

**LASALLE COUNTY STATE'S ATTORNEY**

**JOSEPH P. HETTEL**

13th Judicial Circuit  
707 East Etna Road, Room 251  
Ottawa, Illinois 61350  
Phone (815) 434-8340  
Fax (815) 434-8357

**RECEIVED**  
CLERK'S OFFICE

**OCT 25 2004**

STATE OF ILLINOIS  
Pollution Control Board

**STATE OF ILLINOIS**

**COUNTY OF LASALLE**

**ADMINISTRATIVE CITATION**

COUNTY OF LASALLE

Complainant

v.

EARL CAZEL

Respondent

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)  
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AC NO.

05-24

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

**FACTS**

1. That Respondent, Earl Cazel, is the present owner and/or operator of property located in Manlius Township, LaSalle County, Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and designated with Site Code No. 0998175007. Said facility is commonly known to the Agency as the Baugher Property.
3. That the Respondent has owned and/or operated said facility since February, 2004.
4. That on September 30, 2004, Christy Vargochik, Landfill Inspector, LaSalle County Department of Environmental Services and Development, under the authority of the Illinois Environmental Protection Agency, inspected the above described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

## VIOLATIONS

5. On the basis of direct observations of Christy Vargochik of the LaSalle County Department of Environmental Services and Development, it has been determined that the Respondents have caused or allowed open dumping at the above described facility in a manner which results in the following occurrences:

That on September 30, 2004, an on-site inspection of said facility disclosed the following:

- |     |   |
|-----|---|
| x x | Causing or allowing litter -- 415 ILCS 5/21 (p) (1), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (1) [formerly par. 1021 (q) (1)]).  |
|     | Causing or allowing scavenging operations -- 415 ILCS 5/21 (p) (2), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 102 (p) (2) [formerly par. 1021 (q) (2)]).  |
|     | Causing or allowing open burning -- 415 ILCS 5/21 (p) (3), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (3) [formerly par. 1021 (q) (3)]).   |
|     | Causing or allowing the deposition of waste in standing or flowing waters -- 415 ILCS 5/21 (p) (4), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (4) [formerly par. 1021 (q) (4)]).                         |
|     | Causing or allowing proliferation of disease vectors -- 415 ILCS 5/21 (p) (5), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (5) [formerly par. 1021 (q) (5)]).   |
|     | Causing or allowing the generation of standing or flowing liquid discharge from the open dump site -- 415 ILCS 5/21 (p) (6), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (6) [formerly par. 1021 (q) (6)]). |

## CIVIL PENALTY

6. Pursuant to 415 ILCS 5/42 (b) (4), formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1042 (b) (4), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each violation specified above in Paragraph 5(b) for a total of Fifteen Hundred Dollars (\$1500.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each finding of violation.
7. If you acknowledge the violations cited herein above, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service hereof. If you do not petition the Illinois Pollution Control Board of review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.
8. When payment is made, your check should be made payable to the **LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND DEVELOPMENT** and mailed to:

**LaSalle County Department of Environmental Services and Development**  
**119 West Madison Street**  
**Room 400**  
**Ottawa, Illinois 61350**

Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

9. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest from such penalty will be assessed for the period from the date payment is due until the date payment is received. If any civil penalty, by reason of acknowledgment, default or finding after the adjudicatory hearing is not paid when due, the LaSalle County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's Office will seek to recover their costs of litigation.

**PROCEDURE FOR CONTESTING THIS**  
**ADMINISTRATIVE CITATION**

10. You have the right to contest this Administrative Citation. See: 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. Copies of the Petition for Review should also be filed with:

Troy D. Holland  
LaSalle County Special Assistant State's Attorney  
707 Etna Road  
Ottawa, Illinois 61350

LaSalle County Department of Environmental Services and Development  
119 West Madison Street  
Room 400  
Ottawa, Illinois 61350

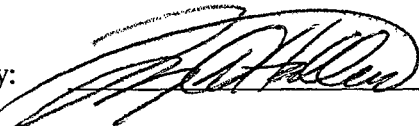
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

Clerk of the Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Dated: 10/07/04

Joseph P. Hettel  
LaSalle County State's Attorney

By: \_\_\_\_\_



Troy D. Holland  
Special Assistant State's Attorney

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT 25 2004

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF LASALLE )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 EARL CAZEL )  
 )  
 Respondent(s) )

AC NO. 05-34

REMITTANCE FORM

FACILITY: Earl Cazel Site Code: 0998175007  
407 E. South St. County: LaSalle  
Dwight, IL 60420 Township: Manlius

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: September 30, 2004

DATE REMITTED: \_\_\_\_\_

SS/FEIN NUMBER \_\_\_\_\_

SIGNATURES \_\_\_\_\_

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:

LaSalle County Department of Environmental Services and Development  
119 West Madison Street, Room 400  
Ottawa, IL 61350

# INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS

**NOTE: This Administrative Citation Refers to One State Agency and Two County Entities**

**The One State Agency Is:**

ILLINOIS POLLUTION CONTROL BOARD  
JAMES R. THOMPSON CENTER  
100 WEST RANDOLPH STREET, SUITE 11-500  
CHICAGO, ILLINOIS 60601

**The Two County Entities Are:**

LASALLE COUNTY STATE'S ATTORNEY OFFICE  
ATTENTION: TROY D. HOLLAND  
707 ETNA ROAD  
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND  
DEVELOPMENT  
119 WEST MADISON STREET  
ROOM 400  
OTTAWA, ILLINOIS 61350

**If you elect to contest the enclosed ADMINISTRATIVE CITATION, you must file a PETITION FOR REVIEW within thirty-five (35) days of the date the ADMINISTRATIVE CITATION was served upon you. Any such PETITION FOR REVIEW must be filed with the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD by either hand-delivering or mailing the PETITION FOR REVIEW to the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD at the address given above. A copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY STATE'S ATTORNEY'S OFFICE, ATTENTION: TROY D. HOLLAND at the address given above. Also, a copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND DEVELOPMENT at the address given above.**

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STATE OF ILLINOIS  
Pollution Control Board

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COUNTY OF LASALLE

COUNTY OF LASALLE )

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Respondent(s) )

AC NO. 05-34

AFFIDAVIT

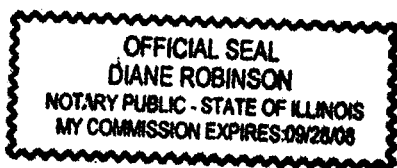
Affiant, Christy Vargochik, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On September 30, 2004 between 2:45 p.m. and 2:55 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Cazal Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998175007 by the Agency.
3. Affiant inspected the said Manlius Township / Cazal Property open dump site by an on-site inspection which included driving and photographing the site.
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report Forms attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Manlius Township / Cazal Property open dump.

*Christy L. Vargochik*  
Christy L. Vargochik, LaSalle County

Subscribed and Sworn to Before Me  
this 7<sup>th</sup> day of October, A.D. 2004.

*Diane Robinson*  
Notary Public



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CLERK'S OFFICE

OCT 25 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE )

Complainant )

v. )

EARL CAZEL )

Respondent(s) )

AC NO. 0534

PROOF OF SERVICE

The undersigned, after being first duly placed on oath, voluntarily deposes and states that she personally served the attached LaSalle County Administrative Citation, Informational Notice, Remittance Form, together with correct copies of the attached Inspector's Affidavit, the Inspection Report Form with attachments upon the following named person(s):

Earl Cazal  
407 E. South St.  
Dwight, IL 60420

or upon an authorized agent of such person(s) for the purpose of service of process upon such person(s), by:

( ) personal service

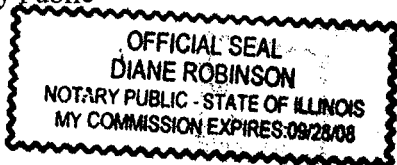
(xx) Certified Mail, postage pre-paid and deposited in the United States Mail, plainly addressed to such person(s) at the above-described location.

on this, the 7<sup>th</sup> day of October, A.D. 2004.

Christy L. Vargochik  
Christy L. Vargochik, LaSalle County

Subscribed and Sworn to Before Me  
this 7<sup>th</sup> day of October, A.D. 2004.

Diane Robinson  
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: LaSalle      LPC#: 0998175007      Region: 1 - Rockford  
 Location/Site Name: Manlius Twp. / Earl Cazel Property  
 Date: Sept. 30, 2004    Time: From 2:45p To 2:55p    Previous Inspection Date: July 14, 2004  
 Inspector(s): Christy Vargochik      Weather: Sunny and ~ 71°  
 No. of Photos Taken: # 6    Est. Amt. of Waste: 50 yds<sup>3</sup>    Samples Taken:    Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: Co 04-011

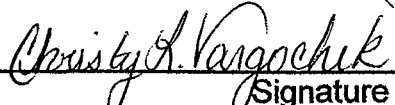
Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):

|  |  |
|--|--|
| Earl Cazel<br>407 E. South St.<br>Dwight, IL 60420 |  |
|--|--|

| SECTION   | DESCRIPTION  | VIOL                                |
|---|--|-------------------------------------|
| <b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b> |  |                                     |
| 1.  | 9(a) CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS  | <input type="checkbox"/>            |
| 2.  | 9(c) CAUSE OR ALLOW OPEN BURNING   | <input type="checkbox"/>            |
| 3.  | 12(a) CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS   | <input type="checkbox"/>            |
| 4.  | 12(d) CREATE A WATER POLLUTION HAZARD  | <input type="checkbox"/>            |
| 5.  | 21(a) CAUSE OR ALLOW OPEN DUMPING  | <input checked="" type="checkbox"/> |
| 6.  | 21(d) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:   |                                     |
|   | (1) Without a Permit   | <input type="checkbox"/>            |
|   | (2) In Violation of Any Regulations or Standards Adopted by the Board  | <input 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 type="checkbox"/>            |
|   | (4) Deposition of Waste in Standing or Flowing Waters  | <input type="checkbox"/>            |
|   | (5) Proliferation of Disease Vectors   | <input type="checkbox"/>            |
|   | (6) Standing or Flowing Liquid Discharge from the Dump Site  | <input type="checkbox"/>            |
|   | (7) Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris                              | <input type="checkbox"/>            |



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

  
 \_\_\_\_\_ LaSalle County  
 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 INSPECTION REPORT DOCUMENT

Date of Review: September 30, 2004  
Site Code: 0998175007

Inspector(s): Christy Vargochik  
Time: 2:45 p.m. – 2:55 p.m.

## GENERAL REMARKS

A solid waste landfill inspection was performed on September 30, 2004, by Christy Vargochik representing the LaSalle County Department of Environmental Services and Development under the delegated authority of the Illinois Environmental Protection Agency at the property of Earl Cazel. The property is located on East US Route 6, Section 24, Manlius Township, Seneca, Illinois. During the inspection the following was noted: causing or allowing open dumping; disposing and storing of waste at a site not meeting requirements of the Act and Regulations; causing or allowing the open dumping in a manner which is resulting in litter at the dump site; causing or allowing the open dumping of waste tires, and; failure to submit an application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 71 degrees.

I arrived at the site at 2:45 p.m. I could see that a large tree had fallen down over the "driveway". I was able to access the property, because there was enough room to drive around the fallen tree. I paused to photograph the truck filled with debris (photo 958.72). I looked to the southeast, and photographed the large piles of debris (photo 958.73). I resumed the inspection by driving around to the south side of the debris piles. When I reached the last pile, I noticed some new shingles had been dumped in the pile (photo 958.74). I looked to the northeast, and saw some tires in the weeds (photo 958.75). I turned the southeast corner of the pile, and saw at least 6 more tires near the pile (photo 958.76). I continued the inspection by heading in a westerly direction on the north side of the piles. I took a picture of some household waste, blankets, and other items in among the landscape debris (photo 958.77). At this time, I concluded the inspection, and left the site at 2:55 p.m.

## EXPLANATION OF PHOTOGRAPHS

- 958.72 Shows the truck filled with debris. Photo taken facing east.
- 958.73 Shows the large piles of debris. Photo taken facing southeast.
- 958.74 Shows some new shingles dumped in the pile. Photo taken facing north.
- 958.75 Shows some tires in the weeds. Photo taken facing northeast.
- 958.76 Shows six more tires near the last pile. Photo taken facing northwest.
- 958.77 Shows some household waste, blankets, and other items in among the landscape debris. Photo taken facing south.

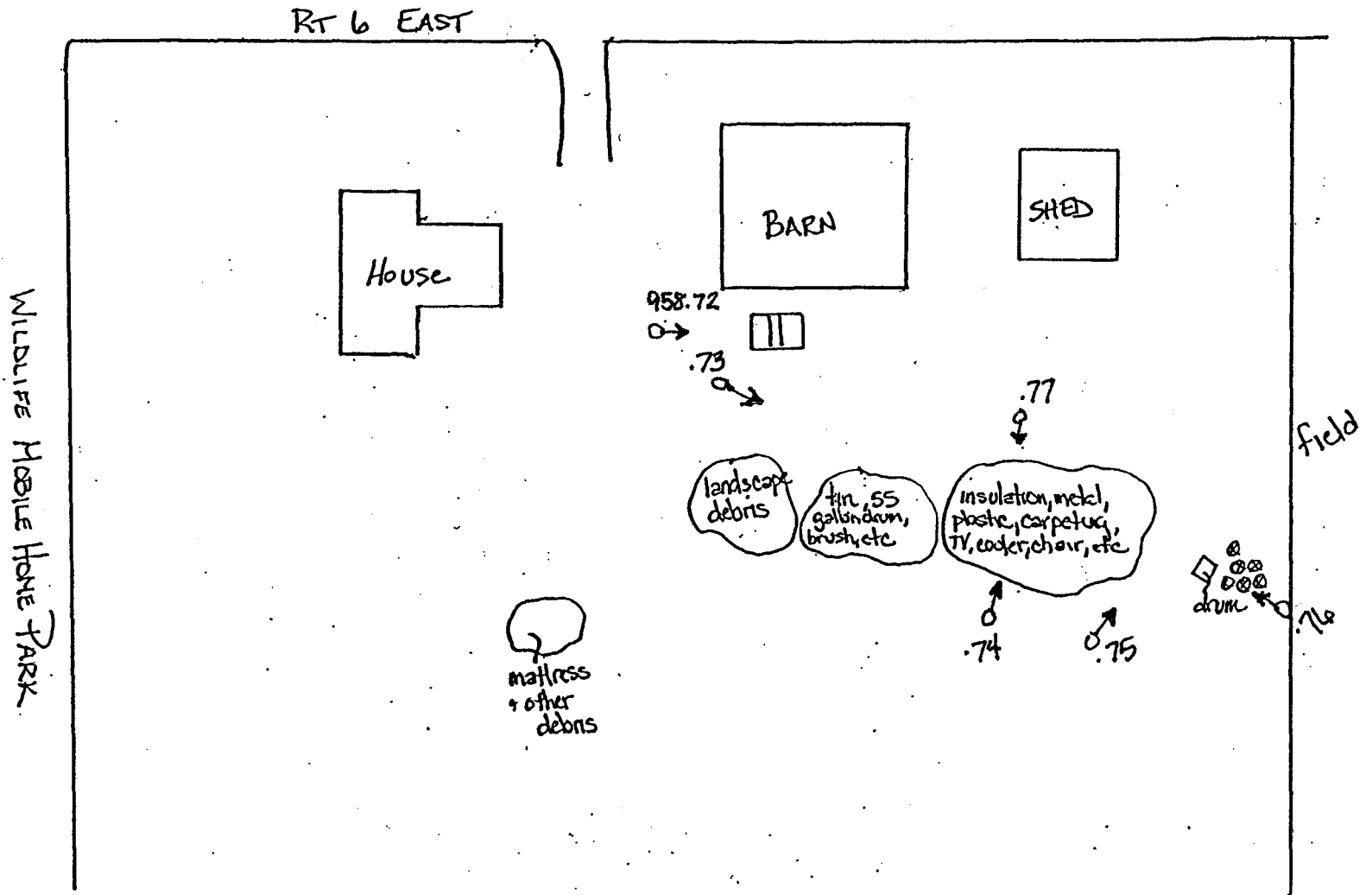
cazelnar

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH


Date of inspection: SEPT. 30, 2004 Inspector: CHRISTY VARGOCHIK  
Site code: 099B175007 County: LASALLE  
Site name: CAZEL PROPERTY Time: 2:45pm - 2:55p.m.

N ↑



- \* - NOT DRAWN TO SCALE
- ⊙ - WASTE TIRE
- ▢ - VEHICLE
- ♂ - PLANTS TAKEN


# INSPECTION PHOTOS

|   |   |
|---|---|
| DATE: <u>09 / 30 / 04</u>   | SITE#: <u>0 9 9 8 1 7 5 0 0 7</u> CO.: LASALLE                                      |
| TIME: 2:47 P.M.   | SITE NAME: Cazel Property   |
| PHOTOGRAPH TAKEN BY:<br><b>Christy Vargochik</b>                    |  |
| COMMENTS: Picture taken toward:                                     |   |
| -----<br>East<br>-----<br>-----<br>-----<br>-----<br>-----<br>----- |   |
| DISK#: 958 PHOTO#: 72   |   |

|  |
|--|
| DATE: <u>09 / 30 / 04</u>  |
| TIME: 2:49 P.M.  |
| PHOTOGRAPH TAKEN BY:<br><b>Christy Vargochik</b>                         |
| COMMENTS: Picture taken toward:  |
| -----<br>Southeast<br>-----<br>-----<br>-----<br>-----<br>-----<br>----- |
| DISK #: 958 PHOTO #: 73  |




# INSPECTION PHOTOS

|   |   |
|---|---|
| DATE: <u>09 / 30 / 04</u>                                   | SITE#: <u>0 9 9 8 1 7 5 0 0 7</u> CO.: LASALLE                                      |
| TIME: 2:51 P.M.   | SITE NAME: Cazel Property   |
| PHOTOGRAPH TAKEN BY:<br>Christy Vargochik                   |  |
| COMMENTS: Picture taken toward:                             |   |
| -----<br>North<br>-----<br>-----<br>-----<br>-----<br>----- |   |
| DISK#: 958 PHOTO#: 74                                       |   |

|   |
|---|
| DATE: <u>09 / 30 / 04</u>                                       |
| TIME: 2:52 P.M.   |
| PHOTOGRAPH TAKEN BY:<br>Christy Vargochik                       |
| COMMENTS: Picture taken toward:                                 |
| -----<br>Northeast<br>-----<br>-----<br>-----<br>-----<br>----- |
| DISK #: 958 PHOTO #: 75   |



# INSPECTION PHOTOS

|   |   |
|---|---|
| DATE: <u>09/30/04</u>   | SITE#: <u>0 9 9 8 1 7 5 0 0 7</u> CO.: LASALLE                                      |
| TIME: 2:53 P.M.   | SITE NAME: Cazel Property   |
| PHOTOGRAPH TAKEN BY:<br>Christy Vargochik                       |  |
| COMMENTS: Picture taken toward:                                 |   |
| -----<br>Northwest<br>-----<br>-----<br>-----<br>-----<br>----- |   |
| DISK#: 958 PHOTO#: 76   |   |

|   |
|---|
| DATE: <u>09/30/04</u>                                       |
| TIME: 2:54 P.M.   |
| PHOTOGRAPH TAKEN BY:<br>Christy Vargochik                   |
| COMMENTS: Picture taken toward:                             |
| -----<br>South<br>-----<br>-----<br>-----<br>-----<br>----- |
| DISK #: 958 PHOTO #: 77                                     |

