

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|--|---|---------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB NO. |
| |) | (Enforcement-Land) |
| |) | |
| EDWARD W. FISHER, Rhonda L. FISHER, |) | |
| and DEM/EX GROUP, INC., an Illinois |) | |
| Corporation, |) | |
| |) | |
| Respondents |) | |

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on July 13, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601 a COMPLAINT and ENTRY OF APPEARANCE, copies of which are attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

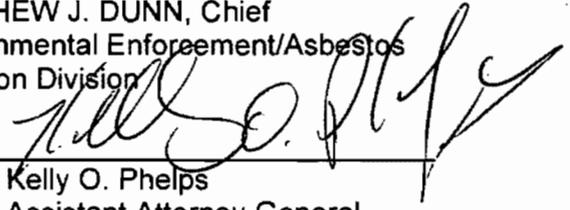
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2010), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

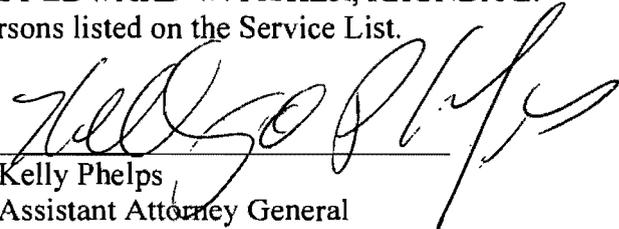
BY: 

Kelly O. Phelps
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 13,2012

CERTIFICATE OF SERVICE

I hereby certify that I did on July 13, 2012, cause to be served by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and COMPLAINT AGAINST EDWARD W. FISHER, RHONDA L. FISHER, and DEM/EX GROUP, INC., Upon the persons listed on the Service List.



Kelly Phelps
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Michael Ryan Fricke
Cover, Shay & Evans, LLP
456 Fulton Street Suite 203
Peoria, Illinois 61602-1220

Edward W. Fisher, President
DEM/EX Group, Inc.
7841 Warner Road
Manito, Illinois 61546

Rhonda Fisher
7841 Warner Road
Manito, Illinois 61546

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
 vs.)
 EDWARD W. FISHER,)
 and)
 RHONDA L. FISHER,)
 and)
 DEM/EX GROUP, INC.,)
 (an Illinois corporation),)
 Respondents.)

PCB No.
(Enforcement-Land)

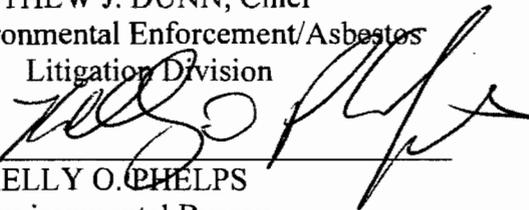
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KELLY O. PHELPS, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
 KELLY O. PHELPS
 Environmental Bureau
 Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 13, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. **LISA MADIGAN,**)
Attorney General of the State of Illinois,)
))
Complainant,)
))
v.)
))
EDWARD W. FISHER,)
))
and)
))
RHONDA L. FISHER,)
))
and)
))
DEM/EX GROUP, INC.,)
(an Illinois corporation),)
))
Respondents.)

PCB No.
(Enforcement-Land)

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondents, EDWARD W. FISHER, RHONDA L. FISHER, and DEM/EX GROUP, INC., as follows:

COUNT I

RESIDENTIAL SITE OPEN DUMPING VIOLATIONS

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2010).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2010), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. The Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2010), after providing the Respondent with notice and opportunity for a meeting with the Illinois EPA.

4. The Respondent Edward W. Fisher is the husband of Respondent Rhonda L. Fisher and the registered agent, president and secretary of Respondent DEM/EX Group, Inc.

5. Respondent DEM/EX Group, Inc. ("DEM/EX") is an Illinois Corporation properly registered and in good standing with the Secretary of State. DEM/EX is a demolition and excavating contractor. Its principal place of business is 805 Adams, Manito, Mason County, Illinois.

6. The Respondent DEM/EX is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

7. At the time of the allegations alleged in this Complaint, Respondents Edward W. Fisher and Rhonda L. Fisher were the owners of approximately two acres of residential, real-property located at 29998 East Manito Road, Manito, Mason County, Illinois (the "residential site").

8. At a time better known to the Respondents, general construction or demolition debris generated by Respondent DEM/EX, was caused or allowed by Respondents to be openly dumped at the residential site.

9. At a time better known to them, Respondents caused or allowed open dumping of miscellaneous wastes at the residential site.

10. On August 4, 2010, the Illinois EPA inspected the residential site and found violations of the Act and associated regulations. The violations were related to open dumping of wastes.

11. On September 14, 2010, the Illinois EPA issued an Administrative Warning Notice to Respondents, requiring wastes to be removed from the residential site and properly disposed by October 30, 2010.

12. On November 3, 2010, and February 28, 2011, the Illinois EPA received responses from Respondents indicating wastes had been removed from the residential site and the wastes had been disposed of properly.

13. On March 23, 2011, the residential site was re-inspected by Illinois EPA Inspector Paul Eisenbrandt to verify removal and proper disposal of the wastes. The inspection revealed ongoing violations of the Act and associated regulations which are enumerated herein. The March 23, 2011, Illinois EPA inspection observations are the subject of Counts I and II of this Complaint.

14. On March 23, 2011, the residential site was strewn with large amounts of “general construction or demolition debris” as defined by Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2010), the debris was intermixed with various miscellaneous wastes as follows:

- a. Twisted rebar *See* Complainant’s Exhibit 1, (March 23, 2011, inspection photograph # 004);
- b. Dimensional lumber with bent-over nails, cut ends, and splintered sides *See* Complainant’s Exhibit 1, (March 23, 2011, inspection photograph #s 005 and 006);
- c. Protruding rebar, rusty steel pipe and flexible electrical conduit *See* Complainant’s Exhibit 1, (March 23, 2011, inspection photograph # 007);
- d. Rebar, metal scrap, and dimensional lumbar *See* Complainant’s Exhibit 1, (March 23, 2011, inspection photograph # 008);

- e. Rebar and twisted metal *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #009);
- f. Metal and twisted wire *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #s 010 and 011);
- g. Rebar protruding from the *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #s 012, 013);
- h. Metal wire intermixed with muddy dredged material *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph # 14);
- i. Black plastic pipe and a partially crushed blue plastic drum *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #s 016 and 017);
- j. Ash, charred wood, glass fragments, nails, scrap metal, and broken porcelain in a landscape waste pile *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph # 018);
- k. Black plastic hose and a fan rake intermixed with landscape waste *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #s 019 and 020);
- l. General debris pile which was ringed by rock and included a wire grill, numerous cardboard boxes, rusty tin cans, a plastic milk jug, glass jars, plastic food packaging, scrap metal, a yellow rain coat, the head of a fan rake, wire fencing, metal bars, a metal chair frame, yellow caution tape, a green folding chair, a wire fan shield, a white plastic garbage can, and aquarium frame, broken glass, a mattress frame, aluminum cans, a bed sheet, plastic cups and a plastic pitcher *See* Complainant's Exhibit 1, (March 23, 2011, inspection photograph #s 021 – 025);

15. Section 21 of the Act, 415 ILCS 5/21 (2010), prohibits certain acts relating to land pollution and refuse disposal. Section 21 states in pertinent part:

21. Prohibited acts. No person shall:

(a) Cause or allow the open dumping of any waste.

* * *

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit . . .

* * *

(2) in violation of any regulations or standards adopted by the Board under this Act; or

* * *

(e) 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.

(p) In violation of subdivision (a) of this Section, 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;

* * *

(3) open burning;

* * *

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

16. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), defines “person” as:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

17. Section 3.305 of the Act, 415 ILCS 5/3.305 (2010), defines “open dumping” as:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

18. Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2010), defines “general construction debris as:

“General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered “waste” if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

19. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2010), defines litter as:

“Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal,

plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), [FN1] motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, [FN2] or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

20. The Respondents caused or allowed the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011.

21. By causing or allowing the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011, Respondents violated the prohibition against open dumping in Section 21(a) of the Act, 415 ILCS 5/21(a) (2010).

22. The Respondents caused or allowed the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011, which resulted in "litter" as defined by Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a).

23. By causing or allowing the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011, resulting in "litter" as defined by Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a), Respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010), prohibiting open dumping resulting in littering.

24. The Respondents caused or allowed the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011, which resulted in deposition of general construction or demolition debris.

25. By causing or allowing the open dumping depicted in Complainant's Exhibit 1 for some period prior to October 31, 2010, through sometime subsequent to March 23, 2011, resulting in

deposition of general construction or demolition debris Respondents violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010), prohibiting open dumping resulting in deposition of general construction or demolition debris.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN respectfully requests that the Board enter an order against the Respondents:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), awarding to Complainant its costs and reasonable attorney fees; and
- .F. Granting such other relief as the Board may deem appropriate.

COUNT II

RESIDENTIAL SITE PERMIT AND OPERATING VIOLATIONS

1-15. Complainant adopts and incorporates by reference herein Paragraphs 1 through 15 of Count I as Paragraphs 1 through 15 of this Count II.

16. Section 812.101(a) of the Board's regulations, 35 Ill. Admin. Code 812.101(a), states in pertinent part:

- a) All persons, except those specifically exempted by Section 21(d) of the 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. . . .

17. The Respondents disposed of wastes at the site, as depicted in Complainant's Exhibit 1 without a permit granted by the Illinois EPA.

18. By disposing of wastes at the residential site, as depicted in Complainant's Exhibit 1 without a permit granted by the Illinois EPA, Respondents violated the mandatory permit provision of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2010).

19. The Respondents disposed of wastes at the residential site, as depicted in Complainant's Exhibit 1 without complying with the Boards' waste disposal regulations in Subtitle G of Title 35, 35 Ill. Admin. Code 722.183 *et seq.*

20. By disposing of wastes at the residential site, as depicted in Complainant's Exhibit 1 without complying with the Boards' waste disposal regulations in Subtitle G of Title 35, 35 Ill. Admin. Code 722.183 *et seq.* Respondents violated Section 21(d)(2) of the Act, 415 ILCS 21(d)(2) (2010), which prohibits violation of any regulations or standards adopted by the Board under the Act.

21. The Respondents conducted a waste disposal operation, as depicted in Complainant's Exhibit 1 without applying for the mandatory permit to develop and operate a landfill which is required by Section 812.101(a) of the Board's regulations, 35 Ill. Admin. Code 812.101(a).

22. By conducting a waste disposal operation, as depicted in Complainant's Exhibit 1 without applying for the mandatory permit to develop and operate a landfill required by Section 812.101(a) of the Board's regulations, 35 Ill. Admin. Code 812.101(a), Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2010), which requires all disposal sites to comply with the Act and associated regulations and Section 812.101(a) of the Board's regulations, 35 Ill. Admin. Code 812.101(a).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN respectfully requests that the Board enter an order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT III

CORPORATE SITE OPEN DUMPING

- 1-6. Complainant adopts and incorporates by reference herein Paragraphs 1 through 6 of Count I as Paragraphs 1 through 6 of this Count II
- 7. At all times relevant to this Complaint, the Fishers were the owners of the real property located at 805 Adams, Manito, Mason County, Illinois (the "corporate site").
- 8. At a time better known to them, the Respondents caused or allowed open dumping of general construction and demolition debris at the corporate site; the time period began prior to August 4, 2010 and continued beyond March 23, 2011.

9. At a time better known to them, Respondents caused or allowed open dumping of miscellaneous wastes at the corporate site; the time period began prior to August 4, 2010 and continued beyond March 23, 2011.

10. At a time better known to them, Respondents caused or allowed open dumping of used or waste tires at the corporate site; the time period began prior to August 4, 2010 and continued beyond March 23, 2011.

11. At a time better known to them, the Respondents caused or allowed open burning at the corporate site; the time period began prior to March 23, 2011.

12. On August 4, 2010, the corporate site was inspected by the Illinois EPA and the following wastes had been disposed at various locations upon the corporate site as depicted in Complainant's Exhibit 2 photographs which are incorporated as part of the Complaint, identified herein and attached hereto:

- a. Two used tires on the east side of the maintenance garage (Complainant's Exhibit 2, August 4, 2010, Exposures 3 and 4, p. 2);
- b. A pickup truck bed liner filled with waste, two used tires, both off their rims, fiberglass insulation, damaged scrap lumber, plastic sheeting, a garden hose and a plastic bottle (Complainant's Exhibit 2, August 4, 2010, Exposure 5, p. 3);
- c. A demolition debris pile populated with weedy vegetation (Complainant's Exhibit 2, August 4, 2010, Exposure 6, p. 3);
- d. Crushed splinters of lumber, a section of pipe, brick and concrete in the demolition debris pile (Complainant's Exhibit 2, August 4, 2010, Exposure 7, p. 4);

- e. Copious amounts of rusty scrap metal in the demolition debris pile (Complainant's Exhibit 2, August 4, 2010, Exposure 8, p.4);
- f. A pile of waste with broken pallets, damaged dimensional lumbar, discarded signage, metal bands, foam insulation, plastic sheeting, a plastic garbage can containing broken glass, plastic, rubber hose, and aluminum can and miscellaneous waste (Complainant's Exhibit 2, August 4, 2010, Exposures 9, 10 and 11, pp. 5 and 6);
- g. Fiberglass pipe, blue plastic scrap, insulation and scrap metal (Complainant's Exhibit 2, August 4, 2010, Exposure 12, p. 6);
- h. Fiberglass pipe, charred landscape debris, and miscellaneous waste (Complainant's Exhibit 2, August 4, 2010, Exposure 13, pp. 7);
- i. Two on-rim tires with weedy vegetation growing through them. (Complainant's Exhibit 2, August 4, 2010, Exposure 14, p. 7);
- j. Stacked steel (Complainant's Exhibit 2, August 4, 2010, Exposure 15, p. 8);
- k. A pile of scrap metal beside a recycling dumpster (Complainant's Exhibit 2, August 4, 2010, Exposure 16, p. 8);
- l. A rusty spring, rusty scrap metal, and plastic debris strewn on the ground (Complainant's Exhibit 2, August 4, 2010, Exposure 17, p. 9);
- m. Pieces of rusty scrap metal strewn on the ground (Complainant's Exhibit 2, August 4, 2010, Exposure 18, p. 9);

n. A debris pile with copious amounts of scrap metal, splintered wood, and miscellaneous waste (Complainant's Exhibit 2, August 4, 2010, Exposure 19, p. 10);

o. Scrap metal, concrete and brick intermixed with miscellaneous demolition debris (Complainant's Exhibit 2, August 4, 2010, Exposures 20 and 21 pp. 10 and 11);

p. Red, blue and black plastic, carpet black rubber, cast iron and splinters of wood strewn on the ground (Complainant's Exhibit 2, August 4, 2010, Exposure 22, p. 11);

q. Demolition debris spread across the corporate site including copper wire, scrap metal, rusty iron fragments, fiberglass, splintered wood, electrical wire, foam and asphalt materials (Complainant's Exhibit 2, August 4, 2010, Exposures 23 - 31, pp. 12 - 16);

r. Used tires containing water, stored along the west wall of the corporate site's maintenance building (Complainant's Exhibit 2, August 4, 2010, Exposures 32 and 33, pp. 16 and 17);

s. Six 55-gallon drums, one labeled *empty*, and another labeled *antifreeze* within a concrete containment area at the corporate site (Complainant's Exhibit 2, August 4, 2010, Exposure 34, p. 17).

13. The corporate site was re-inspected by the Illinois EPA on March 23, 2011, and the following wastes were present in various locations at the corporate site as depicted in the Complainant's Exhibit 2 photographs which are incorporated by identification herein and attached hereto:

a. An open burning debris pile containing ash-charred paper, a wire spiral binding among soot-covered gravel (Complainant's Exhibit 2, March 23, 2011, Exposures 1, 2 and 4 pp. 19 and 20);

b. The parking area and grounds were covered in crushed concrete, brick, cinder block and mortar, intermixed with demolition debris, splintered wood, rusty wire, sheathed electrical wire, aluminum, charred wasted, scrap metal, plastic pipe, scrap iron, carpet, foam insulation, rebar, fiberglass, porcelain, and miscellaneous debris (Complainant's Exhibit 2, March 23, 2011, Exposures 3, 5 – 15, 17, 19 - 26 pp. 20 – 31);

c. Two flat, used tires with damaged rims with weeds growing through them (Complainant's Exhibit 2, March 23, 2011, Exposure 18, p. 27);

d. A second burn pile containing metal banding, a rusty tin cap, and scrap metal (Complainant's Exhibit 2, March 23, 2011, Exposures 27 and 28, p. 32);

e. A demolition debris pile containing copious amounts of intermixed waste that were in and around the pile, waste which included plumbing fittings, electrical wire, rusty scrap metal, splintered wood, plastic weathered wood, insulation, and miscellaneous waste (Complainant's Exhibit 2, March 23, 2011, Exposures 29 – 39 and 42, pp. 33 – 39);

f. Waste tires containing water (Complainant's Exhibit 2, March 23, 2011, Exposures 40 and 41, pp. 38 and 39).

14. The violations observed during the August 4, 2010, and March 23, 2011, inspections, as described in Paragraphs 12 and 13 of the Count III are the subject of Counts III through IV of this Complaint.

15. Complainant adopts and incorporates by reference herein Paragraph 15 of Count I as Paragraph 15 of this Count III.

16. The Respondents caused or allowed open dumping of wastes, wastes that are fairly and accurately identified in the photographs attached hereto as Exhibit 2 and further described in Paragraphs 11 and 12 of this Count IV.

17. By causing or allowing open dumping of wastes, Respondents violated Section 21 (a) of the Act, 415 ILCS 5/21(a) (2010).

18. Respondents conducted a waste storage or waste treatment or waste disposal operation at the corporate site. The corporate site does not meet the requirements of the Act and the regulations and standards thereunder.

19. By conducting a waste storage or waste treatment or waste disposal operation at a site which does not meet the requirements of the Act and the regulations and standards thereunder, Respondents violated Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2), (e) (2010).

20. The Respondent caused or allowed open dumping of waste in a manner that resulted in litter, open burning, deposition of general construction or demolition debris as defined in Section 3.160(a) of the Act, and deposition of clean construction or demolition debris as defined in Section 3.160(b) of the Act.

21. By causing or allowing open dumping of waste in a manner that resulted in litter, the Respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).

22. By causing or allowing open dumping of waste in a manner that resulted in open burning, the Respondents violated Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2010).

23. By causing or allowing open dumping of waste in a manner that resulted in deposition of general construction or demolition debris as defined in Section 3.160(a) of the Act, the Respondents violated Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2010).

24. By causing or allowing open dumping of waste in a manner that resulted in deposition of clean construction or demolition debris as defined in Section 3.160(b) of the Act., the Respondents violated Section 21(p)(7)(ii) of the Act, 415 ILCS 5/21(p)(7)(ii) (2010).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN respectfully requests that the Board enter an order against the Respondents:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT IV

CORPORATE SITE OPEN DUMPING OF USED OR WASTE TIRES

1 – 6. The Complainant hereby adopts and incorporates by reference herein Paragraphs 1 through 6 of Count I as Paragraphs 1 – 6 of this Count IV.

7-14. The Complainant hereby adopts and incorporates by reference herein Paragraphs 7 through 14 of Count III as Paragraphs 7 – 14 of this Count IV.

15. Section 55 of the Act, 415 ILCS 5/55 (2010), prohibits certain actions relating to used tires and states in pertinent part:

55. Prohibited activities.

(a) No person shall:

(1) Cause or allow the open dumping of any used or waste tire.

* * *

(k) No person shall:

(1) Cause or allow water to accumulate in used or waste tires...

16. The Respondents caused or allowed open dumping of used or waste tires at the corporate site; as fairly and accurately identified in the photographs attached hereto as Exhibit 2, August 4, 2010, Exposures 3 – 5, 14, 32, 33, pp. 2, 3, 7, 16, 17, and March 23, 2011, Exposures 18, 40 and 41 pp. 27, 38 and 39.

17. By causing or allowing the open dumping of used or waste tires, the Respondents violated Section 5/55(a)(1) of the Act, 415 ILCS 55(a) (2010).

18. The Respondents caused or allowed water to accumulate in used or waste tires at the corporate site as fairly and accurately identified in the photographs attached hereto as Exhibit 2, August 4, 2010, Exposures 4, 33, pp. 2, 17, and March 23, 2011, Exposures 40 and 41 pp. 38 and 39.

19. By causing or allowing water to accumulate in used or waste tires at the corporate site, Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2010).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN respectfully request that the Board enter an order against the Respondents:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney fees; and.
- F. Granting such other relief as the Board may deem appropriate.

COUNT V

CORPORATE SITE OPEN BURNING

1 – 6. The Complainant hereby adopts and incorporates by reference herein Paragraphs 1 through 6 of Count I as Paragraphs 1 – 6 of this Count V.

7-14. The Complainant hereby adopts and incorporates by reference herein Paragraphs 7 through 14 of Count III as Paragraphs 1 – 14 of this Count V.

14. Section 9(a) of the Act prohibits persons from causing, threatening or allowing air pollution in Illinois and Section 9(c) of the Act prohibits the open burning of refuse (415 ILCS 5/9 (a) and (c) (2010)), stating in pertinent part:

9. Acts prohibited. No person shall:

(a) 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.

* * *

(c) Cause or allow the open burning of refuse . . .

15. The Respondents caused, threatened or allowed air pollution from open burning of refuse at the corporate site as depicted in Exhibit 2, Exposures 1, 2, 4, 27 and 28, pp. 19, 20 and 32.

16. By causing, threatening or allowing air pollution from open burning of refuse at the corporate site as depicted in Exhibit 2, Exposures 1, 2, 4, 27 and 28, pp. 19, 20 and 32, the Respondents violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2010).

17. The Respondents caused or allowed open burning of refuse as depicted in Exhibit 2, Exposures 1, 2, 4, 27 and 28, pp. 19, 20 and 32.

18. By causing or allowing open burning of refuse as depicted in Exhibit 2, Exposures 1, 2, 4, 27 and 28, pp. 19, 20 and 32, the Respondents violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2010).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN respectfully request that the Board enter an order against the Respondents, EDWARD W. FISHER and RHONDA L. FISHER.:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents have violated the Act and regulations as alleged herein;

- C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the State
of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____

THOMAS DAVIS, Chief
Environmental Bureau

OF COUNSEL:

Kelly O. Phelps ARDC # 6275697
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 7/13/12



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Bureau of Land
Springfield Field Office



LPC# 1258075001 - Mason County
Manito/Fisher, Edward
FOS File
March 23, 2011 Inspection

SITE SKETCH



Measurements Approximate
Direction of Photo
Not to Scale

Bureau of Land
Division of Land Pollution Control



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:45 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 001
Comments: Front elevation view of house from Manito Road. Fill materials have been dumped in the front yard.



Date: March 23, 2011
Time: 9:47 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 002
Comments: The smaller pond that was algae covered has been drained and dredged.

Photograph File: 1258075001~03232011-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:48 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 003
Comments: Twisted rebar.



Date: March 23, 2011
Time: 9:49 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 004
Comments: Black plastic pipe and pieces of brick, concrete, and mortar.

Photograph File: 1258075001-03232011-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:49 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 005
Comments: Damaged dimensional lumber scrap with nails and brick and mortar.



Date: March 23, 2011
Time: 9:50 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 006
Comments: Dimensional lumber scrap.

Photograph File: 1258075001~03232011-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:50 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 007
Comments: Concrete with protruding rebar, a rusty steel pipe, and unraveled flexible electric conduit.



Date: March 23, 2011
Time: 9:50 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 008
Comments: Rebar, metal scrap, and dimensional lumber among crushed brick and concrete.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control



LPC #1258075001 - Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:50 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 009
Comments: Rebar, twisted metal, and brick.



Date: March 23, 2011
Time: 9:51 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 010
Comments: Metal and twisted wire.

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control



LPC #1258075001 — Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:51 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 011
Comments: Waste also seen in Photograph 010 at base of dredged material.



Date: March 23, 2011
Time: 9:52 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 012
Comments: Rebar.



Bureau of Land
Division of Land Pollution Control

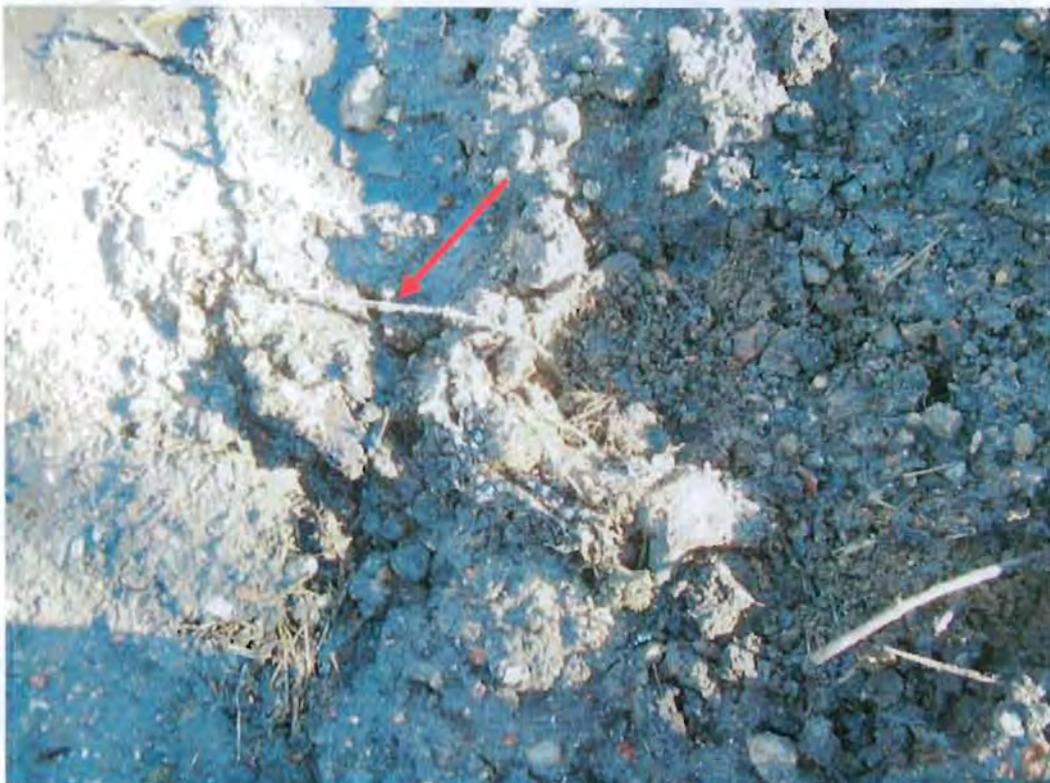


Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:52 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 013
Comments: Rebar.



Date: March 23, 2011
Time: 9:52 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 014
Comments: Metal wire.

Photograph File: 1258075001-03232011-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control



LPC #1258075001 — Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:53 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 015
Comments: DEM/EX
dump truck.



Date: March 23, 2011
Time: 9:53 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 016
Comments: Black plastic
pipe and a partially
crushed blue plastic drum.

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

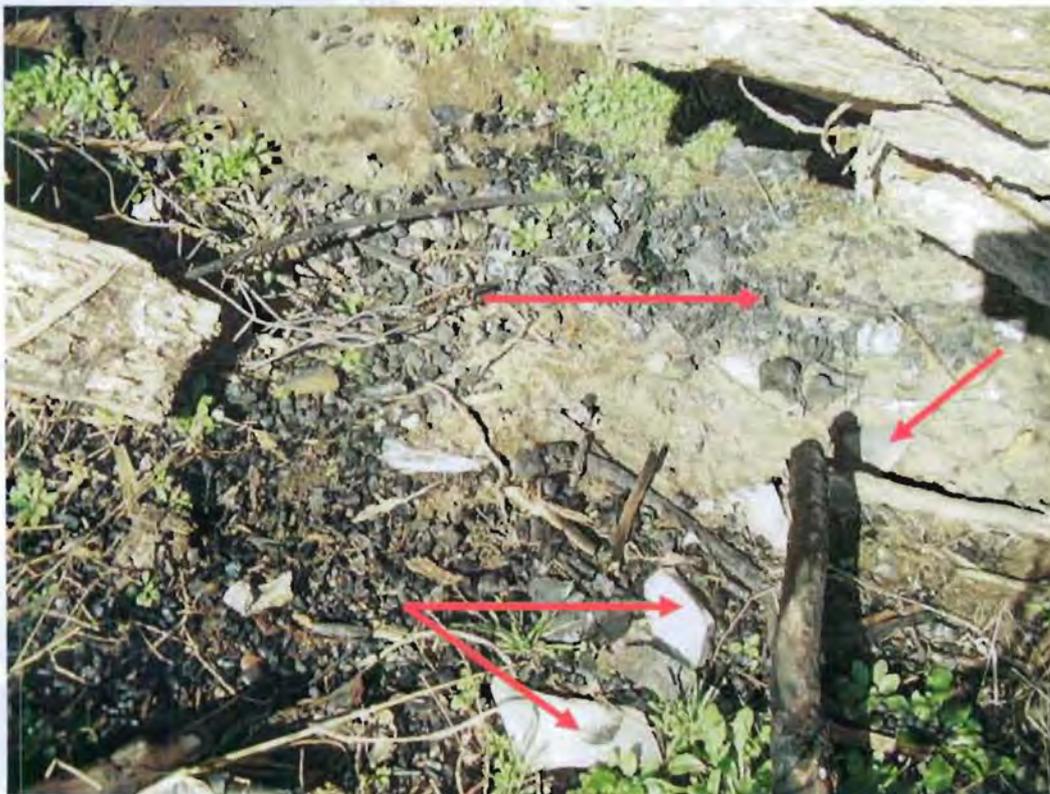


LPC #1258075001 - Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:54 AM
Direction: N-NE
Photo by: Eisenbrandt
Exposure #: 017
Comments: Black plastic pipe.



Date: March 23, 2011
Time: 9:55 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 018
Comments: Ash, charred wood, glass fragments, nails, scrap metal, and broken porcelain in a landscape waste pile.

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control



LPC #1258075001 - Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:56 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 019
Comments: Black plastic hose and a fan rake intermixed with landscape waste.



Date: March 23, 2011
Time: 9:56 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 020
Comments: Black plastic hose and a fan rake intermixed with landscape waste.



Illinois Environmental Protection Agency

Bureau of Land

Division of Land Pollution Control



LPC #1258075001 — Mason County

Manito / Fisher, Edward

FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011

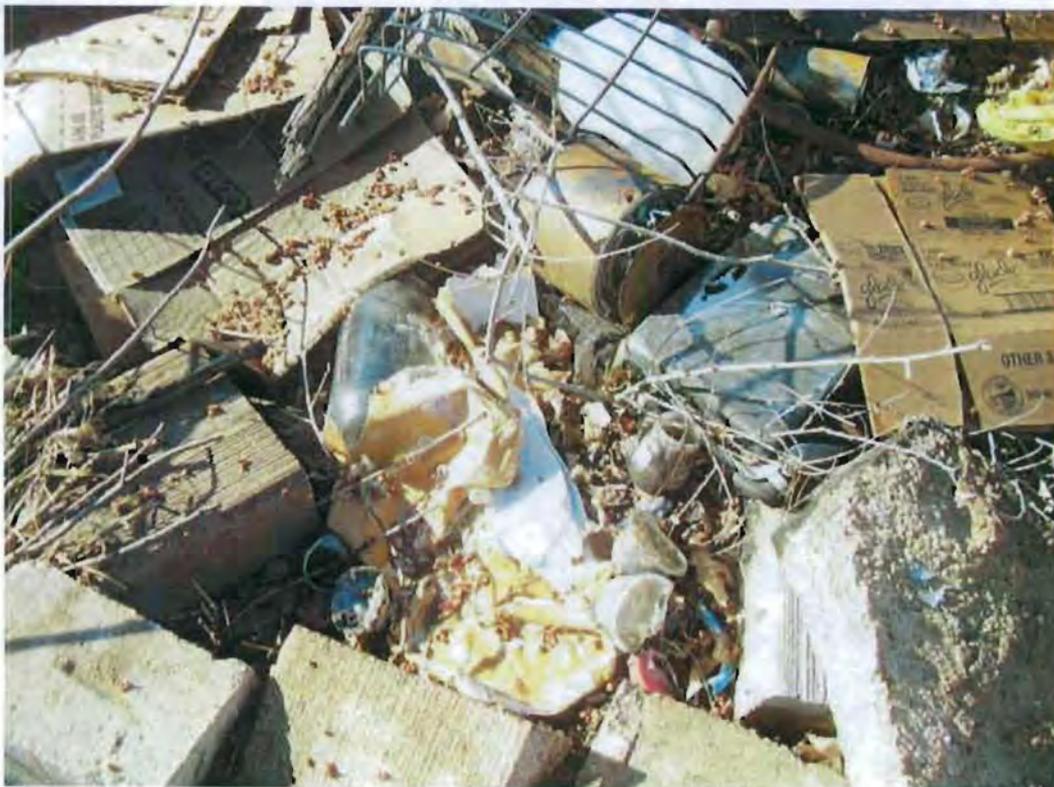
Time: 9:58 AM

Direction: S

Photo by: Eisenbrandt

Exposure #: 021

Comments: Debris pile ringed with rock west of the older house.



Date: March 23, 2011

Time: 9:58 AM

Direction: S

Photo by: Eisenbrandt

Exposure #: 022

Comments: A wire grill, numerous cardboard boxes, rusty tin cans, a plastic milk jug, glass jars, plastic food packaging, and scrap metal were among the waste.

Photograph File: 1258075001-03232011-[Exp. #].jpg



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control



LPC #1258075001 — Mason County
Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:58 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 023
Comments: A yellow rain coat, the head of a fan rake, wire fencing, and metal bars were among the waste.



Date: March 23, 2011
Time: 9:58 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 024
Comments: A metal frame to a school-like chair, yellow caution tape, cardboard boxes, a green folding chair, a wire fan shield were among the waste.



Bureau of Land
Division of Land Pollution Control



Manito / Fisher, Edward
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 9:58 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 025
Comments: A white plastic garbage can, an aquarium frame, broken glass, a mattress frame, aluminum cans, a bed sheet, plastic cups, a St. Louis Zoo drink cup, and a plastic pitcher were among the waste.



Date: March 23, 2011
Time: 10:05 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 026
Comments: A section of green garden hose.





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Bureau of Land

LPC#1250305011 - Mason County

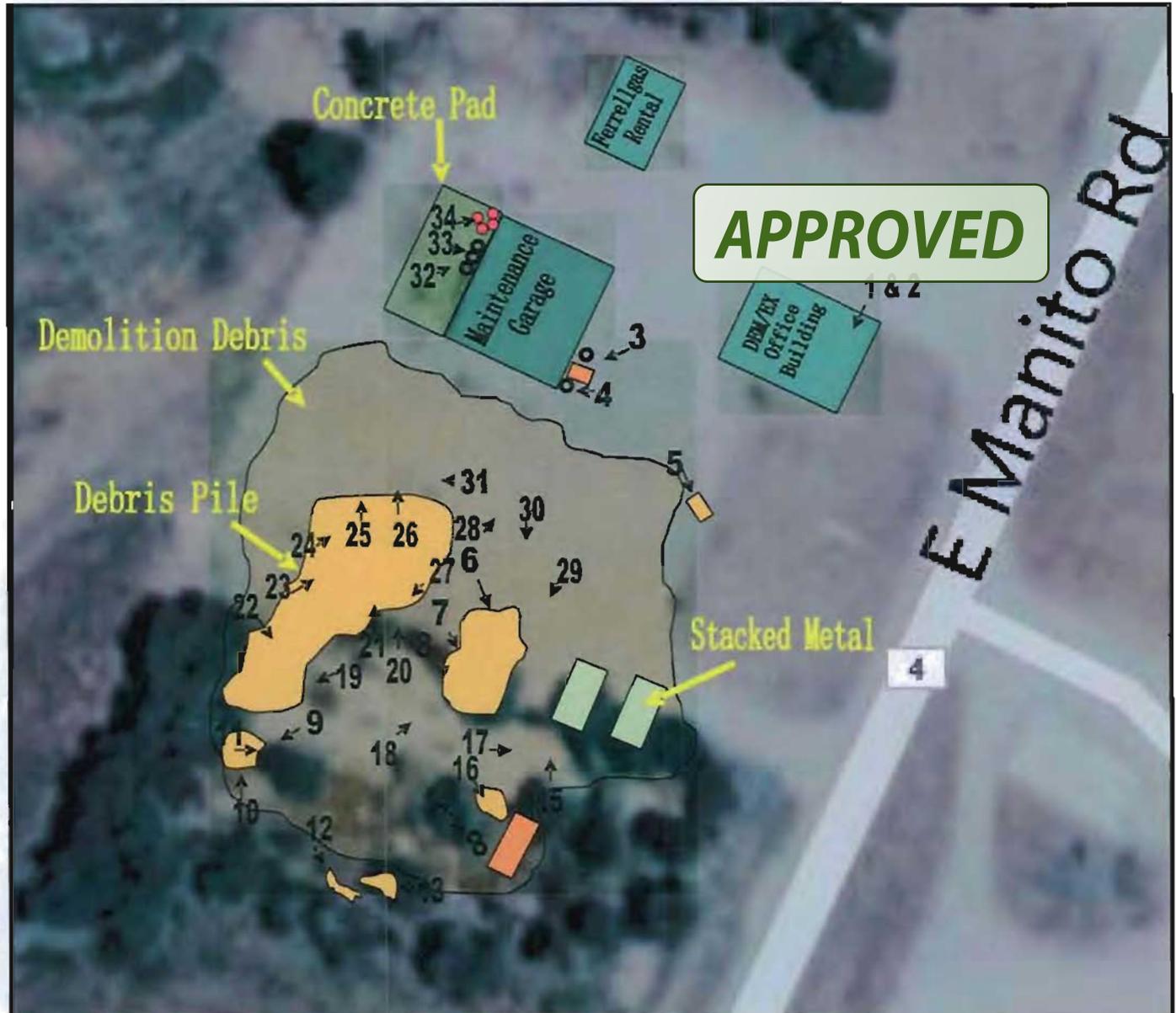
Manito / DEM/EX Group, Inc.

FOS File

August 4, 2010



SITE SKETCH



LEGEND

- | | | | | | |
|--------------|----------|--|-------------------|--------------|--------------------|
| | Building | | Dumpster/Box | | Used Tire |
| | Concrete | | Debris Pile | | 55-Gallon Drum |
| | Metal | | Demolition Debris | | Direction of Photo |
| Measurements | | | Approximate | Not to Scale | |



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:41 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 003
Comments: Two used tires on the east side of the maintenance garage.



Date: August 4, 2010.
Time: 11:42 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 004
Comments: The used tire (seen in the photograph above) leaning against the building was off-rim and contained water.

Photograph File: 1250305011-08042010-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:43 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 005
Comments: A pickup truck bed liner filled with waste. Two used tires (both off-rim), fiberglass insulation, damage scrap lumber, plastic sheeting, a garden hose, and a plastic bottle were among the waste observed.



Date: August 4, 2010.
Time: 11:45 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 006
Comments: A pile of demolition debris with the start of weedy vegetation.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:45 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 007
Comments: Crushed splinters of lumber, a section of pipe, brick, and concrete were observed in the debris pile.



Date: August 4, 2010.
Time: 11:45 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 008
Comments: The demolition debris pile also contained copious amounts of rusty scrap metal.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:45 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 009
Comments: A pile of waste. Broken pallets, damaged dimensional lumber, discarded signage, metal bands, and foam insulation were among the waste observed.



Date: August 4, 2010.
Time: 11:45 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 010
Comments: Alternate view of the pile of waste. Plywood, processed lumber, and plastic sheeting were observed.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:45 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 011
Comments: The beige plastic garbage can (on its side and seen in the previous two photographs) contained broken glass, plastic, a piece rubber hose, an aluminum can, and miscellaneous waste.



Date: August 4, 2010.
Time: 11:46 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 012
Comments: Fiberglass pipe, blue plastic scrap, insulation, and scrap metal.

Photograph File: 1250305011~08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:46 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 013
Comments: Fiberglass pipe, charred landscape debris, and miscellaneous waste.



Date: August 4, 2010.
Time: 11:47 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 014
Comments: Two on-rim used tires with weedy vegetation growing through them.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:48 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 015
Comments: Stacked steel.



Date: August 4, 2010.
Time: 11:48 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 016
Comments: A pile of scrap metal beside a recycling dumpster.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:48 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 017
Comments: A rusty spring, rusty scrap metal, and plastic debris observed on the ground.



Date: August 4, 2010.
Time: 11:48 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 018
Comments: Pieces of rusty scrap metal on the ground.



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:49 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 019
Comments: A debris pile with copious amounts of scrap metal, splintered wood, and miscellaneous waste.



Date: August 4, 2010.
Time: 11:49 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 020
Comments: Ground surface south of the maintenance garage. Scrap metal, concrete, and brick were intermixed with miscellaneous demolition debris.



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:49 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 021
Comments: A close up photograph of the ground surface seen in Photograph 020. Rusty scrap metal, fiberglass, wire, splintered lumber, and scraps of plastic were observed intermixed with concrete, mortar, and brick fragments.



Date: August 4, 2010.
Time: 11:49 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 022
Comments: Red, blue, and black plastic, carpet, black rubber, cast iron, and splinters of wood were observed on the ground.

Photograph File: 1250305011-08042010-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:49 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 023
Comments: Another example of the demolition debris spread across the site. Copper wire, scrap metal, electrical wire, foam, and asphalt materials were observed on the ground.



Date: August 4, 2010.
Time: 11:50 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 024
Comments: Rusty iron fragments, fiberglass, splintered wood, and malleable metal were observed on the ground surface.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:50 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 025
Comments: Rusty scrap metal and miscellaneous waste observed on the ground surface.



Date: August 4, 2010.
Time: 11:50 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 026
Comments: Scrap metal, splintered wood, fabric-like material, and metal wire were observed on the ground.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:50 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 027
Comments: Wire, blue plastic, scrap wood, and rusty metal on the ground.



Date: August 4, 2010.
Time: 11:50 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 028
Comments: Rusty scrap metal intermixed with demolition debris on the ground.

Photograph File: 1250305011-08042010-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:51 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 029
Comments: More waste observed on the ground.



Date: August 4, 2010.
Time: 11:51 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 030
Comments: More waste observed on the ground.

Photograph File: 1250305011-08042010-[Exp. #].jpg





DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:51 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 031
Comments: More waste partially buried.



Date: August 4, 2010.
Time: 11:52 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 032
Comments: Used tires stored along the west wall of the maintenance building.

Photograph File: 1250305011-08042010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: August 4, 2010.
Time: 11:53 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 033
Comments: Water was observed in the used tires seen in Photograph 032



Date: August 4, 2010.
Time: 11:53 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 034
Comments: Six 55-gallon drums stored in the concrete containment area. One of the drums was labeled antifreeze and appeared full. Another drum was labeled "Empty" yet was full of liquid.

Photograph File: 1250305011~08042010-[Exp. #].jpg



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Bureau of Land

LPC#1250305011 - Mason County

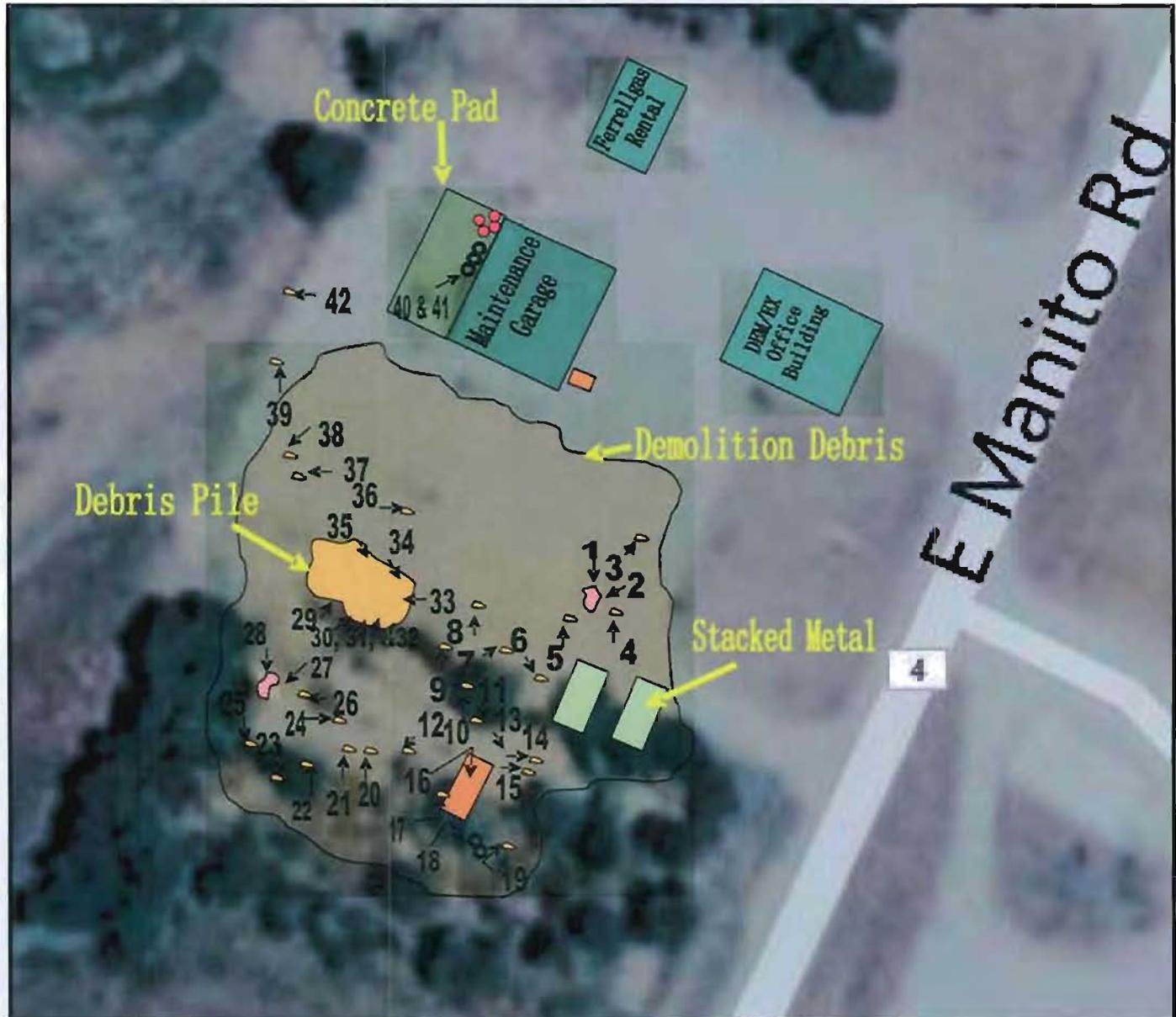
Manito / DEM/EX Group, Inc.

FOS File

March 23, 2011



SITE SKETCH



| | | | | | | |
|---------------|--------------------------|----------|--|-------------------|--|--------------------|
| LEGEND | | Building | | Dumpster/Box | | Used Tire |
| | | Concrete | | Debris Pile | | 55-Gallon Drum |
| | | Metal | | Demolition Debris | | Direction of Photo |
| | Measurements Approximate | | | Not to Scale | | |



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:21 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 001
Comments: Ash, charred paper, and soot covered gravel.



Date: March 23, 2011
Time: 10:21 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 002
Comments: Another picture of the recent open burning debris pile at DEM/EX. A wire spiral binding and singed paper were recognizable among the charred debris.



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:24 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 003
Comments: The parking lot was covered with crushed concrete, brick, cinder block, and mortar. Intermixed with the demolition debris, and seen in this photograph, are a leather glove, splinted wood, rusty wire, and blue sheathed electrical wire.



Date: March 23, 2011
Time: 10:24 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 004
Comments: Partially burned paper.



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:24 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 005
Comments: Scrap aluminum, charred waste, splintered wood, and scrap metal.



Date: March 23, 2011
Time: 10:24 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 006
Comments: Electrical wire and a broken piece of grey plastic pipe.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:24 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 007
Comments: Scrap iron
and black plastic.



Date: March 23, 2011
Time: 10:24 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 008
Comments: Splintered
wood and carpet.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:25 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 009
Comments: Electrical wire, shiny scrap metal, rusty wire, and copious amounts of splintered wood intermixed with the fill material.



Date: March 23, 2011
Time: 10:25 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 010
Comments: Malleable metal scrap.

Photograph File: 1250305011-03232011-{Exp. #}.jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:25 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 011
Comments: Electrical wire and a splintered piece of plywood.



Date: March 23, 2011
Time: 10:25 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 012
Comments: Fiber glass, carpet, wire, wood, and plastic scrap intermixed in the parking lot.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:26 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 013
Comments: Carpet scrap
and dimensional lumber
scrap.



Date: March 23, 2011
Time: 10:26 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 014
Comments: Yellow plastic
pipe scrap and wire.

Photograph File: 1250305011-03232011-{Exp. #}.jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:26 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 015
Comments: A galvanized plumbing elbow, splinters of wood, and a piece of black plastic.



Date: March 23, 2011
Time: 10:26 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 016
Comments: View inside a BEHR recycling dumpster that was onsite.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:27 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 017
Comments: Black foam pipe wrap.



Date: March 23, 2011
Time: 10:27 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 018
Comments: Two flat used tires with damaged rims, with weeds growing through them, illustrating long term deposition.



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:27 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 019
Comments: Scrap metal.



Date: March 23, 2011
Time: 10:27 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 020
Comments: Concrete attached to rebar.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:27 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 021
Comments: Scrap metal.



Date: March 23, 2011
Time: 10:28 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 022
Comments: Apparent open dumped demolition waste that includes a pipe fitting, a wheel, conduit, and miscellaneous debris

Photograph File: 1250305011-03232011-(Exp. #).jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:28 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 023
Comments: Scrap metal
among weedy vegetation.



Date: March 23, 2011
Time: 10:28 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 024
Comments: Rebar, scrap
metal, wire, and processed
lumber scrap.



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:28 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 025
Comments: Fiberglass pipe waste.



Date: March 23, 2011
Time: 10:28 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 026
Comments: Porcelain.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:29 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 027
Comments: A second burn pile.



Date: March 23, 2011
Time: 10:29 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 028
Comments: The burn pile contained metal banding, a rusty tin can, and scrap metal.

Photograph File: 1250305011~03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:29 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 029
Comments: Copious amounts of waste intermixed with the demolition debris. Plumbing fitting, electrical wire, rusty scrap metal, splinted wood, and plastic.



Date: March 23, 2011
Time: 10:30 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 030
Comments: A close up photograph of protruding rebar and metal waste.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:30 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 031
Comments: Rusty scrap metal visible in the pile of demolition debris.



Date: March 23, 2011
Time: 10:33 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 032
Comments: Waste intermixed in the debris pile.

Photograph File: 12S0305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:39 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 033
Comments: Scrap metal protruding from the debris pile.



Date: March 23, 2011
Time: 10:39 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 034
Comments: Obvious scrap metal protruding from the demolition debris pile.

Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:39 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 035
Comments: More waste observed intermixed in the demolition debris pile.



Date: March 23, 2011
Time: 10:39 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 036
Comments: Rusty scrap metal

Photograph File: 1250305011-03232011-[Exp. #].jpg

Bureau of Land
Division of Land Pollution Control



Manito / DEM/EX Group, Inc.
FOS File

DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:40 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 037
Comments: Plastic, fiberglass, electrical wire, and scrap metal on the ground.



Date: March 23, 2011
Time: 10:40 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 038
Comments: Scrap metal and splinters of wood.

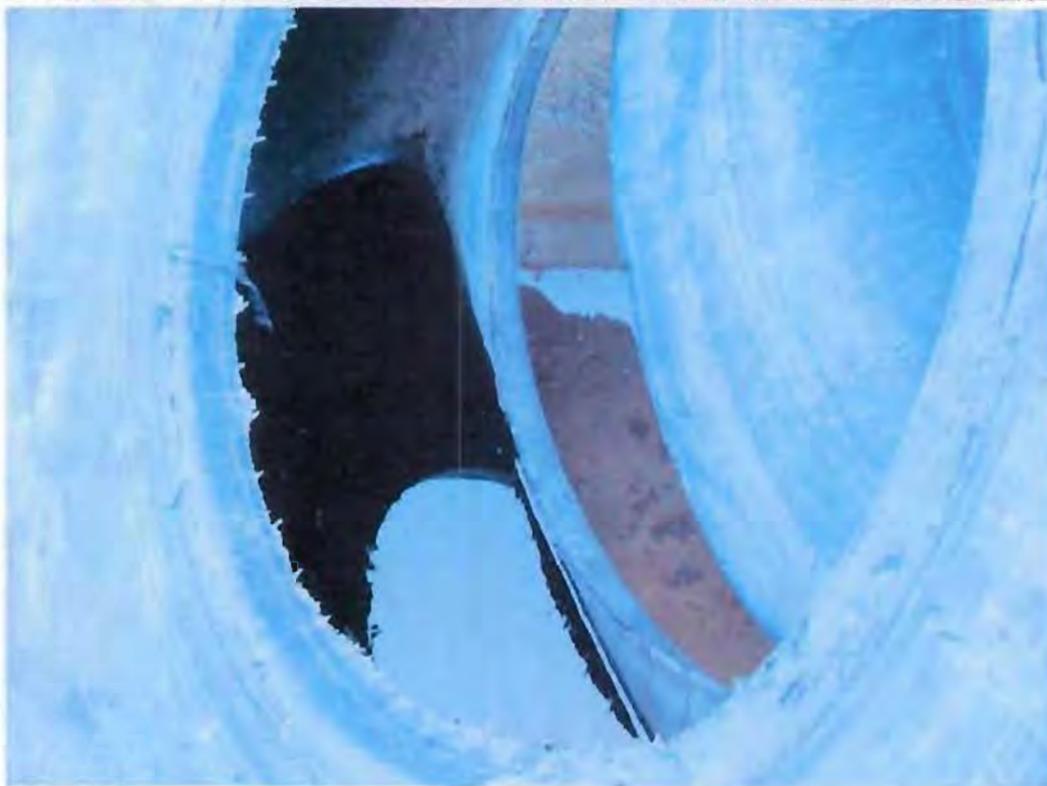
Photograph File: 1250305011-03232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:40 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 039
Comments: Weathered wood and insulation.



Date: March 23, 2011
Time: 10:41 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 040
Comments: Water in the used tires.

Photograph File: 1250305011-03232011-{Exp. #}.jpg



DIGITAL PHOTOGRAPHS



Date: March 23, 2011
Time: 10:42 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 041
Comments: Water in the used tires.



Date: March 23, 2011
Time: 10:44 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 042
Comments: More scrap metal.

Photograph File: 1250305011-03232011-[Exp. #].jpg