

RECEIVED
CLERK'S OFFICE

FEB 03 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-52

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

FEB 03 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ROBERT DANIEL SPEARS,)
)
Respondent.)


AC 05-52
(IEPA No. 9-05-AC)

NOTICE OF FILING

To: Robert Daniel Spears
P.O. Box 21
Beardstown, Illinois 62618

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,


James M. Kropid
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: February 1, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

ROBERT DANIEL SPEARS,

Respondent.

AC 05-52
(IEPA No. 9-05-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 Daniel Spears ("Respondent") is the present owner and operator of a facility located at 4791 U.S. Highway 67, Beardstown, Cass County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hagener Township/ Spears.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0178055003.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on December 15, 2004, Charlie King of the Illinois Environmental Protection Agency's Springfield 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 Charlie King during the course of his December 15, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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 Respondent 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is 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 Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 1, 2005, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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, Respondent 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 Respondent fails to petition or elects 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, Respondent 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 Respondent 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has 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 Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.

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

Date: 2/1/05

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

RECEIVED
CLERK'S OFFICE

FEB 03 2005

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
V.)
ROBERT DANIEL SPEARS,)
Respondent.)

AC 05-52
(IEPA No. 9-05-AC)

FACILITY: Hager Township/Spars SITE CODE NO.: 0178055003
COUNTY: Cass CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: December 15, 2004

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

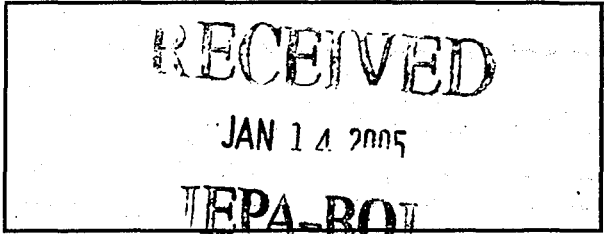
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Cass LPC#: 0178055003 Region: Springfield
 Location/Site Name: Hagener Twp./Spears
 Date: 12/15/2004 Time: From 1350 To 1415 Previous Inspection Date: 09/02/2004
 Inspector(s): Charlie King and David C. Jansen Weather: Sunny, 80 deg. F., Winds W @ 10 mph.
 No. of Photos Taken: # 14 Est. Amt. of Waste: 56 yds³ Samples Taken: Yes # No
 Interviewed: None Complaint #: C-05-013-C

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

Robert Spears
 P. O. Box 21
 Beardstown, IL 62618
 217/323-3679 (H)
 217/622-8111 (Mobile/Cell)

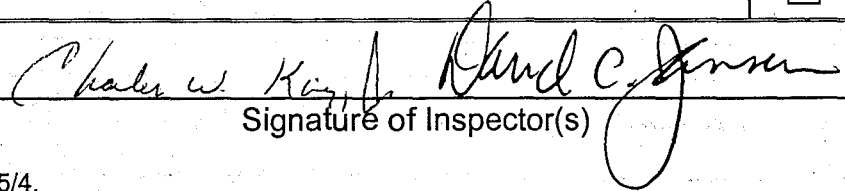


	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS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

LPC # 0178055003

Inspection Date: 09/02/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: January 5, 2005
TO: Land Division File
FROM: *ofc* Charlie King, DLPC/FOS – Springfield Region
SUBJECT: LPC # 0178055003 – Cass County
Hagener Twp./Spears
C-05-013-C
FOS File

RECEIVED

JAN 11 2005

IEPA-BOL

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of a re-inspection conducted at the subject site on December 15, 2004 from approximately 1:50 p.m. until 2:15 p.m., by this author. I was accompanied on the re-inspection by David C. Jansen, Manager, IEPA/DLPC/FOS – Springfield Region, and, Kristin Laughridge, Assistant Attorney General (AAG), Illinois Attorney General's Office (IAGO). The re-inspection was conducted to follow-up the September 2, 2004 initial site inspection, which was in response to a complaint received at the DLPC/FOS – Springfield Regional Office. The original site inspection was reported in the Narrative Inspection Report Document Memorandum to the Land Division File, from this author, dated September 21, 2004. That initial inspection resulted in the issuance of two identical Administrative Citation Warning Notices (ACWNs). One was mailed to Robert and Dusty Spears, and the other to Bobbye Spears. No response to the ACWN was received from Robert or Dusty Spears. However, it turns out that although Bobbye Spears' name was on the Warranty Deed for the property, she was divorced from Robert Spears. On her behalf, her attorney, Thomas L. Veith of Bellatti, Fay, Bellatti & Beard Law Offices in Jacksonville, Illinois, sent a letter to the Illinois EPA dated November 30, 2004. That letter points out that Mr. and Mrs. Spears had separated in the fall of 2002 and during that time, Mr. Spears and his sons had possession of the property. Further, in the Judgment of Dissolution of Marriage, which Mr. Veith attached to his letter, as part of the settlement, Mr. Spears caused the conditions that resulted in the ACWN, and the Spears' agreed that Mr. Spears should be responsible for the cleanup of the marital residence, and any costs of cleanup or fines levied by the Illinois EPA. It further states that "...Husband shall remove all vehicles currently stored upon the above premises **and other waste** within 30 days from the date hereof...and hold Wife harmless from any liability...in violation of the Illinois Environmental Protection Act, including clean up costs and fines that may be imposed by such violations (ref. State of Illinois, In the Circuit Court for the Eighth Judicial Circuit, County of Cass, Marital Settlement Agreement No. 02-D-73, Article II, Marital Residence)." The Judgment for Dissolution

of Marriage was signed by both Robert Daniel Spears and Bobbye Jeanette Spears, their attorneys and the judge assigned to the case. It was dated October 4, 2004, more than 30 days prior to the re-inspection.

The re-inspection resulted in the finding that evidence of open dumping and open burning were still present at the property. Dusty Spears had removed all vehicles that were inoperable that were his responsibilities.

The site is located approximately five miles south of the City of Beardstown at 4791 U. S. Highway 67 South. This property is on the northwest corner of the intersection of U. S. Highway 67 South and (LaGrange) Lock and Dam Road, except for a fenced CIPS electrical sub-station on the southeast corner. Across U. S. Highway 67 to the east, Lock and Dam Road is named Hagener Road. The mailbox on-site reads Bob (&) Bobbye Spears, although Bobbye Spears lives at this address, and Bob Spears no longer lives there. As mentioned, the Spears are divorced. Her son, Dusty Spears, reportedly no longer lives at the property, but does repair vehicles there from time-to-time.

Legally and specifically, the site is located on two parcels. Partial descriptions are provided as follows: The first parcel is part of the East Half of the Northeast Quarter of Section Seven, Township 17 N, Range 12 West of the Third Principal Meridian. An additional detailed description is provided on the Warranty Deed, No. 92074, Book 156, page 427, filed May 10, 1988. The second parcel is part of the West Half, Northeast Quarter, Section Seven, Township 17N, Range 12 West of the Third Principal Meridian. An additional detailed description is provided on the Warranty Deed, No. 92075, book 156, page 428, filed May 10, 1988. The grantors conveyed and quitclaimed the properties to Robert D. Spears and Bobbye J. Spears as joint tenants, not as tenants in common. However, since their divorce, Bobbye J. Spears reportedly bought out Robert D. Spears interest in the house, and she is now the sole owner of the property. A copy of an updated Deed has not yet been provided to, or obtained by, the Illinois EPA. However, it may be a few weeks or months until an updated deed is available.

Upon arrival at the site on the day of the inspection, the weather was partly cloudy, with an air temperature of approximately 45 degrees. Winds were westerly at approximately 5 mph. Surface soil conditions were mostly dry, but damp in places.

During the course of the physical re-inspection, 14 photographs were taken with a digital camera. They show the conditions at the site on the day of the re-inspection. From the re-inspection, the previous inspection report and the inspection photographs, a partially computer generated sketch of the site was developed by this author. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referred to in this narrative and in the Digital Photographs. However, to save space, real numbers were used on the Site Sketch, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this report.

Upon arrival at the site on the day of the re-inspection, we parked in the east/west part of the driveway, which turns to the south, and observed a large waste roll-off box in the

north/south part of the continuing driveway, shown in photo # 001. This is a roll-off box that Ms. Spears stated that she provided. We exited the vehicle and initially knocked on the door front. No one answered the door. I then went to the back of the home and knocked on the back door. No one answered there either and no one was observed outside on the property. While leaving the back wooden porch, I observed a burned area in the grass approximately 15' west of the northwest corner of the house, as shown in photo # 002. This area measured approximately 12' x 8' x 1'. Wastes observed included car hoses, paper, cans, landscape wastes, car parts and apparent furniture or car seat springs.

Mr. Jansen and Ms. Laughridge observed the contents of the roll-off box and the area around the garage on-site, while I walked to the west and then southwest of the property to examine areas where wastes were observed during the initial site inspection. I walked to an area at the far western side of the site where a mattress and metals were previously observed. They were still there in a pile measuring approximately 7' x 8' x 2', as shown in photo # 003. Walking further south and back up hill towards the east, wood was again observed in an area measuring approximately 10' x 5' x 1'. Rolled out linoleum was also observed in an area measuring approximately 15' x 4' x 1'. These wastes were observed just west of the apparently vacant double-wide mobile home on-site, as shown in photo # 004. A junk truck that was partially tarped was still present as shown in photo # 005. Additional metals leaned against the truck. Just to the southwest of the junk truck, a previously observed of wastes measuring approximately 5' x 6' x 2', shown in photo # 006. Partially burned PVC pipe, wood, cans, clothes and toys were in that pile. Used tires (eight on-rims and one off-rim), weights, metals, insulation, cardboard and empty paint cans were noted in the area as well, shown in photo # 007. A pickup truck in that area was observed with a half truck-bed converted into a pull-behind trailer loaded with wastes, shown in photo # 007. Wastes on the trailer included several bags of cans and at least four old car batteries that should be recycled. These are shown in photo # 008.

Walking back towards the apparently unoccupied double-wide, a pile of wastes was found approximately 35' in front of it, as shown in photo # 009. It consisted of cardboard, carpet, toys, general household refuse and measured approximately 9' x 6' x 3'. Closer to the front of that double-wide, a refrigerator was still located on the porch. During the initial site inspection, I was told that the trailer had lost power. Since the refrigerator started to stink due to rotting food, it was dragged outside onto the porch (instead of being emptied and cleaned out, inside). As shown in photo # 010, some food was still inside the open refrigerator. A television set and pieces of Styrofoam are shown on the ground. To the northwest of that double-wide, a small pile of framed photographs, a teddy bear and other toys were observed in a pile measuring approximately 6' x 5' x 1', as shown in photo # 011. Behind the doublewide trailer and just west of the new garage, an old garage or storage building with a dirt floor was observed, as shown in photo #sa. 012, 103 and 014. Photo # 012 shows metals, wood, 16 used tires (eight on-rims and eight off-rims) in a pile measuring approximately 12' x 8' x 2', located just west of the old storage building. In front, or immediately to the south of that building, another pile of wastes measuring approximately 8' x 5' x 2' was observed. It consisted of toys, a truck door, a tire on-rim, wood, and plastics, shown in photo # 013. Photo # 014 shows

the inside of the old storage building. Its door was found to be open. Wastes on the dirt floor, visible through the open door, include plastics, metals, a bird cage, paper, cans, wood and a toilet. These wastes will also have to be removed. Another toilet was found on the far southern end of the site, adjacent to Lock and Dam Road, also observed during the initial site inspection.

Although some wastes had been cleaned up at this site, a substantial amount of wastes were still present. During the re-inspection, apparent violations of the Illinois Environmental Protection Act (Act) and of the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC), were found to yet exist. Those apparent violations of the Act are Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3) and 55(a)(1). An apparent violation of the regulations, 35 IAC, is Section: 812.101(a). The Open Dump Inspection Checklist that accompanies this report provides additional information.

Other Comments

1. The total amount of waste at this site is estimated at 56 cu. yds., down from the 123 cu. yds. observed during the initial inspection calculated as follows:

<u>Description of Waste</u>	<u>Size of Waste Area</u>	<u>Totals in Cu. Ft.</u>
Miscellaneous waste if piled together	5' x 5' x 2'	= 50
Open dumping and burning behind house	12' x 8' x 1'	= 96
Mattress and metals pile at west	7' x 8' x 2'	= 112
Wood west of vacant double-wide	10' x 5' x 1'	= 50
Un-rolled linoleum	15' x 4' x 1'	= 60
Burned PVC, wood, clothes	5' x 6' x 2'	= 60
Toys, cardboard, carpet	9' x 6' x 3'	= 162
Refrigerator	8' x 4' x 4'	= 128
Styrofoam	4' x 5' x 1'	= 20
Teddy bear and other toys	6' x 5' x 1'	= 30
16 used tires	2' x 2' x 1' x 16units	= 64
Junk behind shed	12' x 8' x 2'	= 192
Junk in front of shed	8' 5' x 2'	= 80
One junk truck	7' x 5' x 12'	= + 420
		1,524

*1,524 cu. ft. ÷ 27 (conversion factor from cu. ft. to cu. yds.) = 56.44 or 56 cu. yds.

2. No one else approached me during the inspection.

3. This author telephoned Ms. Bobbye Spears on January 5, 2005 to clarify some information. During that telephone call, upon inquiry, Ms. Spears stated that Robert Spears had not been out to do any cleanup at the site since the re-inspection on December 15, 2004.

CK

cc: DLPC/FOS – Springfield Region

SITE SKETCH

Site name: Hager Twp./Spears
 LPC #: 0178055003
 Inspector: Charlie King

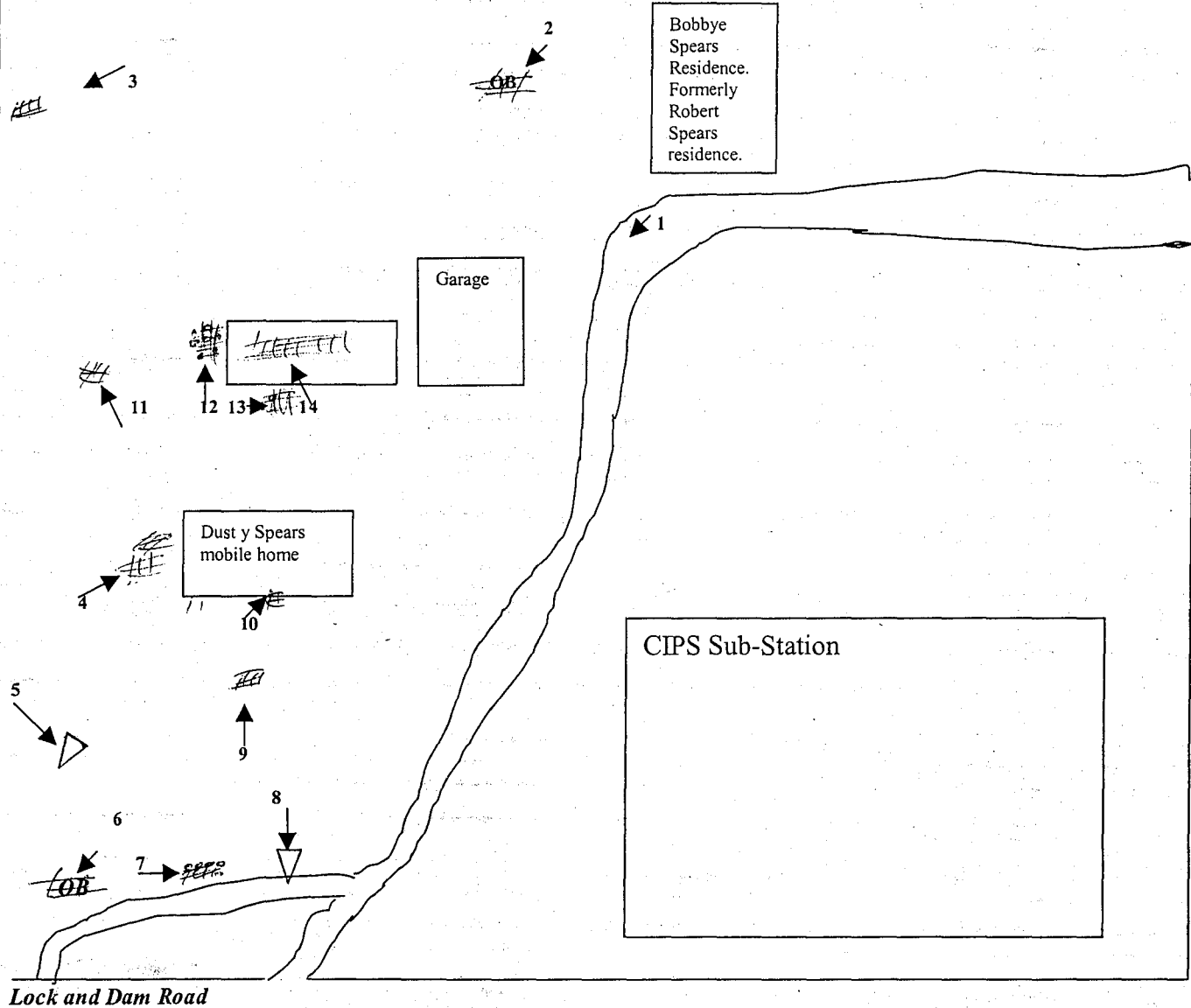
County: Cass
 Date: December 15, 2004
 Time: 1:50 p.m. - 2:15 p.m.

A digital camera was used for the Inspection photos. Distances are approximate - Not drawn to scale

Christmas tree farm on north side of site

U. S. Route 67 →

↑
Beardstown



Bobby
Spears
Residence.
Formerly
Robert
Spears
residence.

Garage

Dusty Spears
mobile home

CIPS Sub-Station

Lock and Dam Road

← La Grange Lock and Dam



LEGEND

- 2 → - Denotes location and direction of photo.
- ▷ - Vehicle
- oxs - Used Tires
- # - Wastes
- OB - Open Burning



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:48 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 001
Comments: An Area
Disposal roll-off box
filled with refuse,
provided by Bobbye
Spears (not the
respondent), is shown.



Date: December 15,
2004
Time: 1:50 p.m.
Direction: SW
Photo by: Charlie King
Exposure #: 002
Comments: Evidence
of open dumping and
open burning is shown.
This area measured
approximately 12' x 8' x
1'. Wastes observed
included car hoses,
paper, cans, landscape
waste, car parts and
springs.

File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:53 p.m.
Direction: SW
Photo by: Charlie King
Exposure #: 003
Comments: A mattress
and metals measuring
approximately 7' x 8' x
2', on the west side of
the property, next to a
fence.



Date: December 15,
2004
Time: 1:54 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 004
Comments: Shown, is
a pile of wood
measuring
approximately 10' x 5' x
1' and rolled out
linoleum measuring
approximately 15' x 4' x
1'.

File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:56 p.m.
Direction: E/SE
Photo by: Charlie King
Exposure #: 005
Comments: A junk
truck is shown in this
photo, with additional
metals.



Date: December 15,
2004
Time: 1:57 p.m.
Direction: SW
Photo by: Charlie King
Exposure #: 006
Comments: A pile of
wastes measuring
approximately 5' x 6' x
2' is shown. Partially
burned PVC pipe,
wood, cans, clothes
and toys were
observed.

File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:58 p.m.
Direction: E
Photo by: Charlie King
Exposure #: 007
Comments: Used tires
(eight on-rims, one off-
rim), weights, metals,
insulation, cardboard
and empty paint cans
were observed.

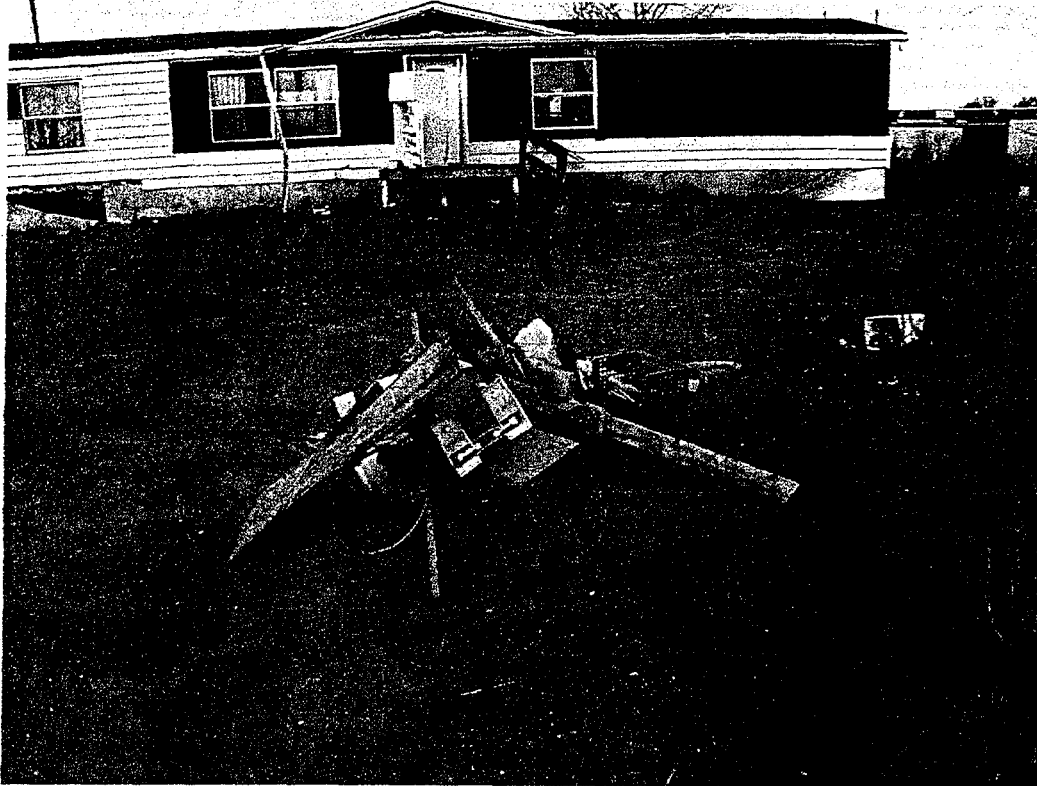


Date: December 15,
2004
Time: 2:00 p.m.
Direction: S/SW
Photo by: Charlie King
Exposure #: 008
Comments: A pickup
truck with a truck bed
converted into a trailer,
are shown. Wastes on
the trailer includes
bags of cans and at
least four old car
batteries that should
be recycled.

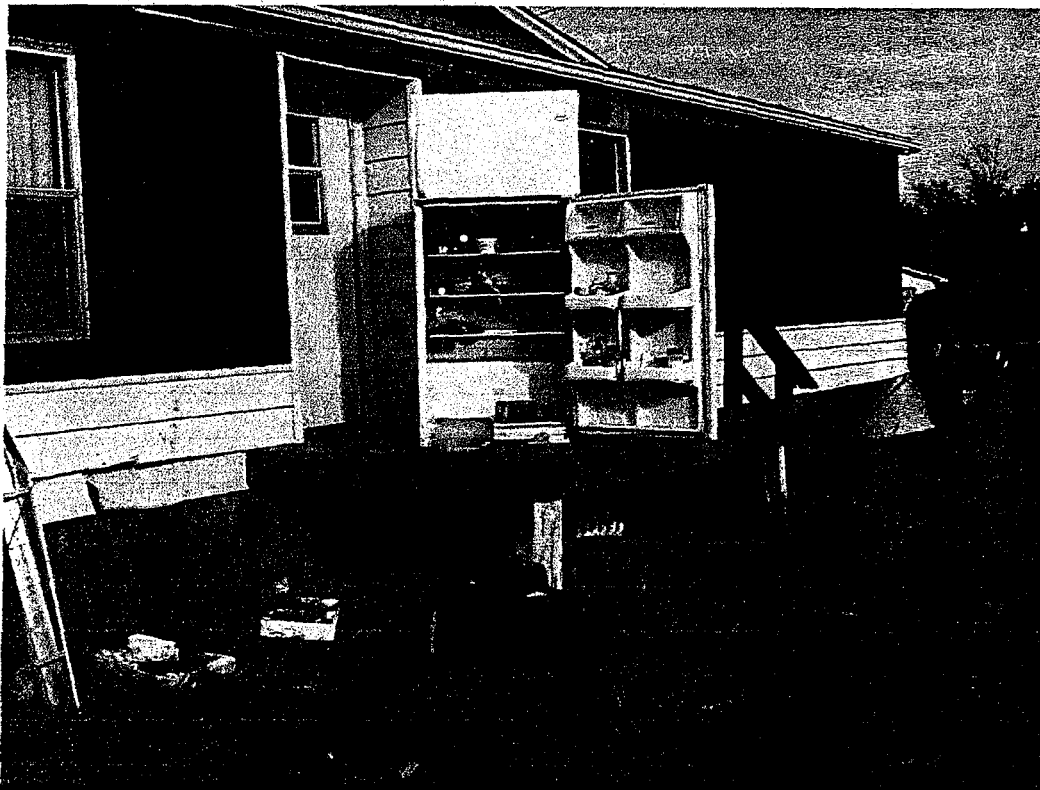
File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 2:01 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 009
Comments: A pile of
cardboard, toys, carpet
and general household
refuse, measuring
approximately 9' x 6' x
3', is shown.



Date: December 15,
2004
Time: 2:02 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 010
Comments: A
refrigerator with an
open door on the front
porch of an
unoccupied double-
wide trailer is shown.
Waste food is also
shown. A television
set and pieces of
Styrofoam are shown
on the ground.

File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15, 2004
Time: 2:04 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 011
Comments: Framed photographs, a teddy bear and other toys, are shown in a pile measuring approximately 6' x 5' x 1'.



Date: December 15, 2004
Time: 2:04 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 012
Comments: Metals, wood, 16 used tires (eight on-rims, eight off-rims) and cardboard are shown behind a shed west of the garage, in a pile measuring approximately 12' x 8' x 2'.

File Names: 0178055003~12152004-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 2:04 p.m.
Direction: E
Photo by: Charlie King
Exposure #: 013
Comments: Toys, a
truck door, a tire on-
rim, wood, and plastics
are shown in a pile
measuring
approximately 8' x 5' x
2', in front of the shed,
west of the garage.



Date: December 15,
2004
Time: 2:08 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 014
Comments: Wastes,
including plastic,
metals a bird cage,
paper, cans, wood and
a toilet are shown on
the ground inside of
the open shed door.

File Names: 0178055003~12152004-[Exp. #].jpg

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 Robert Daniel Spears,)
)
 Respondent.)

IEPA DOCKET NO.

Affiant, Charles W. King, Jr., being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 15, 2004 between 1:50 PM and 2:15 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Cass County, Illinois, and known as Hagener Township/Spears by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0178055003 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Hagener Township/Spears open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Hagener Township/Spears open dump.

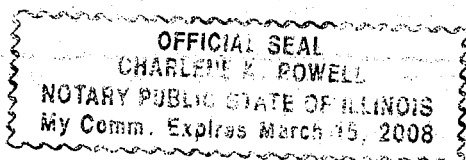
Charles W. King, Jr.

 Charles W. King, Jr.

Subscribed and Sworn To before me
 This 5th day of January, 2005

Charlene K. Powell

Notary Public



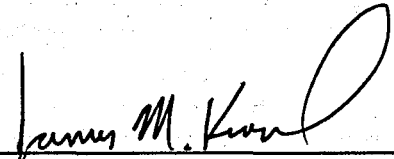
PROOF OF SERVICE

I hereby certify that I did on the 1st day of February 2005, 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 Daniel Spears
P.O. Box 21
Beardstown, Illinois 62618

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



James M. Kropid
Special Assistant Attorney General

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