



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

RECEIVED
CLERK'S OFFICE

JUN 19 2008

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

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

June 17, 2008

AC08-34

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. Joseph Combs
IEPA File No. 75-08-AC: 0610405013—Greene 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

bcc: Susan Konzelmann, DLC #21
Mike Davison, Division of Land Pollution Control #24
Division of Land Pollution Control File Room #24 (Compliance File)
White Hall/Combs
0610405013—Greene County
Charlie King, Springfield Regional Office

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOSEPH COMBS,

Respondent.

ORIGINAL

AC

(IEPA No. 75-08-AC)

RECEIVED
CLERK'S OFFICE

JUN 19 2008

STATE OF ILLINOIS
Pollution Control Board

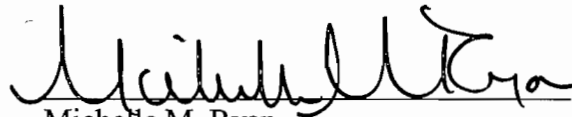
08-34

NOTICE OF FILING

To: Joseph Combs
260 Isreal Street
White Hall, IL 62092

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: June 17, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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JUN 19 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOSEPH COMBS,

Respondent.

ORIGINAL
AC 08-34

(IEPA No. 75-08-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

1. That Joseph Combs ("Respondent") is the present operator of a facility located at 260 Isreal Street, White Hall, Greene County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as White Hall/Combs.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0610405013.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on April 22, 2008, Charlie King 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 Charlie King during the course of his April 22, 2008 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) (2006).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

CIVIL PENALTY

On July 12, 2007, the Board found Joseph Combs in violation of Sections 21(p)(1), (3) and (7) of the Act in AC 07-60.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1) and (7) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2008, 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 (2006), 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) (2006), 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 (2006). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 6/17/08

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

RECEIVED
CLERK'S OFFICE

JUN 19 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOSEPH COMBS,

Respondent.

ORIGINAL

AC 08-34

(IEPA No. 75-08-AC)

FACILITY: White Hall/Combs

SITE CODE NO.: 0610405013

COUNTY: Greene

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: April 22, 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

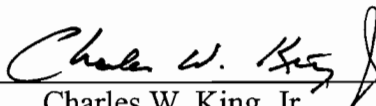
AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Joseph Combs,)
)
)
Respondent.)

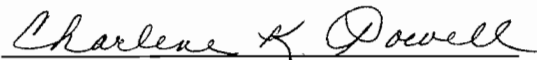
IEPA DOCKET NO.

Affiant, Charles W. King, Jr., being first duly sworn, voluntarily deposes and states as follows:

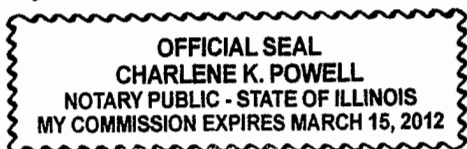
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On April 12, 2007 between 1:20 PM and 2:20 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Greene County, Illinois, and known as White Hall/Combs by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0610405013 by the Illinois Environmental Protection Agency.
3. Affiant inspected said White Hall/Combs 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 White Hall/Combs open dump.


Charles W. King, Jr.

Subscribed and Sworn To before me
This 30 day of May, 2008



Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Greene LPC#: 0610405013 Region: 5 - Springfield
 Location/Site Name: White Hall/Combs
 Date: 04/22/2008 Time: From 0955 To 1020 Previous Inspection Date: 10/24/2007
 Inspector(s): Charlie King Weather: Rain, Overcast, 60, Winds S @ 10 mph.
 No. of Photos Taken: # 9 Est. Amt. of Waste: 247 yds³ Samples Taken: Yes # No
 Interviewed: Joseph Combs, Jr. Complaint #: C-07-037-C

Responsible Party Mailing Address(es) and Phone Number(s):	Joseph Combs 260 Isreal Street White Hall, IL 62092 217/942-3759 or 217/491-4761	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0610405013

Inspection Date: 04/22/2008

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input checked="" type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: AC 07-60 (IEPA No. 128-07-AC) ORDER ENTERED ON: 07/12/2007	<input checked="" type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: May 21, 2008

TO: Land Division File

FROM: Charlie King, DLPC/FOS – Springfield Region

SUBJECT: LPC # 0610405013 – Greene County
White Hall/Combs
C-07-037-C
FOS File

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of a re-inspection conducted at the subject site on April 22, 2008 from approximately 9:55 a.m. until 10:20 a.m., by this author. The re-inspection was conducted to follow-up re-inspections of the site conducted on October 24, 2007 and April 12, 2007, and the original site inspection conducted on November 17, 2006. The original inspection was conducted as a result of a complaint received at the DLPC/FOS – Springfield Regional Office. The complainant alleged that for three or four months, the respondent had brought landscape waste to his property and open dumped it along a fence line near a ditch. The respondent operates a tree-trimming business. The complainant alleged that there were about three semi-truck loads of chipped landscape waste on-site. The complainant alleged that some of the wood chips were burned. The complainant further stated that used tires and old trailers were dumped on the property. The original site inspection was discussed in the Narrative Inspection Report Document Memorandum to the Land Division File, from this author, dated December 14, 2006. The original site inspection and the April 12, 2007 re-inspection revealed that open dumping evidence was found on-site, including metals, wood, glass, general household refuse, vehicle batteries, a partially demolished mobile home, another mobile home that apparently had been partially burned, makeshift incinerators, gas cylinders, a fuel oil tanker on its side, plastics, vehicle parts and other solid wastes. Some of the wastes were burned. A large amount of wood chips was also found. Also found was a deer fawn in shed. It is unknown if the respondent has a permit for the animal or not. Regardless, the Illinois Department of Natural Resources, Conservation Police, was notified about the captive live deer fawn. The first re-inspection was discussed in this author's Narrative Re-Inspection Report Document Memorandum to the Land Division File, dated April 25, 2007. The second re-inspection was discussed in this author's Narrative Re-Inspection Report Document Memorandum to the Land Division File, dated November 27, 2007. During the second re-inspection, the wood chips were gone and the open burning had ceased. No open burning violations were cited for that re-inspection. However, during

the April 22, 2008 re-inspection, a small amount of wood chips were again found at the site and a small amount of open burning was found, but not near the wood chips.

The respondent was issued an Open Dump Administrative Citation Warning Notice (ACWN), dated December 19, 2006. A follow-up letter to the April 12, 2007 site re-inspection was dated May 1, 2007, where the respondent was once again warned to clean up the site. An Administrative Citation was dated May 17, 2007. It carried a \$4,500 civil penalty. Any Petition for Review was due on June 27, 2007. No such petition was filed. Pollution Control Board Order AC 07-50 (IEPA No. 128-07-AC), was dated July 12, 2007. The respondent was found in violation of Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3), and (7) (2006)). The respondent was ordered to pay the civil penalty no later than August 13, 2007. In an e-mail memorandum to Michelle Ryan, IEPA/DLC, from this author, dated October 29, 2007, an AC update was requested. Ms. Ryan responded that no payment had been received as of that date. A letter was sent to Mr. Combs dated December 5, 2007 from the DLPC/FOS – Springfield Regional Office. In that letter two options were presented to the respondent. The first was for the Illinois EPA to immediately undertake the necessary steps to obtain an enforceable judgment order and another monetary penalty sufficient to achieve compliance. He was warned that second offenses of Section 21(p) of the Act may result in the penalty being doubled for each violation of that section. He had two 21(p) violations during the first two re-inspections. Therefore, another penalty could be imposed in the amount of \$6,000. The second option was for the Illinois EPA to provide Mr. Combs with another opportunity to bring his site into compliance by taking measures outlined in the letter, including immediately paying the existing \$4,500 penalty imposed as a result of the AC, to immediately stop open dumping, to remove all of the wastes, and to submit copies of receipts that document proper disposal or recycling of the wastes to the Illinois EPA. He was given until March 1, 2008 to once again come into compliance. Due to a surgery on this inspector, the re-inspection was delayed until April 22, 2008. At that time, a small amount of waste was found to have been cleaned up, but other wastes were added, making the amount of waste at the site approximately the same as found during the previous site inspection, i.e., approximately 247 cu. yds. Based on the most recent re-inspection, the respondent, Joseph Combs, was found to still be in violation of the Board Order, and still is as of the date of this memorandum.

The site is located at 260 Isreal Street (street spelling per DeLorme Street Atlas), White Hall, Illinois. It is located southeast of the downtown area of White Hall, approximately two blocks east of the railroad tracks that run north/south on the east side of the town. A Warranty Deed was not obtained on the day of the inspection, but was later faxed to David C. Jansen, Manager, DLPC/FOS – Springfield Region and to this inspector, from Liz Stemm, Greene County Health Department, upon request. The Warranty Deed is number SS117994, recorded October 4, 1999 in Book 181 of Deeds, Page 213. Ms. Stemm obtained the Deed from the Greene County Recorder's Office in Carrollton, Illinois. A copy of that deed has been placed in the Division and DLPC/FOS – Springfield Regional Office files. The name "Combs" and "260" are noted on the mail box and the name J. Combs with telephone numbers: 217/491-4761 and 217/942-3759

were on a truck marked "Combs Tree Service" on the south side of the driveway during the first inspection.

Upon arrival at the site on the day of the most recent re-inspection, conducted on April 22, 2008, the weather was raining and overcast, with an air temperature of approximately 60° F. Winds were southerly at approximately 10 mph. Surface soil conditions were saturated and muddy.

Upon arrival at the property on the day of the most recent re-inspection, I observed a young man in the driveway. I identified myself and purpose of my visit to the young man. Upon inquiry, he identified himself as Joseph Combs, Jr., aka Larry Combs, the son of the respondent. I gave him a business card and asked him to give it to his father, when he saw him next. He concurred. I asked permission to inspect the property and he said that would be alright.

A description of the layout of the site is provided in this author's December 14, 2007 Memorandum to the Land Division File.

During the previous site inspection, the area of woodchips, the focus of the original complainant, located at the northeast part of the property, had been removed. However, some chips were again observed at a large open dump pile in the northeast area of the site. Other areas of open dumping were still observed, as shown in the attached Digital Photographs.

During the most recent re-inspection, nine (9) photographs were taken with a digital camera. They show the conditions of the site on the day of the most recent re-inspection. From that re-inspection, previous site inspections, and the Digital Photographs, a partially computer generated and partially hand drawn sketch of the site was developed by this author. The Site Sketch shows the approximate layout of the property, as well as the approximate locations and directions of the inspection photographs. The digital camera assigns a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photos are identified on the Digital Photographs and in this narrative. However, to save space on the Site Sketch, real numbers were used, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this narrative and a part of this report.

From the Digital Photographs:

Photo # 001 shows the area immediately west of the house has been adequately cleaned up.

Photo # 002 shows that except for a few used tires, wastes have been removed from clutter in front of the garage.

Photo # 003 shows the north side of the garage. A small pile of open dumped and open burned wastes can be seen in the center distance, just before the trees.

Photo # 004 shows a much closer view of the same burned wastes shown in photo # 003. This waste area measured approximately 15' x 10' x 2'.

Photo # 005 shows the area behind the garage. The wastes here would measure approximately 15' x 10' x 2' if placed in a single pile.

Photo # 006 shows an old classroom reportedly to be removed by a neighboring lady within three weeks.

Photo # 007 shows the size of this pile has been re-estimated and is now measured at approximately 40' x 30' x 6' high. The wastes were mostly wood, but approximately 30 used tires were all present.

Photo # 008 shows this waste area appears to have also grown in size since the previous site inspection and is now estimated at approximately 50' x 40' x 5'.

Photo # 009 shows the same pile of wastes shown in photo # 008. Wood chips appear to have been added to this pile that also includes a boat, landscape wastes, plastic, a bike, wire, dirt, metals and concrete chunks.

During the re-inspection, apparent violations of the Illinois Environmental Protection Act (Act) and of the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC) were still observed. Those apparent violations of the Act are, Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7) and 55(a)(1). Those open burning violations 9(a), 9(c) and 21(p)(3)), were alleged during the original site inspection, but not during the previous site re-inspection. However, a small area of open burning, just northeast of the garage, was again observed. Therefore, those apparent violations pertaining to open burning are once again alleged. An apparent violation of the regulations, 35 IAC, is, Part: 812.101(a). The Open Dump Inspection Checklist that accompanies this narrative, and is a part of this report, provides additional information.

OTHER COMMENTS

1. The volume of waste at this site was noted as having been reduced during a previous site re-inspection, however, no noticeable change in volume since the last re-inspection was observed. Some wastes were removed, particularly in the western area of the site and near the garage. However, more wastes were observed near the largest open dump pile in the northeast area of the site. Therefore, the amount of waste is still estimated at approximately 247 cu. yds. of wastes.
2. No one else approached me during the inspection.
3. Although I left a business card with Joseph Combs, Jr. to give to his father, Mr. Combs has not called to discuss the open dumping problems at his property, or for any other reason..

3. Mr. Combs has yet again failed to pay the \$4,500 penalty plus accrued interest. This information was obtained via e-mail from Michelle Ryan, DLC, on May 7, 2008. Mr. Combs failure to pay any of the penalty or interest is a violation of Pollution Control Board Order, Case No. AC-07-60 (IEPA No. 128-07-AC).

4. Mr. Combs has yet to provide receipts documenting cleanup to date, as required in the ACWN dated December 19, 2006, p. 2. Item no. 7, and again in the Illinois EPA's letter of December 5, 2007, p. 2., Item no. 7.

CK

cc: DLPC/FOS – Springfield Region

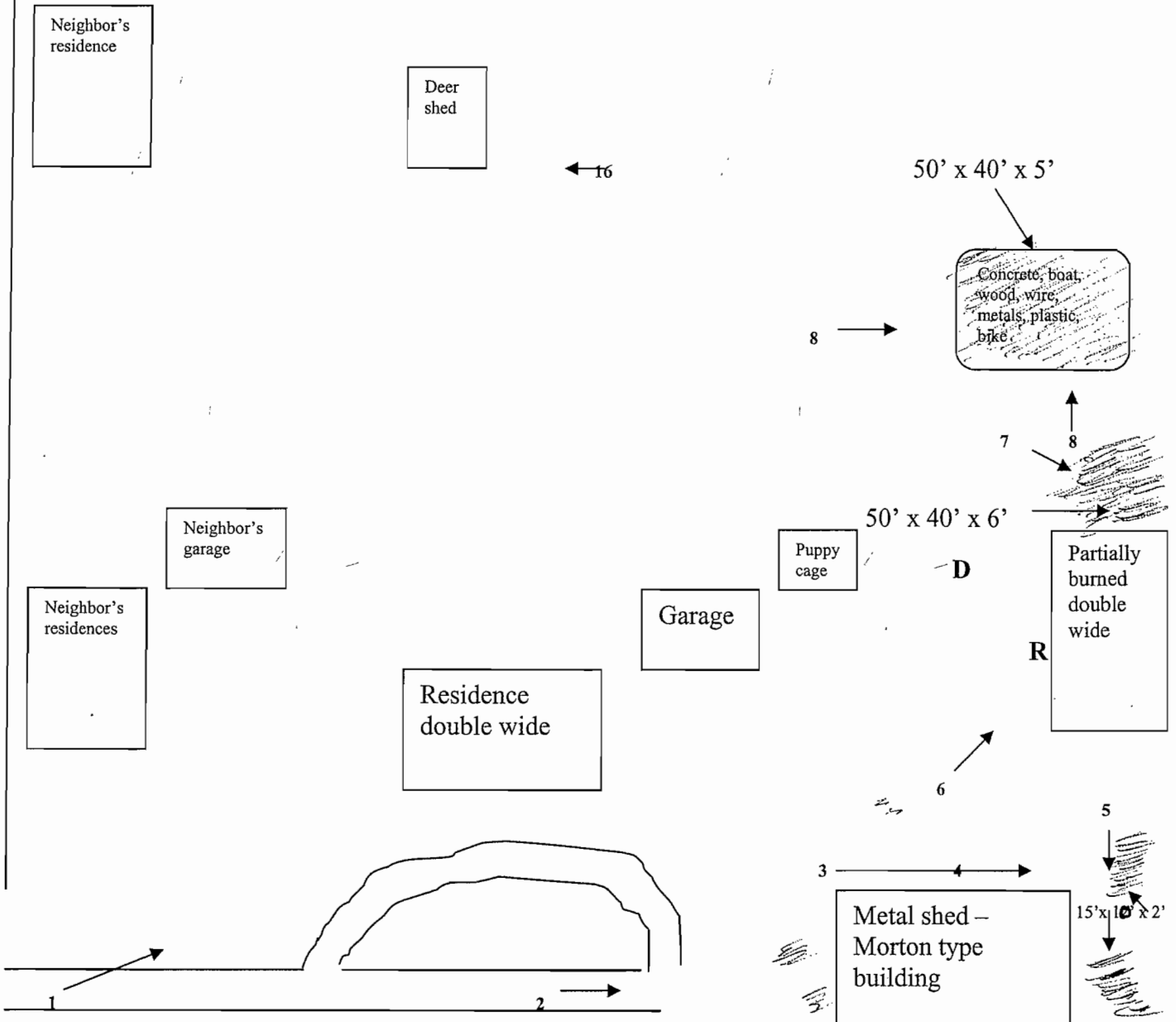
SITE SKETCH

Site name: White Hall/Combs
 LPC #: 0610405013
 Inspector: Charlie King

County: Greene
 Date: April 22, 2007
 Time: 9:55 a.m. – 10:20 a.m.

FOS File

A digital camera was used for the Inspection photos. Distances are approximate – Not drawn to scale



LEGEND

2→ - Denotes location and direction of photo.
 // - Open dumping
 D - Pitt Bull or similar dog tied up
 R - Rottwieler or similar dog fenced in



DIGITAL PHOTOGRAPHS



Date: April 22, 2008
Time: 9:59 a.m.
Direction: NW
Photo by: Charlie King
Exposure #: 001
Comments: The area immediately west of the house has been adequately cleaned up.



Date: April 22, 2008
Time: 10:01 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 002
Comments: Except for a few used tires, wastes have been removed from clutter in front of the garage.

File Names: 0610405013~04222008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: April 22, 2008
Time: 10:02 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 003
Comments: The north side of the garage. A small pile of open dumped and open burned wastes can be seen in the center distance, just before the trees.



Date: April 22, 2008
Time: 10:03 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 004
Comments: A much closer view of the same burned wastes shown in photo # 003. This waste area measured approximately 15' x 10' x 2'.

File Names: 0610405013~04222008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: April 22, 2008
Time: 10:03 a.m.
Direction: S
Photo by: Charlie King
Exposure #: 005
Comments: The area behind the garage. The wastes here would measure approximately 15' x 10' x 2' if placed in a single pile.



Date: April 22, 2008
Time: 10:05 a.m.
Direction: NE
Photo by: Charlie King
Exposure #: 006
Comments: An old classroom reportedly to be removed by a neighboring lady within three weeks.

File Names: 0610405013~04222008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: April 22, 2008
Time: 10:05 a.m.
Direction: SE
Photo by: Charlie King
Exposure #: 007
Comments: the size of this pile has been re-estimated and is now measured at approximately 40' x 30' x 6' high. The wastes were mostly wood, but approximately 30 used tires were also present.



Date: April 22, 2008
Time: 10:09 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 008
Comments: This waste area appears to have also grown in size since the previous site inspection and is now estimated at approximately 50' x 40' x 5'.

File Names: 0610405013~04222008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: April 22, 2008
Time: 10:11 a.m.
Direction: E
Photo by: Charlie King
Exposure #: 009
Comments: The same pile of wastes shown in photo # 008. Wood chips appear to have been added to this pile that also includes a boat, landscape wastes, plastic, a bike, wire, dirt, metals and concrete chunks.

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PROOF OF SERVICE

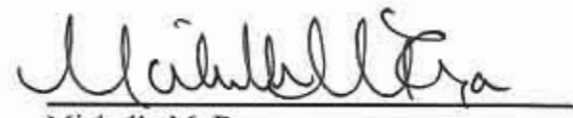
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 17th day of June 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: Joseph Combs
260 Isreal Street
White Hall, IL 62092

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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