



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
CLERK'S OFFICE

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

MAR 24 2004

STATE OF ILLINOIS
Pollution Control Board

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

AC 04-57

March 16, 2004

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

Re: Illinois Environmental Protection Agency v. Arlyn Ray d/b/a Arlyn Ray Construction, Tom Romero d/b/a Arlyn Ray Exteriors, Robert J. Adams and Rita M. Adams
IEPA File No. 109-04-AC; 2038005004—Woodford County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

RECEIVED
CLERK'S OFFICE

MAR 24 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
ARLYN RAY d/b/a ARLYN RAY)
CONSTRUCTION, TOM ROMERO d/b/a)
ARLYN RAY EXTERIORS, ROBERT J.)
ADAMS AND RITA M. ADAMS,)
))
))
Respondents.)

AC 04-57
(IEPA No. 109-04-AC)

NOTICE OF FILING

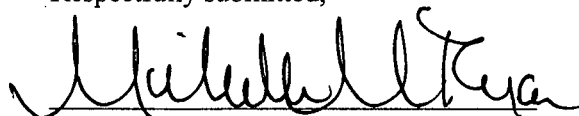
To: Robert & Rita Adams
1776 County Road 850E
Metamora, Illinois 61548

Tom Romero, d/b/a Arlyn Ray Exteriors
Romero Holdings, LLC
3514 Clinton Pkwy, Suite A112
Lawrence, Kansas 66047-2145

Arlyn Ray, d/b/a Arlyn Ray Exteriors
303 B Georgia Pkwy
Washington, Illinois 61571

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: March 16, 2004

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAR 24 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ARLYN RAY d/b/a ARLYN RAY)
CONSTRUCTION, TOM ROMERO d/b/a)
ARLYN RAY EXTERIORS, ROBERT J.)
ADAMS AND RITA M. ADAMS,)
)
Respondents.)

AC 04-57
(IEPA No. 109-04-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 Robert J. and Rita M. Adams ("Respondents") are the present owners of a property located at 1776 County Road 850 E, Metamora, Woodford County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Adams Property.
2. That Arlyn Ray d/b/a Arlyn Ray Construction and Tom Romero d/b/a Arlyn Ray Exteriors, ("Respondents") were using the Adams property as a construction and demolition debris dumpsite.
3. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2038005004.
4. That Respondents, Robert J. Adams and Rita M. Adams, have owned said facility at all times pertinent hereto.

5. That on February 26, 2004, Robert J. Wagner 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 Robert J. Wagner during the course of his February 26, 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 Respondent caused or allowed the deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2002).
- (4) 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 Six Thousand Dollars (\$6,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 17, 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, Director
Illinois Environmental Protection Agency

Date: 3/16/04

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.)

ARLYN RAY d/b/a ARLYN RAY)
CONSTRUCTION, TOM ROMERO d/b/a)
ARLYN RAY EXTERIORS, ROBERT J.)
ADAMS AND RITA M. ADAMS,)

Respondents.)

AC

(IEPA No. 109-04-AC)

FACILITY: Adams Property

SITE CODE NO.: 2038005004

COUNTY: Woodford

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: February 26, 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

AFFIDAVIT

IN THE MATTER OF:

)
)
)
)
)
)
)
)
)

IEPA DOCKET NO.

RESPONDENT

)

Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

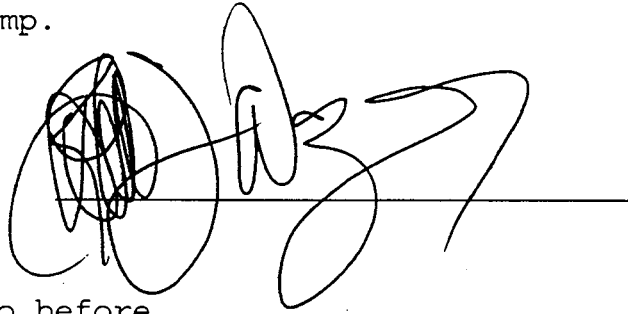
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On February 26, 2004, between 11:00 a.m. and 11:40 a.m., Affiant conducted an inspection of the open dump in Woodford County, Illinois, known as Adams Property, Illinois Environmental Protection Agency Site No. 2038005004.

3. Affiant inspected said Adams Property open dumpsite by an on-site inspection, which included walking the site and photographing the site.

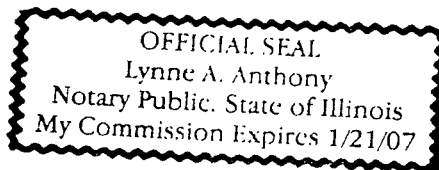
4. As a result of the activities referred to in Paragraphs 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of

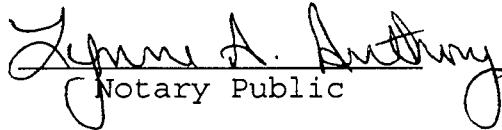
Affiant's observations and factual conclusions with respect to
Adams Property open dump.

A handwritten signature in black ink, appearing to read 'Lynne A. Anthony', written over a horizontal line.

Subscribed and Sworn to before

me this | day of March




Notary Public

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Woodford LPC#: 2038005004 Region: 3 - Peoria
 Location/Site Name: Metamora / Adams Property
 Date: 02/26/04 Time: From 11:00 AM To 11:40 AM Previous Inspection Date: 10/28/03
 Inspector(s): Robert J. Wagner & Dawn Ingold Weather: 40 F, Sunny, Muddy
 No. of Photos Taken: # 45 Est. Amt. of 9000 Samples Taken: Yes # No
 Waste: yds³
 Interviewed: Name not given Complaint #: C-2003-131-P

Responsible Party Mailing Address(es) and Phone Number(s):	Arlyn Ray d/b/a Arlyn Ray Construction 303 B Georgia Pkwy Washington, Il, 61571 (309) 745-1471	Robert J. Adams 1776 County Road 850E Metamora, Il, 61548 (309) 367-4650
	Tom Romero d/b/a Arlyn Ray Exteriors Romero Holdings, LLC 3514 Clinton Pkwy, Suite A112 Lawrence, Kansas, 66047-2145 (913) 927-3797	Rita M. Adams 1776 County Road 850E Metamora, Il, 61548 (309) 367-4650

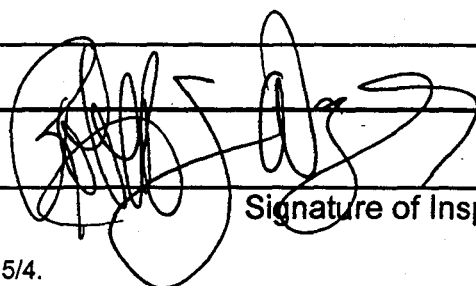
	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input 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 # 2038005004

Inspection Date: 02/26/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>



 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.

Narrative

On February 26, 2004, a re-inspection took place at property owned by Robert and Rita Adams. The property is located at 1776 County Road 850 E, Metamora, Illinois. Dawn Ingold and Robert Wagner (author of this report), of DLPC/FOS conducted the inspection. There was a man on site but he did not give his name to this author. He did acknowledge this author.

History

The purpose of the re-inspection was to check the compliance status of the Adams Property. On October 28, 2003, an open dump inspection took place at the property. The property was being used as a construction and demolition debris dumpsite for Arlyn Ray Construction and Arlyn Ray Exteriors. Arlyn Ray Construction is owned and operated by Arlyn Ray. Arlyn Ray Exteriors is owned and operated by Tom Romero. The following violations were observed during the inspection: Section 21(a), Section 21(d)(1), Section 21(d)(2), Section 21(e), Section 21(p)(1), Section 21(p)(7) and Section 55(a)(1) of the Act and Section 812.101 of the Regulations.

On November 12, 2003, Mr. and Mrs. Adams, Mr. Ray and Mr. Romero were sent Administrative Citation Warning Notices (ACWNs). Mr. and Mrs. Adams, and Mr. Romero did not respond to the ACWNs.

Inspection

This author observed two additional open dumpsites located on the property. In this report, the dumpsites will be referred to as Area 1, Area 2, and Area 3 (see aerial photograph).

Area 1

Area 1 was the dumpsite that was originally inspected during the October 28, 2003 inspection of the property. This author observed dry wall, shingles, couches, tires, white goods, fencing, empty drums, windows, plastic containers, cardboard, paper, bicycle parts, siding, metal debris, electrical conduit, processed wood, metal containers, and bed springs dumped into a ravine. Photographs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 show the ravine (see site sketch A). Mr. Adams uses the tractor shown in photograph 25 to push the waste material into the ravine.

This author observed the charred remains of debris in two burn piles located on Area 1. Photograph 3 shows the charred remains of processed wood, metal debris, and paper (see site sketch A). Photographs 9 and 10 show the charred remains of processed wood and metal debris (see site sketch A). Although Mr. Adams was not present during this inspection, he estimated during the previous inspection that the current dump is approximately 30 feet deep. This author with the help of Mr. Adams estimates the size of Area 1 to be approximately 100 feet long by 75 feet wide by 30 foot deep in size (8300 yd³).

Area 2

Area 2 was observed while trying to contact Mr. Adams at his home on the property. The dumpsite was not assessable from where this author was located. It was located on the other side of a livestock area. This author took photographs of Area 2 from a distance. Photographs 26 and 27 show Area 2 (see site sketch B). Area 2 appeared to consist of demolition debris. The size of Area 2 is undetermined because this author could not physically walk the area.

Area 3

Area 3 is located along a creek at the entrance to the Adams Property. This author observed shingles, reclining chairs, a toilet, glass, fencing, plastic containers, cardboard, paper, metal debris, electrical appliances, and processed wood dumped into and along a creek that is located on the Adams Property. Photographs 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 show Area 3 (see site sketch C). This author estimates the size of Area 3 to be approximately 35 feet long by 4 feet wide by 5 foot deep in size (700 yd³).

The Agency received a written response to the ACWN dated November 12, 2003 from Arlyn Ray, owner of Arlyn Ray Construction. Mr. Ray admitted that he has dumped debris at the Adams Property. He has contacted Mr. Adams about cleaning up the site. According to Mr. Ray, Mr. and Mrs. Adams are refusing to let him clean up the property. This author spoke to Mr. Ray by telephone. Mr. Ray admitted to this author that he did pay a "tipping fee" to Mr. Adams in order to dump at the property. Mr. Ray told this author the payment was a donation to Mr. Adams.

This author spoke to Bob Millie a representative of Arlyn Ray Exteriors. Mr. Millie works directly for Mr. Romero. According Mr. Millie, his crews did dump debris at the Adams Property. Mr. Millie said that Arlyn Ray Exteriors thought this was a legal activity because they paid Mr. Adams a tipping fee. Arlyn Ray Exteriors is no longer in business. The address on the open dump checklist was given to this author by the Washington Police Department.

The Agency has not received a written response to the ACWN dated November 12, 2003 from Mr. Romero or Mr. and Mrs. Adams. This author departed the site at 11:40 AM.

The following alleged violations were observed and indicated on the open dump inspection checklist:

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) is alleged for the following reason: **Evidence of open burning which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

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.

A violation of Section 9(c) is alleged for the following reason: **Evidence of open burning was observed during the inspection.**

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 the 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) is alleged for the following reason: **The discharge of contaminants was caused, threatened, or allowed, so as to cause or tend to cause 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) is alleged for the following reason: **Contaminants were deposited upon the land in such place and manner so as to create 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) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection.**

6. 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: **Waste was disposed without a permit granted by the Illinois EPA.**

7. 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: **A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

8. 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) is alleged for the following reason: **Waste was disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

9. 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) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in litter.**

10. 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) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in open burning.**

11. 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) 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.**

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

A violation of Section 21(p)(7) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in deposition of general or clean construction or demolition debris.**

13. 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) is alleged for the following reason: **Evidence of open dumping of used or waste tires was observed during the inspection.**

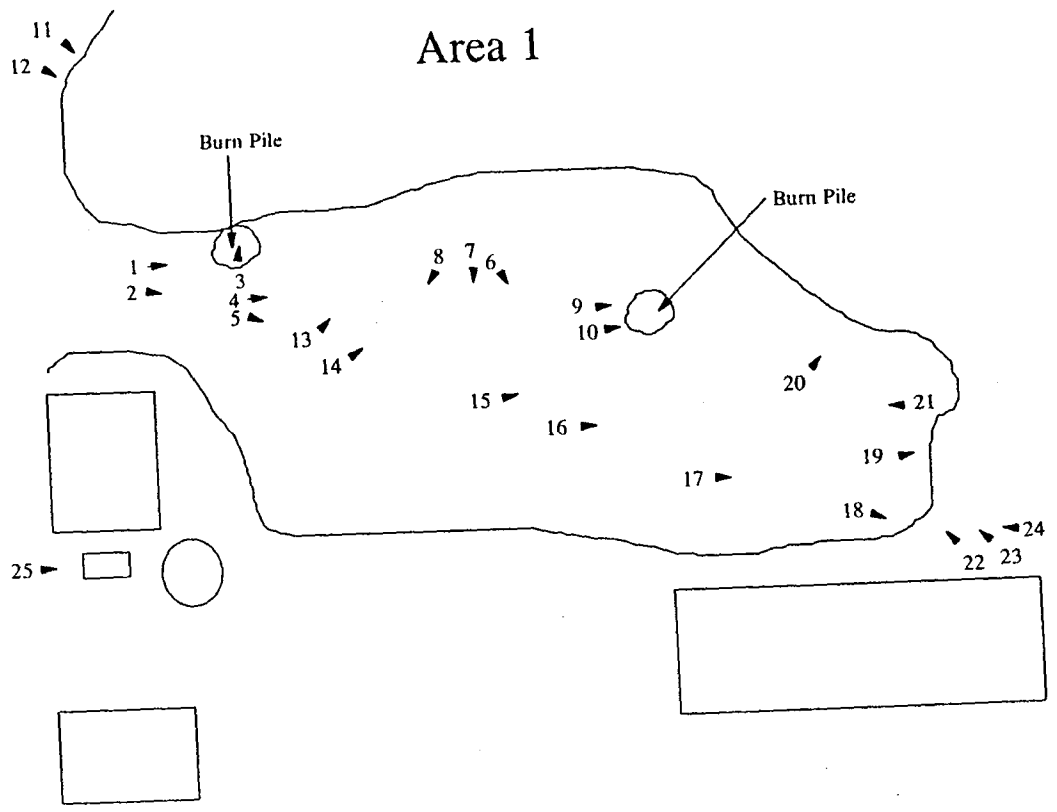
14. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **A waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH A

DATE OF INSPECTION: 02/26/04
SITE CODE: 2038005004
SITE NAME: Adams Property

INSPECTOR(S): Robert J. Wagner
COUNTY: Woodford
TIME: 11 AM to 11:40 AM



Drawing Not To Scale

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH B

DATE OF INSPECTION: 02/26/04
SITE CODE: 2038005004
SITE NAME: Adams Property

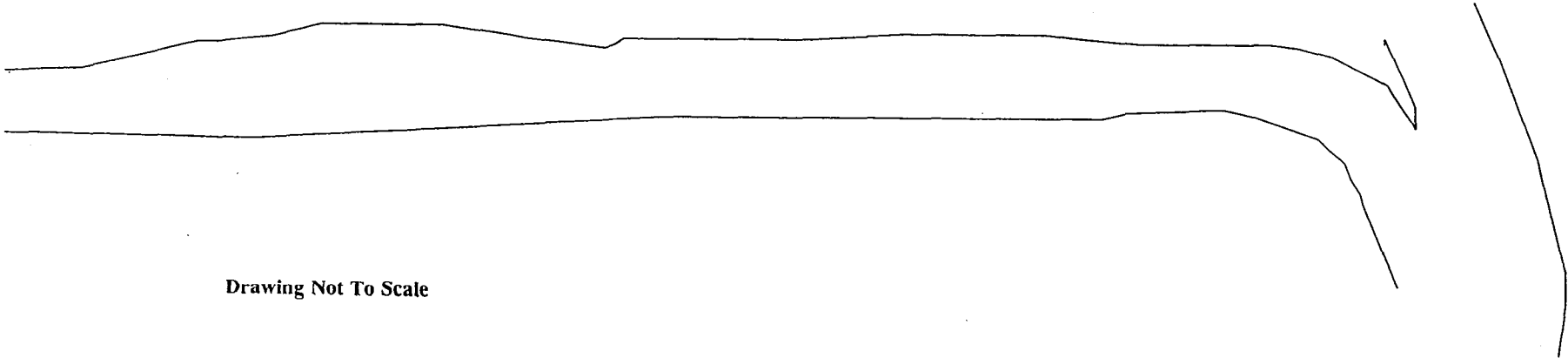
INSPECTOR(S): Robert J. Wagner
COUNTY: Woodford
TIME: 11 AM to 11:40 AM



Area 2



← 26 ← 27

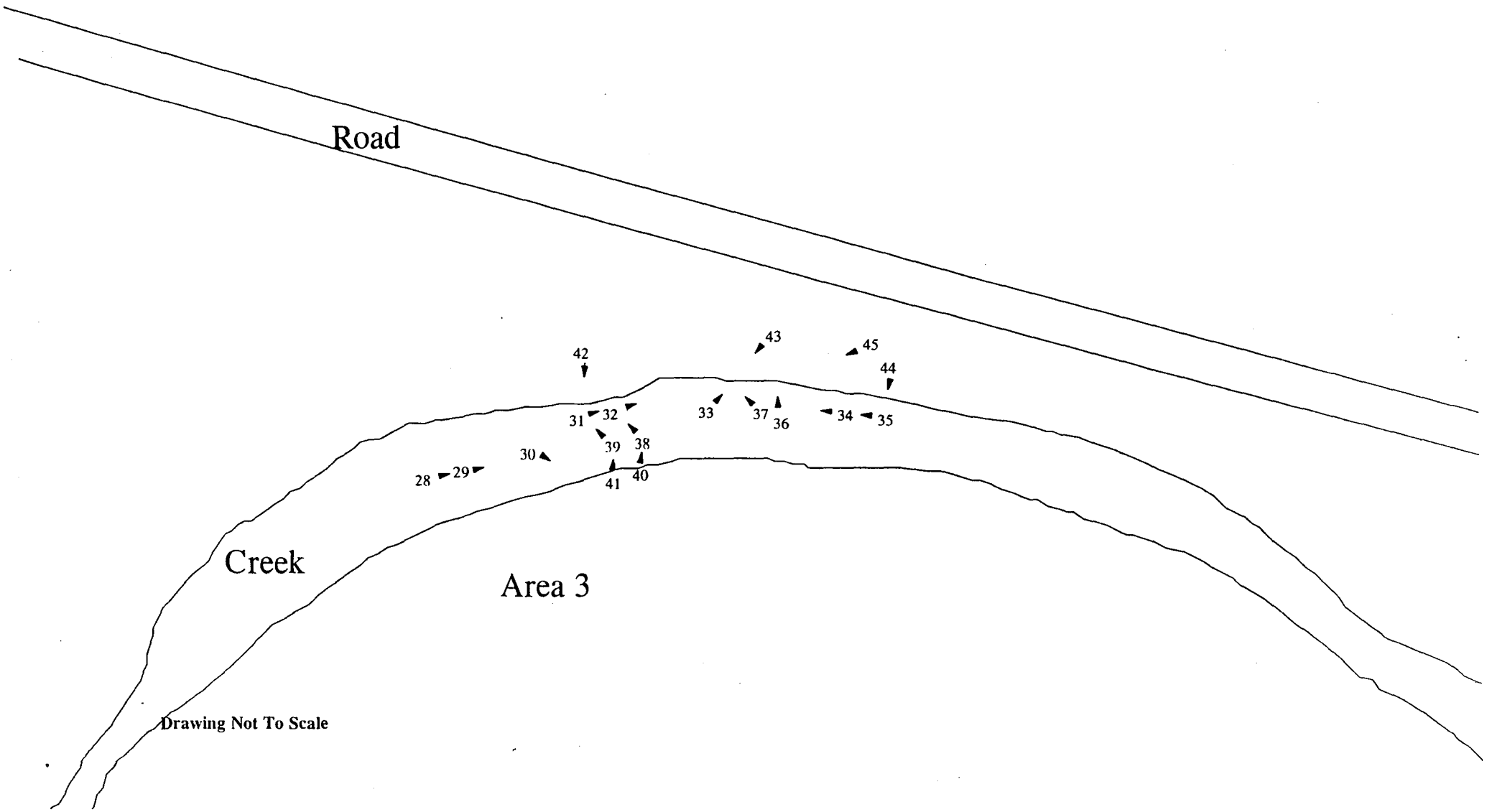


Drawing Not To Scale

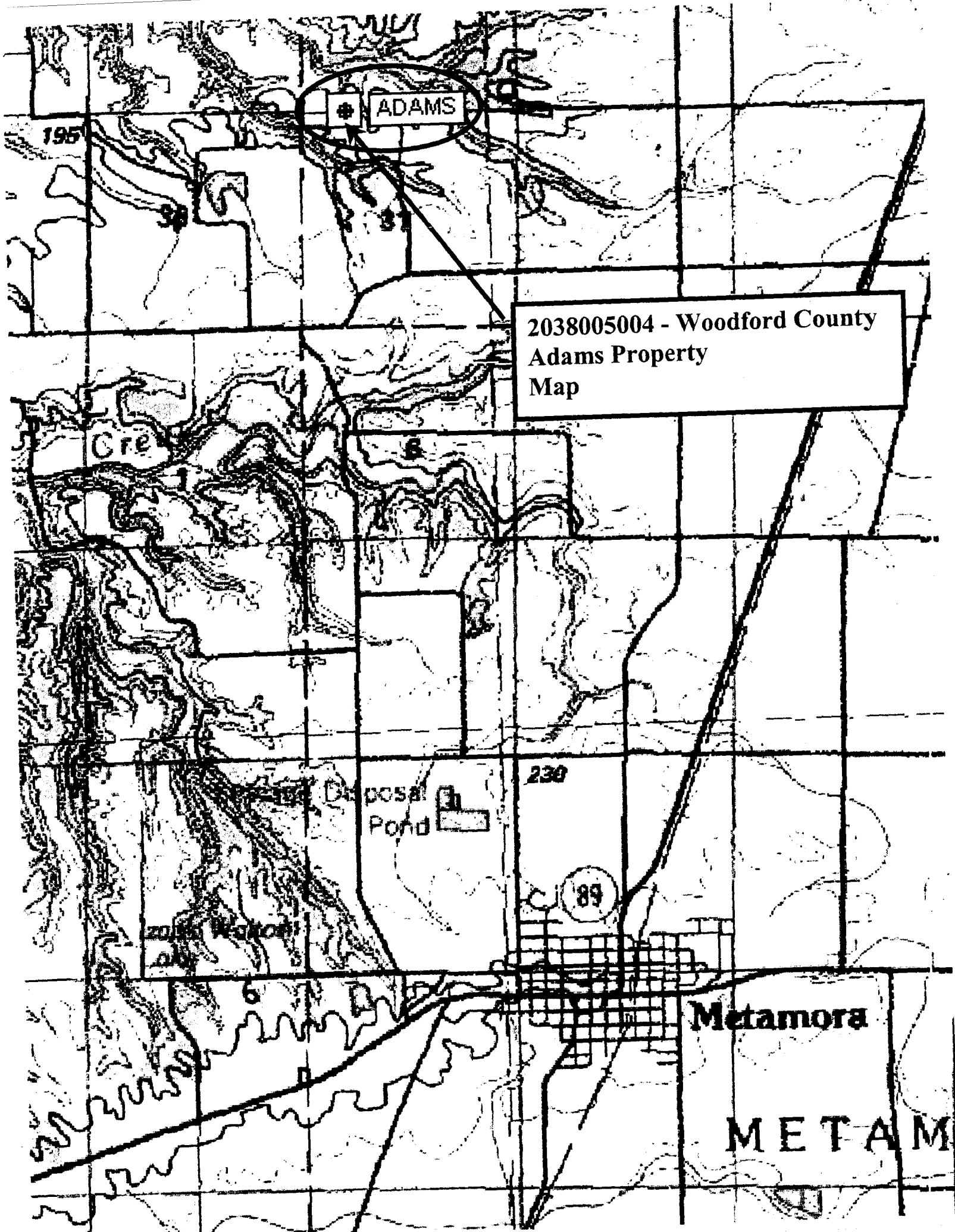
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH C

DATE OF INSPECTION: 02/26/04
SITE CODE: 2038005004
SITE NAME: Adams Property

INSPECTOR(S): Robert J. Wagner
COUNTY: Woodford
TIME: 11 AM to 11:40 AM



Drawing Not To Scale



ADAMS

2038005004 - Woodford County
Adams Property
Map

Disposal Pond

89

Metamora

METAMORA

195

230

Cre

5

2014

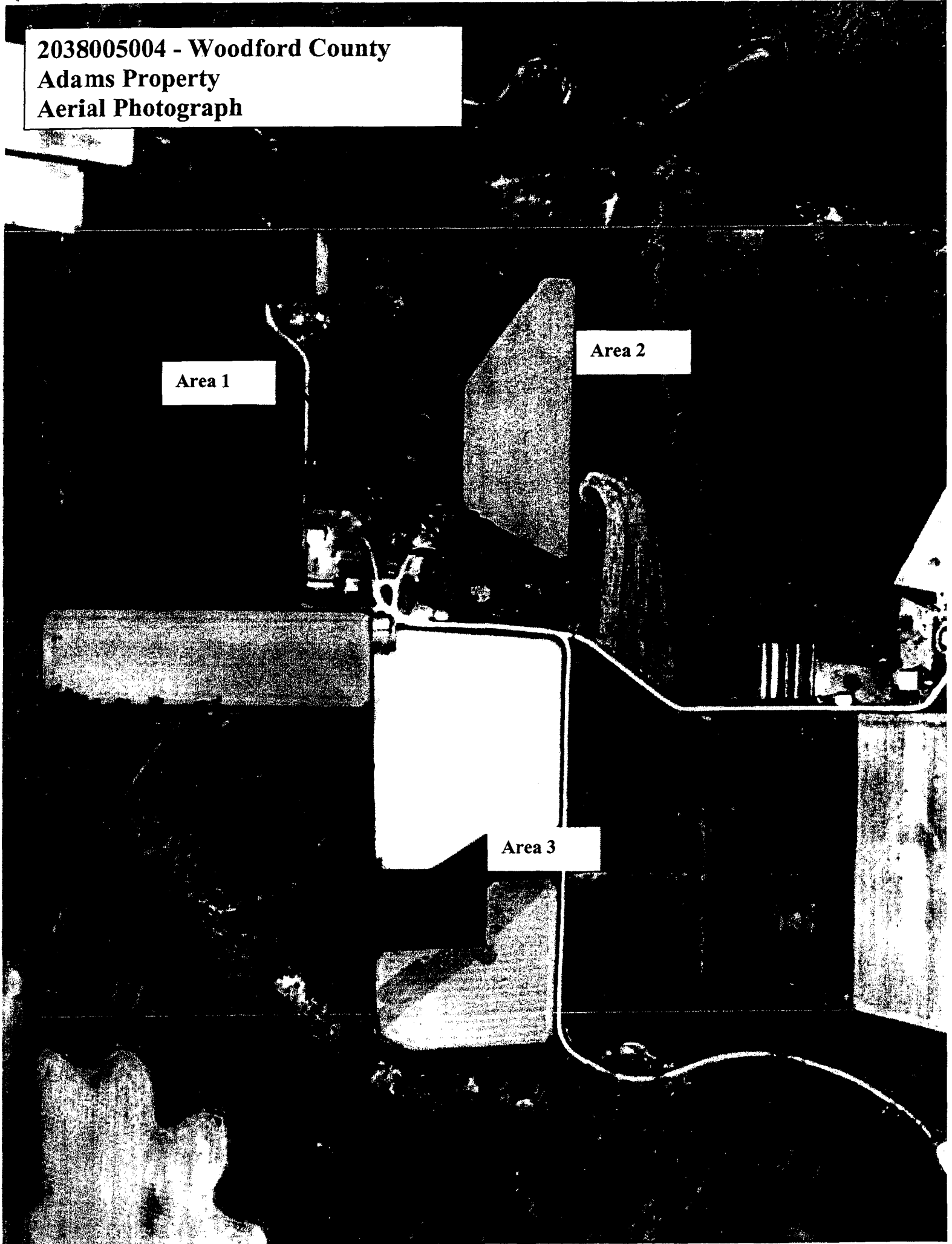
50

**2038005004 - Woodford County
Adams Property
Aerial Photograph**

Area 1

Area 2

Area 3



DATE: February 26, 2004

TIME: 11:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
2038005004~02262004-001.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
2038005004~02262004-002.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
2038005004~02262004-003.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
2038005004~02262004-004.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
2038005004~02262004-005.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:07 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
2038005004~02262004-006.jpg

COMMENTS:



**2038005004 - Woodford County
Adams Property
FOS File**

DATE: February 26, 2004

TIME: 11:07 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
2038005004~02262004-007.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:07 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
2038005004~02262004-008.jpg

COMMENTS:



DOCUMENT FILE NAME:
2038005004~02262004.doc

DATE: February 26, 2004

TIME: 11:08 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:

2038005004~02262004-009.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:09 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:

2038005004~02262004-010.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:09 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
2038005004~02262004-011.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:09 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
2038005004~02262004-012.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:10 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
2038005004~02262004-013.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:10 AM

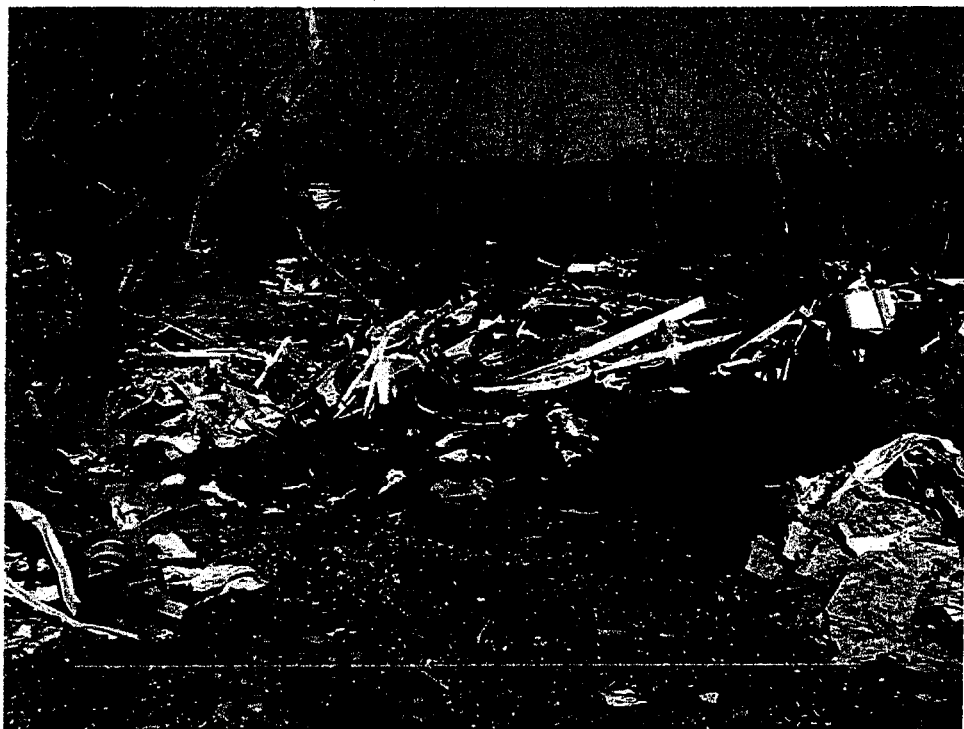
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
2038005004~02262004-014.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:10 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
2038005004-02262004-015.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:10 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
2038005004-02262004-016.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:10 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
2038005004~02262004-017.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
2038005004~02262004-018.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
2038005004~02262004-019.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
2038005004~02262004-020.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
2038005004~02262004-021.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:12 AM

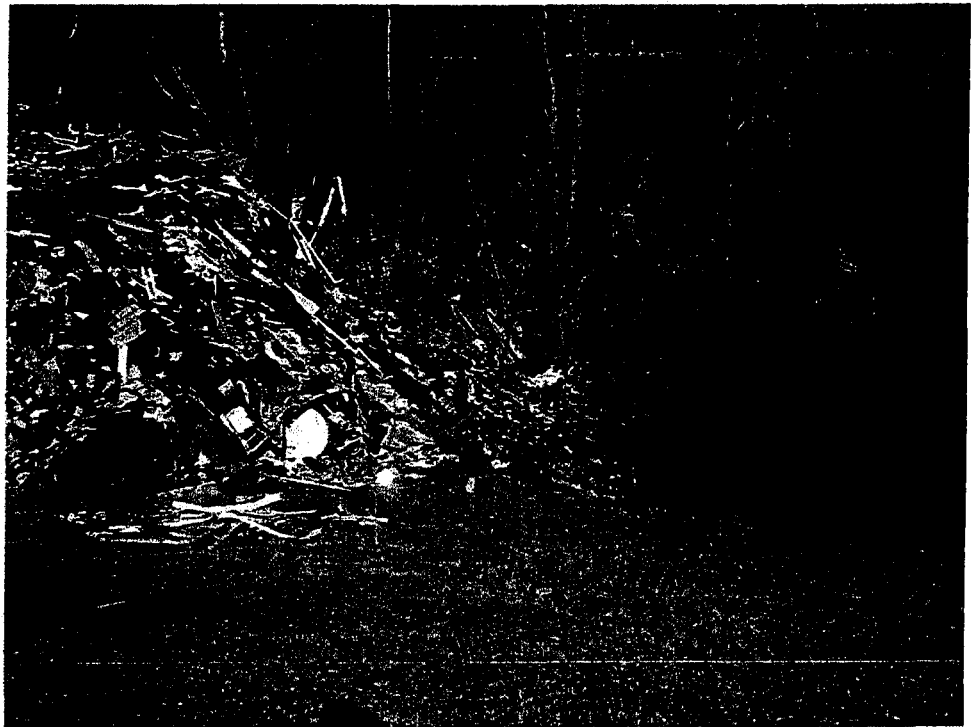
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 22

PHOTOGRAPH FILE NAME:
2038005004~02262004-022.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:12 AM

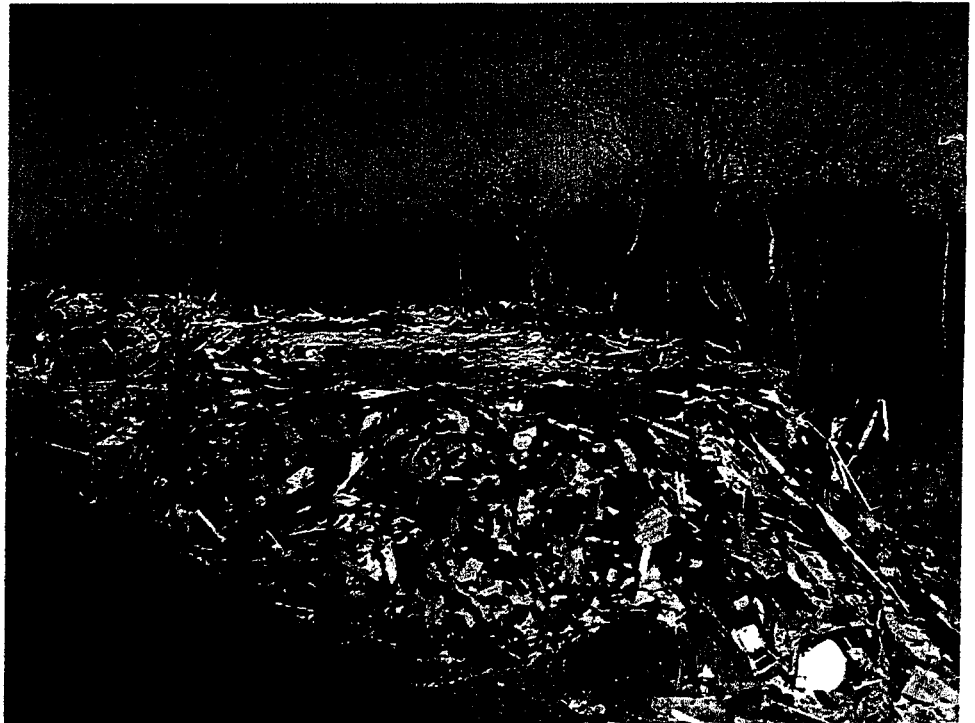
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 23

PHOTOGRAPH FILE NAME:
2038005004~02262004-023.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:12 AM

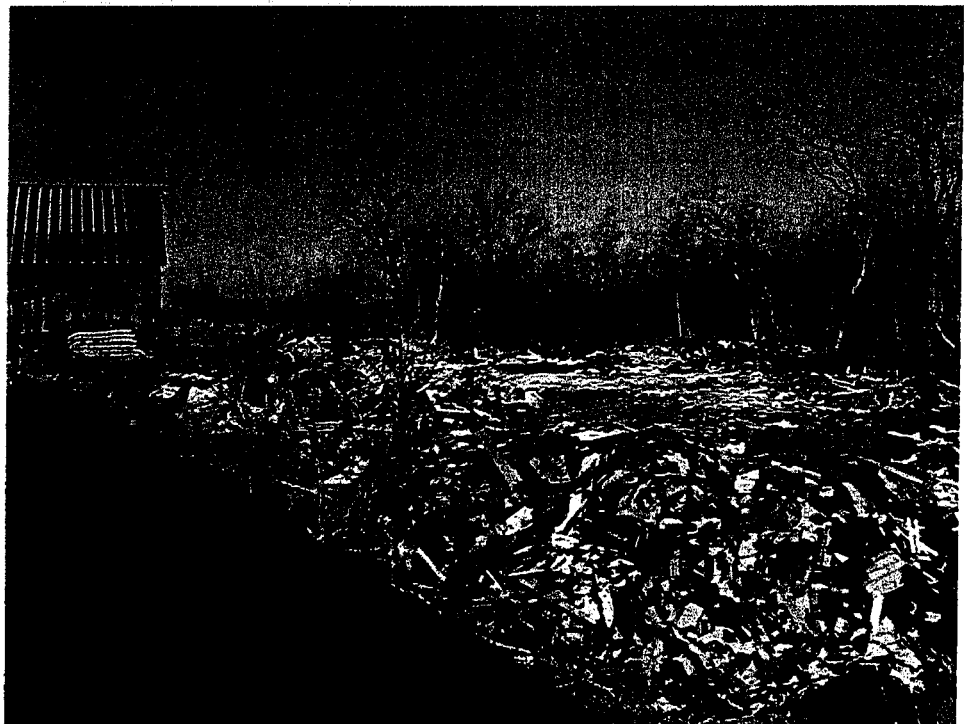
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 24

PHOTOGRAPH FILE NAME:
2038005004~02262004-024.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:14 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 25

PHOTOGRAPH FILE NAME:
2038005004~02262004-025.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 26

PHOTOGRAPH FILE NAME:
2038005004~02262004-026.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:22 AM

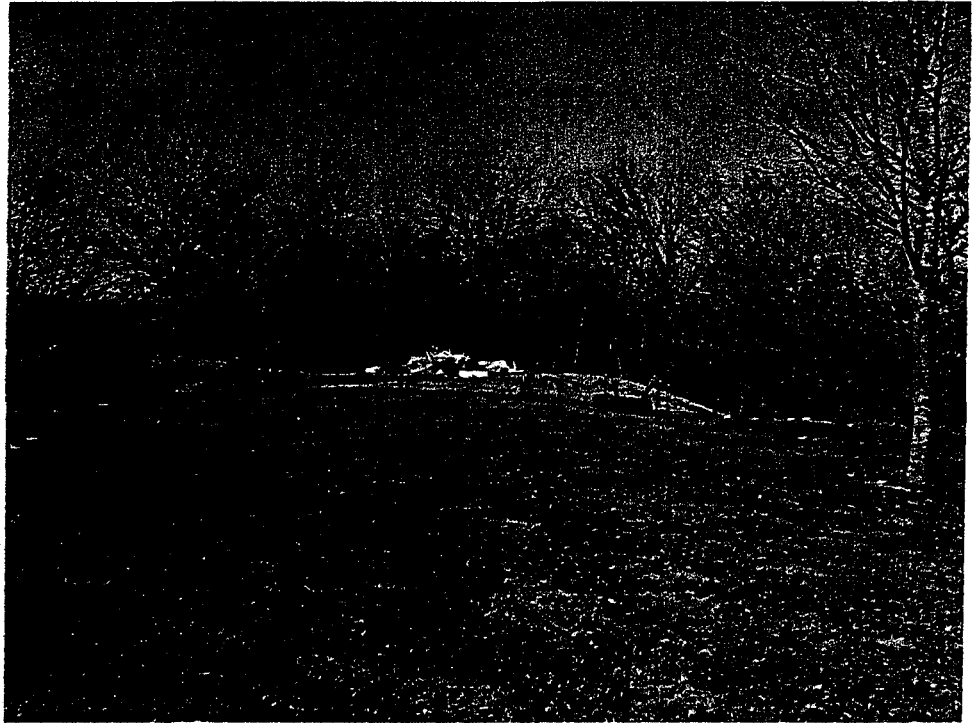
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 27

PHOTOGRAPH FILE NAME:
2038005004~02262004-027.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:27 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 28

PHOTOGRAPH FILE NAME:
2038005004~02262004-028.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 29

PHOTOGRAPH FILE NAME:
2038005004~02262004-029.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 30

PHOTOGRAPH FILE NAME:
2038005004~02262004-030.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 31

PHOTOGRAPH FILE NAME:
2038005004~02262004-031.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 32

PHOTOGRAPH FILE NAME:
2038005004~02262004-032.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 33

PHOTOGRAPH FILE NAME:
2038005004~02262004-033.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 34

PHOTOGRAPH FILE NAME:
2038005004~02262004-034.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 35

PHOTOGRAPH FILE NAME:
2038005004~02262004-035.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 36

PHOTOGRAPH FILE NAME:
2038005004~02262004-036.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 37

PHOTOGRAPH FILE NAME:
2038005004~02262004-037.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 38

PHOTOGRAPH FILE NAME:
2038005004~02262004-038.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:28 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 39

PHOTOGRAPH FILE NAME:
2038005004~02262004-039.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:30 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 40

PHOTOGRAPH FILE NAME:
2038005004~02262004-040.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:30 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 41

PHOTOGRAPH FILE NAME:
2038005004~02262004-041.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:31 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 42

PHOTOGRAPH FILE NAME:
2038005004~02262004-042.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:31 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 43

PHOTOGRAPH FILE NAME:
2038005004~02262004-043.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:31 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 44

PHOTOGRAPH FILE NAME:
2038005004~02262004-044.jpg

COMMENTS:



DATE: February 26, 2004

TIME: 11:31 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 45

PHOTOGRAPH FILE NAME:
2038005004~02262004-045.jpg

COMMENTS:



PROOF OF SERVICE

I hereby certify that I did on the 16th day of March 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

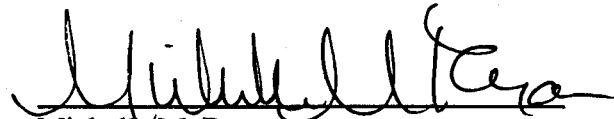
To: Robert & Rita Adams
1776 County Road 850E
Metamora, Illinois 61548

Tom Romero, d/b/a Arlyn Ray Exteriors
Romero Holdings, LLC
3514 Clinton Pkwy, Suite A112
Lawrence, Kansas 66047-2145

Arlyn Ray, d/b/a Arlyn Ray Exteriors
303 B Georgia Pkwy
Washington, Illinois 61571

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