



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 20 2008

STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL

June 17, 2008

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

AC08-37

Re: Illinois Environmental Protection Agency v. Nancy Koltzenburg d/b/a K & N Excavating and Rentals
IEPA File No. 77-08-AC: 0670255034—Hancock 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

RECEIVED
CLERK'S OFFICE
JUN 20 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

ORIGINAL

Complainant,

AC

08-37

v.

(IEPA No. 77-08-AC)

NANCY KOLTZENBURG d/b/a/ K & N
EXCAVATING AND RENTALS,

Respondent.

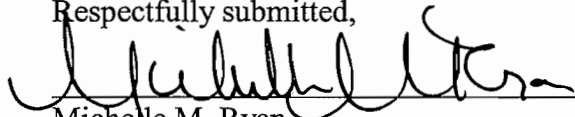
NOTICE OF FILING

To: Nancy Koltzenburg d/b/a K & N Excavating and Rentals
312 Woodland Drive
Hamilton, IL 62341-1116

Nancy Koltzenburg d/b/a K & N Excavating and Rentals
2405 East Highway 136
Carthage, IL 62321

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

RECEIVED
CLERK'S OFFICE

JUN 20 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

NANCY KOLTZENBURG d/b/a K & N
EXCAVATING AND RENTALS,

Respondent.

ORIGINAL

AC 08-37

(IEPA No. 77-08-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 Nancy Koltzenburg d/b/a K & N Excavating and Rentals ("Respondent") is the present owner and operator of a facility located at 2405 East Highway 136, Carthage, Hancock County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as K & N Excavating and Rentals.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0670255034.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on April 24, 2008, Robert J. Wagner of the Illinois Environmental Protection Agency's Peoria Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his April 24, 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2006).

- (3) 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

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 One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than 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

RECEIVED
CLERK'S OFFICE
JUN 20 2008
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

NANCY KOLTZENBURG d/b/a K & N
EXCAVATING AND RENTALS,

Respondent.

ORIGINAL

AC 08-37
(IEPA No. 77-08-AC)

FACILITY: K & N Excavating and Rentals

SITE CODE NO.: 0670255034

COUNTY: Peoria

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: April 24, 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.

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 20 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

AC08-37

IN THE MATTER OF:

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)
)

IEPA DOCKET NO.

RESPONDENT

)

Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

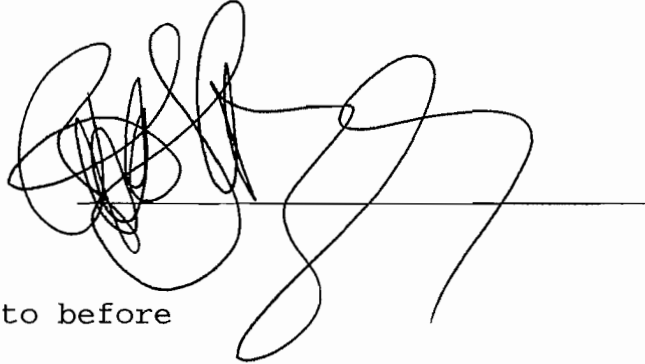
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On April 24, 2008, between 10:10 a.m. and 10:25 a.m., Affiant conducted an inspection of the open dump in Hancock County, Illinois, known as K & N Excavating and Rentals, Illinois Environmental Protection Agency Site No. 0670255034.

3. Affiant inspected said K & N Excavating and Rentals open dumpsite by an on-site inspection, which included walking the site and photographing the site.

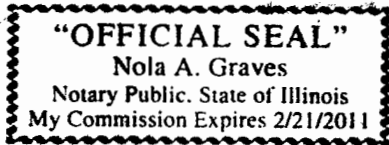
4. As a result of the activities referred to in Paragraphs 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of

Affiant's observations and factual conclusions with respect to K
& N Excavating and Rentals open dump.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Subscribed and Sworn to before

me this 12 day of May 2008



Nola A Graves

Notary Public

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
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 JUN 20 2008
 STATE OF ILLINOIS
 Pollution Control Board

County: Hancock LPC#: 0670255034 Region: Central
 Location/Site Name: Carthage / K & N Excavating and Rentals
 Date: 04/24/2008 Time: From 10:10 AM To 10:25 AM Previous Inspection Date: _____
 Inspector(s): Robert J. Wagner Weather: 50 F, Rainy, Muddy
 No. of Photos Taken: # 8 Est. Amt. of Waste: 27 yds³ Samples Taken: Yes # _____ No
 Interviewed: No One On Site Complaint #: C-2008-50-P
 Latitude: 40.41405 Longitude: 91.04206 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party Mailing Address(es) and Phone Number(s): K & N Excavating Nancy A. Koltzenburg P.O. Box 173 Hamilton, Illinois 62341	K & N Excavating 2405 East Highway 136 Carthage, IL
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ORIGINAL

	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	<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 # 0670255034

Inspection Date: 04/24/2008

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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 type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input 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.

Narrative

On April 24, 2008, this author (Robert J. Wagner) inspected property owned by K & N Excavating (see attached property deed). "K & N Excavating and Rentals" was the name on a sign on the property (see photograph 8). The property address is 2405 East Highway 136, Carthage, Illinois (see attached site map). The inspection was a result of a citizen complaint (C-2008-50-P). The complainant alleged that open dumping and open burning were taking place on the property.

This author arrived at the property at 10:10 AM. This author observed a waste pile smoldering behind of a garage on the property (see site sketch). This smoldering waste pile was clearly visible from US Route 136. After knocking on the garage door with no response, this author proceeded to walk and photograph the smoldering waste pile. This author observed open burning taking place at the time of the inspection. Photographs 1, 2, 3, 4, 5, 6, 7 and 8 show the smoldering waste pile consisting of the charred remains of demolition, metal debris, paper, brick, and insulation burning on the property. The size of the burn pile was approximately 25 feet long by 10 feet wide by 3 feet high (27 yd³). This author departed the site at 10:25 AM.

On April 29, 2008, this author spoke to Chris Koltzenburg of K & N Excavating and Rentals by telephone. According to Mr. Koltzenburg the debris burning at the site was a generated off site from the demolition of a house in Carthage, Illinois. He would not say where the house was located. He said that K & N Excavating and Rentals was unaware of any environmental regulations regarding the demolition of buildings. He said K & N Excavating and Rentals is a general construction contractor involved in heavy construction projects such as earth moving, water main and sewer installation, storm sewer installation, concrete construction, trucking, heavy equipment hauling, demolition, land clearing and heavy equipment rentals. He informed this author that K & N Excavating is owned by his mother Nancy Koltzenburg. He said they would discontinue the practice of open burning immediately. This author told him that all debris needed to be taken directly to an IEPA permitted landfill for disposal. This author told him that K & N Excavating and Rentals needed to submit the disposal receipts to the Agency.

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

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) is alleged for the following reason: **K & N Excavating and Rentals caused the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: **K & N Excavating and Rentals caused the open burning of refuse.**

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

A violation of Section 21(a) is alleged for the following reason: **K & N Excavating and Rentals caused the open dumping of waste.**

4. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **K & N Excavating and Rentals conducted a waste-storage, waste-treatment, and waste disposal operation without a permit granted by the Illinois EPA.**

5. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **K & N Excavating and Rentals conducted a waste-storage, waste-treatment, and waste disposal operation in violation of regulations or standards adopted by the Illinois Pollution Control Board.**

6. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **K & N Excavating and Rentals disposed, treated, and stored waste at a site which does not meet the requirements of the Act and Regulations.**

7. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **K & N Excavating and Rentals caused the open dumping of waste in a manner which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) is alleged for the following reason: **K & N Excavating and Rentals caused the open dumping of waste in a manner which resulted in open burning.**

9. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **K & N Excavating and Rentals caused the open dumping of waste in a manner that resulted in deposition of general construction or demolition debris as defined in Section 3.160(a) of this Act.**

10. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **K & N Excavating and Rentals did not submit to the Agency an application for a permit to develop and operate a landfill.**

HANCOCK COUNTY

K & N Excavating and Rentals

Ferris

Carthage

A

136 1500 N

Elvaston

1400 N-1430 N

Tenn

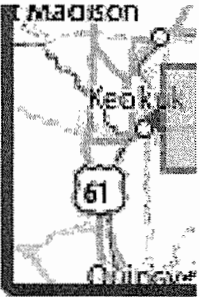
61 E-100th St

Bentley

Basco

HANCOCK COUNTY

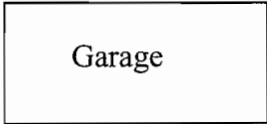
Plymouth




0670255034 -- Hancock County
K & N Excavating and Rentals
FOS
Prepared By: Robert J. Wagner
Inspection Date: April 24, 2008
Site Sketch



US Route 136



Garage

A simple rectangular box with a black border, containing the word "Garage" in a serif font.

Burn Pile

A jagged, starburst-shaped outline containing the words "Burn Pile" in a serif font.



DATE: April 24, 2008

TIME: 10:13 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:

0670255034-04242008-001.jpg

COMMENTS: The photograph shows a smoldering waste pile consisting of the charred remains of processed wood, metal debris, paper, brick, and insulation.



DATE: April 24, 2008

TIME: 10:13 AM

PHOTOGRAPHED BY:

Robert J. Wagner

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:

0670255034-04242008-002.jpg

COMMENTS: The photograph shows a smoldering waste pile consisting of the charred remains of processed wood, metal debris, paper, brick, and insulation.



DOCUMENT FILE NAME:

0670255034-04242008.doc



DATE: April 24, 2008

TIME: 10:13 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0670255034-04242008-003.jpg

COMMENTS: The photograph shows a
smoldering waste pile consisting of the
charred remains of processed wood, metal
debris, paper, brick, and insulation.



DATE: April 24, 2008

TIME: 10:13 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0670255034-04242008-004.jpg

COMMENTS: The photograph shows a
smoldering waste pile consisting of the
charred remains of processed wood, metal
debris, paper, brick, and insulation.



DOCUMENT FILE NAME:
0670255034-04242008.doc



DATE: April 24, 2008

TIME: 10:13 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0670255034-04242008-005.jpg

COMMENTS: The photograph shows a
smoldering waste pile consisting of the
charred remains of processed wood, metal
debris, paper, brick, and insulation.



DATE: April 24, 2008

TIME: 10:14 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0670255034-04242008-006.jpg

COMMENTS: The photograph shows a
smoldering waste pile consisting of the
charred remains of processed wood, metal
debris, paper, brick, and insulation.



DOCUMENT FILE NAME:
0670255034-04242008.doc



0670255034 - Hancock County
K & N Excavating and Rentals
FOS

Site Photographs
Page 4 of 4

DATE: April 24, 2008

TIME: 10:14 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0670255034-04242008-007.jpg

COMMENTS: The photograph shows a
smoldering waste pile consisting of the
charred remains of processed wood, metal
debris, paper, brick, and insulation.



DATE: April 24, 2008

TIME: 10:16 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken toward
the west.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0670255034-04242008-008.jpg

COMMENTS: The photograph shows
the business sign located at the front of
the property.



DOCUMENT FILE NAME:
0670255034-04242008.doc



2006-2162

KERRY ASBRIDGE
HANCOCK COUNTY RECORDER
CARTRAGE, IL

RECORDED ON
07/14/2006 08:21:59AM

REC FEE: 35.00
RHSP FEE: 10.00
PAGES: 2

45.00 pd.
Rt - Sewell

TRUSTEE'S DEED

Hancock County Recorder of Deeds

The Grantor, CLYDE RICHARD REEVES as Trustee under the provisions of a Trust Agreement dated the 9th day of September, 1993, and known as the Clyde Richard Reeves and Marilyn Irene Reeves Trust dated September 9, 1993, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration in hand paid, does sell and convey unto K & N EXCAVATING, the following described real estate, to-wit:

A part of Lot 5 of the Subdivision of the Northwest Quarter of Section 24, Township 5 North, Range 6 West of the Fourth Principal Meridian (see Chancery Record Book "L" at Page 546), Hancock County, Illinois, and being more particularly described as follows: Commencing, as a point of reference, at the Northwest corner of the Northwest Quarter of said Section 24; thence South 00° 49' 26" West (assumed bearing for this description) 47.42 feet along the West line of said Northwest Quarter to a point on the Southerly right of way line of U.S. Route #136 as now established; thence South 87° 24' 53" East 250.76 feet along said right of way line to the point of beginning of the following described tract of land; thence South 00° 49' 26" West 310.86 feet; thence South 87° 32' 24" East 422.50 feet, thence North 00° 49' 26" East 301.30 feet to a point on said Southerly right of way line; thence North 81° 42' 15" West 86.71 feet along said right of way line; thence North 87° 24' 53" West 336.51 feet to the point of beginning, according to Survey recorded in Book 21 of Surveys at Page 39 on August 30, 2001, at 9:27 a.m. as Document No. 2001-3384 in the Hancock County Recorder's Office, Hancock County, Illinois;

EXCEPT that part deeded to the State of Illinois for highway purposes as shown in Trustee's Deed dated August 12, 2004 and recorded November 29, 2004 as Document Number 2004-4380.

Reserving unto the Grantor, his heirs and assigns, the right to use an existing driveway easement for ingress and egress.

All situated in the County of Hancock, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State. - This is not Homestead Property.

ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 20 2008

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 17th day of June 2008, send by Certified Mail, Return Receipt

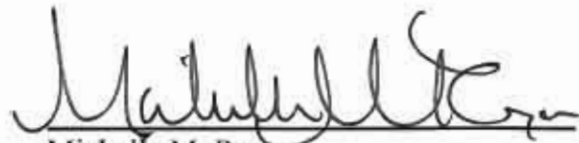
Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Nancy Koltzenburg d/b/a K & N Excavating and Rentals
312 Woodland Drive
Hamilton, IL 62341-1116

Nancy Koltzenburg d/b/a K & N Excavating and Rentals
2405 East Highway 136
Carthage, IL 62321

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