



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

JUN 21 2007

STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL

Ac07-70

June 21, 2007

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

Re: Illinois Environmental Protection Agency v. Curtis and Sherry Pellhum
IEPA File No. 166-07-AC; 0178035005—Cass County

Dear Clerk Gunn:

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

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

JUN 27 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CURTIS & SHERRY PELLHUM,)
)
Respondents.)

AC 07-70
(IEPA No. 166-07-AC)

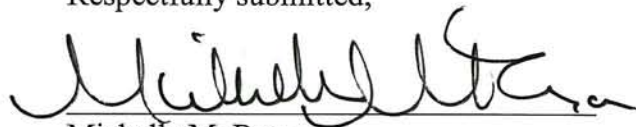
NOTICE OF FILING

To: Curtis and Sherry Pellhum
110 Evergreen Drive
Beardstown, Illinois 62618

Curtis Pellum
18 Hillcrest
Havana, Illinois 62644

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
Special Assistant Attorney General

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

Dated: June 21, 2007

ORIGINAL

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CLERK'S OFFICE

JUN 27 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CURTIS & SHERRY PELLHUM,)
)
)
)
)
Respondents.)

AC 07-70
(IEPA No. 166-07-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2004).

FACTS

1. That Curtis and Sherry Pellhum are the owners of a facility located at 110 Evergreen Drive, Beardstown, Cass County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Bluff Springs Township/Pellhum.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0178035005.
3. That Respondents owned said facility at all times pertinent hereto.
4. That on May 18, 2007, Charlie King of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his May 18, 2007 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) (2004).

- (2) That Respondents 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If 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 31, 2007, 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 (2004), 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) (2004), 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 (2004). 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
Douglas P. Scott, Director *by wire*
Illinois Environmental Protection Agency

Date: 6/21/07

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

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JUN 27 2007

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 CURTIS & SHERRY PELLHUM)
)
)
)
 Respondents.)

AC **07-70**
 (IEPA No. 166-07-AC)

FACILITY: Bluff Springs Township/Pellhum SITE CODE NO.: 0178035005
 COUNTY: Cass CIVIL PENALTY: \$3,000.00
 DATE OF INSPECTION: May 18, 2007

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.

ORIGINAL

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JUN 27 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Curtis Pellhum and)
Sherry Pellhum)
Respondents)

IEPA DOCKET NO.

AC07-70

Affiant, Charles W. King, Jr., being first duly sworn, voluntarily deposes and states as follows:

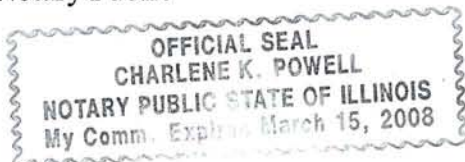
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 18, 2007 between 9:30 AM and 10:25 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Cass County, Illinois, and known as Bluff Springs Township/Pellhum by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0178035005 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Bluff Springs Township/Pellhum open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 Bluff Springs Township/Pellhum open dump.

Charles W. King, Jr.
Charles W. King, Jr.

Subscribed and Sworn To before me
This 30th day of May, 2007

Charlene K. Powell

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

ORIGINAL

County: Cass LPC#: 0178035005 Region: 5 - Springfield
 Location/Site Name: Bluff Springs Township/Pellhum
 Date: 05/18/2007 Time: From 0930 To 1025 Previous Inspection Date: _____
 Inspector(s): Charlie King Weather: Sunny, 65 deg. F., Winds SW @ 5 mph
 No. of Photos Taken: # 20 Est. Amt. of Waste: 160 yds³ Samples Taken: Yes # _____ No
 Interviewed: Individual from area Complaint #: C-07-130-C

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

Curtis and Sherry Pellhum
 110 Evergreen Drive
 Beardstown, IL 62618

RECEIVED
CLERK'S OFFICE

JUN 27 2007

STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input 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 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 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 # 0178035005

Inspection Date: 05/18/2007

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input checked="" type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input checked="" type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: May 30, 2007

TO: Land Division File

FROM: Charlie King, DLPC/FOS – Springfield Region

SUBJECT: LPC # 0178035005 – Cass County
Bluff Springs Twp./Pellhum
C-07-130-C
FOS File

NARRATIVE INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of an inspection conducted at the subject site on May 18, 2007 from approximately 9:30 a.m. until 10:25 a.m., by this author. The inspection was conducted in response to a complaint received at the DLPC/FOS – Springfield Regional Office from Cass County Sheriff David Osmer. The Sheriff had received an open dumping complaint that mounds of trash were piled up at the Pellhum property at 110 Evergreen Drive, Beardstown, IL 62618. The address is not in the City of Beardstown, rather, it is approximately two miles east of the City in Bluff Springs Township, approximately two miles west of the Village of Bluff Springs. Evergreen Drive extends to the south from an intersection with Illinois Route 125. The property is located a few blocks to the south of the intersection, on the west side of the road, across the street from a “T” intersection with Fir Lane.

Legally and specifically, according to the property Warranty Deed, the owners of the property are Curtis Pellhum and Sherry Pellhum, not as tenants in common, but as joint tenants with right of survivorship. The property is described as: Lot Eleven (11) in Block Two (2) of Evergreen Acres, a subdivision of part of the Southwest Quarter of Section 19, Township 18 North, Range 11 West of the Third Principal Meridian, Cass County, Illinois, as shown by Plat dated November 15, 1971, in Volume 2 of Plats at Page 38. The Deed is dated May 27, 2005 and recorded as Deed No. 145652, July 8, 2005, in Book 189 of Deeds, Pages 92-94. The tax number of this property is: 04-055-012-00. The tax bill is to be mailed to Curtis Pellhum, 110 Evergreen Drive, Beardstown, IL 62618. According to the Recorder’s Office at the Cass County Courthouse in Virginia, IL, the Deed is current and no new transactions have taken place. A telephone number for Sherry Pellhum, which was included with the complaint, is: 217/323-4279. However, multiple sources, including Anywho.com and Directory Assistance could not verify that information. It is possible that the telephone number is unlisted or a cell phone number. However, this inspector called the telephone number

and listened to a recording that stated it had been disconnected and no further information was available.

Although not indicated on the Deed, according to both the Cass County Sheriff's Department, the Health Department, and an unnamed resident of the neighborhood of Evergreen Acres, Curtis and Sherry are husband and wife, but may be separated. All three sources indicated that through hearsay, both of the Pellhum's have moved to the Havana area, but that information has not been substantiated yet. Officials for the City of Havana and Mason County have been contacted. Efforts have been initiated to locate both individuals and that search is ongoing. As soon as updated addresses are obtained, the file will be amended.

This is not the first time that the Illinois EPA has had an encounter with Curtis Pellhum. While en-route to another inspection on the morning of February 26, 2004, this inspector observed open burning taking place at an open dump near a melon stand on the south side of Illinois Route 125, west of Bluff Springs, which is within a mile of the Pellhum residence on Evergreen Drive. This inspector confronted the man caught in the act of open burning, and found it was Curtis Pellhum. Inspection led to the naming of that open dump site as Bluff Springs Township/Spears, LPC # 0178035002 – Cass County. Three parties were issued Open Dump Administrative Citation Warning Notices (ACWNs). One of those parties was Curtis Pellhum. His ACWN was dated March 10, 2004. Mr. Pellhum initially failed to respond to the ACWN issued to him. However, an undated letter was received from him on May 5, 2004. In that letter, he stated that the melon stand operator's son had ordered her to have Mr. Pellhum removed from the site. He then declared that he is... "not responsible for any burning, removal, cleanup or nothing pertaining to that property." The operator stated during a re-inspection on May 18, 2004 that Mr. Pellhum had stopped working on the site but was welcome back to continue cleaning on it. In a May 27, 2004 letter to Pellhum, he was warned again about the penalties for open dumping.

Upon arrival at the Pellhum property on the date of the inspection, a large volume of wastes were observed open dumped. An older single wide mobile home was on the property. Plastic, held down by used tires was on the roof. The wastes in the front yard include a small open dump/open burn pile measuring approximately 6' x 8' x 2'. Additional open dump areas without open burning were observed at the south end of the front yard, along the front porch, along the south side of the driveway, along the north end of the mobile home emitting a foul odor, along the east, south and west sides of the concrete block garage, along the north side of the driveway, a heavy concentration along the back or west side of the mobile home measuring approximately 10' x 25' x 3', scattered wastes throughout the backyard, and wastes leading just outside the back gate on suspected adjoining property. Wastes included clothes, toys, carpeting, paper, cans, metals, plastics, wood, used tires and general household refuse. Eleven five gallon metals buckets were also observed. Ten were just east of, or in front of, the garage door. Six of those were full of suspected paint related wastes. Two were approximately half full, and three were empty. Another bucket was located in the central area of the front yard on the south side of the driveway. It was full and it contained suspected paint

related wastes. Three or four more empty buckets were found just outside the back gate. Four apparent junk vehicles, a boat, a motorcycle, furniture and a computer terminal were also observed.

During the inspection, 20 photographs were taken with a digital camera. Those photographs show the conditions at the property on the day of the inspection. From the inspection and the inspection photographs, a partially computer generated, partially hand drawn sketch of the site was developed. It shows the approximate layout of the site, as well as the approximate locations and directions of the photographs. The digital camera assigns a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referred to in this narrative and on the Digital Photographs. However, to save space on the sketch, real numbers were used, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch are included with this report.

The Digital Photographs are described as follows:

Photo # 001 shows the site from the intersection of Evergreen Drive and Fir Lane.

Photo # 002 shows an open burn pile in the north central area of the front yard that measured approximately 6' x 8' x 2' and consisted of burned cans, nails, rubber window sealing, plastic, glass, metals and ashes.

Photo # 003 shows clothes, toys, plastic, wood and bricks in the south part of the front yard near the house, measuring approximately 6' x 9' x 1'.

Photo # 004 shows clothes, general household refuse, garbage, plastic, wood and other wastes on the front porch, measuring approximately 15' x 7' x 2'.

Photo # 005 shows more of the front porch wastes.

Photo # 006 shows a five gallon bucket of suspected paint related waste on the south side of the driveway. The bucket was apparently full.

Photo # 007 shows clothes, toys, paper, plastic, wood and general household refuse along the south side of the driveway in an area measuring approximately 45' x 4' x 2'. The bucket shown in photo # 006 is shown in the lower left foreground of this photo.

Photo # 008 shows wastes on the north side of the driveway was in an area measuring approximately 15' x 10' x 2'. Two junk pick-up trucks and a junk van were also observed in this area. Wastes included metal buckets (some containing suspected paint related wastes) in front of the truck in the photo, metals, paper, clothes, plastic and general household refuse.

Photo # 009 shows ten buckets (some under plastic, five full, two approximately half full and three empty).

Photo # 010 shows the same wastes shown in photo # 009 from another angle.

Photo # 011 shows wastes, including garbage and general household refuse, along the north end of the mobile home, southeast of the garage. The amounts were accounted for in other photo descriptions. A foul odor was detected across the driveway next to the mobile home.

Photo # 012 shows wastes behind or on the west side of the mobile home measuring approximately 10' x 25' x 3'. Wastes included glass, plastics, toys, paper, garbage and general household refuse.

Photo # 013 shows miscellaneous wastes in the backyard.

Photo # 014 shows an empty dog kennel along the south side of the garage.

Photo # 015 shows general household refuse, a partially stripped motorcycle and other wastes.

Photo # 016 shows carpeting, approximately 15 used tires in the top left corner, two riding mowers, general household refuse and plastics in the southwest corner of the backyard.

Photo # 017 shows wood, a boat and an Oldsmobile Bravada SUV in the backyard.

Photo # 018 shows mattresses, plastics, clothing and other wastes dumped on apparent adjacent property outside of the fenced backyard.

Photo # 019 shows wastes behind the property including a sofa, mattresses, television, door, buckets, metals and a computer terminal.

Photo # 020 shows additional wastes on apparent adjacent property to the west. The open gate leading to the Pellhum's backyard is in the center of the photograph. The metal buckets in this photo were empty.

During the inspection, apparent violations of the Illinois Environmental Protection Act (Act) and of the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC) were observed. Those apparent violations of the Act are, Sections: 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3) and 55(a). Apparent violations of the regulations, 35 IAC are Parts: 722.111, 808.121 and 812.101(a). Additional information regarding the apparent violations are found in the Open Dump Inspection Checklist, which accompanies this report.

OTHER COMMENTS

1. Hazardous and non-hazardous special waste determinations are required on the buckets containing suspected paint related wastes. The smell of paint related waste and possibly solvent was detected. These wastes appeared to be the result of commercial or business activities, inasmuch as the volume of this waste exceeded 30 gallons, much more than would be needed to paint a single-wide trailer and garage. Additionally, neither the trailer or the garage had been freshly or recently painted. If the wastes turn out to be hazardous, they must be manifested and removed as hazardous wastes by a permitted hazardous waste hauler to a facility permitted to receive the wastes. If the wastes are non-hazardous special wastes they must be manifested and removed as non-hazardous special wastes by a permitted non-hazardous special waste hauler to a facility permitted to receive non-hazardous special wastes.

2. The estimated volume of wastes at this facility is 160 cubic yards. This amount was arrived at as follows:

<u>WASTE DESCRIPTION</u>	<u>WASTE SIZE</u>	<u>TOTALS IN CU. FT.</u>
Open dumping/burning front yard	6' x 6' x 2'	= 72
Clothes, toys, plastics south front yard	6' x 9' x 1'	= 54
General household refuse, front porch	15' x 7' x 2'	= 210
Four junk vehicles	12' x 7' x 4' x 4 units	= 1,344
One junk boat	15' x 4' x 3'	= 180
Eleven buckets, 6 full, 2 half-full, 3 empty of suspected paint related wastes	2' x 2x 2.5'	= 10
Assorted wastes along driveway south side	45' x 4' x 2'	= 360
Wastes along driveway north side	15' x 10' x 2'	= 300
West (back) side of mobile home	10' x 25' x 3'	= 750
Carpeting, used tires, SE corner back yard	10' x 5' x 3'	= 150
Wastes Outside back gate	20' x 10' x 3'	= 600
Miscellaneous wastes if put in one pile	10' x 10' x 2'	= + 200
		4,330

*4,330 cu. ft. ÷ 27 (conversion factor cu. ft. to cu. yds.) = 160 cu. yds.

3. The apparent junk vehicles consisted of a 1975 (?) brown Dodge Power Ram 4x4 pick- up truck, a 1984 Ford short-bed pickup truck, and a 2000 (?) blue Dodge Caravan mini-van. None of these vehicles had license plates. The fourth, found in the backyard, was an apparent 90's model Oldsmobile Bravada small SUV.

CWK

cc: DLPC/Springfield Region

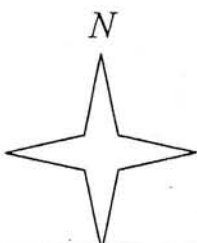
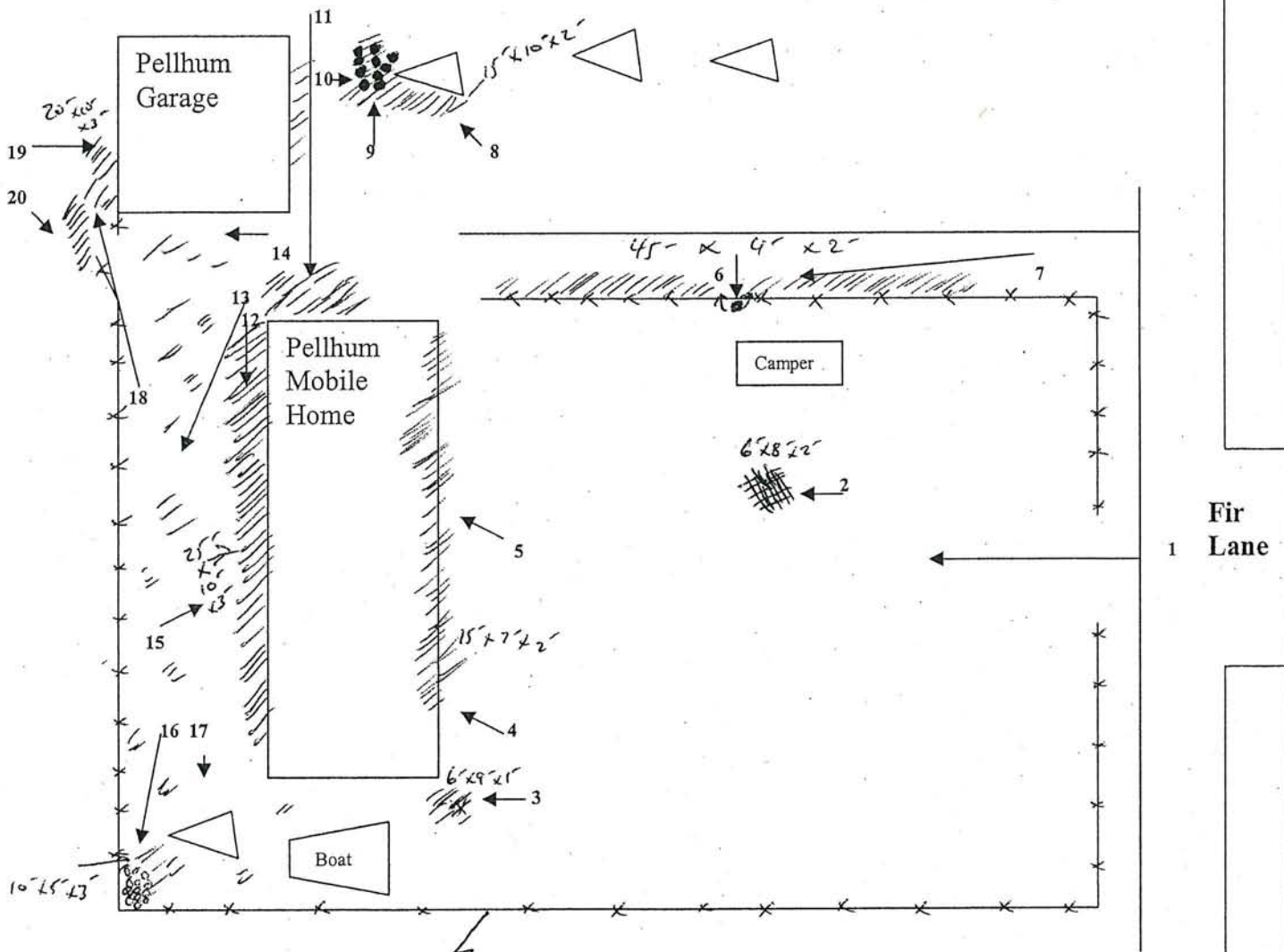
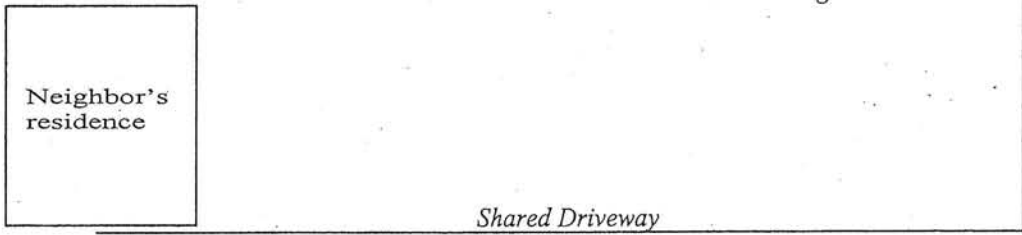
SITE SKETCH

Site name: Bluff Springs Township/Pellhum
LPC #: 0178035005
Inspector: Charlie King

County: Cass
Date: May 18, 2007
Time: 9:20 a.m. – 10:25 a.m.
FOS File

A digital camera was used for the Inspection photos. Distances are approximate – Not drawn to scale

Evergreen Drive →



⚡
Fence

LEGEND

- 2→ - Denotes location and direction of photo.
- - Suspected paint related wastes
- //// - Open Dumping
- ## - Open Burning
- △ - Junk vehicle
- ⊗ - Used tires



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 9:49 a.m.
Direction: W
Photo by: Charlie King
Exposure #: 001
Comments: The site
from the intersection of
Evergreen Drive and
Fir Lane.



Date: May 18, 2007
Time: 9:51 a.m.
Direction: W
Photo by: Charlie King
Exposure #: 002
Comments: An open
burn pile in the north
central area of the front
yard measured
approximately 6' x 8' x
2' and consisted of
burned cans, nails,
rubber window sealing,
plastic, glass, metals
and ashes.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 9:52 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 003
Comments: Clothes, toys, plastic, wood and bricks in the south part of the front yard near the house, measuring approximately 6' x 9' x 1'.



Date: May 18, 2007
Time: 9:55 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 004
Comments: Clothes, general household refuse, garbage, plastic, wood and other wastes on the front porch, measuring approximately 15' x 7' x 2'.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 9:55 a.m.
Direction: NE
Photo by: Charlie King
Exposure #: 005
Comments: More of
the front porch wastes.



Date: May 18, 2007
Time: 10:00 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 006
Comments: A five
gallon bucket of
suspected paint related
waste on the south
side of the driveway.
The bucket was
apparently full.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:01 a.m.
Direction: SW
Photo by: Charlie King
Exposure #: 007
Comments: Clothes, toys, paper, plastic, wood and general household refuse along the south side of the driveway in an area measuring approximately 45' x 4' x 2'. The bucket shown in photo # 006 is shown in the lower left foreground of this photo.



Date: May 18, 2007
Time: 10:03 a.m.
Direction: W/NW
Photo by: Charlie King
Exposure #: 008
Comments: Wastes on the north side of the driveway was in an area measuring approximately 15' x 10' x 2'. Two junk pick-up trucks and a junk van were also observed in this area. Wastes included metal buckets (some containing suspected paint related wastes) in front of the truck in the photo, metals, paper, clothes, plastic and general household refuse.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:04 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 009
Comments: Ten buckets (some under plastic, five full, two approximately half full and three empty).



Date: May 18, 2007
Time: 10:05 a.m.
Direction: SE
Photo by: Charlie King
Exposure #: 010
Comments: The same wastes shown in photo # 009 from another angle.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:06 a.m.
Direction: S
Photo by: Charlie King
Exposure #: 011
Comments: Wastes, including garbage and general household refuse, along the north end of the mobile home, southeast of the garage. The amounts were accounted for in other photo descriptions. A foul odor was detected across the driveway next to the mobile home.



Date: May 18, 2007
Time: 10:07 a.m.
Direction: S
Photo by: Charlie King
Exposure #: 012
Comments: Wastes behind or on the west side of the mobile home measuring approximately 10' x 25' x 3'. Wastes included glass, plastics, toys, paper, garbage, and general household refuse.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:07 a.m.
Direction: SW
Photo by: Charlie King
Exposure #: 013
Comments:
Miscellaneous wastes
in the backyard.



Date: May 18, 2007
Time: 10:07 a.m.
Direction: W
Photo by: Charlie King
Exposure #: 014
Comments: An empty
dog kennel along the
south side of the
garage.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:09 a.m.
Direction: NE
Photo by: Charlie King
Exposure #: 015
Comments: General household refuse, a partially stripped motorcycle and other wastes.



Date: May 18, 2007
Time: 10:10 a.m.
Direction: SW
Photo by: Charlie King
Exposure #: 016
Comments: Carpeting, approximately 15 used tires in the top left corner, two riding mowers, general household refuse and plastics in the southwest corner of the backyard.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:11 a.m.
Direction:
Photo by: Charlie King
Exposure #: 017
Comments: Wood, a
boat and an
Oldsmobile Bravada
SUV in the backyard.



Date: May 18, 2007
Time: 10:12 a.m.
Direction: NE
Photo by: Charlie King
Exposure #: 018
Comments:
Mattresses, plastics,
clothing and other
wastes dumped on
apparent adjacent
property outside of the
fenced backyard.

File Names: 0178035005~05182007-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 18, 2007
Time: 10:13 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 019
Comments: Wastes behind the property including a sofa, mattresses, television, door, buckets, metals and a computer terminal.



Date: May 18, 2007
Time: 10:13 a.m.
Direction: SE
Photo by: Charlie King
Exposure #: 020
Comments: Additional wastes on apparent adjacent property to the west. The open gate leading to the Pellhum's backyard is in the center of the photograph. The metal buckets in this photo were empty.

File Names: 0178035005~05182007-[Exp. #].jpg

0178035605 - Cass County 92
Bluff Springs township Pellhum
Fos File

WARRANTY DEED

0145652

STATE OF ILLINOIS as, No. 145652
CASS COUNTY
Filed for record the 8th
day of July A.D. 2005
at 12:50 o'clock P. M. and recorded
in book 189 of Deeds page 92-94
Michael C. Reinher
COUNTY CLERK & RECORDER

THE GRANTOR, **DAVID E. HOHIMER**, a widower, by his Power of Attorney, Rebecca Hohimer, of Beardstown, Cass County, Illinois, for and in consideration of the sum of One Dollar (\$1) and other good and valuable consideration in hand paid, hereby CONVEYS AND WARRANTS to **CURTIS PELLHUM AND SHERRY PELLHUM**, not as tenants in common but as joint tenants with right of survivorship, of Beardstown, Cass County, Illinois, the following-described real estate, to-wit:

Lot Eleven (11) in Block Two (2) of Evergreen Acres, a subdivision of part of the Southwest Quarter (SW¼) of Section Nineteen (19). Township Eighteen (18) North, Range Eleven (11) West of the Third Principal Meridian. Cass County, Illinois, as shown by Plat dated November 15, 1971, in Volume 2 of Plats at Page 38.

This conveyance is subject to easements, recorded or unrecorded, for utilities, highways, roadways, and drainage.

This conveyance is subject to any and all 2003 real estate taxes due or past due and payable.

Purchasers assume and agree to pay the unpaid 2003 real estate taxes and 2004 real estate taxes due and payable in 2005 and all subsequent taxes.

This document prepared by Luke A. Thomas, McClure, McClure & Brannan, 113 State Street, Beardstown, Illinois 62618.

situated in the County of Cass, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

Dated this 27th day of May, 2005.

David E. Hohimer

David E. Hohimer By His Power Of Attorney,
Rebecca Hohimer

RECEIVED
SPRINGFIELD REGION

MAY 22 2007

Environmental Protection Agency
STATE OF ILLINOIS

STATE OF ILLINOIS)
) ss.
COUNTY OF CASS)

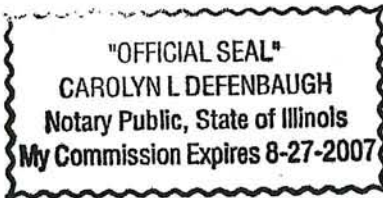
I, Carolyn L. Defenbaugh, a Notary Public, in and for said County, in the State aforesaid, do hereby certify, that **DAVID E. HOHIMER**, by his Power of Attorney, Rebecca Hohimer, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 27th day of May, 2005.

Carolyn L. Defenbaugh
Notary Public

MAIL TAX BILL TO:

Curtis Pellhum
110 Evergreen Drive
Beardstown, IL 62618



RECEIVED
SPRINGFIELD REGION

MAY 22 2007

Environmental Protection Agency
STATE OF ILLINOIS

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 27 2007

STATE OF ILLINOIS
Pollution Control Board

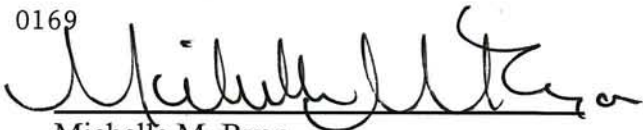
PROOF OF SERVICE

I hereby certify that I did on the 21st day of June 2007, 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:	Curtis and Sherry Pellhum 110 Evergreen Drive Beardstown, Illinois 62618 Cert # 7004 2510 0001 8619 0176	Curtis Pellum 18 Hillcrest Havana, Illinois 62644 Cert # 7004 2510 0001 8619 0183
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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: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Cert # 7004 2510 0001 8619 0169


Michelle M. Ryan
Special Assistant Attorney General

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