ILLINOIS POLLUTION CONTROL BOARD June 7, 2007

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
Complainant,)	
•))	A C 05 44
V.)	AC 05-44 (IEPA No. 587-04-AC)
DONALD EICHEN,)	(Administrative Citation)
Respondent.)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

Today the Board accepts a proposed settlement and dismissal of this administrative citation enforcement action. By way of background, complainant, the Illinois Environmental Protection Agency (Agency), timely filed an administrative citation against respondent, Donald Eichen (Eichen), on December 15, 2004. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Agency alleged that Eichen violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2004)) by causing or allowing the open dumping of waste resulting in litter. According to the administrative citation, the violations took place at a site owned and operated by Eichen, designated with Site Code No. 1170150004, and located in the SW quarter of Section 21, Township 1QN, Range 7W, west of the abandoned railroad tracks, north of the east end of Breckenridge Street, in Carlinville, Macoupin County.

Eichen timely filed a petition to contest the administrative citation on January 21, 2005, which the Board accepted on February 3, 2005. On May 31, 2007, the parties filed a stipulation and proposed settlement, accompanied by a request to dismiss Eichen's petition. Under the proposed settlement, Eichen admits the alleged violation of Section 21(p)(1) and agrees to pay the statutory \$1,500 civil penalty. Settlement at 1. The stipulation provides that the "waste located at the site that was the subject of this administrative citation has been removed and properly disposed of." *Id*.

The Board accepts the stipulation and proposed settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2004)), the Board therefore finds that Eichen violated Section 21(p)(1) of the Act. Generally, the civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation of each such provision. *See* 415 ILCS 5/42(b)(4-5) (2004); 35 Ill. Adm. Code 108.500. The Board accordingly now assesses a civil penalty of \$1,500 for Eichen's violation of Section 21(p)(1). The Board also dismisses Eichen's petition to contest the administrative citation.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. The Board finds that Eichen violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)) by causing or allowing the open dumping of waste resulting in litter.
- 3. Eichen must pay the \$1,500 civil penalty no later than July 9, 2007, which is the first business day following the 30th day after the date of this order. Eichen must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and Eichen's social security number must be included on the certified check or money order.
- 4. Eichen must send the certified check or money order to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

- 5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
- 6. The Board dismisses Eichen's petition to contest the administrative citation.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 7, 2007, by a vote of 4-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

DEC 15 2004

STATE OF ILLINOIS Pollution Control Board

(217) 782-9817 TDD: (217) 782-9143

December 13, 2004

AC05-44

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. Donald Eichen

IEPA File No. 587-04-AC; 1170150004—Macoupin 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,

mes M. Kropid ssistant Counsel

M. Kon

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant, v. DONALD EICHEN, Respondent.

NOTICE OF FILING

To: Donald Eichen

211 W. Breckenridge Carlinville, IL 62626

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: December 13, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) STATE OF I
Complainant,	AC OS-44
V.) (IEPA No. 587-04-AC)
DONALD EICHEN,)
	\
Respondent.))

<u>JURISDICTION</u>

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 Donald Eichen ("Respondent") is the present owner and operator of a facility located at the east half of the SW quarter of Section 21, Township 10N, Range 7W, located west of the abandoned railroad track, north of the east end of Breckenridge Street in Carlinville, Macoupin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carlinville/Eichen.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1170150004.
 - 3. That Respondent has owned and operated said facility at all times pertinent hereto.
- 4. That on November 1, 2004, Jan Mier of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her November 1, 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).

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 <u>One Thousand Five Hundred Dollars (\$1,500.00)</u>. 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 <u>January 14, 2005</u>, 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, Director Agurec
Illinois Environmental Protection Agency

Date: 12 13/04

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,	AC OS	+44
v.	(IEPA No. 5	87-04-AC)
DONALD EICHEN,)		
Respondent.)		
FACILITY: Carlinville/Eichen	SITE CODE NO.:	1170150004
COUNTY: Macoupin	CIVIL PENALTY:	\$1,500.00
DATE OF INSPECTION: November 1, 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

AFFIDAVIT	
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IN THE MATTER OF:) .
Illinois Environmental Protection Agency	AC05-44
vs.) IEPA DOCKET NO.
Donald Eichen Respondent)))
	, , , , , , , , , , , , , , , , , , ,

Affiant, Jan Mier, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
- 2. On, November 1, 2004 between 11:10 a.m. and 11:35 a.m., Affiant conducted an inspection of an open dump, located in Macoupin County, Illinois and known as *Carlinville/Eichen* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1170150004 by the Agency.
- 3. Affiant inspected said 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 open dump.

Jan Mier

Subscribed and Sworn to Before Me this 4th day of 7200, 2004

Notary Public

OFFICIAL SEAL CHARLENF # POWELL NOTARY PUBLIC STATE OF ILLINOIS My Comm. Expires March 15, 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	MACOUPIN	LPC#: 1170150004 Region: 5-SPFLD	
Location/S	Site Name:	CARLINVILLE/EICHEN	
Date:	11/1/04	Time: From 11:10 AM To 11:35 PM Previous Inspection Date: 7/15/04	
Inspector(s): JAN MI		
No. of Pho	otos Taken: #	t 15 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes# No	X
Interviewe	d: DONAL	D EICHEN Complaint #:	
	1	AECZIVS	D
Responsit	ole Party	DONALD EICHEN 211 W RRECKENDINGE	
Mailing Ad		211 W. BRECKEINRIUGE	
and Phone		CARLINVILLE, IL 62626	•
Number(s)):	217/854-2333	
·	SECTION	DESCRIPTION	VIOL
	<u> </u>		VIOL
	LL	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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	. (1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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	X
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RE IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	SULTS
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	

Standing or Flowing Liquid Discharge from the Dump Site

(6)

LPC# 1170150004

Inspection Date: 11/1/04

	(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	Γ
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	Г
	:	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	
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:		
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
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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.

Signature of Inspector(s)

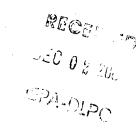
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.

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).

Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency Inspection Narrative

LPC#1170150004 – Macoupin County Carlinville/Eichen FOS File Inspection Date -7/15/04 Inspector - Jan Mier



On November 1, 2004, I conducted a re-inspection at the above-referenced site. The property is owned by Donald Eichen. Apparently, the site is an old amusement park as evidenced by the large slide and other rides that have been dismantled and are deteriorating in the weather. Mr. Eichen was sent an Administrative Citation Warning Notice on April 3, 2003 with a compliance deadline date of May 12, 2003 to remove open dumped waste. A re-inspection was conducted on April 22, 2004 with Mr. Eichen and his father present, and an extension was given until June 14, 2004 to properly dispose of all used tires and until October 22, 2004 for all other waste at the site. No written response or receipts for disposal were ever submitted to the Illinois EPA.

I arrived at 11:10 a.m. The site appeared unchanged. Metal machinery is still sitting amidst unmowed vegetation (see photo #001). Mr. Eichen has repeatedly told me about projects he wants to do with the material on site, such as roof the warehouse (see photo #002) to store all the material currently outside (see photo #003) and make the modular building on site into a storage building (see photo #004). Photo #005 shows more metal and railroad ties sitting in weeds. Photo #006 shows a piece of heavy equipment and metal machinery. Photo #007 shows the slide on site with a dismantled vehicle next to it. On the rim used tires, metal scaffolding, plastic tanks and lumber sit among weeds in photo #008. A dismantled amusement ride was observed (see photo #009). Waste, including a fan, concrete drainage pipe, a drum, metal pipes and sheet metal were scattered along the fence on the west side of the property (see photo #010). Used tires that were supposed to be disposed by June 14, 2004 are shown in photos #011, 012, and #013. The painted used tires are from the go-kart track on site. Piles of landscape waste are scattered throughout the site (see photo #014 and #015). I departed at 11:35 a.m.

Continuing violations observed during the inspection are noted on the attached checklist.

cc: DLPC/FOS - Springfield Region

STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection:

1/1/04

Site Code:

LPC#1170155004

Site:

Carlinville/Eichen

Inspector:

Jan Mier

County:

Macoupin

Time:

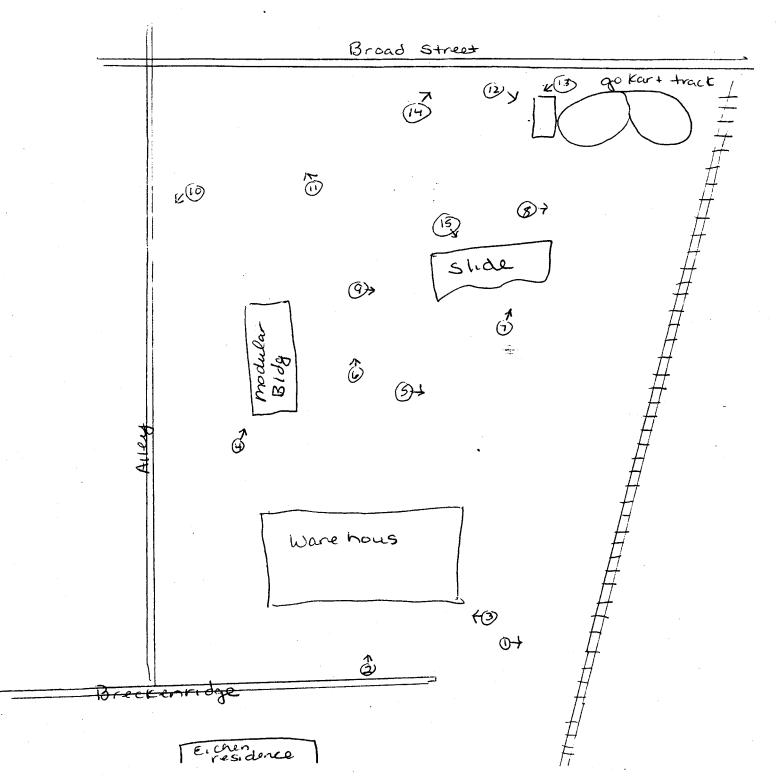
11:10 a.m. – 11:35 a.m.

Measurements Approximate

Direction of Photo →

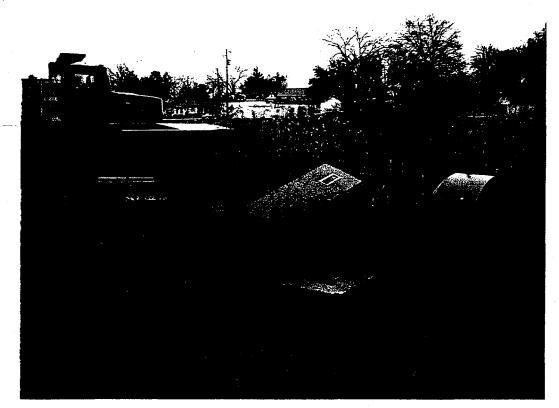
Not to Scale

NORTH



Hlinois Environmental Protection Agency Bureau of Land Division of Land Pollution Control

DIGITAL PHOTOGRAPHS



Date: 11/1/04 Time: 11:25 a.m. Direction: E Photo by: Jan Mier Exposure #: 001 Comments:

Metal machinery among vegetation



Date: 11/1/04 Time: 11:25 a.m. **Direction: N** Photo by: Jan Mier

Exposure #: 002 Comments:

Unfinished warehouse with rusted metal machinery, lumber, and

metal

File Names: 1170150004 ~11012004-[Exp. #].jpg



Date: 11/1/04
Time: 11:26 a.m.
Direction: W
Photo by: Jan Mier
Exposure #: 003
Comments:

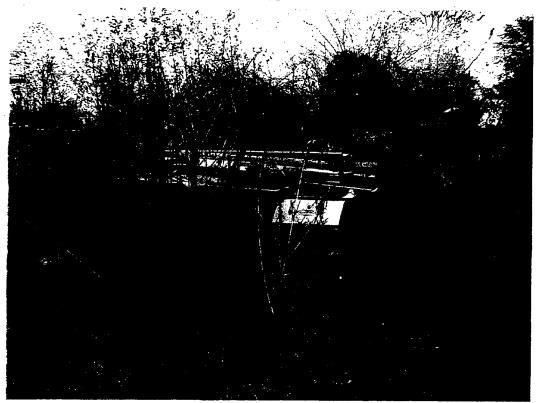
Scrap metal, lumber, corrugated metal and machinery



Date: 11/1/04
Time: 11:27 a.m.
Direction: N/NW
Photo by: Jan Mier
Exposure #: 004
Comments:

Metal trailer that has been on site since February 2003

File Names: 1170150004 ~11012004-[Exp. #].jpg



Date: 11/1/04 Time: 11:27 a.m. Direction: E

Photo by: Jan Mier Exposure #: 005 Comments:

Machinery andrailroad ties in vegetation



Date: 11/1/04 Time: 11:28 a.m. Direction: N Photo by: Jan Mie

Photo by: Jan Mier Exposure #: 006 Comments:

Metal air conditioner, scrap metal, lumber and bulldozer



Date: 11/1/04
Time: 11:28 a.m.
Direction: N/NE
Photo by: Jan Mier
Exposure #: 007
Comments:

Partial vehicle with axle and other parts



Date: 11/1/04
Time: 11:28
Direction: E
Photo by: Jan Mier
Exposure #: 008
Comments:

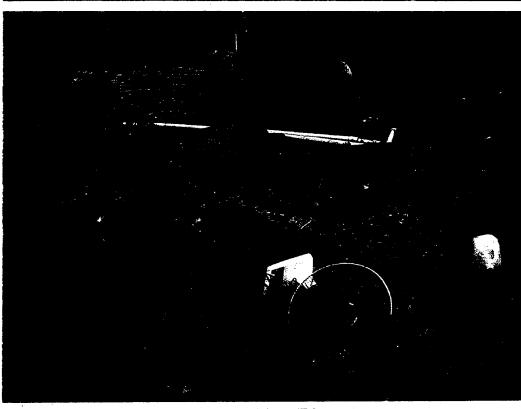
Used tires on the rim, metal scaffolding, plastic tanks and miscellaneous metal



Date: 11/1/04 Time: 11:29 a.m. Direction: E

Photo by: Jan Mier Exposure #: 009 Comments:

Wooden sled among vegetation



Date: 11/1/04
Time: 11:30 a.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 010
Comments:

Fan, concrete pipe, barrel, metal pipe, and sheet metal



Date: 11/1/04
Time: 11:30 a.m.
Direction: NW
Photo by: Jan Mier
Exposure #: 011
Comments:

Used tires and landscape waste



Date: 11/1/04
Time: 11:31 a.m.
Direction: SE
Photo by: Jan Mier
Exposure #: 012
Comments:

Used tires from go kart track with lawn mower and plastic waste



Date: 11/1/04
Time: 11:31 a.m.
Direction: SW
Photo by: Jan Mier
Exposure #: 013
Comments:

Used tires from go cart track that contained water



Date: 11/1/04
Time: 11:31 a.m.
Direction: NE
Photo by: Jan Mier
Exposure #: 014
Comments:

Landscape waste



Date: 11/1/04
Time: 11:32 a.m.
Direction: SE
Photo by: Jan Mier
Exposure #: 015
Comments:

Slide overgrown with weeds

PROOF OF SERVICE

I hereby certify that I did on the 13th day of December 2004, 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: Donald Eichen

211 W. Breckenridge Carlinville, IL 62626

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