



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
TDD: (217) 782-9143

March 19, 2008

AC 08-24

RECEIVED
CLERK'S OFFICE
MAR 21 2008
STATE OF ILLINOIS
Pollution Control Board

John Therriault, 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. Edward W. Fisher & Rhonda L. Fisher and
DEM/EX Group, Inc.
IEPA File No. 29-08-AC; 1250305011—Mason County

Dear Mr. Therriault:

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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
EDWARD W. FISHER & RHONDA L.)
FISHER and DEM/EX GROUP INC.,)
)
Respondents.)

AC 08-26
(IEPA No. 29-08-AC)

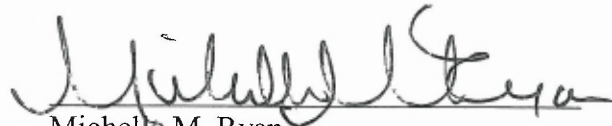
RECEIVED
CLERK'S OFFICE
MAR 21 2008
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Edward W. Fisher & Rhonda L. Fisher DEM/EX Group, Inc.
7841 Warner Road 805 South Adams Street
Manito, IL 61546 Manito, IL 61546-9300

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
Assistant Counsel

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

Dated: March 19, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
EDWARD W. FISHER & RHONDA L.)
FISHER and DEM/EX GROUP INC.,)
Respondents.)

AC 08-26
(IEPA No. 29-08-AC)



JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

- That Edward W. Fisher and Rhonda L. Fisher are the present owners and DEM/EX Group Inc. is the current operator ("Respondents") of a facility located as follows: Part of the Northwest 1/4 of Section 28, Township 23 North, Range 6 West, Third Meridian, Manito, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Manito/DEM/EX Group, Inc.
- That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1250305011.
- That Respondents have owned/operated said facility at all times pertinent hereto.
- That on February 7, 2008, Paul Eisenbrandt of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of his

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

VIOLATIONS

Based upon direct observations made by Paul Eisenbrandt during the course of his February 7, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2006).

- (2) That Respondents 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) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2006), and if the Illinois

Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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.

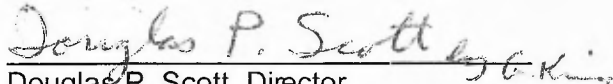
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 3/19/08

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
)	
v.)	(IEPA No. 29-08-AC)
)	
EDWARD W. FISHER & RHONDA L.)	
FISHER and DEM/EX GROUP INC.,)	
)	
)	
Respondents.)	

FACILITY:	Manito/DEM/EX Group, Inc.	SITE CODE NO.:	1250305011
COUNTY:	Mason	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	February 7, 2008		

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Mason LPC#: 1250305011 Region: 5 - Springfield
 Location/Site Name: Manito / DEM/EX Group Inc.
 Date: 02.07.2008 Time: From 9:52 AM To 11:00 AM Previous Inspection Date: 07.24.2007
 Inspector(s): Paul Eisenbrandt Weather: ~30°F, Mostly Cloudy w/Flurries
 No. of Photos Taken: # 52 Est. Amt. of Waste: >200 yds³ Samples Taken: Yes # No X
 Interviewed: Mr. Edward Fisher Complaint #: C-07-156-C

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

Edward W. & Rhonda L. Fisher (Owner)
 P.O. Box 756
 Pekin, IL 61555-0756
 309-478-3366

DEM/EX Group Inc.
 805 South Adams Street
 Manito, IL 61546-9300
 Attn: William Fisher (Operator)
 309-968-6245

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	Resolved
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	Resolved
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 RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	Resolved
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

Inspection Date: February 7, 2008

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	X
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	X
12.	808.121	SPECIAL WASTE DETERMINATION	X
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.	739.122(c)(1)	CONTAINERS USED TO STORE USED OIL MUST BE LABELED OR MARKED CLEARLY WITH WORDS "USED OIL."	X

Informational Notes

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
MEMORANDUM

DATE: February 14, 2008

TO: DLPC / Division File

FROM: Paul Eisenbrandt, DLPC/FOS Springfield Region

SUBJECT: LPC # 1250305011 - Mason County
Manito / DEM/EX Group Inc.
C-07-156-C
FOS File

INSPECTION DATE: February 7, 2008

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of a February 7, 2008 follow up investigation of the above referenced site. The initial complaint alleged improper handling of materials containing asbestos, lead, and PCB's, and open burning violations. This second inspection took place from about 9:52 am to 11:00 am and fifty-two (52) digital photographs were taken. The weather was mostly cloudy with light flurries and approximately 30°F. Mr. Edward Fisher, Owner/Operator, was interviewed during the inspection.

DEM/EX Group Inc. is a demolition and excavation contractor. Mr. William Fisher (Main Operator) and his brother Edward Fisher (Owner/Operator) have been in business at this three acre location for approximately four years. According to Mr. Fisher ninety percent of their work is demolition related.

The Illinois EPA inspector went into the DEM/EX office building and indicated the inspector was onsite to complete a follow up inspection. The inspector met Mr. Edward Fisher. Mr. Fisher stated they had been at this location for approximately four years. Mr. Fisher was apprehensive about allowing the inspection, because he said he did not want to get in trouble for the material outside. The inspector stated that he had not performed the inspection yet and was unaware of the material. Mr. Fisher called the material aggregate and stated he was going to crush it onsite and use the aggregate as fill material. Mr. Fisher stated has was planning to lower the grade of the north parking area and then use the fill as a base and planned to cover the fill with concrete. Mr. Fisher said the repair were necessary since the building receives water damage during heavy rain events. Mr. Fisher also stated he wanted to asphalt the southern parking lot after grade repairs were completed. Mr. Fisher consented to the inspection and initially followed the inspector during part of the inspection.

Photograph 001 shows a street elevation view of the DEM/EX Group office building. A two cubic yard dumpster was observed behind the building. The waste in the dumpster was overfull, but appeared consistent with office operations.

Photograph 002 shows the northeast parking lot. No debris was observed.

Photograph 003 shows a crusher located between the maintenance garage and the office building. Mr. Fisher stated this was the crusher he was going to use to crush the demolition aggregate. Mr. Fisher did not want to call the aggregate waste as he claimed it was planned for reuse at the facility.

Photograph 004 shows three empty 5-gallon buckets of oil, five lead acid batteries, and scrap metal located along the southeast side of the maintenance garage. Mr. Fisher claimed the DEM/EX employees had just placed the items there but that they were still good. The inspector recommended to Mr. Fisher that the lead acid batteries be stored off the ground on a pallet or inside the maintenance shop until recycled. The inspector also recommended reusable materials be stored neatly and to discard or store the empty oil buckets inside.

Photographs 005 and 006 show a trailer with a load of scrap metal and three piles of scrap metal on the ground south of the office building. Mr. Fisher identified these materials as sorted scrap metal for recycling.

Photographs 007, 008, and 009 show numerous piles of demolition debris that Mr. Fisher called aggregate. Mr. Fisher stated the material came from Herget Bank in Pekin. According to the Illinois EPA Bureau of Air, a 10 day notification of demolition or renovation was not filed for this demolition. DEM/EX Group demolished the bank and trucked the waste to this location on Monday (two days prior to this inspection) for sorting, crushing, recycling. Mr. Fisher stated the scrap metal would be sent to BEHR Recycling. The waste would be disposed through Area Disposal Service Inc. The concrete and brick would be crushed to a consistency of CA6 aggregate and used on site.

Photograph 010 shows a red BEHR recycling roll off box and some of its contents.

Photograph 011 shows eight large and two smaller propane tanks observed on the south side of the demolition debris. The planned use or disposal of the tanks was not discussed with Mr. Fisher.

Photographs 012, 013, 014, and 015 show part of the massive demolition debris pile. There are likely more than 200 cubic yards of demolition debris on site that were not present during the July 24, 2007 inspection. Chunks of concrete, broken brick, orange safety fencing, cast iron and galvanized plumbing pipes, electrical conduits, electrical wiring, splinted dimensional lumber, scrap metal, smashed electrical components, fragmented porcelain plumbing fixtures, metal drywall corner bead, linoleum flooring, plastic, burlap, asphalt sheeting, and doorknobs, were among the observed demolition debris. Green and beige painted brick was also observed intermixed in the demolition debris waste pile.

Photograph 016 shows broken brick, cast iron waste pipe, rusty scrap metal, and a large chunk of concrete with a black tar like adhesive and brown coating on the flat floor-like surface.

Photograph 017 shows crane equipment stored in the southwest corner of the facility.

Photograph 018 shows a debris pile of timbers, rock, concrete, dirt, and landscape waste located in the southwest corner of the facility. The amount of off site generated landscape waste appears to have decreased since the July inspection.

Photograph 019, 020, 021, 022, and 023 show additional views of the massive demolition debris pile.

Photograph 024 shows a material adhered on the side of a concrete and brick block.

Photograph 025 and 027 show material and equipment storage on the northwest side of the maintenance garage. The UNIGLORY shipping container has been moved but is still on site.

Photograph 026 shows neatly stack pallets of rock and building material along the western property boundary.

Photographs 028 and 029 show a red 55-gallon drum located south of the concrete containment area. The drum was open allowing precipitation to enter. The drum was ½ full of an oily looking substance. The drum was not labeled "Used Oil."

Photograph 030 show two empty 500-gallon storage tanks in the southeast corner of the concrete containment area.

Photograph 031 shows equipment and material storage within the concrete containment area. The concrete deck was covered with one inch thick ice over water. The oil drums previously observed within this area have been moved. Due to the ice and water, it could not be determined if the spilled oil (approximately 15 ft by 25 ft spill observed in July) had been cleaned up.

Photograph 032 shows an improperly stored off rim used tire. Used tires must be stored inside or neatly stacked and covered to prevent water accumulation and proliferation of water born insects. The photograph also shows the high pressure sodium industrial lights have been neatly stacked within the concrete containment area. Mr. Fisher claimed a building would be constructed over the concrete containment area and the industrial lights would be used for the building.

Photograph 033 shows five 55-gallon drums resting on the ground west of the concrete containment area. Initially Mr. Fisher stated the drums were empty. The inspector found two drums to contain fluid. Mr. Fisher stated they were used oil and not properly marked. Mr. Fisher immediately called someone and began asking that person why they were not labeled. The empty black drum was observed tipped up against the concrete wall. The black drum and one of the red drums had make-shift covers out of wrapped black plastic. The nearest drum in the photograph was empty and slightly crushed. One of the drums containing used oil was also not capped allowing precipitation to enter the drum. None of the drums were labeled "Used Oil." All containers of used oil must be labeled with the words "Used Oil."

Photograph 034 shows two truck tires that Mr. Fisher claimed could be reused. The truck tires were covered preventing water accumulation. The steam boiler (seen in the photograph beyond the tires) was onsite during the July inspection.

Photograph 035 shows pipe storage and two concrete collection tanks outside the north wall of the containment area. At this point during the inspection Mr. Fisher left stating he would return in about ten minutes.

Photograph 036 shows the western side of the building rented by Ferrellgas. The inoperable black Ford F150 pickup was still observed behind the building. The two 55-gallon drums and the steel tank used for open during have been removed since the July 24, 2007 inspection. The open dumped weathered countertop has been cleaned up. No charred waste was observed during this second inspection.

Photograph 037 shows a yellow and black dump truck located in the northeast corner of the facility. It appears as if the vehicle is in operational condition. During the July inspection a partially buried used tire was observed northwest of the containment area. Snow cover prevented the inspector from finding the location.

Photograph 038 shows two operational above ground storage tanks on the northeast side of the maintenance garage. No spilled fluids were observed.

Photographs 039 and 040 show heavy equipment, orange safety fencing, an emergency eye wash station, dimensional lumber, a small barbeque grill, a patio fireplace, a cardboard box, and two empty hydraulic oil buckets along the northeast side of the maintenance garage. The oil buckets and some of the other items appeared in disarray and should be cleaned up. The burn barrel/waste can observed here during the July inspection has been removed.

Photograph 041 shows Ferrellgas of Manito is still renting the north building, shed, and parking spaces.

Photograph 042 shows an alternate view of the southeast side of the maintenance garage.

Photograph 043 shows a Ford Thunderbird without current tags. The engine hood was also missing and the vehicle appears inoperable.

Photograph 044 shows the northern property line of the facility facing northwest. Ferrellgas has three propane tanks (one in use) along the building.

Photograph 045 shows a one-half full, unlabeled, open top container of oily liquid and sludge substance located near the southeast corner of the maintenance garage. Used oil should not be stored in open topped containers. No employees were working nearby.

Photograph 046 shows a used tire, two garbage cans (one spilling waste onto the ground) and gas cylinders observed on the southwest side of the maintenance garage. Although some items may not be waste, their haphazard storage around the building appears as open dumped waste and careless housekeeping. Due to the snow cover, the minor petroleum staining previously observed on the gravel in front of the large overhead door could not be inspected. The inspector did not investigate the inside of the maintenance garage.

Photographs 047 and 048 show additional views of the demolition debris. A hot water heater, brick, concrete, cinder block, carpet, rebar, insulation material, cyclone fencing, aluminum blinds, and scrap metal were observed among the demolition debris.

Photographs 049 and 050 show a large steel tank and a compressor cylinder observed with the demolition debris.

Photograph 051 shows an alternate view of the scrap metal piles.

Photograph 052 shows an alternate view of the demolition debris and heavy equipment.

Before leaving, the inspector went back into the DEM/EX Group office building. No one came forward to the reception counter. Mr. Fisher had not returned from his errands. The inspector left without being able to verbally discuss the observed environmental concerns.

All containers used for the collection and accumulation of used oil must be labeled "Used Oil" as required by 35 IAC 739.122(c). The spilled oil, hydraulic fluids, etc. must be cleaned up and properly disposed of in accordance with 35 IAC 739.122(d).

All wastes must be removed to an Illinois EPA permitted landfill or transfer station. Wastes at this location also include demolition debris, inoperable vehicles, empty oil containers, and any unusable items not stored inside or under cover that are weathered and no longer fit for their original intended purpose. Scrap metal not disposed at a landfill must be in the recycling roll off box or removed and processed at a properly licensed and operating scrap metal facility or recycling center.

Off rim used tires must be stored so as to prevent accumulation of water. Used tires cannot not be abandoned, dumped, or disposed of on private or public property. The used tires must be disposed of at an Illinois EPA registered used tire processor.

Over 200 cubic yards of off-site generated waste were observed throughout the facility. All of the waste must be cleaned up. All materials stored outside should be organized in a manner that depicts a useable storage area rather than an open dump. Demolition debris must be hauled directly to an Illinois EPA approved disposal site. Crushing and salvaging operations must be completed at the demolition site. Waste can not be transported back to this facility for sorting and processing.

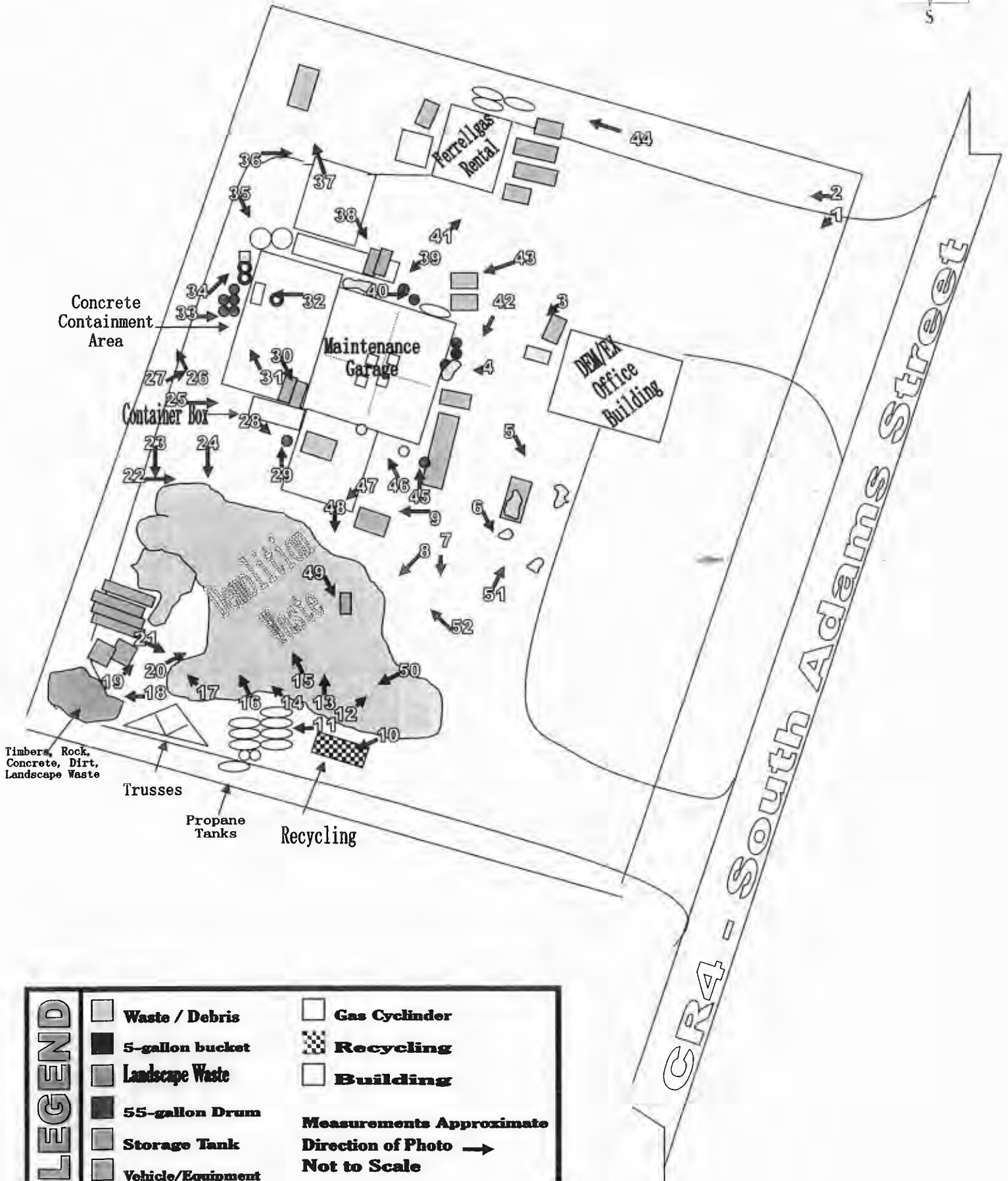
The attached Open Dump Inspection Checklist describes the apparent violations noted. A site sketch and digital photographs accompany this narrative.

cc: DAPC/FOS Dennis Hancock
DLPC/FOS Springfield Region
Mason County Health Department, Becky Chaney



SI SKETCH

File
February 7, 2008 Inspection



LEGEND	Waste / Debris	Gas Cylinder
	5-gallon bucket	Recycling
	Landscape Waste	Building
	55-gallon Drum	Measurements Approximate
	Storage Tank	Direction of Photo →
	Vehicle/Equipment	Not to Scale



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:09 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 001
Comments: Street elevation view of the DEM/EX Group office building.



Date: February 7, 2008
Time: 10:09 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 002
Comments: Northeast parking lot clear of debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:10 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 003
Comments: A crusher located between the maintenance garage and the office building.



Date: February 7, 2008
Time: 10:10 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 004
Comments: Three empty 5-gallon buckets of oil, five lead acid batteries, and scrap metal located outside the southeast side of the maintenance garage.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:15 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 005
Comments: A pile of scrap metal on the trailer and another pile of scrap metal in the background were observed south of the office building.



Date: February 7, 2008
Time: 10:16 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 006
Comments: Two additional pile of scrap metal observed south of the office building.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:16 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 007
Comments: Numerous piles of demolition debris were observed on the south side of the facility.



Date: February 7, 2008
Time: 10:16 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 008
Comments: Observed demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:16 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 009
Comments: Piles of demolition debris Mr. Fisher called aggregate.



Date: February 7, 2008
Time: 10:17AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 010
Comments: BEHR Recycling dumpster.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:18 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 011
Comments: Eight large and two smaller propane tanks observed on the south side of the facility.



Date: February 7, 2008
Time: 10:20 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 012
Comments: Demolition debris that includes concrete, brick, orange safety fencing, plumbing pipes, electric conduits, electric wiring, plastic, rebar, scrap metal, and splintered dimensional lumber.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:20 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 013
Comments: Demolition debris including broken concrete and brick, scrap metal, crushed electrical components, fragments of porcelain, metal drywall corner bead, and cast iron waste pipe were observed.



Date: February 7, 2008
Time: 10:20 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 014
Comments: Concrete, brick, scrap metal linoleum flooring, burlap, asphalt sheeting, and door knobs were observed among the demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:22 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 015
Comments: Green painted brick, lumber, concrete, and scrap metal were observed among the demolition debris.



Date: February 7, 2008
Time: 10:27 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 016
Comments: Broken brick, cast iron waste pipe, and concrete debris. The large chunk of concrete had a black tar like adhesive and a brown coating on the flat floor like surface.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:28 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 017
Comments: Crane equipment stored in the southwest corner of the facility.



Date: February 7, 2008
Time: 10:28 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 018
Comments: Timbers, rock, concrete, dirt, and landscape waste located in the south west corner of the facility.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:28 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 019
Comments: Demolition equipment in foreground and piles of demolition debris in background of photograph.



Date: February 7, 2008
Time: 10:28 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 020
Comments: Demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:28 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 021
Comments: Demolition debris.



Date: February 7, 2008
Time: 10:31 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 022
Comments: Demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:31 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 023
Comments: Alternate view of demolition debris.

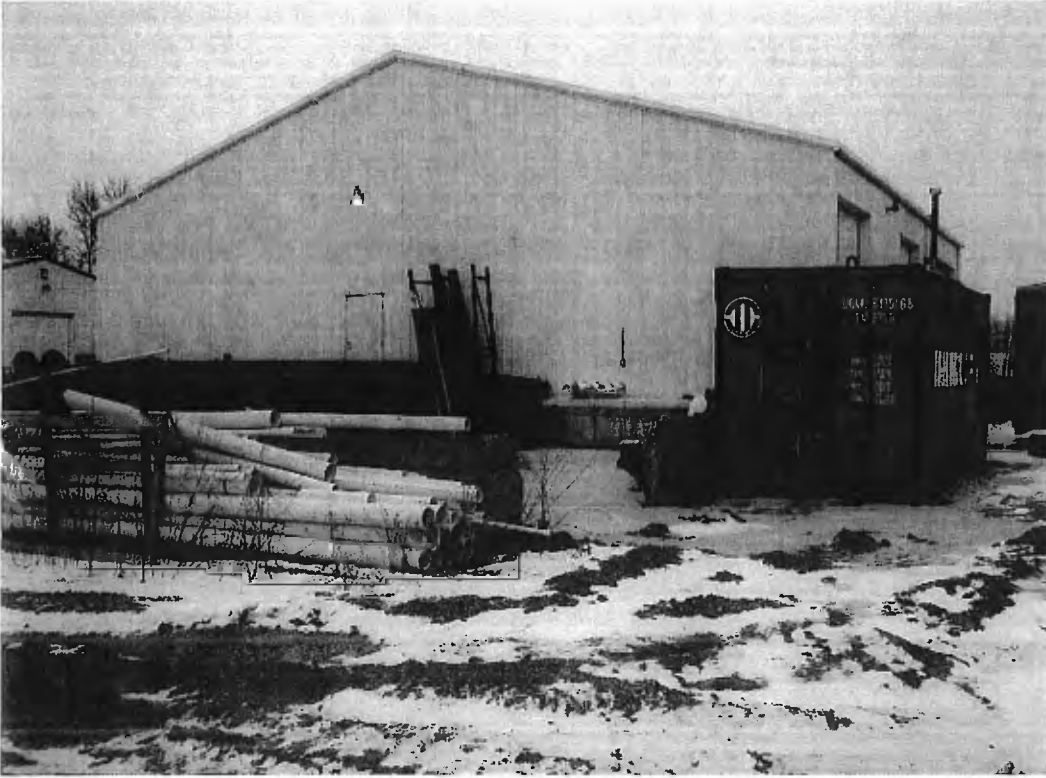


Date: February 7, 2008
Time: 10:31 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 024
Comments: Material adhered on side of concrete and brick block.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:32 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 025
Comments: Material and equipment storage on the northwest side of the maintenance garage.



Date: February 7, 2008
Time: 10:32 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 026
Comments: Neatly stacked pallets of rock and building materials along western property boundary.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:32 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 027
Comments: Material and equipment storage on the northwest side of the maintenance garage.



Date: February 7, 2008
Time: 10:33 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 028
Comments: A red 55-gallon drum located south of the concrete containment area.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:33 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 029
Comments: The drum was open allowing precipitation to enter. The drum was 1/2 full of an oily looking substance.



Date: February 7, 2008
Time: 10:35 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 030
Comments: Empty storage tanks in the southeast corner of the concrete containment area.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:35 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 031
Comments: Equipment and material storage in the concrete containment area.



Date: February 7, 2008
Time: 10:35 AM
Direction: W
Photo by: Eisenbrandt
Exposure #: 032
Comments: A used off-rim truck tire and neatly stacked high pressure sodium industrial lights within the concrete containment area.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:36 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 033
Comments: Five 55-gallon drums resting on the ground west of the concrete containment area. Two of the drums contained used oil and were not properly marked. The empty black drum was tipped against the concrete wall. One of the drums was open allowing precipitation to enter.



Date: February 7, 2008
Time: 10:36 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 034
Comments: Two truck tires that Mr. Fisher claimed were useable.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:41 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 035
Comments: Pipe storage and two concrete collection tanks outside the north wall of the containment area.



Date: February 7, 2008
Time: 10:41 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 036
Comments: The two 55-gallon drums and the steel tank used for open burning have been removed since the July 2007 inspection. The inoperable black Ford pick remains west of the Ferrellgas building.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:41 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 037
Comments: Yellow and black Ford dump truck located in the northwest corner of the facility.



Date: February 7, 2008
Time: 10:42 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 038
Comments: Operational storage tanks on the north east side of the maintenance garage.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:43 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 039
Comments: Heavy equipment, orange safety fencing, an emergency eye wash station, a patio fireplace, and an empty hydraulic oil bucket located on northeast side of maintenance garage.



Date: February 7, 2008
Time: 10:43 AM
Direction: E
Photo by: Eisenbrandt
Exposure #: 040
Comments: Two empty hydraulic oil buckets on the northeast side of the maintenance garage.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:44 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 041
Comments: Ferrelgas of Manito is still renting the north building, shed, and parking spaces.



Date: February 7, 2008
Time: 10:44 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 042
Comments: Alternate view of southeast side of maintenance garage.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:44 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 043
Comments: The Ford Thunderbird without current tags or engine hood appears inoperable.



Date: February 7, 2008
Time: 10:45 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 044
Comments: View of northern property line facing northwest. Ferrellgas has three propane tanks, one in use for the building.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:48 AM
Direction: N
Photo by: Eisenbrandt
Exposure #: 045
Comments: One-half full open top container of an oily liquid and sludge substance located near the crusher and the southeast corner of the maintenance garage.



Date: February 7, 2008
Time: 10:48 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 046
Comments: A used tire, two garbage cans (one spilling waste onto the ground) and gas cylinders observed on the southwest side of the maintenance garage.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:48 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 047
Comments: A hot water heater, brick, concrete, cinder block, insulation material, carpet, cyclone fencing, aluminum window blinds, and scrap metal were among the demolition debris observed.



Date: February 7, 2008
Time: 10:48 AM
Direction: S
Photo by: Eisenbrandt
Exposure #: 048
Comments: Alternate view of demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:49 AM
Direction: SE
Photo by: Eisenbrandt
Exposure #: 049
Comments: A large steel tank was observed with the demolition debris.



Date: February 7, 2008
Time: 10:51 AM
Direction: SW
Photo by: Eisenbrandt
Exposure #: 050
Comments: A compressor cylinder was observed among the demolition debris.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc



DIGITAL PHOTOGRAPHS



Date: February 7, 2008
Time: 10:52 AM
Direction: NE
Photo by: Eisenbrandt
Exposure #: 051
Comments: Alternate view of the scrap metal piles.



Date: February 7, 2008
Time: 10:52 AM
Direction: NW
Photo by: Eisenbrandt
Exposure #: 052
Comments: Alternate view of demolition debris and heavy equipment.

Photograph File Names: 1250305011~02072008-[Exp. #].jpg File Name: 1250305011~02072008 .doc

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

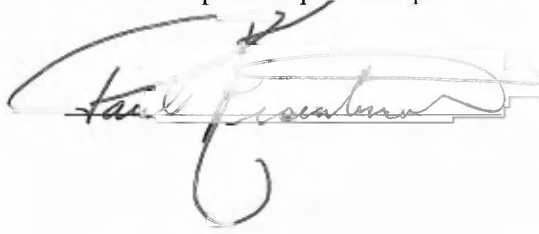
AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 DEM/EX Group Inc. &)
 Edward W. & Rhonda L. Fisher)
 Respondents)
)

IEPA DOCKET NO.

Affiant, Paul Eisenbrandt, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 7, 2008 between 9:52 AM and 11:00 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Mason County, Illinois, and known as Manito/DEM/EX Group Inc. by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1250305011 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Manito/DEM/EX Group Inc. open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Manito/DEM/EX Group Inc. open dump.



Subscribed and Sworn To before me
This 4th day of March, 2008

Charlene K. Powell

Notary Public

OFFICIAL SEAL
 CHARLENE K. POWELL
 NOTARY PUBLIC - STATE OF ILLINOIS
 COMMISSION EXPIRES MARCH 15, 2012

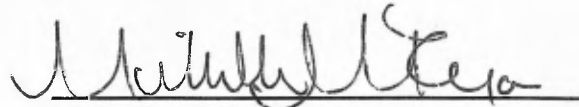
PROOF OF SERVICE

I hereby certify that I did on the 19th day of March 2008, 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: Edward W. Fisher & Rhonda L. Fisher DEM/EX Group, Inc.
7841 Warner Road 805 South Adams Street
Manito, IL 61546 Manito, IL 61546-9300

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: John Therriault
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

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