OF BIRTH] / / IL 62884 (618)625-2441			
[WITNESS OF OFFENSE] JONES, DELMAR R 604 NORTH WALNUT STREET		[SEX] M/W/85 SESSER	[DATE OF BIRTH] 02/06/1925 IL 62884 (618)625-5007			
[WITNESS OF OFFENSE] SESSER POLICE DEPARTMENT 302 WEST FRANKLIN AVENUE		[SEX] C/U/ CITY OF SESSER	[DATE OF BIRTH] / / IL 62884 (618)625-2341			
[SUSPECT(S)] SZCZEBLEWSKI, JAMES R 2187 PARK ST [CHARGE] OTHER CRIMINAL OFFENSES 720		[SEX] M/W/58 MULKEYTOWN [CHAPTER]	[DATE OF BIRTH] 09/01/1951 IL 62865 (618)625-0000 [DISPOSTION] REFERRED TO OTHER JURD			
[SUSPECT(S)] LOUCKS, NATHAN RAY 2486 PARK STREET ROAD [CHARGE] OTHER CRIMINAL OFFENSES 720		[SEX] M/W/24 MULKEYTOWN [CHAPTER]	[DATE OF BIRTH] 11/22/1985 IL 62865 (618)625-1394 [DISPOSTION] REFERRED TO OTHER JURD			
NARRATIVE:						

NARRATIVE:

SESSER FIRE PROTECTION DISTRICT ENGINES 101 AND 110 ARRIVED AT THE SCENE. SZCZEBLEWSKI AND LOUCKS ORDERED THE FIRE DEPARTMENT TO NOT EXTINGUISH THE FIRE. IN ADDITION, SZCZEBLEWSKI AND LOUCKS THREATENED TO RENDER CIVIL LITIGATION AGAINST THE CITY OF SESSER, THE CITY POLICE DEPARTMENT AND THE FIRE DEPARTMENT IF THE FIRE WAS EXTINGUISHED. I CONTACTED THE E.P.A. OFFICE IN MARION, ILLINOIS AND SPOKE WITH MAGGIE STEVENSON. STEVENSON IS FAMILIAR WITH JAMES AND GARY SZCZEBLEWSKI AND IS PRESENTLY WORKING A CASE WITH REGARD TO THIS MATERIAL AND IT'S DISPOSAL. STEVENSON STATED THAT SHE HAS BEEN TO A NUMBER OF COURT HEARINGS AND HAS A COURT ORDER THAT THEY ARE NOT TO BURN THE REFUSE. I REQUESTED STEVENSON FAX THAT COURT ORDER TO MY OFFICE AND SHE AGREED. STEVENSON ADVISED IT'S ALRIGHT TO EXTINGUISH THE FIRE. I INSTRUCTED SESSER FIREFIGHTERS TO PUT THE FIRE OUT AND THEY COMPLIED WITH MY REQUEST. INSPECTOR STEVENSON REQUESTED THAT I PHOTOGRAPH THE CRIME SCENE, COMPLETE A REPORT AND FORWARD THAT DATA TO THE MARION, ILLINOIS OFFICE. STEVENSON ADVISED THAT SHE WOULD CONTACT GARY SZCZEBLEWSKI OFFICE AND ADVISE THEM NOT TO BURN THE DEBRIS AS INDICATED IN THE ORDER. I COMPLIED WITH THE INSPECTORS REQUEST AND PHOTOGRAPHED THE SCENE. THIRTEEN PHOTOGRAPH'S WERE TAKEN AND THEY ARE NOW LISTED AS EXHIBITS ONE THROUGH THIRTEEN. WHILE TAKING THE PHOTOGRAPH'S LOUCKS TOLD ME THAT HE WAS ON THE TELEPHONE WITH THE FRANKLIN COUNTY STATE'S ATTORNEY'S OFFICE AND THAT I WOULD BE ARRESTED SHORTLY. I DIRECTED LOUCKS TO HAVE WHOM EVER IS ON THE TELEPHONE CALL THE E.P.A. OFFICE AT 618-993-7200 AND SPEAK WITH INSPECTOR MAGGIE STEVENSON. A COPY OF THIS REPORT WILL BE FORWARDED WITH THE PHOTOGRAPH'S TO MAGGIE STEVENSON AT THE MARION OFFICE. NOTHING FURTHER TO REPORT AT THIS TIME.

END OF REPORT :

NARRATIVE:

WHILE ON PATROL REPORTING OFFICER OBSERVED TWO LARGE COLUMNS OF DENSE BLACK SMOKE BILLOWING SKYWARD FROM THE NORTHEAST SIDE OF TOWN. I RESPONDED TO THE AREA AND OBSERVED TWO LARGE FIRES BURNING. ONE FIRE WAS LOCATED ON THE EAST SIDE OF A SMALL DIRT ACCESS ROAD AND DID NOT APPEAR TO BE PRODUCING AS MUCH BLACK SMOKE AS THE OTHER FIRE. THE SECOND FIRE WAS LOCATED ON THE WEST SIDE OF THE ACCESS ROAD, BETWEEN THE ACCESS ROAD AND THE RAILROAD TRACKS. THE FIRE WAS ON THE EAST SIDE OF THE DITCH AND PRODUCING VERY THICK, DENSE, HEAVY BLACK SMOKE. I OBSERVED A RED AND WHITE IN COLOR PICKUP TRUCK BEARING AN ILLINOIS REGISTRATION PLATE PARKED ON THE ACCESS ROAD. I HAVE SEEN THIS TRUCK IN TOWN AND I KNOW IT BELONGS TO JAMES SZCZEBLEWSKI OF MULKEYTOWN, ILLINOIS. I WALKED AROUND THE PICKUP TRUCK AND OBSERVED TWO SUBJECTS TALKING. I RECOGNIZED THE SUBJECTS AS JAMES SZCZEBLEWSKI AND NATHAN LOUCKS. I INITIATED CONTACT WITH SZCZEBLEWSKI AND ASKED HIM WHAT WAS BURNING THAT WAS PRODUCING ALL THE BLACK SMOKE. SZCZEBLEWSKI INFORMED ME THAT HE WAS BURNING PILES OF DEBRIS IN AN ATTEMPT TO CLEAN UP THE PROPERTY. I ASKED SZCZEBLEWSKI WHAT MATERIAL WAS IN THE FIRE THAT WAS PRODUCING THE BLACK SMOKE. SZCZEBLEWSKI REPLIED "A LITTLE OF THIS A LITTLE OF THAT". WHILE I WAS SPEAKING WITH SZCZEBLEWSKI, LOUCKS WAS PUMPING SOME TYPE OF PETROLEUM PRODUCT FROM A TANK IN THE BED OF THE PICKUP TRUCK. I WALKED OVER TO THE FIRE AND OBSERVED THAT THE FIRE CONTAINED WOOD, BRUSH, TAR PAPER, SHINGLES APPLIANCES, METAL PRODUCTS, MATTRESSES, VINYL SIDING, CLOTH, OIL FILTERS, AND PLASTIC. I TOLD SZCZEBLEWSKI THAT HE COULD NOT BURN SUCH MATERIAL. SZCZEBLEWSKI ADVISED THE E.P.A. TOLD THAT HIM COULD BURN THESE ITEMS. I AM FAMILIAR WITH THE ENVIRONMENTAL PROTECTION AGENCY AND I HAVE ATTENDED THE 80 HOUR HAZARDOUS MATERIALS TECHNICIAN COURSE AT THE CINCINNATI, OHIO E.P.A. CAMPUS. I SUGGESTED TO SZCZEBLEWSKI THAT NO OFFICIAL FROM THE E.P.A. WOULD TELL HIM TO BURN THESE MATERIALS. I ASKED SZCZEBLEWSKI TO EXTINGUISH THE FIRE AND HE REFUSED. LOUCKS THEN INTERRUPTED OUR CONVERSATION AND TOLD ME THAT I WAS TRESPASSING. I REQUESTED THE TELECOMMUNICATOR DISPATCH SESSER FIRE PROTECTION DISTRICT TO THE SCENE TO EXTINGUISH THE FIRE. LOUCKS BECAME VERY CONFRONTATIONAL AND INFORMED ME THAT HE WAS CALLING THE FRANKLIN COUNTY SHERIFF'S OFFICE TO HAVE ME ARRESTED FOR TRESPASS TO PROPERTY. I THEN WALKED BACK TO THE ROAD TO WAIT FOR THE FIRE DEPARTMENT. WHILE WAITING FOR THE FIRE DEPARTMENT'S ARRIVAL LOUCKS WALKED TO MY CAR AND STATED THAT FRANKLIN COUNTY SHERIFF BILL WILSON DIRECTED ME TO LEAVE THE SCENE. THIS IS AN UNCOMMON PRACTICE FOR SHERIFF WILSON TO MAKE SUCH AN ORDER. I CALLED THE FRANKLIN COUNTY SHERIFF'S OFFICE AND SPOKE WITH SHERIFF WILSON. I EXPLAINED THE CIRCUMSTANCES TO SHERIFF WILSON. SHERIFF WILSON CLAIMED HE WAS TOLD BY THE COMPLAINANT THAT THEY WERE ONLY BURNING BRUSH AND NATURAL WOOD PRODUCTS. FURTHERMORE, WILSON CLAIMS THE COMPLAINANT SAID HE WAS TOLD BY THE E.P.A. TO CLEAN UP THE PROPERTY WHICH INCLUDED BURNING. SHERIFF WILSON INDICATED TO ME THAT HE DIRECTED THEM TO FOLLOW THE GUIDELINES SET FORTH BY THE E.P.A..

SESSER FIRE PROTECTION DISTRICT

Send to: E.P.A.	From: Sesser Fire Protection District
Attention: MAGGIE STEVENSON	Date: 04/28/10
Office location: MARION	Office location: Sesser IL
Fax number: 1-(618) 997-1281	Phone number: 618-625-2441

Urgent
 Reply ASAP
 Please comment
 Please review
 For your information

Total pages, including cover **2**

Comments:

Sesser Fire Protection District
Fire Report

Date Of Call: 04/21/10 Ru: 10-069
Name Of Owner: JANE MARY SEZ BIEWENEN Phone # _____
Address Of Owner: _____
Location Of Call: JUNK & RAILROAD TRACKS
Weather Conditions: Temp 69° Wind N-W Sky CLEAR

Nature Of Call: Medical Emergency
 Communication
 Structure Fire
 Field Fire
 Other ILLEGAL BURN
Kind Of Structure: Garage
 Farm Dwelling
 Business
 Other _____
 Occupied
 Unoccupied

Damage To Building And Contents: _____

Cause Of Fire: BURDINE TRASH Delay, If any, And Cause: NONE Alarm Received By: CENTRAL

Time Out: 10:33 Enroute: 10:44 On Scene: 10:48 Clear Scene: 11:20

RESPONDED 100-110-101 TO REQUEST FROM SESSER POLICE CHIEF BOB BARRITT TO EXTINGUISH ILLEGAL BURN FRONT PILE OF BRUSH & OTHER TRASH ON FIRE. LAND OWNER STATED THIS WAS IN COUNTY & CHIEF HAS NO JURISDICTION. WE PUT FIRE OUT & OWNERS WERE PREPARING TO LOSE REMAINERS IN DUMPSTER.

Recorded By: [Signature]

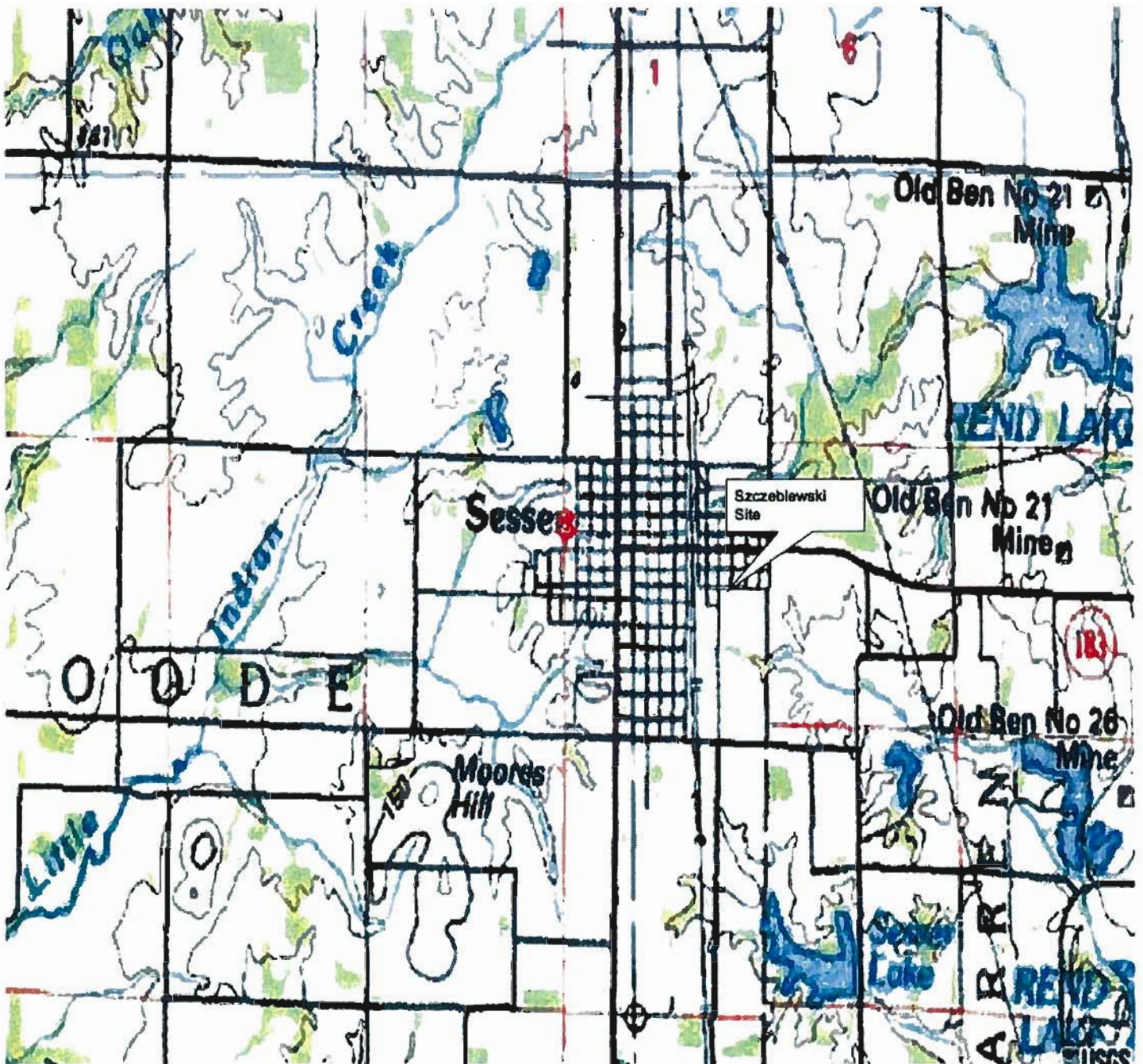
FILENAME

AC2 Topographic Site Map



DESCRIPTION

LPC # 0550455034 - Franklin County
Sessee/Szczablewski, Gary J & James R





MAPQUEST.

Sesser, IL 62884-1330

Notes

Szczblewski Site
Sesser, IL



All rights reserved. Use subject to License/Copyright | [Map Legend](#)

Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest. Your use of MapQuest means you agree to our [Terms of Use](#)

TOTAL P. 02

APR-27-2010 11:03

IEPA

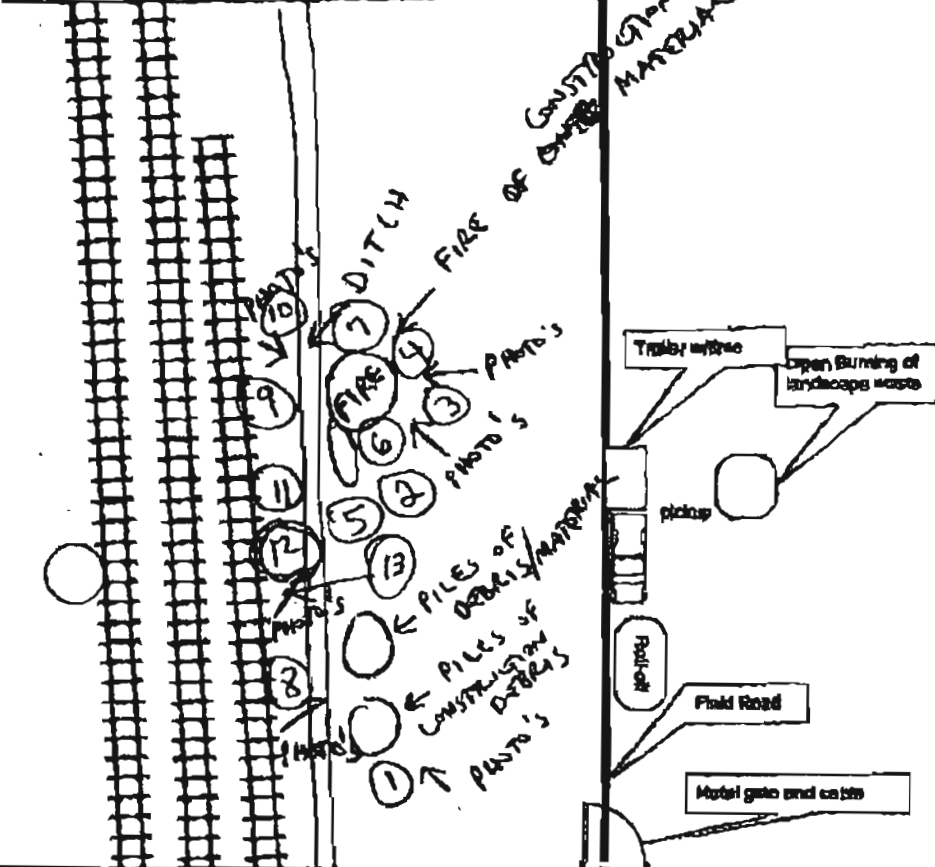
618 997 1281

P. 02

2009 Szczablowski, Gary J & James R ACZ Gls Map

DESCRIPTION

LFC # A630455004 - Franklin County
Garrett/Szczablowski, Gary J & James R
April 21, 2010
Time taken: 11:20 AM



Map Key

All locations are approximately at drawn to scale

Photo/Direction

Drain/Culvert

TOTAL P. 02

TOTAL P. 02

IEPA

APR-28-2010 09:45



DIGITAL PHOTOGRAPHS



Date: 4/21/2010
Time: 11:20 AM
Direction: Southwest
Photo by: Police Chief R. Barrett of Sesser
Exposure #: one
Comments: landscape debris, shingles, dimensional lumber



Date: 4/21/2010
Time: 11:20 AM
Direction: Southwest
Photo by: Police Chief R. Barrett of Sesser
Exposure #: two
Comments: charred debris, CDD, refig racks, plastic, shingles, ash

File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 11:20 AM
Direction: West
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Three
Comments: mattress
springs, furniture springs,
dimensional lumber, vinyl
siding, cans, paper, misc
debris**



**Date: 4/21/2010
Time: 11:20 AM
Direction: Southwest
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Four
Comments: metal,
dimensional lumber,
plastic, misc debris**

File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 11:20 AM
Direction: Northwest
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Five
Comments: Dimensional
lumber, vinyl siding, misc
debris**



**Date: 4/21/2010
Time: 11:20 AM
Direction: Northwest
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Six
Comments: cans, plastic,
vinyl siding, dimensional
lumber, metal, misc debris**

File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 11:20 AM
Direction: Southwest
Photo by: Police Chief R. Barrett of Sesser
Exposure #: Seven
Comments: ceiling fan motor, plastic, vinyl siding, dimensional lumber, mattress springs, furniture springs, misc debris**



**Date: 4/21/2010
Time: 11:20 AM
Direction: Northeast
Photo by: Police Chief R. Barrett of Sesser
Exposure #: Eight
Comments: miscellaneous debris**

File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 11:20 AM
Direction: Southeast
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Nine
Comments: Charred
ground and debris
through brush**



**Date: 4/21/2010
Time: 11:20 AM
Direction: Southeast
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Ten
Comments: Charred
ground and debris
through brush**

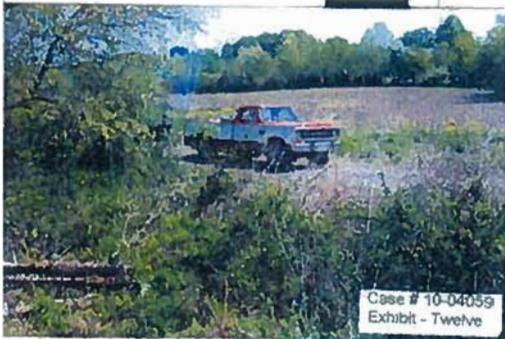
File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



**Date: 4/21/2010
Time: 11:20 AM
Direction: northeast
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Eleven
Comments: Worker on
field road (Nathan
Loucks)**



**Date: 4/21/2010
Time: 11:20 AM
Direction: Northeast
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Twelve
Comments: Pickup in front
of roll-off with separate
landscape debris fire in
background**

File Names: 0550455034 ~04212010-0001 through 0013.jpg



DIGITAL PHOTOGRAPHS



Case # 10-04059
Exhibit - Thirteen

**Date: 4/21/2010
Time: 11:20 AM
Direction: Northeast
Photo by: Police Chief R.
Barrett of Sesser
Exposure #: Thirteen
Comments: Pickup and
James Szczeblewski on
field road**

File Names: 0550455034 ~04212010-0001 through 0013.jpg

RECEIVED
CLERK'S OFFICE

JUN 04 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 2nd day of June 2010, 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

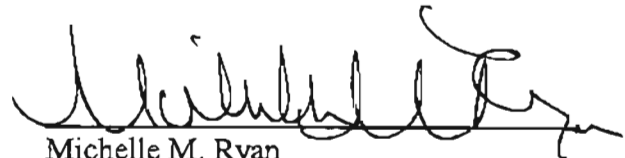
To: Gary J. Szczeblewski
111 East Franklin Avenue
Sesser, Illinois 62884

James R. Szczeblewski
111 East Franklin Avenue
Sesser, Illinois 62884

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

ORIGINAL



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