

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 S.I. WASTE SYSTEMS, LLC.,)
 d/b/a Midwest Waste,)
)
 Respondent.)

AC 12 -

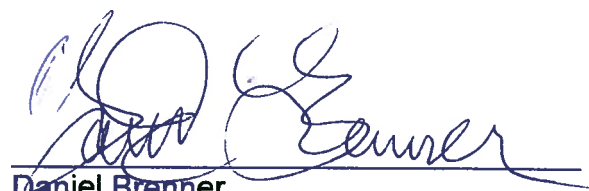
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ORIGINAL
RETURN TO CLERK'S OFFICE
RECEIVED
CLERK'S OFFICE
MAY 1 & 2012
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Charles E. Fitzpatrick Sr., S.I. Waste Systems, LLC, 716 Skyline Drive,
Marion, Illinois 62959

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 S.I. WASTE SYSTEMS, LLC,)
 d/b/a Midwest Waste,)
)
 Respondent.)

AC 12 - 55

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MAY 18 2012
STATE OF ILLINOIS
Pollution Control Board

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**

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 S.I. WASTE SYSTEMS, LLC,)
 d/b/a Midwest Waste,)
)
 Respondent.)

AC 12 - *SS*
Site Code: 199 055 0006

RECEIVED
CLERK'S OFFICE

MAY 1 & 2012

STATE OF ILLINOIS
Pollution Control Board

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, S.I. Waste Systems, LLC, d/b/a Midwest Waste, is the present owner and operator of a waste hauling/trucking company located at 716 Skyline Drive, Marion, Williamson County, Illinois 62959.

2. The Respondent was in responsible charge of a tractor-trailer truck with Illinois license number 326 523s/t being driven from the Southern Illinois Regional Landfill near DeSoto, Jackson County, Illinois then onto Landfill Road and then turn South onto U.S. Route 51 near the Village of DeSoto, Illinois, on April 10, 2012.

3. The Respondent has owned said vehicle for all material times hereto.

4. On April 10, 2012, Don Terry, Environmental Compliance Inspector, and Kerri Gale, both employed by the Jackson County Health Department witnessed litter being blown out of the vehicle at or around a point North of Dumaroc Road on U.S. Route 51. A copy of Mr. Terry's report and his affidavit is attached hereto and made a part hereto.

VIOLATIONS

On the basis of his direct observations on April 10, 2012, he 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 July 15, 2012, 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 16, 2012

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

Daniel Brenner
Assistant State's Attorney

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CLERK'S OFFICE

REMITTANCE FORM TO COUNTY OF JACKSON

MAY 18 2012

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
S.I. WASTE SYSTEMS, LLC,)
d/b/a Midwest Waste,)
)
Respondent.)

AC 12 - *SS*
Site Code: 199 055 0006

FACILITY: Jackson Co./Midwest Waste

COUNTY: JACKSON

DATE OF INSPECTION: April 10, 2012

SITE CODE: 199 055 0006

Date Remitted: _____, 2012

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 18 2012
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM TO ILLINOIS EPA

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
S.I. Waste Systems, LLC,)
d/b/a Midwest Waste,)
)
Respondent.)

AC 12 - 55
Site Code: 199 055 0006

FACILITY: Jackson Co./KRD Trucking
COUNTY: JACKSON
DATE OF INSPECTION: April 10, 2012
SITE CODE: 199 055 0006

Date Remitted: _____, 2012

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

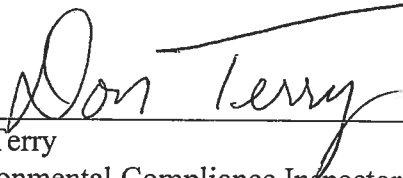
IN THE MATTER OF:

199 055 0006 / Jackson County
Midwest Waste
COMPLIANCE FILE

Ken Miller, Respondent.

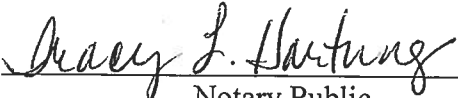
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

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 10, 2012, between the hours of 9:54 a.m. and 9:57 a.m., Affiant conducted an inspection of the open dump site known as Midwest Waste, 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 Midwest Waste, De Soto, Illinois, open dump site.



Don Terry
Environmental Compliance Inspector

Subscribed and Sworn To before me
this 2 day of May, 2012



Notary Public



LPC # 199 055 0006

Inspection Date: 04/10/2012

	(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

Inspection Date: April 10, 2012

Time: 9:54 a.m. – 9:57 a.m.

Site Code: 199 055 0006

Site Name: Midwest Waste

County: Jackson

Inspector: Don Terry

Est. Waste Volume: < 1 cubic yard

Previous Inspection: 11/12/2009

GPS Location from Map Interpellation: Lat 37.82904 Long -89.23334

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to a complaint received by the Jackson County Health Department. Complainant stated that transfer trailer trucks were leaving the Southern Illinois Regional Landfill, Inc. (SIRLI) without insuring that the trailers were completely empty and waste remaining in the trailers blew out onto the highway in and around De Soto, IL. My inspection began with the surveillance of transfer trailers leaving SIRLI. My surveillance encompassed U.S. Route 51 from Landfill Road south to IL Route 149 and along IL Route 149 east from U. S. Route 51 to the Jackson County line.

Weather conditions at the start of the inspection were: Sunny with clear skies, moderate winds and a temperature of approximately 49°F. I was accompanied on this inspection by Kerri Gale of the Jackson County Health Department. Ms. Gale drove the vehicle while I conducted the inspection and took photos.

At approximately 9:52 a.m. I observed a transfer trailer approaching the intersection of Landfill Road and U. S. Route 51. The trailer was blue and marked with signage showing it belonged to Midwest Waste. I followed the transfer trailer south along U. S. Route 51 towards De Soto. At a point north of Dumaroc Road, I observed a white plastic object blow out of the trailer onto the road (**Photo #1, Site Sketch**). I then observed a second plastic object blow out of the trailer onto the road along with several small items that appeared to be either paper or plastic. At the intersection of U. S. Route 51 and IL Route 149, I observed the Illinois vehicle license on the trailer. The license read 326 523 ^S_T (**Photo #2, Site Sketch**). The Jackson County Sheriff's Office confirmed that this vehicle license is registered to Southern Illinois Waste Systems, LLC dba Midwest Waste.

My inspection ended at approximately 9:57 a.m.

The total volume of waste observed 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

Inspection Date: April 10, 2012

Time: 9:54 a.m.—9:57 a.m.

Site Code: 199 055 0006

Site Name: Midwest Waste

Inspector: Don Terry

County: Jackson

Est. Waste Volume: < 1 cubic yard

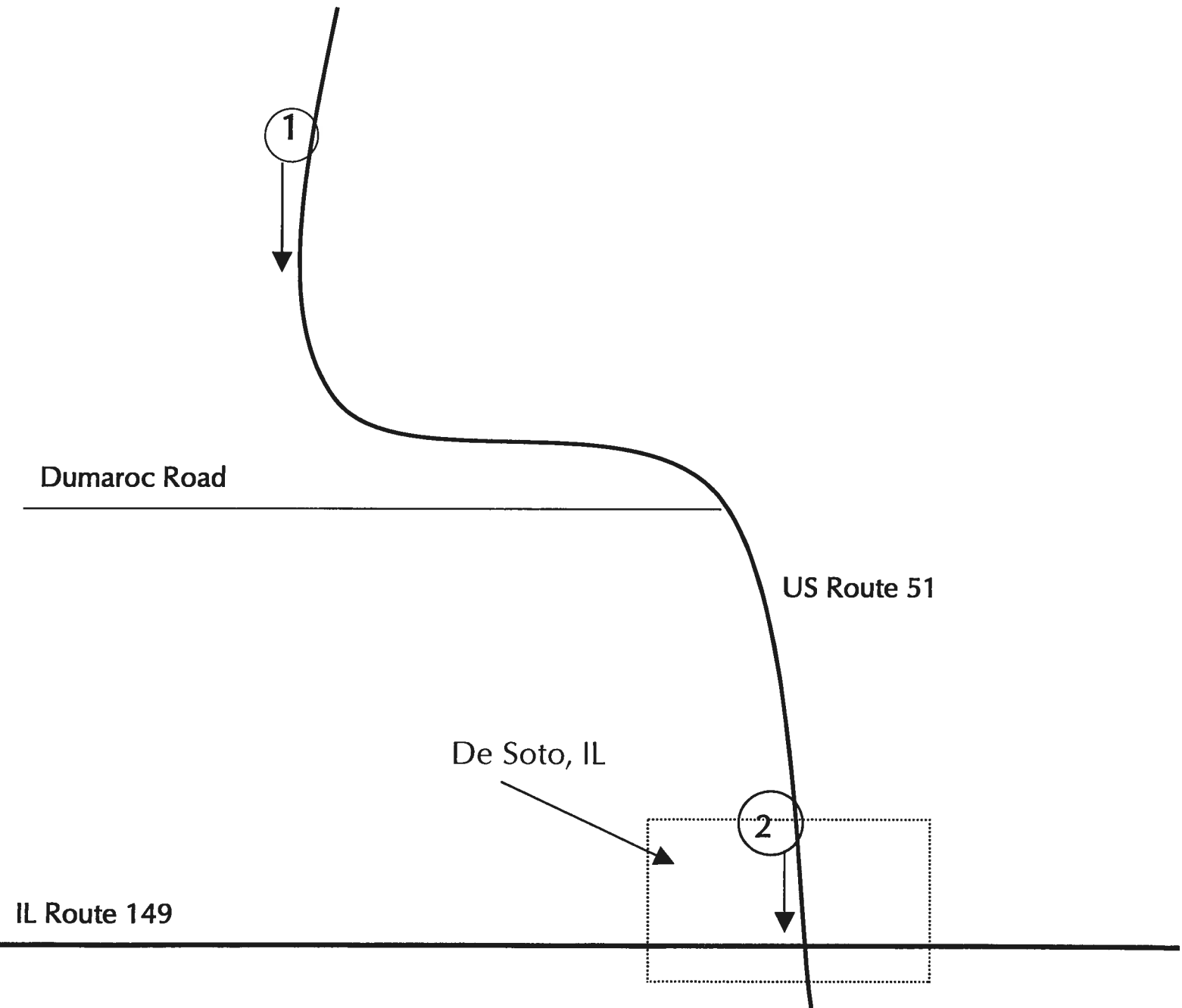
Previous Inspection: 11/12/2009

Not Drawn to Scale

All locations are approximate

O → Indicates *approximate* location and direction of photos

G = approximate GPS data collection point





Inspection Date: April 10, 2012
Photos by: Don Terry

Site # 199 055 0006
Site Name: Midwest Waste

Photo Name:
1990550006-04102012-01

Time: 9:55 a.m.

Photo Taken Toward:
South



Photo Name:
1990550006-04102012-02

Time: 9:57 a.m.

Photo Taken Toward:
South





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



May 16, 2012

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

RECEIVED
CLERK'S OFFICE
MAY 18 2012
STATE OF ILLINOIS
Pollution Control Board

Re: Administrative Citation – Jackson County/Midwest Waste
 Site Code 199 055 0006
 Inspection Date: April 10, 2012

*AC-55
12-55*

ORIGINAL
RETURN TO CLERK'S OFFICE

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against S.I. Waste Systems, LLC, d/b/a Midwest Waste. The Respondent's mailing address is 716 Skyline Drive, Marion, Illinois 62959.

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