

AC 04-17

RECEIVED
CLERK'S OFFICE

MAY 14 2004

INFORMATIONAL NOTICE !!!

STATE OF ILLINOIS
Pollution Control Board

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAY 14 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

FRANK BENCIE,

Respondent.

AC

(IEPA No. 265-04-AC)

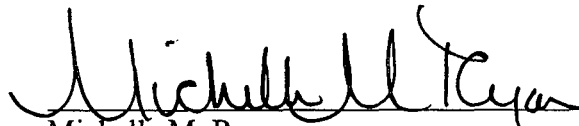
04-77

NOTICE OF FILING

To: Frank Bencie
10220 Bencie Lane
West Frankfort, Illinois 62896

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: May 11, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 14 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

FRANK BENCIE,

Respondent.

AC 04-77
(IEPA No. 265-04-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 (2002).

FACTS

1. That Frank Bencie ("Respondent") is the present owner of a facility located at 10220 Bencie Lane south of West Frankfort, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Frankfort/Bencie, Frank.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0558045002.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on March 23, 2004, Douglas E. Hayward of the Illinois Environmental Protection Agency's Marion 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 Douglas E. Hayward during the course of his March 23, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency

has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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) (2002).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 15, 2004, 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 (2002), 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 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) (2002), 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, 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, Respondent 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a 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 Respondent.

Renee Cipriano
Renee Cipriano, Director *by me*
Illinois Environmental Protection Agency

Date: 5/11/04

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

FRANK BENCIE,

Respondent.

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AC

(IEPA No. 265-04-AC)

FACILITY: West Frankfort/Bencie, Frank

SITE CODE NO.: 0558045002

COUNTY: Franklin

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: March 23, 2004

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

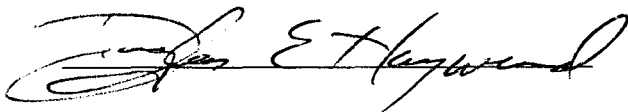
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)	
)	
Complainant,)	
)	
)	IEPA DOCKET NO.
v.)	
)	
Frank Bencie)	
)	
Respondent.)	

AFFIDAVIT

Affiant, Douglas E. Hayward, being first duly sworn, voluntarily deposes and states as follows:

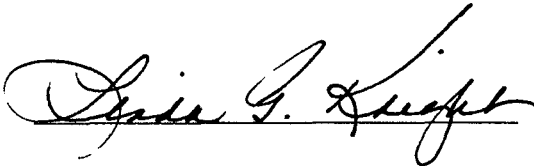
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 23, 2004, between 10:40 a.m. and 10:55 a.m., Affiant conducted an inspection of a disposal site operated without a permit, located in Franklin County, Illinois, and known as West Frankfort/Bencie, Frank by the Illinois Environmental Protection Agency. Said site has been assigned site code number 055 804 5002 by the Agency.
3. Affiant inspected said open dump site by an on-site inspection which included walking and photographing the site.

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 site inspection.

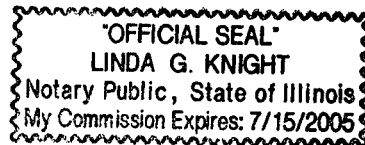


Subscribed and Sworn to before me

this 30th day of April, 2004



Notary Public



DEH:ls/17651/04-23-04

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Franklin LPC#: 0558045002 Region: 7 - Marion
 Site Name: West Frankfort/Bencie, Frank
 Date: 3/23/04 Time: From 10:40 To 10:55 Previous Inspection Date: 2/25/97
 Inspector(s): Doug Hayward Weather: Cloudy, light wind, 50's dF
 No. of Photos Taken: # 22 Est. Amt. of Waste: >1,00 yds³ Samples Taken: Yes # 0 No ☒
 Interviewed: none Complaint #: 96-115, 97-047

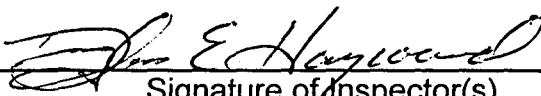
Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Frank Bencie
 RR 2 Box 180
 West Frankfort, IL 62896

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 IEPA-DLPC

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input 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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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 General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 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: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


 Signature of Inspector(s)

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.

Inspection Narrative

Inspection Date: March 23, 2004
Site #: 0558045002
County: Franklin

Time of Inspection: 10:40 - 10:55
Site Name: West Frankfort/Bencie Frank
Inspector(s): Doug Hayward

On March 23, 2004, Doug Hayward (author) conducted an inspection at this facility. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: 415 ILCS 5/4(c) & 4(d). The purpose of this inspection was to determine compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

This site is located at 10220 Bencie Lane south of West Frankfort. The site was inspected for the purpose of verifying compliance with alleged violations as set out in the June 20, 1997 violation notice (L-1997-01225).

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Franklin-Williamson Bi-County Health Department has a case open at this site since 2000. During the course of the Health Departments history with this site, the site has been inspected 26 times. Mr. Bencie has appeared in court in regards to this site 20 times with the issuance of 6 citations to Mr. Bencie. Mr. Bencie has been issued two fines by the Health Department for \$100.00 and \$200.00. The County has also obtained two bench warrants in regards to this site for \$1500 on March 7, 2001 and for \$1000 on November 6, 2002. Mr. Bencie is scheduled for another court appearance in regards to this site on July 7, 2004.

The Agency has received two complaints in regards to this site. Mr. Bencie was issued a violation notice on June 20, 1997 as a result of alleged violations observed during a February 25, 1997 inspection. During a meeting with the Agency on August 27, 1997, Mr. Bencie indicated that he would clean the site and stated he would submit a Compliance Commitment Agreement ("CCA") to that end. The Agency did not receive a CCA from Mr. Bencie.

On March 23, 2004, I visited the site. I visually inspected the portions of the site visible from the north off of Bencie Lane. This site is spread over several acres south of Bencie Lane. There are multiple different piles of waste located throughout the property. I was able to observe:

- woods, old appliances, appliance parts, various plastics, barrels, auto parts, tires metal and household waste (photo 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22)
- household demolition debris including but not limited to insulation, wallboard, carpeting (photo 2)
- waste piles located in standing water (photo 8, 9, 10)

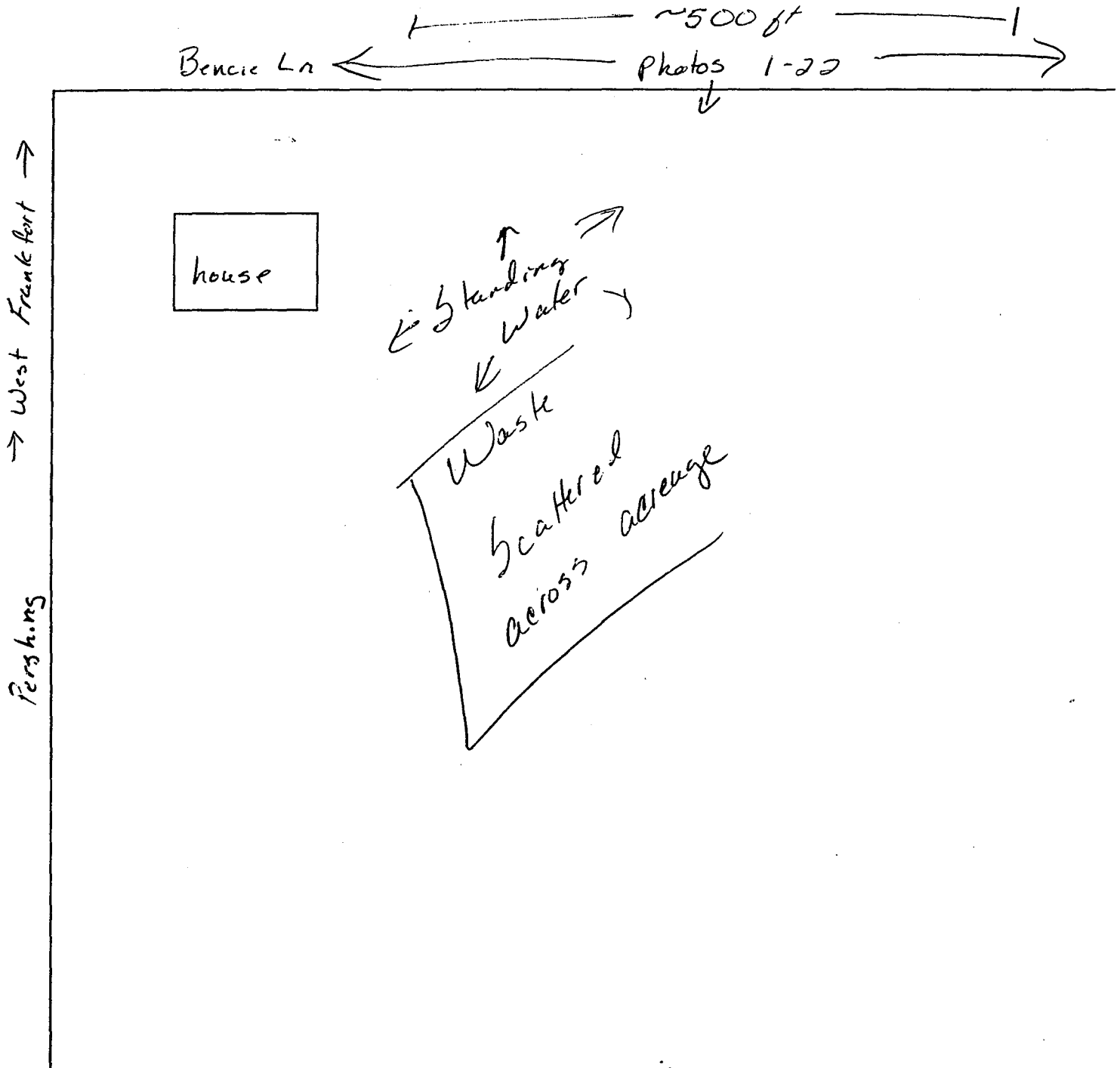
The photos were taken to the southerly direction from Bencie Lane beginning about 500 feet east of the house and then back along the road to the house itself.

SITE SKETCH

Inspection Date: March 23, 2004 Inspector: Doug Hayward
Site Number: 0558045002 Inspection Time: 10:40 - 10:55
Site Name: West Frankfort/Bencie, Frank



Not to Scale



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SSW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-001



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-002



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-003



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-004



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-005



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-006



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-007



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-008



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-009



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-010



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-011



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-012



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

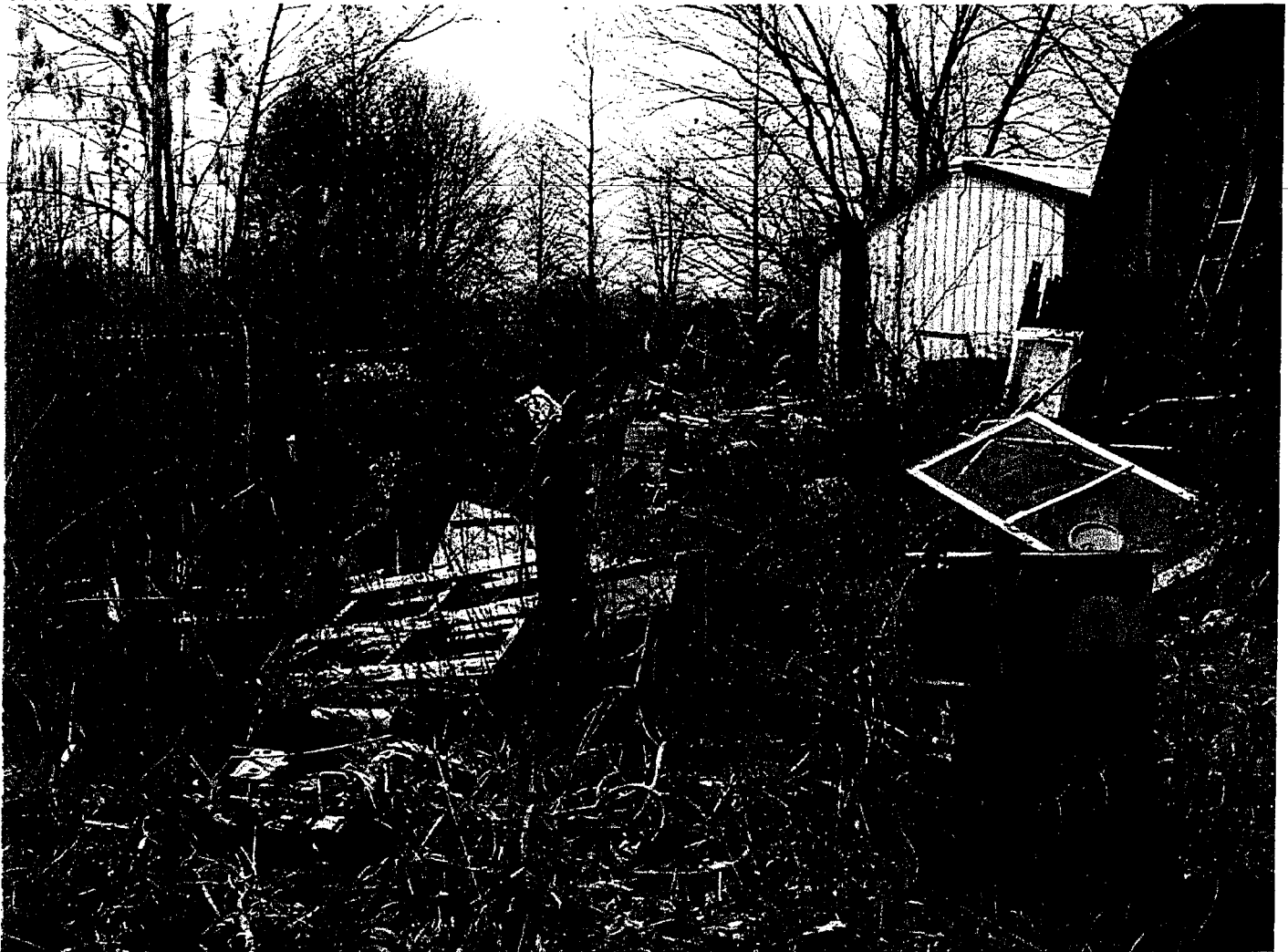
DATE: March 23, 2004
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PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-013



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-014



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-015



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004

TIME: 10:40 – 10:55

DIRECTION: S

PHOTO by: Doug Hayward

PHOTO FILE NAME:

0558045002~03232004-016



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-017



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-018



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: SW
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-019



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002-03232004-020



0558045002 – Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004
TIME: 10:40 – 10:55
DIRECTION: S
PHOTO by: Doug Hayward
PHOTO FILE NAME:
0558045002~03232004-021



0558045002 -- Franklin County
West Frankfort/Bencie, Frank
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: March 23, 2004

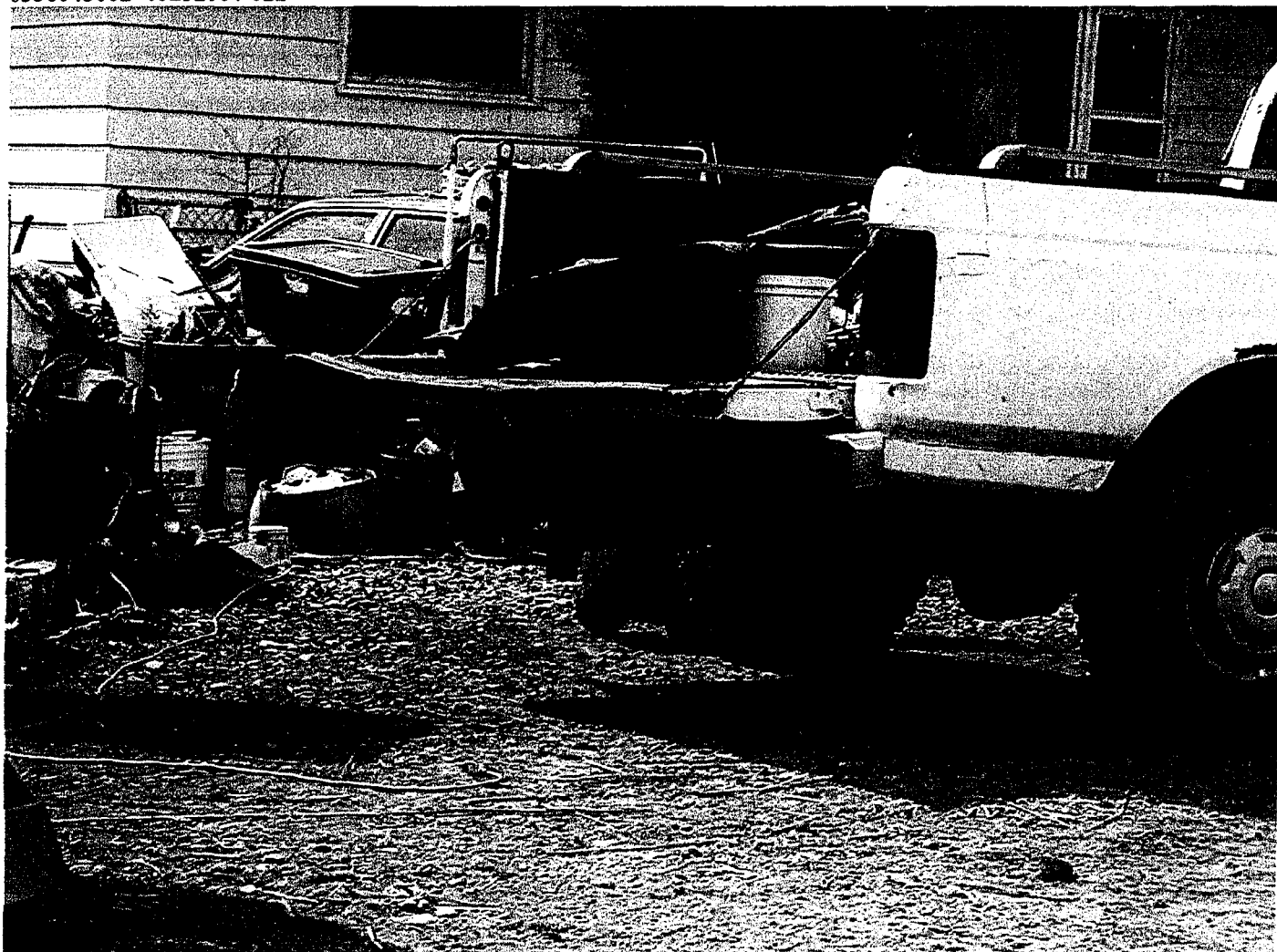
TIME: 10:40 - 10:55

DIRECTION: S

PHOTO by: Doug Hayward

PHOTO FILE NAME:

0558045002~03232004-022



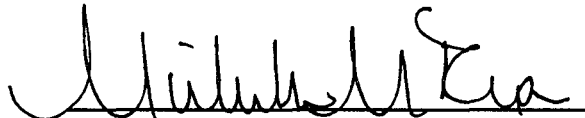
PROOF OF SERVICE

I hereby certify that I did on the 11th day of May 2004, 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: Frank Bencie
10220 Bencie Lane
West Frankfort, Illinois 62896

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



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