

RECEIVED CLERK'S OFFICE

NOV 23 2004

STATE OF ILLINOIS Pollution Control Board

# OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan

November 8, 2004

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

Re:

People v. Michel Grain Company, Inc.

PCB No. 96-143

Dear Clerk Gunn:

Enclosed for filing please find the original and five copies of SUBPOENAS served on TOM FERRELL, TODD GENTLES, VAL GIBBONS, BILL DELAP, VERNON MAYBERRY, GENE DELAP, and VICTOR KNIGHT, in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours.

Phillip McQuillan Environmental Bureau 500 South Second Street Springfield, Illinois 62706 (217) 782-9031

PM/pp Enclosures

RECEIVED CLERK'S OFFICE

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NOV 2 3 2004

PEOPLE OF THE STATE OF ILLINOIS,	)	STATE OF ILLINOIS Pollution Control Board
Complainant,	)	
vs.	) PCB 96-143 ) (Enforcement-Water)	
MICHEL GRAIN COMPANY, INC., a/k/a MICHEL FERTILIZER, an Illinois corporation, CARYLE MICHEL, and	) ) )	
RONNIE TODD,	) )	
Respondents.	)	

#### **NOTICE OF FILING**

To:

Doug Antonik

Antonik Law Offices

411 Main Street

Mt. Vernon, IL 62864

F. William Bonan

Bonan and Bonan and Rowland

P.O. Box 309

McLeansboro, IL 62859

PLEASE TAKE NOTICE that on this date, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, SUBPOENAS served on TOM FERRELL, TODD GENTLES, VAL GIBBONS, BILL DELAP, VERNON MAYBERRY, GENE DELAP, and VICTOR KNIGHT, copies of which are attached hereto and herewith served upon you.

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

PHILLIP McQUILLAN

Assistant Attorney General Environmental Bureau

500 South Second Street Springfield, Illinois 62706 217/782-9031

Dated: November 19, 2004

#### **CERTIFICATE OF SERVICE**

I hereby certify that I did on November 19, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box true and correct copies of the following instruments entitled SUBPOENAS served on TOM FERRELL, TODD GENTLES, VAL GIBBONS, BILL DELAP, VERNON MAYBERRY, GENE DELAP, and VICTOR KNIGHT

To:

Doug Antonik

Antonik Law Offices

411 Main Street

Mt. Vernon, IL 62864

F. William Bonan

Bonan and Bonan and Rowland

P.O. Box 309

McLeansboro, IL 62859

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To:

Dorothy Gunn, Clerk

Illinois Pollution Control Board James R. Thompson Center

Suite 11-500

100 West Randolph

Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To:

Carol Webb

Hearing Officer

Pollution Control Board

1021 North Grand Avenue East

Springfield, Illinois 62702

Phillip McQuillan

Assistant Attorney General

This filing is submitted on recycled paper.

### Before the Illinois Pollution Control Board

RECEIVED CLERK'S OFFICE

NOV 2 3 2004

PEOPLE	OF THE STATE OF ILLINOIS,	) )	· was	STATE OF Pollution Co	ILLINOIS introl Board
		)		_	
	Complainant/Petitioner,	) ) PCE	3 96-143	_	
٧.		) ) )		· .	
MICHEL F	RAIN COMPANY, INC., d/b/a ERTILIZER, an Ill. corp., ICHEL, RONNIE TODD and	) ) )			
RONNIE T	ODD LAND TRUST,	)			
·	Respondent.	) ) )			
	SUBPOENA/SUBPOE	NA DUCES	S TECUM	* .	
TO: T	OM FERRELL		·		
	roughton Road		•		
_ <u>E</u>	ldorado, IL 62930		· .		
Pu	rsuant to Section 5(e) of the Enviro	onmental Pr	otection Act (4	15 ILCS 5/5(e)	
2000)) and	135 III. Adm. Code 101.622, you	are ordered	to attend and g	tive testimony at	
he hearing	/deposition in the above-captioned	matter at _	11:00		
<b>A.</b> .m.	On November 17	20 04	, at		
TEXTA	or Office of Roper and Person	116 8	Manka to Charles	·	
	w Office of Bonan and Bonan, sboro, IL 62859	<u>iio East</u>	<u>rarket Street</u>		

You are also ordered to bring with you documents relevant to the matter under
consideration and designated herein: any business records, accounting records tax records, writings or tax returns related to or connected with Miche Grain Company, Inc., Michel Fertilizer; Carlyle Michel; or Michel Cotte
Plant Foods, Inc., and the grain elevator and/or fertilizer/aricultural chemical facility located in Ina, Illinois, and the facility located in
Broughton, Illinois, for the time period from 1986 to 1996.
Failure to comply with this subpoena will subject you to sanctions under 35 Ill.
Adm. Code 101.622(g), 101.800, and 101.802.
ENTER:
Donaly Mr. Thind
Dorothy M. Gunn, Clerk Pollution Control Board
Date: November 8, 2004
CERTIFICATE OF SERVICE
I,, certify that on this day of
by depositing same in United States First Class Mail, postage prepaid.

	I, MICHAEL	ANTHIS	,	served this	SUBPOEN	VA/SU	JBPOENA
DUCE	S TECUM by ha	and delivering	a copy to	70m	FERRE	26	
on	11-14-20	04	2004, alo	ng with a	check in		amount of
\$24.00	for a witness	fee.	M	ihad	anti	Ly	
						(Sig	gnature)
20 <u>04</u>	Subscribed and s	worn to before	e me this _	/C/A day	y of <i>My</i>	ems	íel)
		4	K	) epgy S	Notary Publ	Let ic	mt_
		*					

GY J. POITEVINT

BUBLIC, STATE OF ILLINOIS

CON EXPIRES 4-16-2006

•	Before the Illinois Pol	lution Control Board	RECEIVED CLERK'S OFFICE
PEOPLE	E OF THE STATE OF ILLINOIS,		NOV 2 3 2004
	) )		STATE OF ILLINOIS Pollution Control Board
<u> </u>	)		•
	Complainant/Petitioner, )	PCB 96-143	
. \	/.		
MICHEL	GRAIN COMPANY, INC., d/b/a ) FERTILIZER, an Ill. corp., ) MICHEL, RONNIE TODD and		
	TODD LAND TRUST,		
	) Respondent. )		
	<u>SUBPOENA/SUBPOEN</u>	A DUCES TECUM	
TO:	Todd Gentles	· · · · · · · · · · · · · · · · · · ·	
	400 Aviation Road		
	Mt Vernon, IL 62864		
Pı	ursuant to Section 5(e) of the Enviror	imental Protection Act (4	15 ILCS 5/5(e)
(2000)) an	id 35 III. Adm. Code 101.622, you ai	re ordered to attend and g	give testimony at
the hearing	g/deposition in the above-captioned n	natter at 9:00	and the second s
A m	on November 22	20.04 at	
		,	
Thē La	aw Office of Bonan and Bonan, I	16 East Market Street	<del></del>
McLear	nsboro, IL 62859		

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein: any business records, accounting record tax records, writings or tax returns related to or connected with Mich Grain Company, Inc., Michel Fertilizer; Carlyle Michel; or Michel Cott Plant Foods, Inc., and the grain elevator and/or fertilizer/aricultura
chemical facility located in Ina, Illinois, and the facility located i
Broughton, Illinois, for the time period from 1986 to 1996.
Failure to comply with this subpoena will subject you to sanctions under 35 Il
Adm. Code 101.622(g), 101.800, and 101.802.
ENTER:
Dutly M. Thurst
Dorothy M. Gunn, Clerk Pollution Control Board
Date: November 8, 2004
CERTIFICATE OF SERVICE
I,, certify that on this da  of, I caused copies of the SUBPOENA/SUBPOENA  DUCES TECUM to be served upon the following:

by depositing same in United States First Class Mail, postage prepaid.

	, served this SUBPOENA/SUBPOENA
DUCES TECUM by hand delivering	g a copy to TOOD GENTET
on <u>//-/5</u>	2004, along with a check in the amount of
\$20.00 for a witness fee.	m-6000
	(Signature)
Subscribed and sworn to before 20_0H	ore me this 19th day of Morember
	Regist Portunit

	before the fitthors r	ondition Collifor Board	CLERK'S OFFICE
PEOP	LE OF THE STATE OF ILLINOIS,	)	NOV 2 3 2004
		)	STATE OF ILLINOIS Pollution Control Board
	Complainant/Petitioner,	) ) PCB <u>96-143</u>	
MICHEI CARYLE	V.  GRAIN COMPANY, INC., d/b/a FERTILIZER, an III. corp., MICHEL, RONNIE TODD and TODD LAND TRUST,  Respondent.  SUBPOENA/SUBPOE	) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) )	
TO:	Val Gibbons	NA DOCES TECUM	
	ARDL, Inc.		
	400 Aviation Road Mt. Vernon, IL 62864		
	Pursuant to Section 5(e) of the Enviro	onmental Protection Act (	(415 ILCS 5/5(e)
(2000)) a	and 35 III. Adm. Code 101.622, you a	are ordered to attend and	give testimony at
the heari	ng/deposition in the above-captioned	matter at 10:00	
<u>A.</u> .m	n. on November 22	_ 20 <u>04</u> . at	
<u>The l</u>	Law Office of Bonan and Bonan,	116 East Market Stre	et,
McLea	ansboro, IL 62859		·
			•

· ·		
You are also ordered to bring with you o	locuments relevant to the matter und	ler
consideration and designated herein: an tax records, writings or tax retu Grain Company, Inc., Michel Ferti	rns related to or connected w	ith Miche
Plant Foods, Inc., and the grain chemical facility located in Ina,		
Broughton, Illinois, for the time	period from 1986 to 1996.	
Failure to comply with this subpo	oena will subject you to sanctions u	nder 35 III.
Adm. Code 101.622(g), 101.800, and 10	1.802.	
	ENTER:	*
	Dudly M. Jam	<u> 1</u>
	Dorothy M. Gunn, Clerk Pollution Control Board	
	Date: November 8, 2004	· 
CERTIFICA	TE OF SERVICE	
I,	, certify that on this, aused copies of the SUBPOENA/SU	day JBPOENA
· · · · · · · · · · · · · · · · · · ·		
	·	

by depositing same in United States First Class Mail, postage prepaid.

I,	MICHAEL	ANTHIS	,	served this	SUBPOEN.	A/SUBPOE	NA
	ECUM by har						
on	11-15 -	<del></del>	20 <u>04, al</u>	ong with a	check in	the amoun	t of
\$20.00 fo	r a witness	fee.	Me	ihal (	milk		
						(Signature)	
Sub 20 <u>04</u>	scribed and sv	worn to befor	e me this _	1944 day	of Ny	em ber	
			/	) (	7 /).	+ not	
			-	SAF XI	otary Public	( <i>1.2011</i> )	<b></b>
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				,.	FFICIAL S		
· .				<b>;</b> •• .	TY PUBLIC, STATE	OF ILLINOIS ES 4-16-2006	

Before the Illinois Pollution Control Board	RECEIVED CLERK'S OFFICE
PEOPLE OF THE STATE OF ILLINOIS, )	NOV 2 3 2004
	STATE OF ILLINOIS Pollution Control Board
Complainant/Petitioner, ) PCB 96-143  v. )	
MICHEL GRAIN COMPANY, INC., d/b/a  MICHEL FERTILIZER, an Ill. corp.,  CARYLE MICHEL, RONNIE TODD and  RONNIE TODD LAND TRUST,	
Respondent.	
SUBPOENA/SUBPOENA DUCES TECUM	
TO: BILL DELAP	
Route 1, Box 130	
Broughton, IL 62817	
Pursuant to Section 5(e) of the Environmental Protection Act	(415 ILCS 5/5(e)
(2000)) and 35 III. Adm. Code 101.622, you are ordered to attend and	give testimony at
the hearing/deposition in the above-captioned matter at 1:00	
Pm. on November 17 2004 , at	
The Law Office of Bonan and Bonan, 116 East Market Stre	et,
McLeansboro, IL 62859	
,	

usiness records, accounting records, related to or connected with Michel er; Carlyle Michel; or Michel Cotter vator and/or fertilizer/aricultural linois, and the facility located in riod from 1986 to 1996.
related to or connected with Michel er; Carlyle Michel; or Michel Cotter vator and/or fertilizer/aricultural linois, and the facility located in riod from 1986 to 1996.
riod from 1986 to 1996.
a will subject you to sanctions under 35 Ill.
02.
ENTER:
Dorothy M. Gunn, Clerk Pollution Control Board
Date: November 8, 2004
OF SERVICE
, certify that on this day ed copies of the SUBPOENA/SUBPOENA wing:

I, MICHAEL ANTHIS		, served this	SUBPOENA	/SUBPOENA
DUCES TECUM by hand delivering	a copy to	DAVIO	DELAP	
on //-12	20 <b>04</b>		along with a	a check in the
amount of \$22.10 for a witness	fee.	1	antho	
	7	IZ AI	16	(Signature)
		Vila.	a 1\int \alpha \cdots	
Subscribed and sworn to before 20_0.	re me this	197-h day	of <i>J. [VVV]</i>	noec_
		Reciel	7. Porto	TM
		219 1	lotary Public	· · · · · · · · · · · · · · · · · · ·

## RECEIVED CLERK'S OFFICE Before the Illinois Pollution Control Board NOV 2 3 2004 PEOPLE OF THE STATE OF ILLINOIS, STATE OF ILLINOIS Pollution Control Board Complainant/Petitioner, PCB 96-143 MICHEL GRAIN COMPANY, INC., d/b/a MICHEL FERTILIZER, an Ill. corp., CARYLE MICHEL, RONNIE TODD and RONNIE TODD LAND TRUST, Respondent. SUBPOENA/SUBPOENA DUCES TECUM VERNON MAYBERRY TO: R.R. 1, Box 114B Broughton, IL 62817-9760 Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2000)) and 35 III. Adm. Code 101.622, you are ordered to attend and give testimony at the hearing/deposition in the above-captioned matter at 3:00 P. .m. on November 17 20 04 The Law Office of Bonan and Bonan, 116 East Market Street, McLeansboro, IL 62859

You are also order	ed to bring with you	documents relevant to the matter	ınder
tax records, wr	itings or tax ret	ny business records, account urns related to or connected iliżer; Carlyle Michel; or M	with Miche
		elevator and/or fertilizer/, Illinois, and the facility	
Broughton, Illi	nois, for the time	e period from 1986 to 1996.	. •
Failure to	comply with this subp	poena will subject you to sanctions	under 35 III.
Adm. Code 101.62	2(g), 101.800, and 10	01.802.	
		ENTER:	
· ·		A	
	***	Dorothy Mr. Then	<u></u>
		Dorothy M. Gunn, Clerk Pollution Control Board	
		Date: November 8, 2004	
	CERTIFICA	ATE OF SERVICE	
I,		, certify that on this	day
of DUCES TECUM to	20, I observed upon the	caused copies of the SUBPOENA/ following:	SUBPOENA
	·	·	
by depositing same	in United States First	Class Mail, postage prepaid.	.* 
			Signature)

I, MICHAEL ANTHIS	, served this SUE	BPOENA/SUBPOENA
DUCES TECUM by hand delivering a continuous statement of the statement of	copy to VERNON A	MAYBERRY
	04, along with a che	
\$22.10 for a witnéssafee.	m. 11	uthi
	If the hear Ch	(Signature)
Subscribed and sworn to before n	ne this <u>1944</u> day of _	November
	Reguy Notary	aturm Public

	Before the Illinois Pollution Control Board	RECEIVED CLERK'S OFFICE
PEOP	LE OF THE STATE OF ILLINOIS, )	NOV 2 3 2004
	) )	STATE OF ILLINOIS Pollution Control Board
MICHEI CARYLE	Complainant/Petitioner, ) PCB 96-143  v. )  L GRAIN COMPANY, INC., d/b/a )  FERTILIZER, an Ill. corp., )  MICHEL, RONNIE TODD and )  TODD LAND TRUST, )  Respondent. )  SUBPOENA/SUBPOENA DUCES TECUM	
TO:	GENE DELAP Route 1, Box 233A	
	Broughton, IL 62817	
	Pursuant to Section 5(e) of the Environmental Protection Act (415	ILCS 5/5(e)
(2000))	and 35 III. Adm. Code 101.622, you are ordered to attend and giv	e testimony at
the hear	ing/deposition in the above-captioned matter at 2:00	
. P .	m. on November 17 2004 , at	
	Law Office of Bonan and Bonan, 116 East Market Street, eansboro, IL 62859	
		<u> </u>
		· · · · · · · · · · · · · · · · · · ·

considerat	ion and designated herein: any business records, accounting records ords, writings or tax returns related to or connected with Miche ompany, Inc., Michel Fertitizer; Carlyle Michel; or Michel Cotte
	ods, Inc., and the grain elevator and/or fertilizer/aricultural facility located in Ina, Illinois, and the facility located in
Broughto	n, Illinois, for the time period from 1986 to 1996.
Fa	nilure to comply with this subpoena will subject you to sanctions under 35 Ill.
Adm. Cod	e 101.622(g), 101.800, and 101.802.
	ENTER:
	Dorothy M. Gunn, Clerk Pollution Control Board
	Date: November 8, 2004
	CERTIFICATE OF SERVICE
of	, certify that on this day  20 , I caused copies of the SUBPOENA/SUBPOENA
DUCES II	ECUM to be served upon the following:
by depositing	ng same in United States First Class Mail, postage prepaid.
	(Signature)

	I, MICHAEL	ANTHIS	, served this	SUBPOENA	/SUBPOENA
DUC	ES TECUM by hand	delivering a copy	to GENE	DELAP.	·
on	11-12	20 <b>04</b>	a	longowith	a check in the
amoui	nt of \$22.10 for a	witness fee.	Michael D. Al		
,			IZ Al	6	(Signature)
20 <u>0</u>	Subscribed and swo	rn to before me th	is <u>19</u> /h day	of <u>/////</u>	cm bei
		· · · · · · · · · · · · · · · · · · ·	Right Pine	Porter otary Public	rnt

Before the Illinois Pollution Control Board RECEIVED CLERK'S OFFICE PEOPLE OF THE STATE OF ILLINOIS, NOV 2 3 2004 STATE OF ILLINOIS Pollution Control Board Complainant/Petitioner, PCB 96-143 MICHEL GRAIN COMPANY, INC., d/b/a MICHEL FERTILIZER, an Ill. corp., CARYLE MICHEL, RONNIE TODD and RONNIE TODD LAND TRUST, Respondent. SUBPOENA/SUBPOENA DUCES TECUM TO: VICTOR KNIGHT Knight Trucking Route 5 McLeansboro, IL 62859 Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2000)) and 35 III. Adm. Code 101.622, you are ordered to attend and give testimony at the hearing/deposition in the above-captioned matter at 4:00 P. .m. on November 17 20 04 The Law Office of Bonan and Bonan, 116 East Market Street, McLeansboro, IL 62859

chemical facility located in Ina, Illinois, and the facility located Broughton, Illinois, for the time period from 1986 to 1996.  Failure to comply with this subpoena will subject you to sanctions under 35 Adm. Code 101.622(g), 101.800, and 101.802.  ENTER:  Dorothy M. Gunn, Clerk Pollution Control Board  Date: November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this, cod	in
Adm. Code 101.622(g), 101.800, and 101.802.  ENTER:  Dorothy M. Gunn, Clerk Pollution Control Board  Date: November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this of 20, I caused copies of the SUBPOENA/SUBPOEN  DUCES TECUM to be served upon the following:	:
Adm. Code 101.622(g), 101.800, and 101.802.  ENTER:  Dorothy M. Gunn, Clerk Pollution Control Board  Date:November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this of	·
ENTER:   Dorothy M. Gunn, Clerk Pollution Control Board  Date: November 8, 2004  CERTIFICATE OF SERVICE  I, certify that on this of correct of the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	Ill.
Dorothy M. Gunn, Clerk Pollution Control Board  Date: November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this compared to the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	
Dorothy M. Gunn, Clerk Pollution Control Board  Date:	
Dorothy M. Gunn, Clerk Pollution Control Board  Date:	
Dorothy M. Gunn, Clerk Pollution Control Board  Date:	
Pollution Control Board  Date: November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this  of 20, I caused copies of the SUBPOENA/SUBPOEN  DUCES TECUM to be served upon the following:	
Date: November 8, 2004  CERTIFICATE OF SERVICE  I,, certify that on this  of, I caused copies of the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	
CERTIFICATE OF SERVICE  I,, certify that on thiscof, I caused copies of the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	
I,, certify that on this composed in the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	<del></del>
I,, certify that on this composed in the SUBPOENA/SUBPOENDUCES TECUM to be served upon the following:	
of	
DUCES TECUM to be served upon the following:	day
	NA. 
y depositing same in United States First Class Mail, postage prepaid.	
y depositing same in officed states it has class wait, postage prepaid.	
(Signature)	

I, MICHAEL ANTHIS	, served this SUBPOENA/SUBPOENA
DUCES TECUM by hand delivering	a copy to VI CTOR KNIGHT
on //-/2	$20_{-}04$ , along with a check in the amount of
\$20.00 for a witness fee.	Michael Centho (Signature)
	Z A/6 (Signature)
Subscribed and sworn to befo	re me this 1914 day of November
	Pering On Particular Public