LASALLE COUNTY STATE'S ATTORNEY JOSEPH P. HETTEL

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

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FEB 2 6 2007

STATE OF ILLINOIS Pollution Control Board

February 14, 2007

A C07-45

Ms. Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, IL 60601 Re: 0998110001 - LaSalle County / Farm Ridge Township / Wayne and Becky Foster Property

Re: ADMINISTRATIVE CITATION

IEPA Case No. : Site Code No. : 0998110001 Inspection Date: 1/19/07

Dear Ms. Gunn:

Enclosed for filing with the Board is the Administrative Citation package issued to the above-captioned facility. I am forwarding one complete copy which includes the following:

- 1. The Administrative Citation
- 2. The Field Inspector's Affidavit
- 3. A Remittance Form

I am also enclosing ten (10) additional copies of the Administrative Citation, documented discussions and Inspector's Affidavit. Please file stamp a copy and return it to our office. A self-addressed stamped envelope is enclosed for your convenience.

For your records, the Citation package was delivered via personal service by Matthew Stafford, Supervisor of Field Office Operations for LaSalle County Environmental Services and Land Use on February 13, 2007 at a meeting held in our office with Rebecca Foster. The signed and dated affidavit shows receipt of this Administrative Citation so your files will reflect the thirty-five (35) days after which the Board can enter the required Default Order if a Petition for Review has not been filed. If the Respondent pays the civil penalty without filing a Petition for Review, I will so notify your office.

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IPCB

Respondents were served at:

Wayne and Becky Foster 1221 North 2053rd Rd Grand Ridge, IL 61325

Thank you for your assistance and kind attention to this matter. If there are further documents or materials which you need from us, please let me know.

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Sincerely,

Froy D. Holland

Special Assistant State's Attorney

Enclosures

Ph: 815/434-8666

LA SALLE COUNTY

Fax: 815/433-9303

ENVIRONMENTAL SERVICES AND LAND USE

MICHAEL E. HARSTED **DEPARTMENT DIRECTOR** **119 WEST MADISON STREET ROOM 107** OTTAWA ILLINOIS 61350

> RECEIVED CLERK'S OFFICE

> > FEB 2 & 2007

STATE OF ILLINOIS

Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

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COUNTY OF LASALLE	
Complainant	
v.	
WAYNE AND BECKY FOSTER	
Respondent	

AC NO. 07-45

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 1/2, par. 1004 (r).

FACTS

- 1. That Respondent, Wayne and Becky Foster, are the present owner and/or operator of property located in Farm Ridge Township, LaSalle County, Illinois.
- 2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998110001. Said facility is commonly known to the Agency as the Wayne and Becky Foster Property.
- 3. That the Respondent has owned and/or operated said facility since April 18, 2006.
- 4. That on January 19, 2007, Christy Vargochik, Landfill Inspector, LaSalle County Department of Environmental Services and Land Use, under the authority of the Illinois Environmental Protection Agency,
- inspected the above described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

SOLID WASTE MANAGEMENT CONSTRUCTION PERMITS PRINTED ON RECYCLED PAPER

VIOLATIONS

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

That on November 1, 2006, an on-site inspection of said facility disclosed the following:

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XXX	Causing or allowing litter 415 ILCS 5/21 (p) (1), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par.
	1021 (p) (1) [formerly par. 1021 (q) (1)]).
	Causing or allowing scavenging operations 415 ILCS 5/21 (p) (2), (formerly Ill. Rev. Stat.
	1991, ch. 111 ½, par. 102 (p) (2) [formerly par. 1021 (q) (2)]).
	Causing or allowing open burning 415 ILCS 5/21 (p) (3), (formerly Ill. Rev. Stat. 1991, ch. 111
	¹ / ₂ , par. 1021(p) (3) [formerly par. 1021 (q) (3)]).
	Causing or allowing the deposition of waste in standing or flowing waters - 415 ILCS 5/21 (p)
	(4), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (4) [formerly par. 1021 (q) (4)]).
	Causing or allowing proliferation of disease vectors 415 ILCS 5/21 (p) (5), (formerly Ill. Rev.
	Stat. 1991, ch. 111 ½, par. 1021(p) (5) [formerly par. 1021 (q) (5)]).
	Causing or allowing the generation of standing or flowing liquid discharge from the open dump
	site 415 ILCS 5/21 (p) (6), (formerly III. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p) (6) [formerly
	par. 1021 (q) (6)]).
	Causing or allowing the deposition of general construction or demolition debris, or clean
	construction or demolition debris in violation of 415 ILCS $5/21(p)(7)$.

CIVIL PENALTY

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

LaSalle County Department of Environmental Services and Land Use 119 West Madison Street Room 107 Ottawa, Illinois 61350

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

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

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

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

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

LaSalle County Department of Environmental Services and Land Use 119 West Madison Street Room 107 Ottawa, Illinois 61350

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

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

30/07 Dated:

Brian J. Towne LaSalle County State's Attorney

By:

Troy D. Holland Special Assistant State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE)		
Complainant)		
v .)		
WAYNE AND BECKY FO	STER)	AC NO	_
Respondent(s))		
REMITTANCE FORM			
FACILITY:	Wayne and Becky Foster 1221 North 2053 Rd Grand Ridge, IL 61325	Site Code: County: Township:	0998110001 LaSalle Farm Ridge
CIVIL PENALTY:	\$1500.0 for each violation		
Number of Violation(s):	one (1)		
Total Remittance:	\$1,500.00		
Date of Inspection:	January 19, 2007		
DATE REMITTED:			
SS/FEIN NUMBER			
SIGNATURES			

<u>NOTE</u>

Please enter the date of your remittance, your social security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed, and mail, along with Remittance Form to:

> LaSalle County Department of Environmental Services and Land Use 119 West Madison Street, Room 107 Ottawa, IL 61350

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS

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

The One State Agency Is:

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

The Two County Entities Are:

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

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE 119 WEST MADISON STREET ROOM 107 OTTAWA, ILLINOIS 61350

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

STATE OF ILLINOIS **COUNTY OF LASALLE**

COUNTY OF LASALLE	
Complainant)
v .)
WAYNE AND BECKY FOSTER)
Respondent(s))

AC NO. _____

AFFIDAVIT

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

- 1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
- 2. On January 19, 2007 between 12:45 p.m. and 12:55 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Wayne and Becky Foster Cook Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998110001 by the Agency.
- 3. Affiant inspected the said Farm Ridge Township / Wayne and Becky Foster Property open dump site by an onsite inspection which included conducting a visual inspection from the road and photographing the site.
- 4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report Forms attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Farm Ridge Township / Wayne and Becky Foster Property open dump.

Christy Vargochik, LaSalle County

Subscribed and Sworn to Before Me this <u>30</u> day of <u>January</u>, A.D. 2007.

Chanda L. Marto Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE	
Complainant)
v .)
WAYNE AND BECKY FOSTER)
Respondent(s))

AC NO.

PROOF OF SERVICE

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

Wayne and Becky Foster 1221 N 2053 Rd Grand Ridge, IL 61325

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

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

on this, the $\underline{(3^{th} day of \underline{+el}, A.D. 2007.}$ Subscribed and Sworn to Before Me this $\underline{(3^{th} day of \underline{+el}, A.D. 2007.}$ A.D. 2007.

wela d Notary Public

OFFICIAL SEAL Mary Riveland Notary Public State of Ollnois My Commission Ext 17/29/2010

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

County:	LaSalle	LPC#:	099811000)1	Region:	1 - Rockford
Location/	Site Name: Fa	arm Ridge Twp. / Wa	ayne and Re	becca Foster Pr	operty	
Date:	Jan. 19, 2007	Time: From	12:45p To	12:55p Previo	us Inspection Date:	Nov. 1, 2006
Inspector	(s): Christy Va	rgochik		Weather: Su	nny and ~ 34°	•••••••••••••••••••••••••••••••••••••••
No. of Ph Interviewe	otos Taken: #	5 Est. Amt. of W	aste: 200	yds ³ Sample Complaint #:	es Taken: Yes # Co 06-038	No 🛛
-	ible Party ddress(es) ne Number(s):	Wayne and Rebed 1221 N. 2053 rd Rd Grand Ridge, IL 6	l.	Spfl Rkfc File		

	SECTION	DESCRIPTION	VIOL
	<u>ILL</u>	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 RI IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	ESULTS
	(1)	Litter	
	(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	
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	

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and Phone Number(s):

LPC #: 0998110001 Inspection Date: January 19, 2007

55(a)	NO PERSON SHALL:	
(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
	35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	×
722.111	HAZARDOUS WASTE DETERMINATION	
808.121	SPECIAL WASTE DETERMINATION	
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	Ľ
	OTHER REQUIREMENTS	
	APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	C
OTHER:		E.
· · · · · · · · · · · · · · · · · · ·		
		Ē
	(1) (2) 812.101(a) 722.111 808.121 809.302(a)	(1) Cause or Allow Open Dumping of Any Used or Waste Tire (2) Cause or Allow Open Burning of Any Used or Waste Tire 35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G 812.101(a) FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL 722.111 HAZARDOUS WASTE DETERMINATION 808.121 SPECIAL WASTE DETERMINATION 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 APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:

(hulu X Yangochuk (\$ignature of Inspector(s)

LaSalle County

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- 4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- 5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- 6. Items marked with an "NE" were not evaluated at the time of this inspection.

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Review: January 19, 2007 Site Code: 0998110001 Inspector(s):Christy Vargochik Time: 12:45 p.m. – 12:55 p.m.

GENERAL REMARKS

A solid waste landfill inspection was performed on January 19, 2007, by Christy Vargochik representing the LaSalle County Department of Environmental Services and Land Use under the delegated authority of the Illinois Environmental Protection Agency at the property of Wayne and Rebecca Foster. The property is located at 1221 N. 2053rd Rd., Section 18, Farm Ridge Township, and Grand Ridge, Illinois. The parcel numbers are 27-19-110-000 and 27-19-111-000. During the inspection the following was noted: causing or allowing open dumping; disposing and storing of waste at a site not meeting requirements of the Act and Regulations; causing or allowing the open dumping in a manner which is resulting in litter at the dump site; causing or allowing the open dumping the application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 34 degrees.

This property has been a recurring location of violations of the [Illinois] Environmental Protection Act and the LaSalle County Inoperable Vehicle Ordinance since August 24, 1999.

I arrived at the site at 12:45 p.m. I began the inspection at the southeast corner. I found a utility truck, a green truck, and a brown sedan parked in this area (photo 1051.53). I continued to the northwest, and photographed a red tractor and a beige truck with a topper (photo 1051.54). I observed a motorcycle, fence posts, metal, and other items sitting in front of the garage (photo 1051.55). I took another picture of a few refrigerators, tanks, an ATV, another truck, and other items also stored on the driveway (photo 1051.56). A final picture was taken of the front yard which appeared to be cleaner than at previous inspections (photo 1051.57). At this time, I concluded the inspection, and left the site at 12:55 p.m.

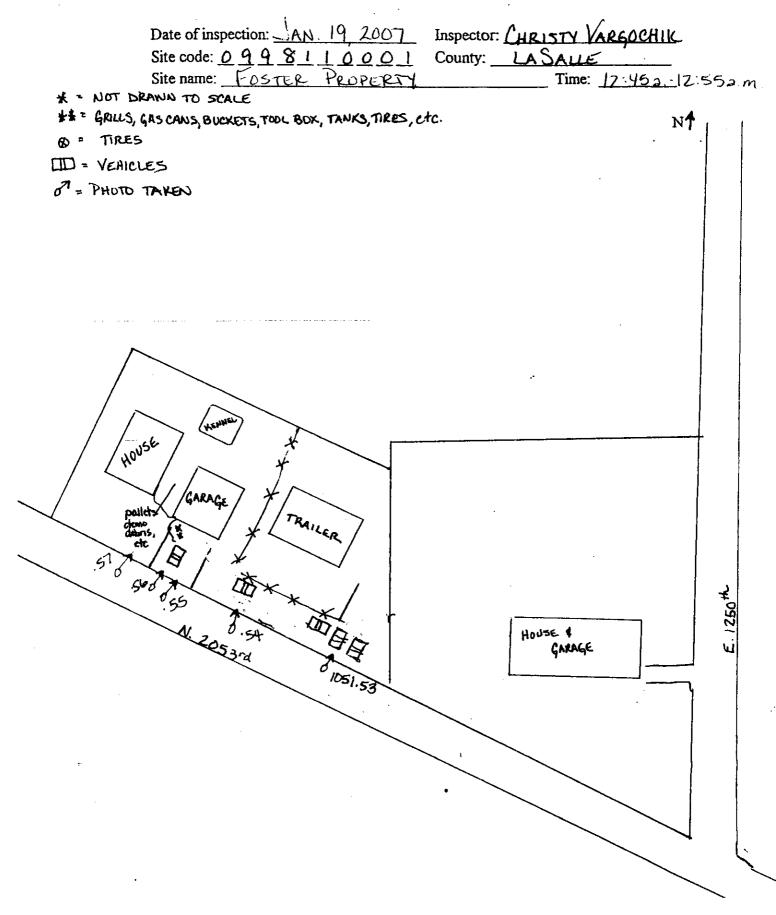
EXPLANATION OF PHOTOGRAPHS

- 1051.53 Shows a utility truck, a green truck, and a brown sedan. Photo taken facing northeast.
- 1051.54 Shows a red tractor and a beige truck with a topper. Photo taken facing north.
- 1051.55 Shows a motorcycle, fence posts, metal, and other items in front of the garage. Photo taken facing northeast.
- 1051.56 Shows a few refrigerators, tanks, an ATV, another truck, and other items also stored on the driveway. Photo taken facing northeast.
- 1051.57 Shows the front yard to be cleaner than at previous inspections. Photo taken facing northeast.

wrfosternar

STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH



INSPECTION PHOTOS

DATE: <u>01</u> / <u>19</u> / <u>07</u>	SITE#: 0 9 9 8 1 1 0 0 0 1 CO.: LASALLE
TIME: 12:46 P.M.	SITE NAME: Wayne and Becky Foster
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
Northeast	
*	
DISK#: 1051 PHOTO#: 53	

DATE: <u>01</u> / <u>19</u> / <u>07</u>
TIME: 12:47 P.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward:
North
DISK #: 1051 PHOTO #: 54



INSPECTION PHOTOS

DATE: <u>01 / 19 / 07</u>	SITE#: 0 9 9 8 1 1 0 0 0 1 CO.: LASALLE
TIME: 12:47 P.M.	SITE NAME: Wayne and Becky Foster
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
Northeast	
DISK#: 1051 PHOTO#: 55	

DATE: <u>01 / 19 / 07</u>
TIME: 12:49 P.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward:
Northeast
÷
DISK #: 1051 PHOTO #: 56



INSPECTION PHOTOS

DATE: <u>01 / 19 / 07</u>	SITE#: 0 9 9 8 1 1 0 0 0 1 CO.: LASALLE
TIME: 12:49 P.M.	SITE NAME: Wayne and Becky Foster
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
Northeast	
DISK#: 1051 PHOTO#: 57	

DATE://
TIME:
PHOTOGRAPH TAKEN BY:
COMMENTS: Picture taken toward:
DISK #: PHOTO #:

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