

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LARRY PAYNE SR.,)
)
Respondent.)

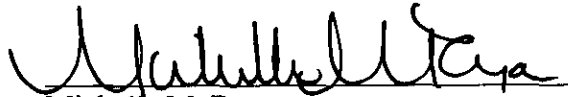
AC *D6-48*
(IEPA No. 99-06-AC)

NOTICE OF FILING

To: Larry Payne Sr.
24722 N. Barnes School Road
Marietta, IL 61459

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: May 31, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 06-48
v.)	(IEPA No. 99-06-AC)
)	
LARRY PAYNE SR.,)	
)	
)	
)	
Respondent.)	

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 (2004).

FACTS

1. That Larry Payne Sr. ("Respondent") is the present operator of a facility located at 24722 N. Barnes School Road, Marietta, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Payne, Larry.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0578110004.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on April 20, 2006, 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 April 20, 2006 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) (2004).

- (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) (2004).

- (3) That Respondent 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) (2004).

CIVIL PENALTY

On March 6, 2003, the Board found Larry Payne, Sr. in violation of Section 21(p)(1), Section 21(p)(3) and Section 21(p)(7) of the Act in AC 03-19.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1), 21(p)(3) and 21(p)(7) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00), for each violation, for a total of Nine Thousand Dollars (\$9,000.00). 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 July 15, 2006, 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 (2004), 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) (2004), 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 (2004). 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.

Douglas P. Scott
Douglas P. Scott, Director *by we*
Illinois Environmental Protection Agency

Date: 5/31/06

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.)
LARRY PAYNE, SR.,)
Respondent.)

AC 06-48
(IEPA No. 99-06-AC)

FACILITY: Payne, Larry SITE CODE NO.: 0578110004
COUNTY: Fulton CIVIL PENALTY: \$9,000.00
DATE OF INSPECTION: April 20, 2006

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:

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)
)
)
)
)

AC 06-48

IEPA DOCKET NO.

RESPONDENT

)

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

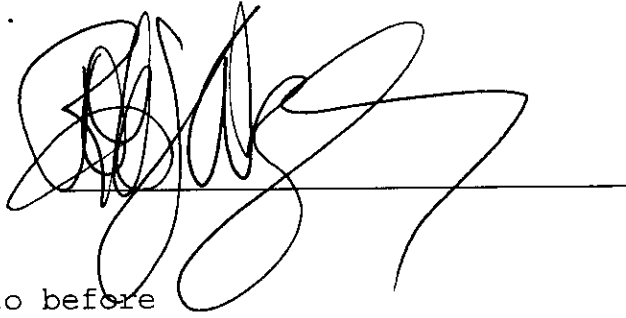
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On April 20, 2006, between 9:30 a.m. and 11:00 a.m., Affiant conducted an inspection of the open dump in Fulton County, Illinois, known as Payne, Larry, Illinois Environmental Protection Agency Site No. 0578110004.

3. Affiant inspected said Payne, Larry 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

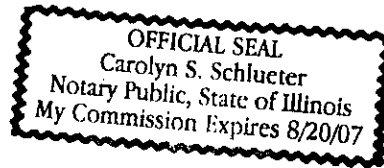
Affiant's observations and factual conclusions with respect to
Payne, Larry open dump.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

Subscribed and Sworn to before

me this / day of May, 2004

Carolyn S. Schlueter
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Fulton LPC#: 0578110004 Region: 3 - Peoria
 Location/Site Name: Marietta/Payne, Larry
 Date: 04/20/2006 Time: From 9:30 AM To 11:00 AM Previous Inspection Date: 11/15/2002
 Inspector(s): Robert J. Wagner & Jeb McGee Weather: 65 F, Sunny, Dry
 No. of Photos Taken: # 16 Est. Amt. of Waste: 1814 yds³ Samples Taken: Yes # _____ No
 Interviewed: Larry Payne Sr. & Larry Payne Jr. Complaint #: C-2006-014-P & C-2006-037-P
 Latitude: 40.55094 Longitude: -90.42107 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Larry Payne Sr.
 24722 N. Barnes School Road
 Marietta, Illinois, 61459
 (309) 772-3618

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	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	<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 # 0578110004

Inspection Date: 04/20/2006

	(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 checked="" 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"/>

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 April 20, 2006, an inspection took place at property owned by Larry Payne Sr., 24722 N. Barnes School Road, Marietta, Illinois (see attached map). The inspection was a result of two citizen complaints (C-2006-037-P and C-2006-014-P). The complainants alleged that Mr. Payne is open dumping on his property. The following IEPA personnel participated in the inspection: Jeb McGee and Robert Wagner (author of this report). The following individuals were interviewed at the property: Larry Payne Sr. and Larry Payne Jr. Larry Payne Sr. owns and operates a scrap yard located on the property. Larry Payne Jr. is his employee.

This author arrived at the site and met with Larry Payne Sr. and Larry Payne Jr. This author explained the purpose of the visit. Larry Payne Sr. granted this author permission to inspect the property. Larry Payne Jr. accompanied this author and Mr. McGee on the inspection.

Photograph 1 shows a metal building where they store batteries that are taken out of junk vehicles. According to Larry Payne Jr., the batteries are sold to different recyclers. The batteries are stored in this building until a route driver stops by and pick them up. The frequency of pick up depends on the used battery market price.

Photographs 2 and 3 show the main dirt road with metal debris stacked alongside it (see site sketch).

This author observed a pile of tires. For the purpose of this report this pile of tires will be referred to as Tire Pile 1. Tire Pile 1 was approximately 40 feet long by 15 feet wide by 15 feet high (333 yd³). Photographs 4 and 5 show Tire Pile 1 (see attached aerial photograph and site sketch). Larry Payne Jr. told this author that Tire Pile 1 was generated from scrapping out vehicles over the years. According to Larry Payne Jr., they have never shipped any used tires offsite for disposal.

Photograph 6 shows the dirt road with metal debris stacked alongside it (see site sketch). Photograph 7 shows scrap vehicles on the property. Photograph 8 shows metal debris and used tires commingled alongside the dirt road (see site sketch). Photograph 9 shows a scrap vehicle on top of some used tires. According to Larry Payne Jr., the used tires are used as blocks to keep the vehicles off the ground.

This author observed a pile of tires. For the purpose of this report this pile of tires will be referred to as Tire Pile 2. Tire Pile 2 was approximately 100 feet long by 20 feet wide by 20 feet deep (1481 yd³). The depth is an estimate given by Larry Payne Jr. Photographs 10 and 11 show Tire Pile 2 (see attached aerial photograph and site sketch).

This author observed an area of the property where evidence indicates open burning has taken place. This evidence is the charred remains of used tires (tire beads), wood, and metal debris. According to Larry Payne Jr., he has no idea who is responsible for doing the burning on his father's property. This author told Larry Payne Jr. the open burning needed to stop immediately.

According to Larry Payne Jr., whoever did the burning probably used the tires to get the fire going so that trees and brush could be burnt. He told this author that the burning is not recent but probably took place within the year.

Photograph 16 shows two barrels that Larry Payne Jr. uses to contain used oil that is drained out of vehicles. He is looking into getting a used oil burner to heat the garage during the wintertime.

This author told Larry Payne Jr. to cease all open burning and open dumping and to please pass that information on to Larry Payne Sr. This author departed at 11 AM.

The following alleged violations were observed and indicated on the open dump inspection checklist: it application submitted to the Agency.

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: **Larry Payne Sr. as operator and owner allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois.**

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: **Larry Payne Sr. as operator and owner allowed the open burning of refuse.**

3. 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: **Larry Payne Sr. as operator and owner allowed the open dumping of waste.**

4. 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: **Larry Payne Sr. as operator and owner conducted a waste-treatment and waste-disposal operation without a permit granted by the Agency.**

5. 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: **Larry Payne Sr. as operator and owner conducted a waste-treatment and waste-disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

6. 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: **Larry Payne Sr. as operator and owner treated and disposed of waste at a site which does not meet the requirements of the Act and regulations thereunder.**

7. 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: **Larry Payne Sr. as operator and owner allowed the open dumping of waste in a manner which resulted in litter.**

8. 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: **Larry Payne Sr. as operator and owner allowed the open dumping of waste in a manner which resulted in open burning.**

9. 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 (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **Larry Payne Sr. as operator and owner allowed the open dumping of waste in a manner that resulted in deposition of general construction or demolition debris as defined in Section 3.160(a) of this Act.**

10. 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: **Larry Payne Sr. as operator and owner allowed the open dumping of used or waste tires.**

11. Pursuant to Section 55(a)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) is alleged for the following reason: **Larry Payne Sr. as operator and owner allowed the open dumping of waste in a manner which resulted in open burning of used or waste tires.**

12. 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: **Larry Payne Sr. as operator and owner did not submit to the Agency an application for a permit to develop and operate a landfill.**



PRAIRIE CITY

0578110004 - Fulton
Marietta \ Payne Property

BUSHNELL

Bushnell

MOUND

MOUND

Marietta

New Philadelphia

Babylon

LEE

Manley

Brothers
g Strip

Gaging
Sta

Fork

Sandpit

Veterans

Cem

Checkrow

31

Kepple

302

214

95

300

204

206

0114

18

85

180

150

124

184

184

184

184

184

Open Dump Locations

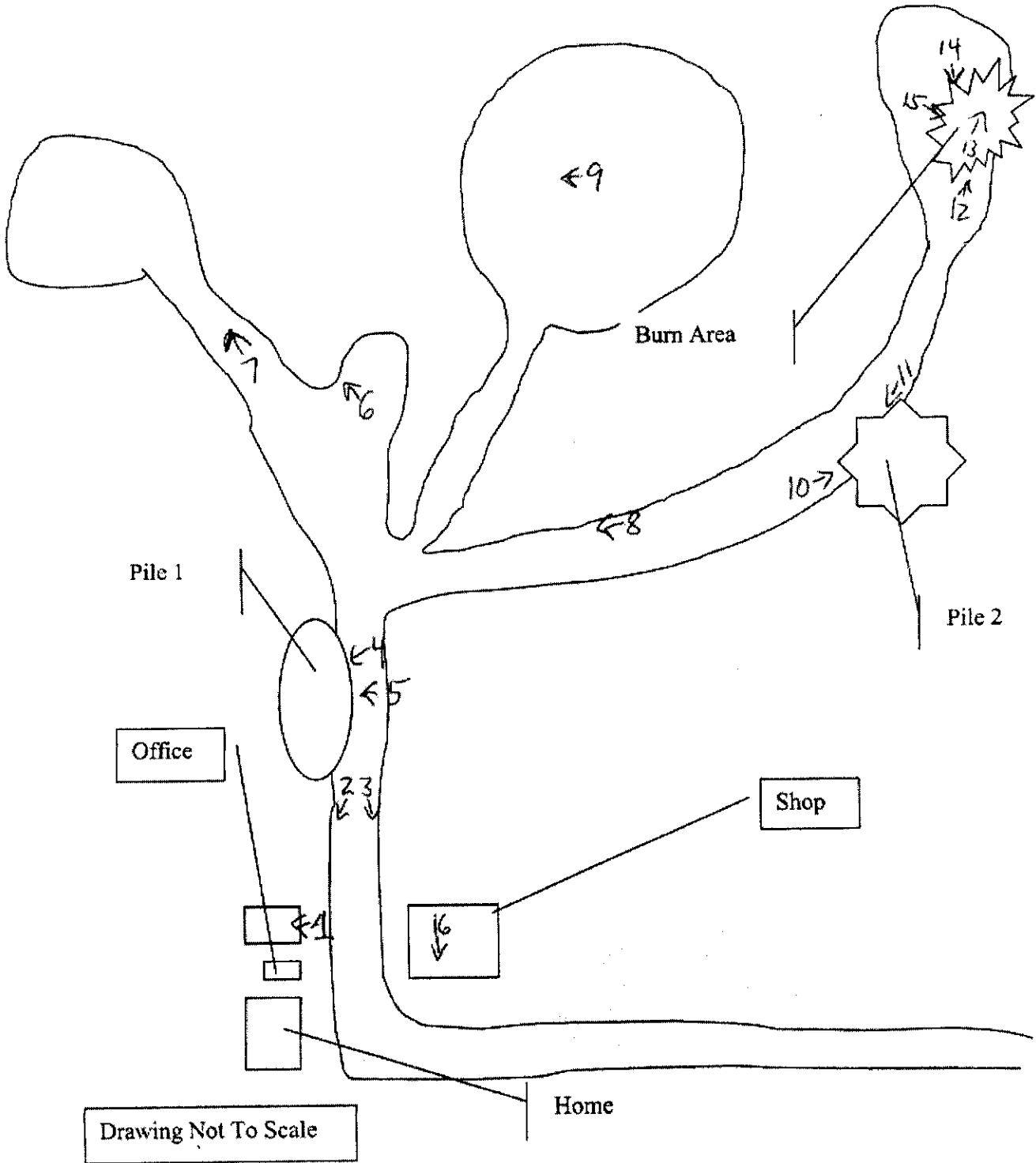
Burn Area

Pile 2

Pile 1

200 ft







DATE: April 20, 2006

TIME: 9:45 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0578110004~04202006-001.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 9:49 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the southwest.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0578110004~04202006-002.jpg

COMMENTS:



DOCUMENT FILE NAME:



DATE: April 20, 2006

TIME: 9:49 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the southeast.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:

0578110004~04202006-003.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:

0578110004~04202006-004.jpg

COMMENTS:



DOCUMENT FILE NAME:



DATE: April 20, 2006

TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:

0578110004-04202006-005.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 9:57 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward
the north.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:

0578110004-04202006-006.jpg

COMMENTS:



DOCUMENT FILE NAME:

0578110004-04202006-006.jpg



DATE: April 20, 2006

TIME: 10:03 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the northwest.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0578110004-04202006-007.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 10:06 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0578110004-04202006-008.jpg

COMMENTS:



DOCUMENT FILE NAME:



DATE: April 20, 2006

TIME: 10:09 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0578110004-04202006-009.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 10:16 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the northeast.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0578110004-04202006-010.jpg

COMMENTS:



DOCUMENT FILE NAME:
.....



DATE: April 20, 2006

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the southeast.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0578110004-04202006-011.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 10:19 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the northeast.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0578110004-04202006-012.jpg

COMMENTS:



DOCUMENT FILE NAME:
0578110004-04202006-012.jpg



DATE: April 20, 2006

TIME: 10:22 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the north.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0578110004-04202006-013.jpg

COMMENTS:



DATE: April 20, 2006

TIME: 10:25 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0578110004-04202006-014.jpg

COMMENTS:



DOCUMENT FILE NAME:
.....

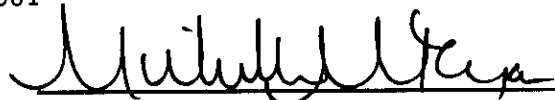
PROOF OF SERVICE

I hereby certify that I did on the 31st day of May 2006, 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: Larry Payne Sr.
24722 N. Barnes School Road
Marietta, IL 61459
Cert #7004 2510 0001 8590 3548

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
Cert #7004 2510 0001 8590 3661



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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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 DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817
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AC 06-48

May 31, 2006

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. Larry Payne, Sr.
IEPA File No. 99-06-AC; 0578110004—Fulton 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

INFORMATIONAL NOTICE !!!

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 James R. Thompson 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**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).