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CLERK'S OFFICE

JUN 28 2004

STATE OF ILLINOIS  
Pollution Control Board

## INFORMATIONAL NOTICE !!!

Aco4-90

**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

JUN 28 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

EARL and NORMA MARTIN,

Respondents.

AC

(IEPA No. 306-04-AC)

NOTICE OF FILING

To: Earl and Norma Martin  
1260 Moshier  
Galesburg, Illinois 61401

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* by *MC*  
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 24, 2004

RECEIVED  
CLERK'S OFFICE

JUN 28 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

EARL and NORMA MARTIN,

Respondents.

AC

(IEPA No. 306-04-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 Earl and Norma Martin ("Respondents") are the present owners and operators of a facility located at County Road 2500 North, Rio Township, Knox County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as the Martin Property.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0958145002.

3. That Respondents, Earl and Norma Martin, have owned and operated said facility at all times pertinent hereto.

4. That on May 24, 2004, Jeff Port of the Illinois Environmental Protection Agency's Peoria 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 Jeff Port during the course of his May 24, 2004 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) (2002).
- (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) (2002).
- (3) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 30, 2004, 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 (2002), 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) (2002), 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 (2002). 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.

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

Date: 6/24/04

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.

EARL and NORMA MARTIN,

Respondents.

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AC

(IEPA No. 306-04-AC)

FACILITY: Martin Property

SITE CODE NO.: 0958145002

COUNTY: Knox

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: May 24, 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.

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Knox LPC#: 0958145002 Region: 3 - Peoria  
 Location/Site Name: Rio Township/Martin Property  
 Date: 05/24/2004 Time: From 12:35 PM To 1:30 PM Previous Inspection Date: 05/10/2004  
 Inspector(s): Jeff Port, Dawn Ingold Weather: Overcast 65 Degrees F  
 No. of Photos Taken: # 18 Est. Amt. of Waste: 2200 yds<sup>3</sup> Samples Taken: Yes #      No ☒  
 Interviewed: No one present Complaint #: C-2004-056, C-2004-057, C-2004-069-P

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

Earl and Norma Martin  
 1260 Moshier  
 Galesburg, IL 61401

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JUN 15 2004

IEPA-DLPC

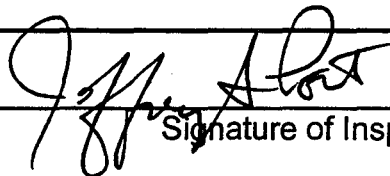
	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input 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	<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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>



LPC # 0958145002

Inspection Date: 05/24/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
16.	21(c)	<b>Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code"</b>	<input checked="" 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.

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JUN 15 2004

Narrative

IEPA-DLPC

On May 24, 2004, a complaint was received by the DLPC/FOS-Peoria concerning additional activities at the Martin property. According to the complainant, a load of waste had been brought to the site and dumped on Saturday May 22, 2004. The complainant stated that the waste was from a roofing job performed by a contractor by the name of Billings. The complainant alleged that Mr. Billings had paid the Martins to dump his waste at the site, using a truck provided by the Martins. The complainant stated that the Knox County Sheriff's Office had been contacted and an officer had investigated the situation. The complaint was assigned complaint number C-2004-069-P.

After discussing the situation with the complainant, I returned to the Martin property. I arrived at the site at approximately 12:35 PM. I was accompanied by Dawn Ingold, DLPC/FOS-Peoria. The weather was overcast and warm, approximately 65 °F. We began our inspection by examining the trench filled with demolition debris. This area appeared the same as during the previous inspection on May 10, 2004. We walked toward the east of the trench and examined the ravine where waste had been dumped and buried. No new waste appeared to have been dumped in this location. We then proceeded down the hill toward the south where we examined the other dump areas. No new waste appeared to be present in these locations. It did appear that someone had been in the onsite recently as the grass had been mowed on portions of the property and tire tracks could be seen in the soil and the grass. We examined the area where waste tires had been observed during the previous inspections. It appeared that someone had moved the tires, as some of them had been stacked. The grass surrounding these tires had also been cut. Photographs P1 and P2 show the area where the waste tires were located.

We next proceeded to examine the locations to the north where we previously observed dumped and buried waste. We did not observe any new waste in these locations. As we were examining the area, we located a new area where waste had been dumped and buried along a ravine. It appeared that waste had also been burned in this area. Charred remains of landscape waste, demolition debris, and domestic waste were observed here. Photographs P3 through P11 show a variety of the burned waste. Photographs P12 through P18 show an area to the north of the burned material where concrete and cinder blocks had been dumped. Scrap metal and what appeared to be auto parts were intermingled with the block. After examining and photographing this area, we left the site at approximately 1:30 PM.

Photograph locations are depicted on the accompanying site maps. Based upon these inspections, the following violations were observed and are indicated on the accompanying checklists.

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **By allowing open burning at the site, Earl and Norma Martin caused air pollution in Illinois.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **By allowing open burning at the site, Earl and Norma Martin caused air pollution in Illinois.**

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **By allowing the accumulation of waste at the site, Earl and Norma Martin threatened water pollution in Illinois.**

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **By allowing the accumulation of waste at the site, Earl and Norma Martin created a water pollution hazard.**

5. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Earl and Norma Martin caused or allowed the open dumping of waste at the site.**

6. Pursuant to Section 21(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(c)), no person shall Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code".

A violation of Section 21(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(c)) is alleged for the following reason: **Earl and Norma Martin caused or allowed the abandonment of vehicles in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code".**

7. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Earl and Norma Martin conducted a waste-disposal operation at the site without a permit granted by the Agency.**

8. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **Earl and Norma Martin conducted a waste-disposal operation in violation of Section 812.101(a) of the Regulations.**

9. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Earl and Norma Martin conducted a waste-disposal operation at a site that does not meet the requirements of Sections 9(a), 9(c), 12(a), 12(d), 21(a), 21(c), 21(d)(1), and 21(d)(2) of the Act and Section 812.101(a) of the Regulations.**

10. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

*The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.*

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in litter.**

11. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in open burning.**

12. Pursuant to Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in the deposition of waste in standing or flowing waters.

A violation of Section 21(p)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(4)) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in the deposition of waste in standing or flowing waters.**

13. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in the deposition of general construction or demolition debris; or clean construction or demolition debris.

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in the deposition of general construction or demolition debris or clean construction or demolition debris as defined in Section 3.160(b) of this Act. ---**

14. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

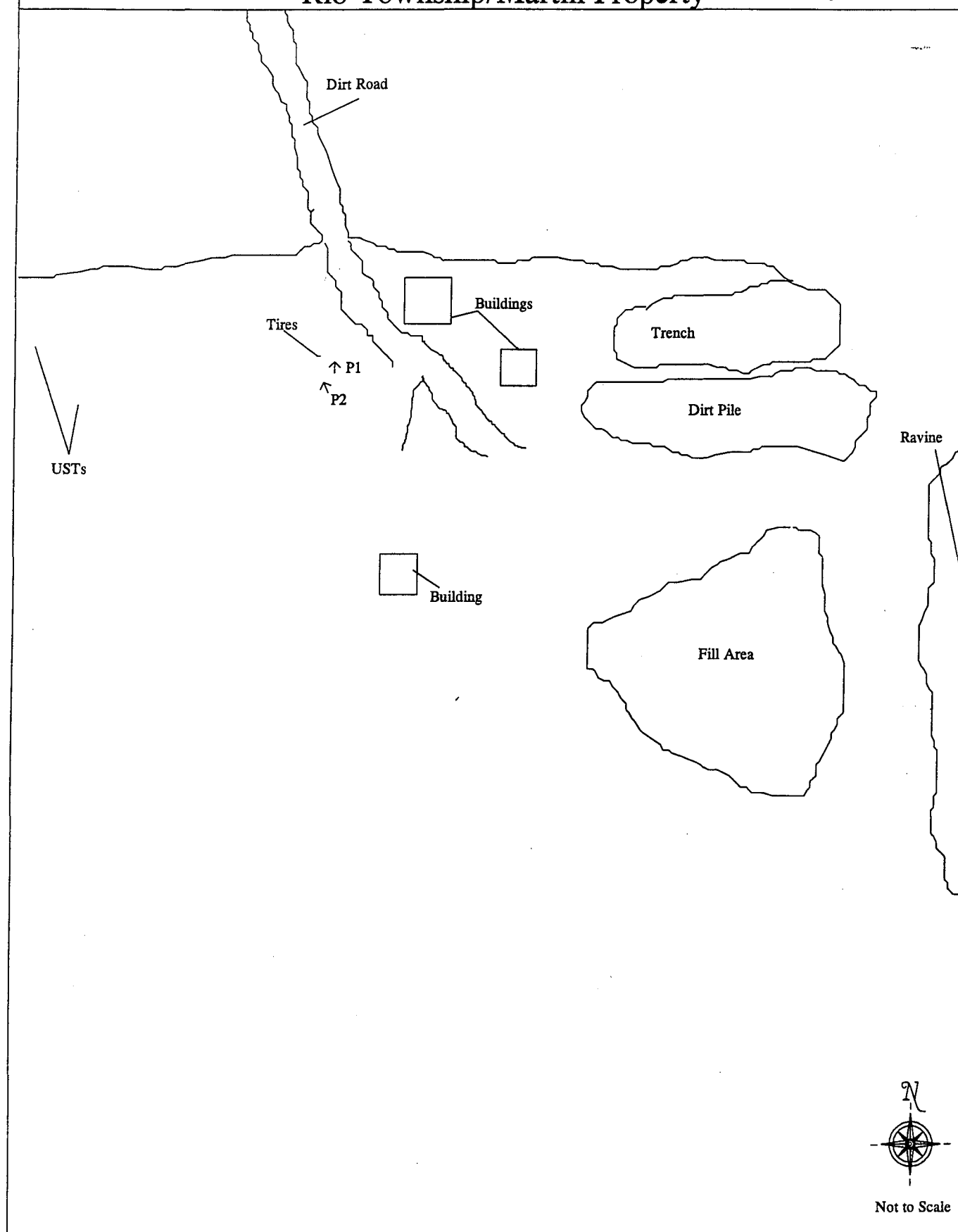
A violation of Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **The open dumping of waste tires was caused or allowed.**

15. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Illinois Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of Section 812.101(a) is alleged for the following reason: **Earl and Norma Martin operated a landfill at the site without submitting an application for a permit to the Agency.**

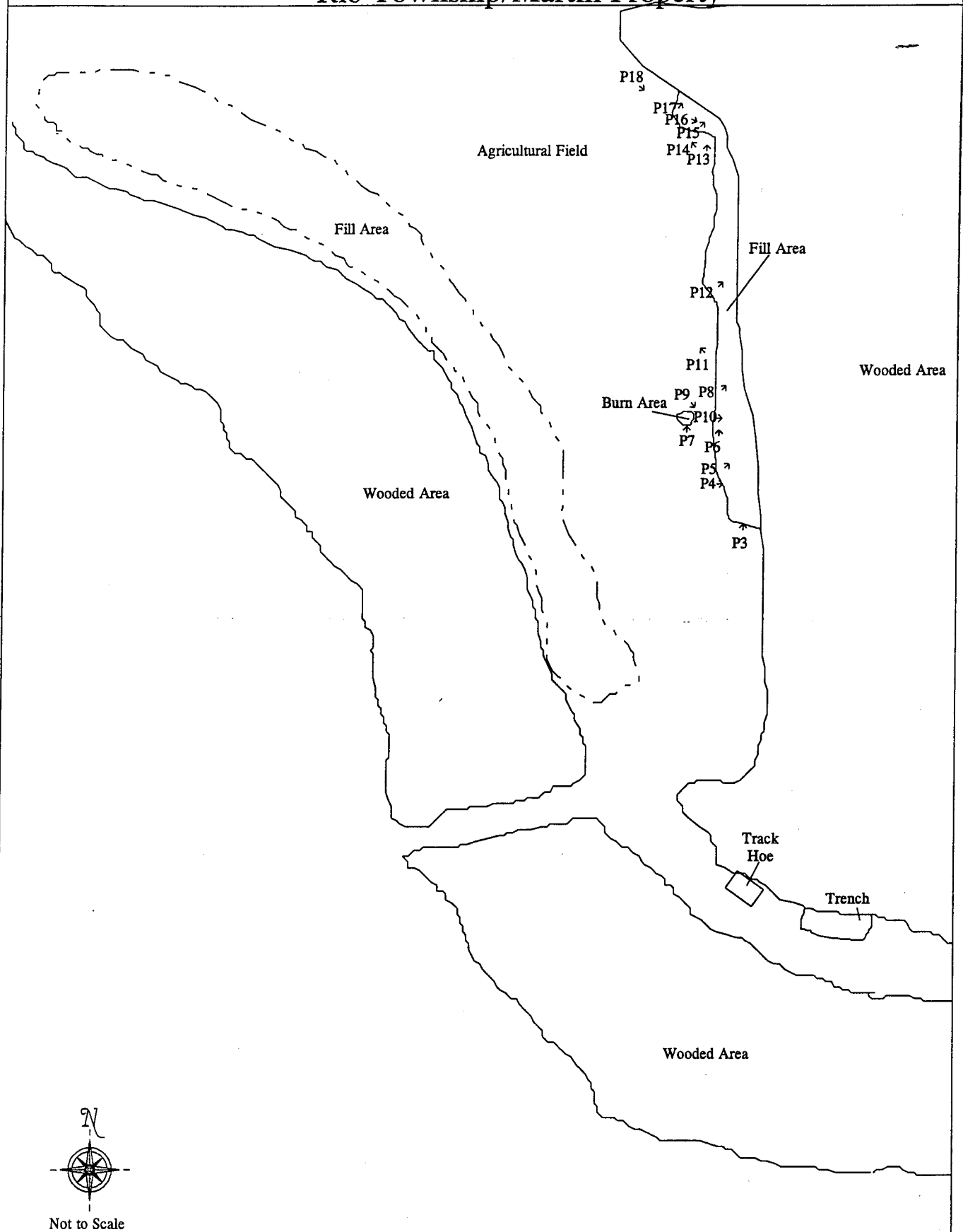
0958145002 -- Knox County  
Rio Township/Martin Property

May 24, 2004



0958145002 -- Knox County  
Rio Township/Martin Property

May 24, 2004





**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 1 of 9**

**DATE:** May 24, 2004

**TIME:** 12:42 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-001.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 12:42 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-002.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 2 of 9**

**DATE:** May 24, 2004

**TIME:** 1:19 PM

**PHOTOGRAPHED BY:**

Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**

0958145002~05242004-003.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:20 PM

**PHOTOGRAPHED BY:**

Jeff Port

**DIRECTION:** Photograph taken  
toward the east.

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**

0958145002~05242004-004.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 3 of 9**

**DATE:** May 24, 2004

**TIME:** 1:20 PM

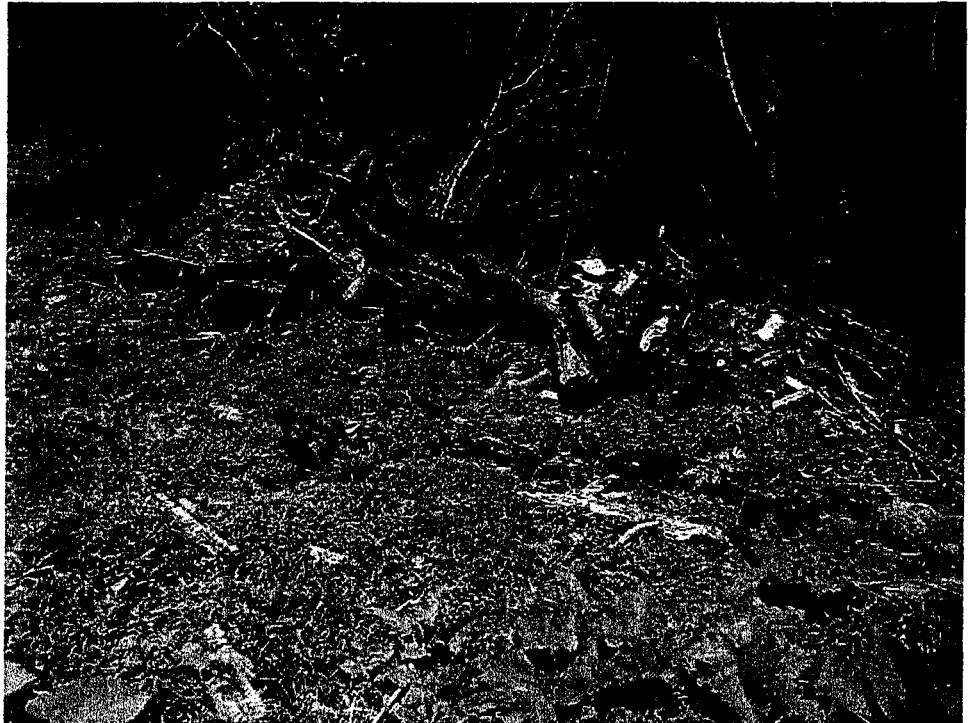
**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-005.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:20 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-006.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 4 of 9**

**DATE:** May 24, 2004

**TIME:** 1:21 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-007.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:21 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-008.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 5 of 9**

**DATE:** May 24, 2004

**TIME:** 1:22 PM

**PHOTOGRAPHED BY:**

Jeff Port

**DIRECTION:** Photograph taken  
toward the southeast.

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**

0958145002~05242004-009.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:22 PM

**PHOTOGRAPHED BY:**

Jeff Port

**DIRECTION:** Photograph taken  
toward the east. -

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**

0958145002~05242004-010.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**

0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 6 of 9**

**DATE:** May 24, 2004

**TIME:** 1:23 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 11

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-011.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:24 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 12

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-012.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 7 of 9**

**DATE:** May 24, 2004

**TIME:** 1:24 PM

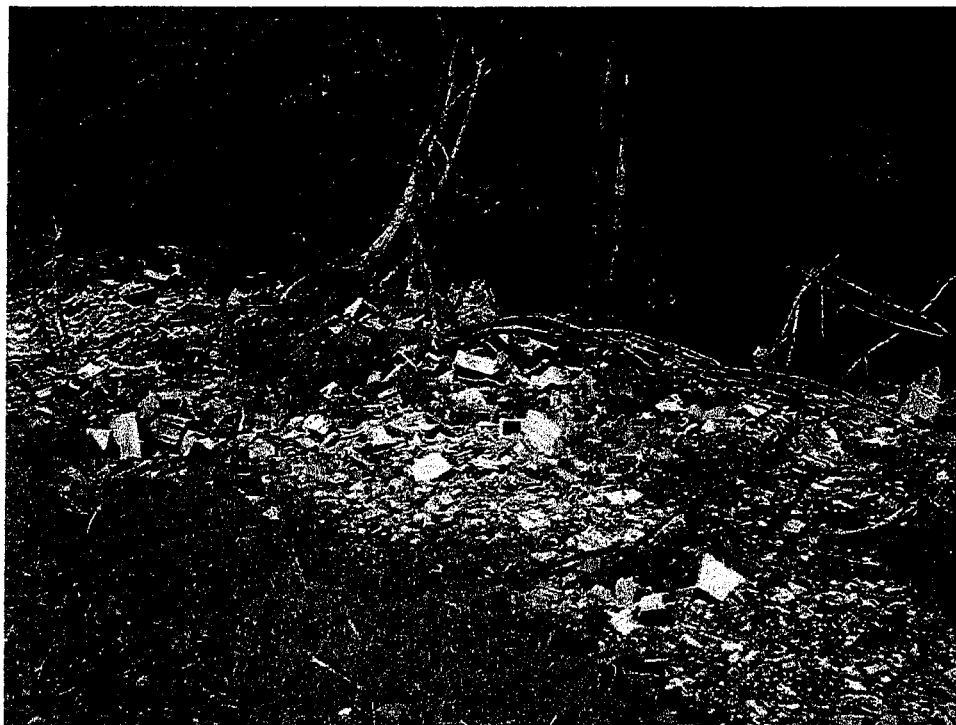
**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 13

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-013.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:24 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 14

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-014.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc

**0958145002 -- Knox County  
Martin Property  
FOS File**

**Site Photographs  
Page 8 of 9**

**DATE:** May 24, 2004

**TIME:** 1:25 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 15

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-015.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:25 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the southeast.

**PHOTOGRAPH NUMBER:** 16

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-016.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
0958145002~05242004.doc



**DATE:** May 24, 2004

**TIME:** 1:26 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northeast.

**PHOTOGRAPH NUMBER:** 17

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-017.jpg

**COMMENTS:**



**DATE:** May 24, 2004

**TIME:** 1:27 PM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the southeast.

**PHOTOGRAPH NUMBER:** 18

**PHOTOGRAPH FILE NAME:**  
0958145002~05242004-018.jpg

**COMMENTS:**



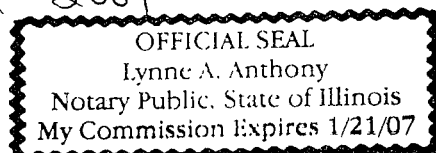
AFFIDAVIT

RESPONDENT

IEPA DOCKET NO.

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 May 24, 2004, between 12:35 PM and 1:30 PM, Affiant conducted an inspection of the open dump in Knox County, Illinois, known as the Martin Property, Illinois Environmental Protection Agency Site No. 0958145002.
3. Affiant inspected said Martin Property 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 Martin Property open dump.

James A. Anthony  
Notary Public



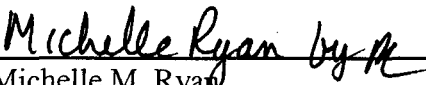
## PROOF OF SERVICE

I hereby certify that I did on the 24th day of June 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: Earl and Norma Martin  
1260 Moshier  
Galesburg, Illinois 61401

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