



**JACKSON COUNTY STATE'S ATTORNEY**

**Michael C. Carr, State's Attorney**

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966  
(618) 687-7200 • FAX (618) 687-7215

RECEIVED  
CLERK'S OFFICE

SEP 16 2013

STATE OF ILLINOIS  
Pollution Control Board

September 11, 2013

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

Re: Administrative Citation – Makanda/IDNR Site  
Site Code 077 809 5057  
Inspection Date: August 8, 2013  
Date of Service: September 6, 2013

AC14-18



ORIGINAL

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against John Kenneth Lewis. The site is known as the Makanda/IDNR site.

Mr. Lewis' mailing address is 22083 Highway 1, Allendale, Illinois 62410. Also enclosed with this material is a proof of service showing the respondent was served with the administrative citation packet.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

MICHAEL C. CARR  
Jackson County State's Attorney

DANIEL BRENNER  
Assistant State's Attorney  
Jackson County, Illinois

encls.

cc: Jackson County Health Department

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

RECEIVED  
CLERK'S OFFICE

SEP 16 2013

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )

Complainant, )

v. )

JOHN KENNETH LEWIS, )

Respondent. )

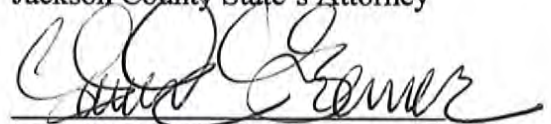
AC 14 - 18  
Site Code: 077 809 5057

**NOTICE OF FILING**

To: John Lewis, 22083 Highway 1, Allendale, Illinois 62410

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.

MICHAEL C. CARR  
Jackson County State's Attorney



DANIEL BRENNER  
Assistant State's Attorney  
Jackson County Courthouse  
3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

RECEIVED  
CLERK'S OFFICE

SEP 16 2013

STATE OF ILLINOIS  
Pollution Control Board

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

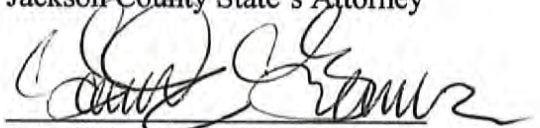
COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JOHN KENNETH LEWIS, )  
 )  
 Respondent. )

AC 14 - 18  
Site Code: 077 809 5057

**APPEARANCE**

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

MICHAEL C. CARR  
Jackson County State's Attorney



DANIEL BRENNER  
Assistant State's Attorney  
Jackson County Courthouse  
3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
SEP 16 2013  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JOHN KENNETH LEWIS, )  
 )  
 Respondent. )

AC 14 - 18  
Site Code: 077 809 5057

Serve on: John Kenneth Lewis, 22083 Highway 1, Allendale, Illinois 62410

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation and Appearance were hand delivered to:

Name: John Kenneth Lewis, w/m, DOB 46-83

Address: 22083 Highway 1

Sex: Male X Female \_\_\_\_\_

Age: \_\_\_\_\_

Date of service: 9/6, 2013.

Time: 1808 .m.

\_\_\_\_\_  
/S/ Joe Keeling, Wabash Co. Sheriff

By his Deputy

Daniel Heppner 93-4

PLEASE RETURN TO:  
DANIEL BRENNER  
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE



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

RECEIVED  
CLERK'S OFFICE  
SEP 16 2013  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
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 v. )  
 )  
 JOHN KENNETH LEWIS, )  
 )  
 Respondent. )

AC14 - 18  
Site Code: 077 809 5057

**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, John Kenneth Lewis, is a resident of Wabash County, Illinois.
2. On August 8, 2013, Don Terry, Environmental Compliance Inspector, employed by the Jackson County Health Department, inspected a small intermittent creek bed along Old Lower Cobden Road (approximately one (1) mile south-southeast of the Village of Makanda) located in rural Makanda Township, Jackson County, Illinois where litter had been deposited. A copy of his report and affidavit is attached hereto and made a part hereto.
3. The site in question is owned by the State of Illinois.
4. Mr. Terry was responding to information identifying the Respondent as the person responsible for deposition of the litter, waste and debris.

### **VIOLATIONS**

On the basis of his direct observation on August 8, 2013, 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); and
2. The Respondent has caused or allowed the deposition of waste in standing or flowing waters in violation of 415 ILCS 5/21(p)(4); and
3. The Respondent has caused or allowed the deposition of general or clean construction or demolition debris in violation of 415 ILCS 21(p)(7).

### **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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 November 15, 2013, 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 Forty Five Hundred Dollars (\$4,500.00) 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

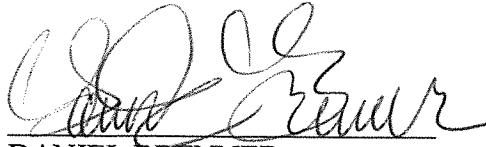
A copy must also be sent to:

Office of the State's Attorney  
Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, 3<sup>rd</sup> Floor  
Murphysboro, Il 62966



DATED: Sept. 4, 2013

MICHAEL C. CARR  
Jackson County State's Attorney

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

DANIEL BRENNER  
Assistant State's Attorney  
Jackson County, Illinois

REMITTANCE FORM TO COUNTY OF JACKSON

RECEIVED  
CLERK'S OFFICE  
SEP 16 2013  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
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 v. )  
 )  
 JOHN KENNETH LEWIS, )  
 )  
 Respondent. )

AC14 - 18  
Site Code: 077 809 5057

FACILITY: Makanda/IDNR  
COUNTY: JACKSON  
DATE OF INSPECTION: August 8, 2013  
SITE CODE: 077 809 5057

Date Remitted: \_\_\_\_\_, 2013

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

**REMITTANCE FORM TO ILLINOIS EPA**

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 JOHN KENNETH LEWIS, )  
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 Respondent. )

AC14 - 18  
Site Code: 077 809 5057

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SEP 16 2013  
STATE OF ILLINOIS  
Pollution Control Board

FACILITY: Makanda/IDNR  
COUNTY: JACKSON  
DATE OF INSPECTION: August 8, 2013  
SITE CODE: 077 809 5057

Date Remitted: \_\_\_\_\_, 2013

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.



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Jackson LPC#: 077 809 5057 Region: 7 - Marion  
 Location/Site Name: Makanda / IDNR  
 Date: 08/08/2013 Time: From 10:04 am To 10:25 am Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): Don Terry Weather: 78°F -- Cloudy with calm winds  
 No. of Photos Taken: # 10 Est. Amt. of Waste: 5 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: no one Complaint #: 2013--117  
 Latitude: 37.60369 Longitude: -89.20911 Collection Point Description: Dump Location -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Accuracy +/- 15 feet

**\*\*OWNER\*\***  
 IL Department of Natural Resources  
 One Natural Resources Way  
 Springfield, IL 62702

**\*\*OPERATOR\*\***  
 Mr. John Kenneth Lewis  
 22083 Highway 1  
 Allendale, IL 62410

**RECEIVED**  
**CLERK'S OFFICE**  
**SEP 16 2013**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

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

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 AND REGULATIONS	<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 type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(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 checked="" type="checkbox"/>



LPC # 077 809 5057

Inspection Date: 08/08/2013

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"/>
<b>ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS</b>			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	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"/>
<b>OTHER REQUIREMENTS</b>			
20.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:	807.201 Developmental Permit & 807.202 Operational Permit	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**Informational Notes**

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
- Items marked with an "NE" were not evaluated at the time of this inspection.



## Inspection Report Document: Open Dump Site Narrative

Inspection Date: August 8, 2013

Time: 10:04 a.m. - 10:25 a.m.

Site Code: 077 809 5057

Site Name: Makanda / IDNR

County: Jackson

Inspector: Don Terry

Est. Waste Volume: 5 cubic yards

Previous Inspection: N/A

Location: Lat 37.60369 / Long -89.20911

GPS Accuracy: +/- 15 feet

### GENERAL REMARKS

#### Background:

On August 7, 2013, the Jackson County Health Department received a citizen complaint stating that waste had been open dumped in a small creek along Old Lower Cobden Road. Complainant stated that a name and address had been found in the waste and the Jackson County Sheriff's Department had been notified. The address found on mail in the waste pile was 103 S 13<sup>th</sup> Street in Murphysboro, IL.

On August 8, 2013, this inspector was contacted by phone by Jackson County Sheriff's Deputy Ron Bohm. The following is a summary of the information Deputy Bohm relayed to this inspector regarding what he had discovered during his 8/7/2013 investigation:

- 1) Deputy Bohm explained that on August 7, 2013, the Jackson County Sheriff's Department received a complaint that waste had been dumped into a small creek along Old Lower Cobden Road. Mail in the pile was addressed to 103 S. 13<sup>th</sup> Street, Murphysboro, IL which had housed a business named "Curves for Women." Deputy Bohm was assigned to investigate the situation,
- 2) During his investigation Deputy Bohm discovered similar waste had also been open dumped at three other locations in Jackson County (Spillway Road, Hickory Ridge Road and Big Muddy Levee Road),
- 3) IDNR Officer Mohrman contacted Jackson County Dispatch and reported he located a dump site on Spillway Road and had also observed a pick-up truck on Spillway Road,
- 4) A short time later, Officer Mohrman reported to Jackson County Dispatch that he observed the same pick-up truck he had earlier observed on Spillway Road at 103 S. 13<sup>th</sup> Street, Murphysboro,

- 5) Deputy Bohm said he met Officer Mohrman at 103 S. 13<sup>th</sup> Street, Murphysboro where the pick-up truck was parked. It was at this time that an adult male was observed at 103 S. 13<sup>th</sup> Street, Murphysboro with the pick-up truck. The individual was later identified as John Kenneth Lewis. It was while Deputy Bohm and Officer Mohrman spoke with Mr. Lewis that they learned Mr. Lewis was cleaning out the building at 103 S. 13<sup>th</sup> Street, Murphysboro and he had taken four loads of the waste from the building and dumped them around Jackson County.
  - 6) Officer Mohrman accompanied Mr. Lewis to the Spillway Road site and required Mr. Lewis to pick up the waste.
  - 7) Deputy Bohm told Mr. Lewis he would have until 8/8/2013 at noon to have the trash picked up from the creek on Old Lower Cobden Road. At this time Mr. Lewis advised Deputy Bohm that he would get a dumpster for the trash and Mr. Lewis was given the number of a local waste hauler and
  - 8) The waste at the Hickory Ridge Road site and the Big Muddy Levee Road site were cleaned up by the Township Road Commissioner, Mike Keen.
- 

During the stated date and time, I Don Terry, Environmental Compliance Inspector for Jackson County, conducted an inspection of the site known as Makanda / IDNR. This inspection was made as a follow up to a complaint received by the Jackson County Health Department. Weather conditions at the time of the inspection were: Cloudy with calm winds and a temperature of approximately 78°F. I was accompanied on this inspection by Steve Williams of the Jackson County Health Department.

I arrived at the site at approximately 10:04 a.m. I parked on the west side of Old Lower Cobden Road, just south of a bridge over an intermittent stream (Site Sketch—V). From the bridge, I observed open dumped waste. I went down into the intermittent stream to conduct my inspection.

From various locations in the intermittent stream, the waste I observed in the pile consisted of, but was not limited to: paper, cardboard, plastic bottles, booklets (some with "Curves for Women" written on them), filled plastic bags, dimensional lumber, plywood, cans of paint, food wrappers, food containers, a cloth bag, plastic hangers, electronic devices, alkaline batteries and a broken lamp with a lampshade (Photos #1 - #9, Site Sketch). Approximately 10 feet south of the main waste pile, I observed a white trash bag lying in water in a small ditch (Photo #10, Site Sketch).

The total volume of waste observed was approximately 5 cubic yards.

My inspection ended at approximately 10:25 a.m.

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#### Addendum:

On August 16, 2013, at approximately 2:23 p.m., I spoke with Mr. John Kenneth Lewis by phone. During our conversation I explained that I wanted to be sure that I understood the open dumping situation as it had been relayed to me in Deputy Bohm's report.



The following are some of the questions I asked Mr. Lewis:

- 1) Were you the individual hired to clean out the building at 103 S. 13<sup>th</sup> Street in Murphysboro? His response was yes.
  - 2) Was the waste I observed in the stream on Old Lower Cobden Road waste from 103 S. 13<sup>th</sup> Street? His response was yes.
  - 3) Did you use the truck observed by Officer Mohrman near Spillway Road to transport the waste from 103 S. 13<sup>th</sup> Street in Murphysboro to the dump location on Old Lower Cobden Road? His response was yes.
  - 4) Where did the waste go after it had been cleaned up? His response was he rented a roll off box from Burris Disposal (Attachment: Page 1).
- 

Violations Observed:

Item #3(12)(a): Cause, threaten or allow water pollution in Illinois; Item #4(12)(d): Create a water pollution hazard; Item #8(21)(p)(4): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (4) Deposition of waste in standing or flowing waters: During the inspection, waste that had been open dumped and which caused, threatened or allowed water pollution in Illinois was observed.

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1 and 7): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (1) Litter and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection, the open dumping of waste that resulted in litter and the deposition of general construction or demolition debris was observed.

Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit: At the time of the inspection, the Jackson County Health Department (Health Department) had not received from the Illinois Environmental Protection Agency (Agency), documentation that the site operator had obtained a permit to conduct a waste-storage, waste-treatment or waste-disposal operation.

Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board: During the inspection, violations of regulations or standards adopted by the Board regarding the operation of a waste-storage, waste-treatment or waste-disposal site were observed. One such violation was of 811.107(k) that prohibits uncontrolled litter at the site. During the inspection, the open dumping of waste that resulted in litter was observed.

Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act: Waste that had been transported to this site for disposal was observed during the inspection. At the time of the inspection, this site did not meet the requirements of the Act for a landfill.



Item #15(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill: At the time of the inspection, the Health Department had not received from the Agency documentation that the site operator had submitted an application for a permit to develop and operate a landfill.

Item #21 (807.201): No person may cause or allow the development of any new solid waste management site....without a Developmental Permit: At the time of the inspection, the Health Department had not received from the Agency documentation that the site operator had obtained a Developmental Permit to develop a new solid waste management site.

Item #21 (807.202): No person may cause or allow the use or operation of any solid waste management site....without an Operating Permit: At the time of the inspection, the Health Department had not received from the Agency documentation that the site operator had obtained an Operational Permit to develop a new solid waste management site.



# OPEN DUMP INSPECTION SITE SKETCH

Inspection Date: August 8, 2013

Time: 10:04 a.m.—10:25 a.m.

Site Code: 077 809 5057

Site Name: Makanda / IDNR

Inspector: Don Terry

County: Jackson

Est. Waste Volume: 5 cubic yards

Previous Inspection: N/A

Location: Lat 37.60369 / Long -89.20911

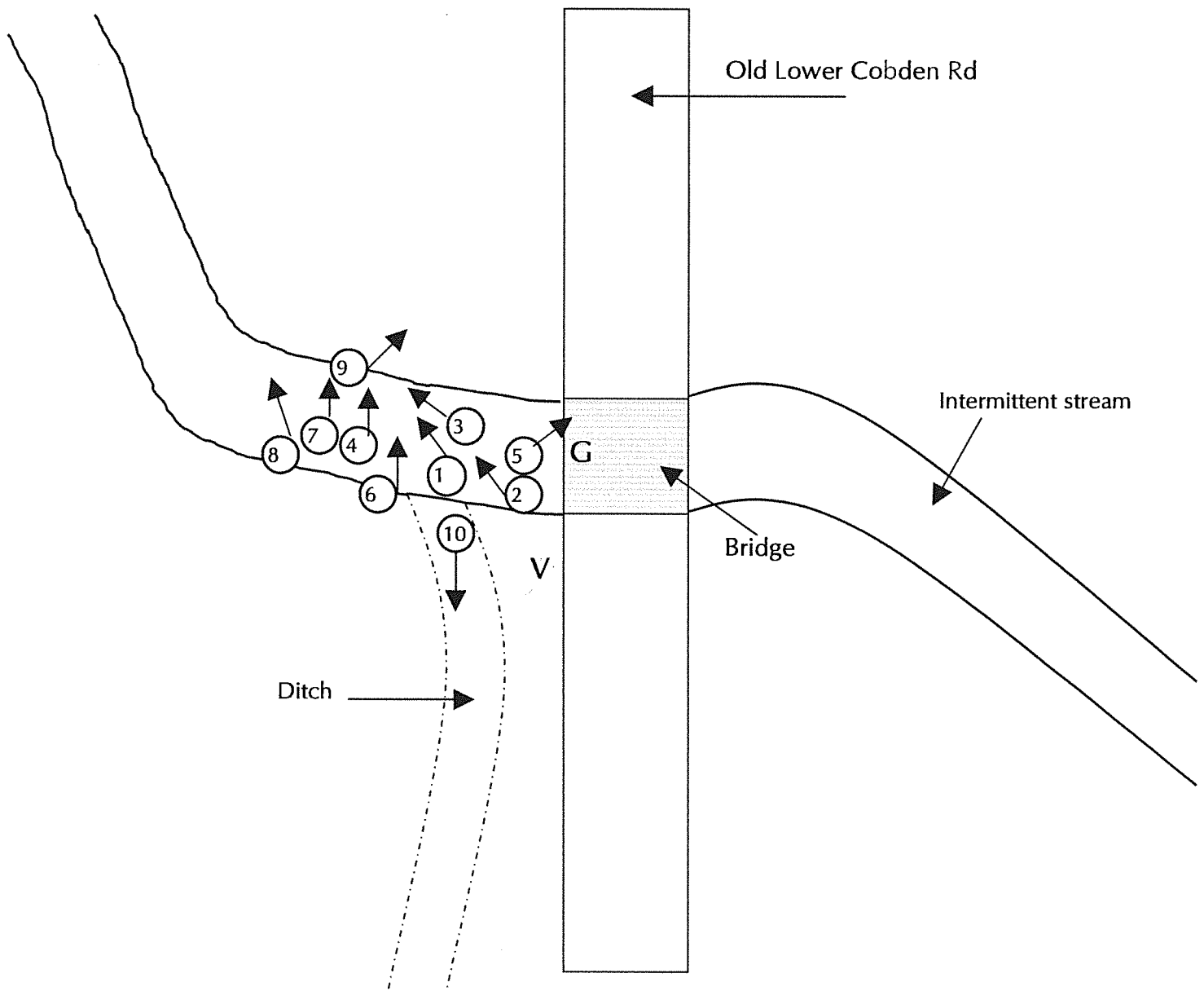
GPS Accuracy: +/- 15 Feet

## Not Drawn to Scale

All locations are approximate

O → Indicates *approximate* location and direction of photos

G = approximate GPS data collection point







Inspection Date: August 8, 2013  
Photos by: Don Terry

Site #: 077 809 5057  
Site Name: Makanda / IDNR

Photo Name:  
0778095057-08082013-01

Time: 10:07 a.m.

Photo Taken Toward:  
Northwest



Photo Name:  
0778095057-08082013-02

Time: 10:07 a.m.

Photo Taken Toward:  
Northwest







Inspection Date: August 8, 2013  
Photos by: Don Terry

Site #: 077 809 5057  
Site Name: Makanda / IDNR

Photo Name:  
0778095057-08082013-03

Time: 10:08 a.m.

Photo Taken Toward:

Northwest



Photo Name:  
0778095057-08082013-04

Time: 10:08 a.m.

Photo Taken Toward:

North







Inspection Date: August 8, 2013  
Photos by: Don Terry

Site #: 077 809 5057  
Site Name: Makanda / IDNR

Photo Name:  
0778095057-08082013-05

Time: 10:08 a.m.

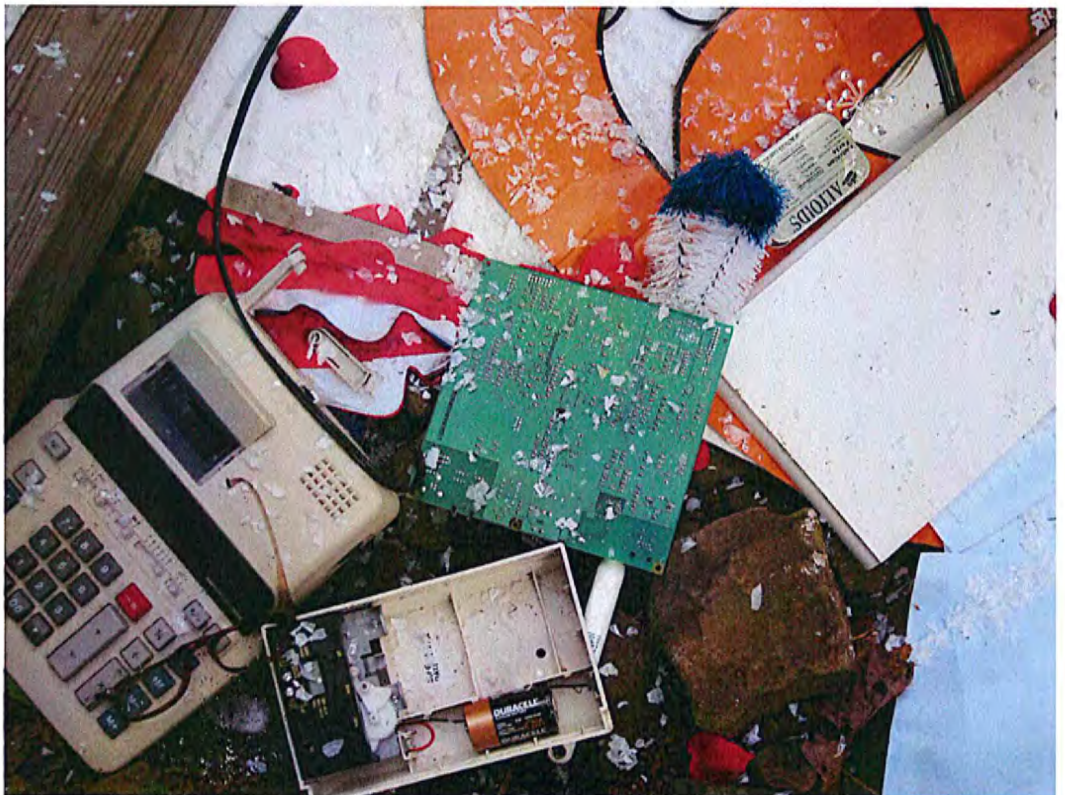
Photo Taken Toward:  
Northeast



Photo Name:  
0778095057-08082013-06

Time: 10:09 a.m.

Photo Taken Toward:  
North







Inspection Date: August 8, 2013  
Photos by: Don Terry

Site #: 077 809 5057  
Site Name: Makanda / IDNR

Photo Name:  
0778095057-08082013-07

Time: 10:09 a.m.

Photo Taken Toward:

North



Photo Name:  
0778095057-08082013-08

Time: 10:09 a.m.

Photo Taken Toward:

Northwest







Inspection Date: August 8, 2013  
Photos by: Don Terry

Site #: 077 809 5057  
Site Name: Makanda / IDNR

Photo Name:  
0778095057-08082013-09

Time: 10:09 a.m.

Photo Taken Toward:  
Northeast



Photo Name:  
0778095057-08082013-10

Time: 10:12 a.m.

Photo Taken Toward:  
South

