CLERK'S OFFICE
AUG 2 1 2006
STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE!!!

A00109

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE:

This Administrative Citation refers to <u>TWO</u> 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 <u>PETITION FOR REVIEW</u> 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 attorneyat-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 III. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLER	K'S	3	IVED OFFICE
AUG	2	1	2006

ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
Complainant,)))	AC 07 09
v.	ý	(IEPA No. 145-06-AC)
CHARLES F. KINSEL,)	
Respondent.)	

NOTICE OF FILING

To: Charles F. Kinsel 14998 N Shelby Road

Lewistown, Illinois 61542

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: August 18, 2006

RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AUG 2 1 2006

ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) }
Complainant,	AC 07-09
V.) (IEPA No. 145-06-AC)
CHARLES F. KINSEL,))
))
))
Respondent.	<u>)</u>

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 Charles Kinsel ("Respondent") is the present operator of a facility located off County Road 2050E, approximately one mile north of U.S. Route 24 in Liverpool Township, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Kinsel, Charles.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0578170001.
 - 3. That Respondent has operated said facility at all times pertinent hereto.
- 4. That on July 18, 2006, Robert 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 Wagner during the course of her July 18, 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).

CIVIL PENALTY

On January 10, 2002, the Board found Charles Kinsel in violation of Section 21(p)(1) of the Act in AC 02-22.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) 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)and 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 One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 21(p)(3), for a total of Four Thousand Five Hundred Dollars (\$4,500.00). 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 September 30, 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 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, Director

Illinois Environmental Protection Agency

Date: 8/18/06

Prepared by:

Susan E. Santarelli, 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

REMITTANCE FORM

AUG 2 1 2006

STATE OF ILLINOIS Pollution Control Room

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) Condition Control Bi
Complainant,	AC 07 09
V.) (IEPA No. 145-06-AC)
CHARLES F. KINSEL,	
)
Respondent.)))
FACILITY: Kinsel, Charles	SITE CODE NO.: 0578170001
COUNTY: Fulton	CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: July 18, 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.

Open Dump Inspection Checklist

County:	Fulton			LPC#:	05781	70001		Region:	3 - Peoria
Location/Sit	te Name:	Little Ar	merica	/ Kinsel,	Charles				
Date:	07/18/2006	Time:	From	9:45 A	М То	10:15 AM	Previous Inspe	ection Date	e: 02/10/2005
Inspector(s)						Weather:	75 F, Sunny, D	ry	
No. of Phot	os Taken: #	17	Est. A	mt. of W	aste: 2	yds ³	Samples Taker	n: Yes#	No 🛛
Interviewed	: Charles	Kinsel				Compl	aint #: C-2006-	-068-P	
Latitude:	40.40791	Longitu	de: -9	0.0597	7 Coll	lection Point	Description: D	ump Locat	ion -
(Example: La	at.: 41.26493	Lor	ng.: -89.3	8294)	Coll	lection Meth	od: GPS-		
Responsible Mailing Add and Phone	e Party Iress(es)		N She own, II	lby Rd. 61542					

	SECTION	DESCRIPTION	VIC
		INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH R IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	ESULT
	(1)	Litter	\boxtimes
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

LPC# 0578170001

Inspection Date:

07/18/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	\square
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	\boxtimes
	Alexandria (2008) Alexandria Alexandria	35 ILLINGIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	\boxtimes
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 III. 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.

0578170001 -- Fulton County Kinsel, Charles FOS Prepared By: Robert J. Wagner

Prepared By: Robert J. Wagner Inspection Date: July 18, 2006

Page 1

Narrative

On July 18, 2006, this author (Robert J. Wagner) inspected property owned by Charles Kinsel. The property is located at 14998 N. Shelby Road, Lewistown, Illinois. For the purpose of this report the property will be referred to as the Kinsel Property. The inspection was a result of a citizen's complaint (C-2006-068-P). The complainant alleged that Charles Kinsel is hauling demolition waste to his property and burying it.

This author arrived at the property at 9:45 AM. This author met with Mrs. Kinsel. This author identified himself to Mrs. Kinsel and explained the purpose of the visit. Mrs. Kinsel gave this author permission to walk and photograph the property.

Photograph 1, 2, 3, 4, and 5 show the western portion of the property near Big Sister Creek. This area appeared to have been excavated. This author did not find any evidence indicating waste had been buried in this area.

Photograph 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 shows the south western corner of the property (see site sketch). The photographs show the charred remains of tire beads, tire rims, used tires and trees indicating that open burning had taken place on the property. It was at this time when Charles Kinsel joined this author during the inspection. Mr. Kinsel explained that he used approximately a dozen tires to burn some brush on his property. Photograph 16 shows a metal side board that Mr. Kinsel identified as coming off of his dump truck. Mr. Kinsel acknowledged that this activity was illegal to do in the state of Illinois.

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

- 1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.
 - A violation of Section 9(a) is alleged for the following reason: Evidence of open burning which would cause or tend to cause air pollution in Illinois was observed during the inspection.
- 2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

0578170001 -- Fulton County Kinsel, Charles FOS

Prepared By: Robert J. Wagner Inspection Date: July 18, 2006

Page 2

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

3. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: Evidence of open dumping of waste was observed during the inspection.

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

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: A waste disposal operation was conducted 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: Waste was disposed at this 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.

0578170001 -- Fulton County Kinsel, Charles FOS

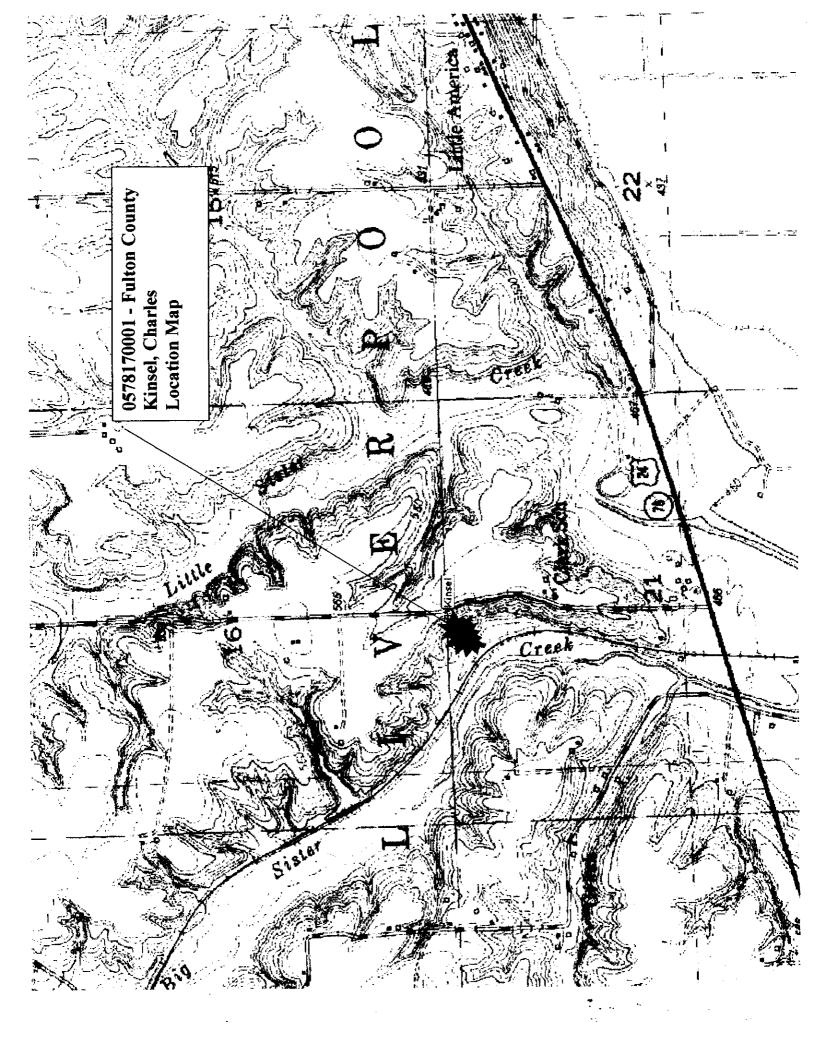
Prepared By: Robert J. Wagner Inspection Date: July 18, 2006

Page 3

A violation of Section 21(p)(1) is alleged for the following reason: The open dumping of waste was caused or allowed in a manner which resulted in litter.

- 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: Evidence of open burning of used or waste tires was observed during the inspection.
- 9. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.
 - A violation of Section 55(a)(1) is alleged for the following reason: Evidence of open dumping of used or waste tires was observed during the inspection.
- 10. 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: Evidence of open burning of used or waste tires was observed during the inspection.
- 11. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.
 - A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: A waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.



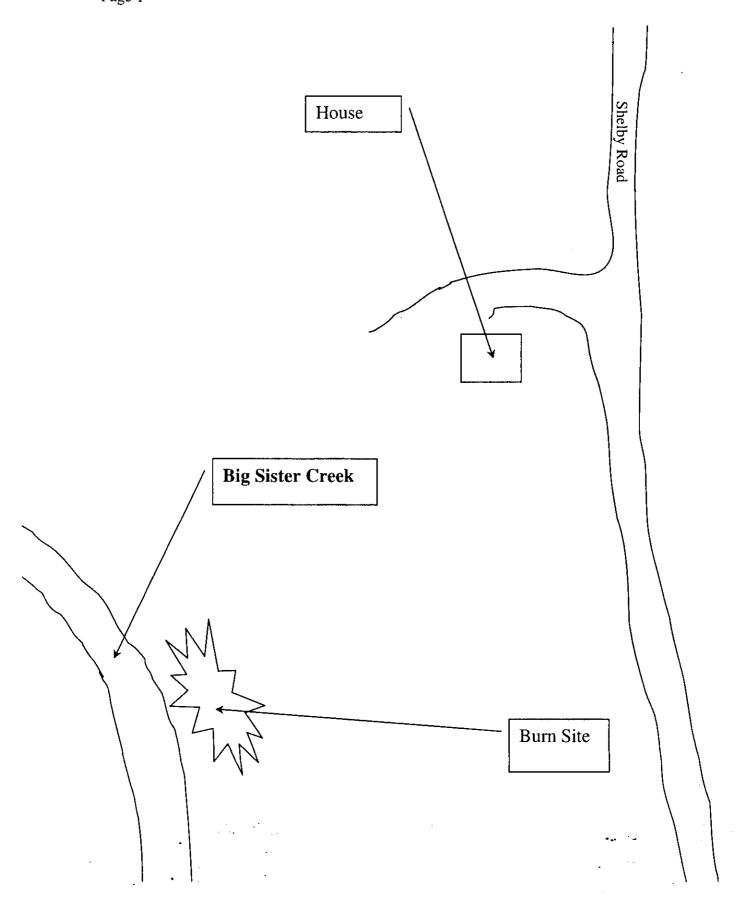


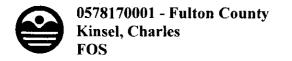
0578170001 -- Fulton County Kinsel, Charles FOS

Prepared By: Robert J. Wagner Inspection Date: July 18, 2006

Site Sketch Page 1







TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:

 $0578170001{\sim}07182006\text{-}001.jpg$

COMMENTS:



DATE: July 18, 2006

TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

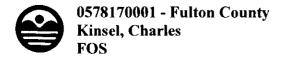
the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:

0578170001~07182006-002.jpg





TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the southwest.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:

0578170001~07182006-003.jpg

COMMENTS:



DATE: July 18, 2006

TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

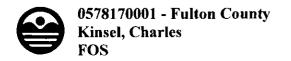
the west.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:

0578170001~07182006-004.jpg





TIME: 9:50 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the northwest.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME: 0578170001~07182006-005.jpg

COMMENTS:



DATE: July 18, 2006

TIME: 9:55 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

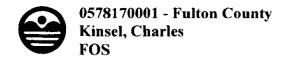
the southeast.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:

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TIME: 9:55 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the southwest.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:

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COMMENTS:



DATE: July 18, 2006

TIME: 9:55 AM

PHOTOGRAPHED BY:

Robert J. Wagner

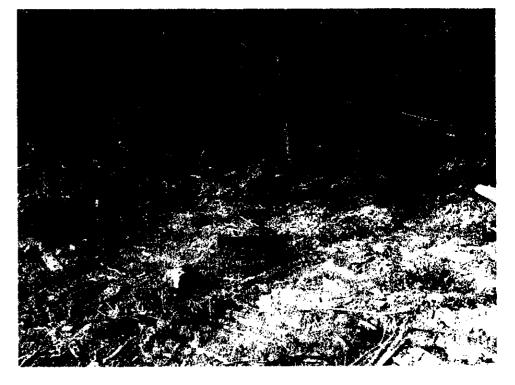
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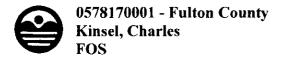
the west.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:

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TIME: 9:55 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:

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COMMENTS:



DATE: July 18, 2006

TIME: 9:56 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

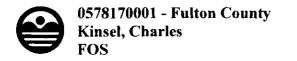
the southeast.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:

0578170001~07182006-010.jpg





TIME: 9:56 AM

PHOTOGRAPHED BY:

Robert J. Wagner

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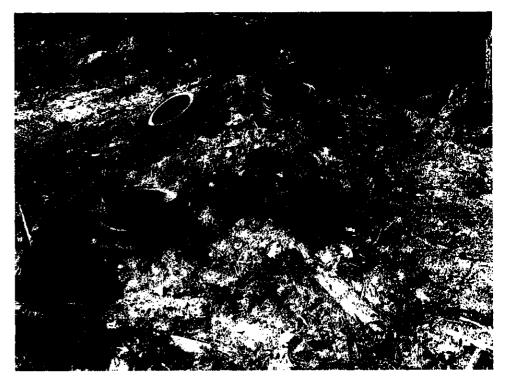
the south.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:

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COMMENTS:



DATE: July 18, 2006

TIME: 9:56 AM

PHOTOGRAPHED BY:

Robert J. Wagner

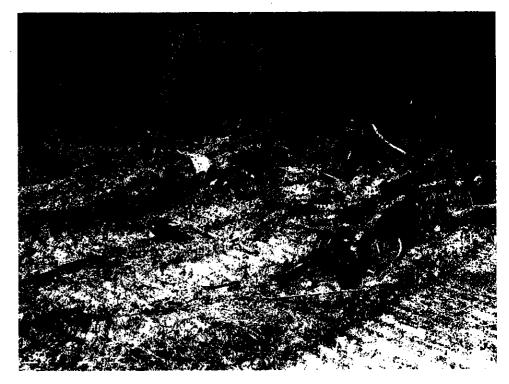
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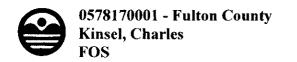
the west.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:

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TIME: 9:56 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

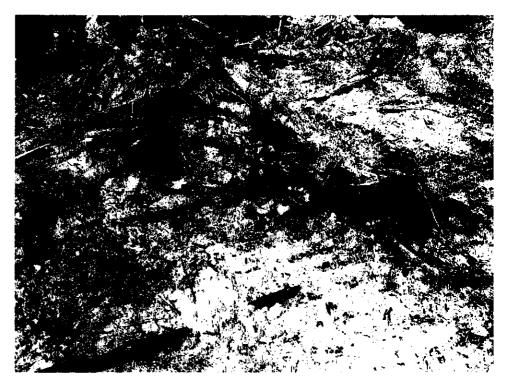
the west.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:

 $0578170001{\sim}07182006\text{-}013.jpg$

COMMENTS:



DATE: July 18, 2006

TIME: 9:58 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

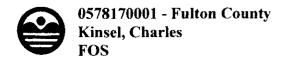
the northwest.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:

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TIME: 9:58 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward

the northwest.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:

0578170001~07182006-015.jpg

COMMENTS:



DATE: July 18, 2006

TIME: 9:58 AM

PHOTOGRAPHED BY:

Robert J. Wagner

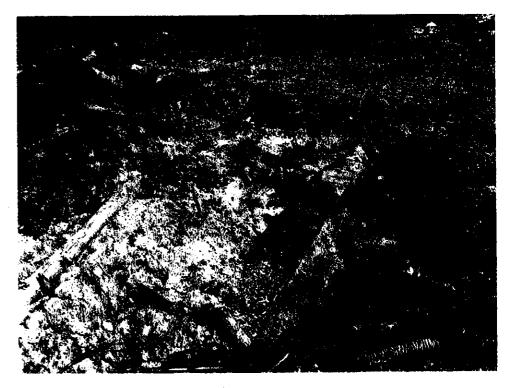
DIRECTION: Photograph taken toward

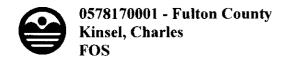
the northwest.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:

0578170001~07182006-016.jpg





TIME: 9:59 AM

PHOTOGRAPHED BY:

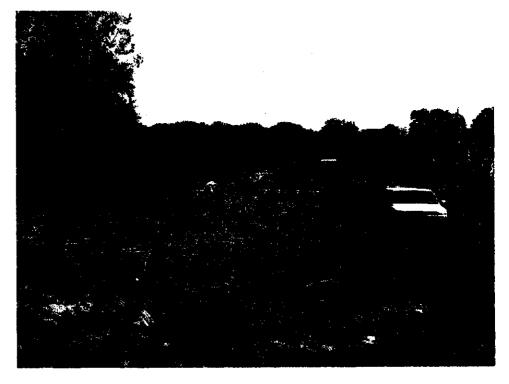
Robert J. Wagner

DIRECTION: Photograph taken toward

the north.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME: 0578170001~07182006-017.jpg



COMPLAINT INVESTIGATION FORM By: Robert J. Wagner "CONFIDENTIAL" ☐ By E-mail; ☑ By Phone; ☐ In Person; ☐ By Mail **BOL File Heading:** 0578170001 - Fulton County Kinsel Property **FOS** Complainant: Anonymous **Respondent:** Chuck Kinsel Trucking & **Excavating** 14998 Shelby Rd Address: Address: Lewistown, Il, 61542 City: City: (309) 668-2790 Telephone #: Telephone #: **Directions to Source:** Complaint Details: Kinsel is hauling demolition waste out to his property and burying it. **INVESTIGATION FINDINGS** By: Robert Wagner 07/18/2006 Date: Interviewed: Chuck Kinsel Time: 9:45 AM to 10:45 AM Investigation Results (Select one of the following): Refer to inspection report dated: 07/18/2006

C-2006-068

06/20/2006

File Opened?

Complaint #:

Date Received:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND/FIELD OPERATIONS SECTION

Refer to following for details: Complainant notified of findings?

Referred to:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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IN THE MATTER	R OF:)			
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RES	SPONDENT)			

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 July 18, 2006, between 9:45 a.m. and 10:15 a.m., Affiant conducted an inspection of the open dump in Fulton County, Illinois, known as Kinsel, Charles, Illinois Environmental Protection Agency Site No. 0578170001.
- 3. Affiant inspected said Kinsel, Charles 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 Kinsel, Charles open dump.

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Subscribed and Sworn to before

me this 26th day of July, 2006

Motary Public

OFFICIAL SEAL Carolyn S. Schlueter Notary Public, State of Illinois My Commission Expires 8/20/07

PROOF OF SERVICE

I hereby certify that I did on the 18th day of August 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: Charles F. Kinsel
14998 N Shelby Road
Lewistown, Illinois 61542
Cert# 7004 2510 0001 8588 0955

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 8588 0948

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