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

July 17, 2008

ORIGINAL Acog-5 CLERK'S OFFICE

STATE OF ILLINOIS Pollution Control Board

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

Re: <u>Illinois Environmental Protection Agency v. Donald E. and Mary A. Jennings</u> IEPA File No. 135-08-AC; 0090105031—Brown County

Dear Mr. Therriault:

Chicago, Illinois 60601

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
 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120

 bcc: Susan Konzelmann, DLC #21 Mike Davison, Division of Land Pollution Control #24 Division of Land Pollution Control File Room #24 (Compliance File) Mt. Sterling/Jennings, Donald & Mary 0090105031—Brown County
 William Zierath, Springfield Regional Office BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

)

)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

v.

DONALD E. and MARY A. JENNINGS,

Respondents.

JUL 2 1 2008 STATE OF ILLINOIS Pollution Control Board

(IEPA No. 135-08-AC)

AC 🏠

ORIGINAL

CLERK'S OFFI

NOTICE OF FILING

To: Donald E. and Mary A. Jennings R.R.4, P.O. Box 31 Mt. Sterling, IL 62353

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. Rvan

Assistant Counsel

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

Dated: July 18, 2008

CLERK'S OFFICE

JUL 2 1 2008

STATE OF ILLINOIS Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

V.

DONALD E. and MARY A. JENNINGS,

(IEPA No. 135-08-AC)

Respondents.

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 Donald and Mary Jennings are the present owners and operators of a facility located at the last property with structures on the east side of the road, prior to agricultural fields and a 90 degree curve on South Buckhorn Street, which runs north/south on the west side of the City of Mt. Sterling, Brown County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Sterling/Jennings, Donald and Mary.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No.0090105031.

3. That Respondents have owned and operated said facility at all times pertinent hereto.

4. That on May 30, 2008, William Zierath of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of the

1

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

VIOLATIONS

Based upon direct observations made by William Zierath during the course of his May 30, 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).

CIVIL PENALTY

On June 2, 2005, the Board found Donald E. and Mary A. Jennings in violation of Section 21(p)(1) of the Act in AC 05-67.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, 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 Three Thousand Dollars (\$3,000.00) for each violation, for a total of <u>Three Thousand Dollars (\$3,000.00</u>). 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 August 15, 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, 1021North 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.

3

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 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.

los P. Scott by G.K

Date: 7/17/08

Douglas P. Scott, Director

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



STATE OF ILLINOIS Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

٧.

(IEPA No. 135-08-AC)

SITE CODE NO.: 0090105031

CIVIL PENALTY: \$3,000.00

AC 095

DONALD E. and MARY A. JENNINGS,

QRIGINAL

Respondents.

FACILITY: Mt. Sterling/Jennings, Donald & Mary

COUNTY: Brown

DATE OF INSPECTION: May 30, 2008

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

<u>NOTE</u>

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



JUL -2 1 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:	<u>AFFIDAVIT</u>	STATE OF ILLINOIS Pollution Control Board
)))	A COA-5 A DOCKET NO.
Respondent.)	

Affiant, William Zierath, being first duly sworn, voluntarily deposes and states as follow:

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

2. On May 30, 2008, between 12:40 PM and 1:05 PM, Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Brown County, Illinois and known as Jennings, Donald and Mary by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0090105031 by the Agency.

3. Affiant inspected said Jennings, Donald and Mary 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 Jennings, Donald and Mary open dump.

Willef

Subscribed and Sworn To before me This $\frac{900}{2}$ day of July, 3008

Charlene K. Dowell

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Brown	LPC#: 0090105031 Region: 5 - Springfield	d			
Location/Site Name: Mt. Sterling/Jennings, Donald and Mary						
Date:	Date: 05/30/08 Time: From 12:40 To 13:05 Previous Inspection Date: 06/18/05					
Inspector(s): William	Zierath Weather: Cloudy, 75F				
No. of Pho	otos Taken: #	50 Est. Amt. of Waste: 60 yds ³ Samples Taken: Yes # No	\boxtimes			
Interviewed: No one Complaint #: C-08-110-C						
	ſ	Donald and Mary Jennings				
Responsible Party Mailing Address(es)		RR #4 Box 31				
		Mt Sterling II 62353 OD JOLE JUL 2 1 2008				
and Phone Number(s)	,	Mt. Sterling, IL 62353 ORIGINAL JUL 2 1 2008 217-773-2776 ORIGINAL STATE OF ILLING				
		217-773-2776	DIS 0ard			
	SECTION	DESCRIPTION	VIOL			
	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS				
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS				
2.	9(c)	CAUSE OR ALLOW OPEN BURNING				
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS				
4.	12(d)	CREATE A WATER POLLUTION HAZARD				
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING				
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:				
	(1)	Without a Permit	\square			
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	\boxtimes			
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				
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				
	(2)	Scavenging				
	(3)	Open Burning				
	(4)	Deposition of Waste in Standing or Flowing Waters				
	(5)	Proliferation of Disease Vectors				
	(6)	Standing or Flowing Liquid Discharge from the Dump Site				

LPC # 0090105031

Inspection Date: 05/30/08			
	(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)	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
	(3)	Cause or Allow Water to Accumulate in Used Tires	
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
` 15.	OTHER:		
	_		

Informational Notes

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

MEMORANDUM

Date: May 30, 2008 To: BOL File From: William E. Zierath, BOL/FOS - Springfield Region Subject: LPC# 0090105031 – Brown County Mt. Sterling/Donald and Mary Jennings C-08-110-C FOS File

A complaint investigation was conducted at this lot in the southwest part of Mt. Sterling on May 30, 2008. No one else was present during this investigation. The weather was cloudy and 75° F.

It was not known until after this complaint investigation that this lot had been the site of a previous complaint investigation. The property was first inspected on July 7, 2004. An Administrative Citation Warning Notice, dated September 8, 2004, was sent to Mr. and Mrs. Jennings. Mr. and Mrs. Jennings did respond to the ACWN. During November 18, 2004 and March 10, 2005 re-inspections, it was determined that clean up had not been completed. An Administrative Citation was issued on April 18, 2005 for a violation of Section 21(p)(1) of the Illinois Environmental Protection Act. No petition for review was received for the Administrative Citation. Without a petition for review, the Illinois Pollution Control Board ordered the respondents to pay the \$1500 fine. During a May 18, 2005 follow up inspection, the site was found to have returned to compliance. This was reflected in a June 22, 2005 RTC letter.

The anonymous complaint was not very specific about the location of the complaint. It said there were two lots "full of garbage, rubbish, old cars, weeds, wood, General rubbish." This was the only lot in the general location with apparent violations observed from the public road.

While there was no one else at this site during this investigation, someone driving a dark green minivan stopped along Buckhorn Road and sat there for several minutes. Due to glare on the windows, I was unable to see who was in the minivan. I started to approach the minivan, but the minivan drove off before I got very near.

From Buckhorn Road, there were several vehicles surrounded by dumpsters, roll-off boxes and junk. The view from Buckhorn Road is shown in photographs 0090105031~05302008-001, 0090105031~05302008-002 and 0090105031~05302008-003.

There was a packer truck parked near the east end of the site. The name on the door of the truck indicated that it belonged to Mark Jennings. Tape on the door obscured the word "Bros." below the name Jennings. It was unclear whether the truck was operable. The packer truck did not contain garbage. This truck is shown in photographs 0090105031~05302008-004, 0090105031~05302008-005, 0090105031~05302008-006 and 0090105031~05302008-010.

There were two dumpsters located behind the packer truck. These dumpsters contained household refuse, a small amount of demolition waste, and other junk. These dumpsters are shown in photographs 0090105031~05302008-007, 0090105031~05302008-008 and 0090105031~05302008-010.

There was another dumpster located south of the packer truck. This dumpster is shown in photograph 0090105031~05302008-009. There was a considerable amount of junk around the dumpster. The junk around this dumpster included a plastic 5-gallom bucket (with about an inch of water in it), an empty 55-gallon drum, plastic items, scrap metal and burned wire. The wastes around this dumpster are shown in photographs 0090105031~05302008-009, 0090105031~05302008-012, 0090105031~05302008-014, 0090105031~05302008-015 and 0090105031~05302008-016.

The waste in the dumpster shown in photograph 0090105031~05302008-009 included electronic equipment, small appliances, paper, cloth, and unidentified plastic and metal objects. This waste is also shown in photographs 0090105031~05302008-009 and 0090105031~05302008-013.

There was one old stove in the east end of the site. The old stove is shown in photograph 0090105031~05302008-011.

There was an abandoned pickup truck with the bed filled with waste along the south edge of this site. Wastes included numerous old glass soda bottles, scrap metal and scrap plastic. The truck did not have any license plates. The right rear tire was either flat or sunk far into the soil and had been that way for long enough that weeds had grown up around the truck during the previous growing season. The waste in the bed is shown in photographs 0090105031~05302008-017 and 0090105031~05302008-019. The rear of the truck (including the place where the rear license plate should have been) is shown in photograph 0090105031~05302008-018. The right, rear tire is shown in photograph 0090105031~05302008-019.

There was an empty 55-gallon drum located northwest of the pickup truck. This 55-gallon drum is shown in photograph 0090105031~05302008-020.

In front of the packer truck was another dumpster. The dumpster had a roll of chain link fence sitting on it. The wastes in the dumpster included plastic, paper, cardboard and metal. This dumpster is shown in photographs 0090105031~05302008-021 and 0090105031~05302008-022.

There was a pile of junk including metal shelves, the remnants of a metal tank, an air conditioner, 2 tires on rims, old toys, and unidentifiable plastic and metal items west of the pickup truck described above. This junk is shown in photographs 0090105031~05302008-024, 0090105031~05302008-025, 0090105031~05302008-026, 0090105031~05302008-027, 0090105031~05302008-030 and 0090105031~05302008-031.

Also along the south edge of the site was an abandoned flatbed truck with scrap metal on the bed. The waste is shown in photograph 0090105031~05302008-028. The license plate without a current sticker is shown in photograph 0090105031~05302008-029.

There was an old metal door and other junk located north of the flatbed truck. This waste is shown in photograph 0090105031~05302008-032.

There was a trailer loaded mostly with scrap metal in the central part of the site. The trailer is shown in photograph 0090105031~05302008-033. The waste in this trailer is also shown in photographs 0090105031~05302008-037 and 0090105031~05302008-038.

There was an abandoned automobile in the central part of the site. This abandoned automobile is shown in photograph 0090105031~05302008-034. The license plate with an expired sticker (from 1988) is shown in photograph 0090105031~05302008-035.

There was a roll-off box with one of the long sides removed on the site. This roll-off was being used to store scrap metal and other junk. This roll-off box is shown in photograph 0090105031~05302008-036.

The area south of the building was being used for storing an assortment of junk, including scrap metal, lawn furniture, tires (off rims), windows, tools, and an old grill, insulated wire and bathroom fixtures. This waste is shown in photographs 0090105031~05302008-039, 0090105031~05302008-040, 0090105031~05302008-041, 0090105031~05302008-042, 0090105031~05302008-043 and 0090105031~05302008-044.

West of the building was an assortment of junk. There was a dilapidated trailer filled with old windows and other junk. This trailer is shown in photograph 0090105031~05302008-045. There was an abandoned automobile. The abandoned automobile is shown in photographs 0090105031~05302008-045, 0090105031~05302008-046 and 0090105031~05302008-047. There were used tires on rims in this area. These used tires are shown in photographs 0090105031~05302008-045 and 0090105031~05302008-046. In addition to these large items, there were numerous scattered small items, including toys, tools, household items, and trash. This waste is shown in photographs 0090105031~05302008-045, 0090105031~05302008-047, 0090105031~05302008-045, 0090105031~05302008-046, 0090105031~05302008-047, 0090105031~05302008-048, 0090105031~05302008-049 and 0090105031~0530200850

Apparent violations observed during this investigation are marked on the attached checklist.

cc: BOL/FOS - Springfield Regional File

LPC# 0090105031 – Brown County Mt. Sterling/Jennings, Donald and Mary May 30, 2008 Site Plan Not to Scale $\mathcal{I} = Direction of Photograph$

Shed Janh 50 19 Jul Shed 48 46 Junh Overhang Junte Junk Junk 42 Z 40 37 Stare K H 23 10 35 134

Buckhorn Road



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



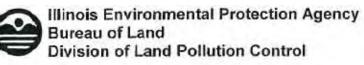
Date: May 30, 2008 Time: 12:47 PM Direction: Southeast Photo by: W Zierath Exposure #: 001 Comments: View of this site from Buckhorn Road.



Date: May 30, 2008 Time: 12:47 PM Direction: East Photo by: W Zierath Exposure #: 002 Comments: View of this site from Buckhorn Road.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 1 of 25



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:47 PM Direction: Northeast Photo by: W Zierath Exposure #: 003 Comments: View of this site from Buckhorn Road.



Date: May 30, 2008 Time: 12:49 PM Direction: Northeast Photo by: W Zierath Exposure #: 004 Comments: A packer truck parked near the east end of the site.



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:49 PM Direction: Northwest Photo by: W Zierath Exposure #: 005 Comments: The door of the packer truck parked at this site showing that the name on the truck was Mark Jennings.



Date: May 30, 2008 Time: 12:49 PM Direction: Northwest Photo by: W Zierath Exposure #: 006 Comments: The back area of the packer truck showing that it was essentially empty.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 3 of 25



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS

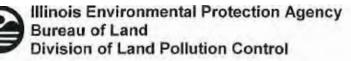


Date: May 30, 2008 Time: 12:49 PM Direction: North Photo by: W Zierath Exposure #: 007 Comments: The contents of a dumpster located east of the packer truck. Visible items in the dumpster were furniture parts and household items.

Date: May 30, 2008 Time: 12:50 PM Direction: North Photo by: W Zierath Exposure #: 008 Comments: The contents of a dumpster east of the packer truck. Visible items in the dumpster included paper and plastic trash, demolition waste and unidentified plastic items.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 4 of 25







Date: May 30, 2008 Time: 12:50 PM **Direction: Southwest** Photo by: W Zierath Exposure #: 009 Comments: A dumpster and assorted wastes located south of the packer truck. The wastes in and around the dumpster are shown in more detail in photographs 012, 013, 014, 015 and 016. The white and rust drum shown to the right of the dumpster was empty.

Date: May 30, 2008 Time: 12:50 PM Direction: West Photo by: W Zierath Exposure #: 010 Comments: The rear of the packer truck and the dumpsters shown in photographs 007 and 008, along with junk on the ground around the dumpsters.

File Names: 0090105031~05302008-[Exp. #].jpg



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



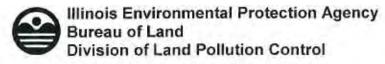
Date: May 30, 2008 Time: 12:50 PM Direction: Northwest Photo by: W Zierath Exposure #: 011 Comments: An old stove east of the packer truck.



Date: May 30, 2008 Time: 12:50 PM Direction: West Photo by: W Zierath Exposure #: 012 Comments: Wastes on the ground east of the dumpster shown in photograph 009 showing metal and plastic. The 5-gallon bucket had about an inch of water.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 6 of 25



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:51 PM Direction: West Photo by: W Zierath Exposure #: 013 Comments: The wastes in the dumpster shown in photograph 009, showing electronic equipment, small appliances, paper, cloth, and unidentified plastic and metal objects.



Date: May 30, 2008 Time: 12:51 PM Direction: South Photo by: W Zierath Exposure #: 014 Comments: Wastes north of the dumpster shown in photograph 009. Wire with the insulation burned off was piled on an empty 55-gallon drum. The paint cans in the background were empty.

File Names: 0090105031~05302008-[Exp. #].jpg



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:51 PM Direction: Southeast Photo by: W Zierath Exposure #: 015 Comments: Junk located northwest of the dumpster shown in photograph 009. Items include a tire on a rim, and metal plastic pieces. The drum shown is the same drum shown in photograph 014.

Date: May 30, 2008 Time: 12:51 PM Direction: East Photo by: W Zierath Exposure #: 016 Comments: More of the junk northwest of the dumpster shown in photograph 009. Items included metal shelf legs, a vehicle wheel, other metal and plastic parts.



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:51 PM Direction: Southwest Photo by: W Zierath Exposure #: 017 Comments: The bed of an abandoned pickup truck containing numerous old glass soda bottles, jumper cables, old vehicle parts, metal and other junk.



Date: May 30, 2008 Time: 12:52 PM **Direction: West** Photo by: W Zierath Exposure #: 018 Comments: Junk behind the abandoned pickup shown in photograph 017 showing a small appliance, a vacuum cleaner and other junk. The photograph shows that there was no license plate on the rear of the pickup truck.

File Names: 0090105031~05302008-[Exp. #].jpg



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:52 PM Direction: Southeast Photo by: W Zierath Exposure #: 019 Comments: The side of the bed of the pickup truck shown in photograph 017, showing the right, rear tire of the truck which was sunk in the ground to the point that the truck couldn't be moved.

Date: May 30, 2008 Time: 12:52 PM Direction: Southeast Photo by: W Zierath Exposure #: 020 Comments: An empty 55-gallon barrel and a trash bag located northwest of the pickup truck shown in photograph 017.

File Names: 0090105031~05302008-[Exp. #].jpg



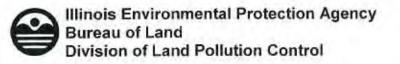
LPC # 0090105031 - Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:53 PM **Direction: East** Photo by: W Zierath Exposure #: 021 Comments: Dumpster in front of the packer truck.

Date: May 30, 2008 Time: 12:53 PM **Direction: East** Photo by: W Zierath Exposure #: 022 Comments: The contents of the dumpster in front of the packer truck including plastic, paper, cardboard and metal.

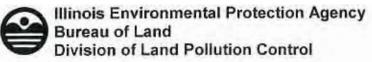


DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:53 PM Direction: South Photo by: W Zierath Exposure #: 023 Comments: A pile of junk including metal shelves, the remnants of a metal tank, an air conditioner, 2 tires on rims, old toys, and unidentifiable plastic and metal items. Close ups of the wastes in this pile are shown in photographs 024, 025, 026, 027, 030 and 031.

Date: May 30, 2008 Time: 12:53 PM Direction: South Photo by: W Zierath Exposure #: 024 Comments: Close up of some of the junk shown in photograph 023 including plastic objects, an old air conditioner, and a toy car.



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:53 PM Direction: South Photo by: W Zierath Exposure #: 025 Comments: Close up of some of the junk shown in photograph 023 including an old air conditioner, tires on rims, an old lawn chair, an old bicycle tire, an old rake and unidentifiable metal objects.

Date: May 30, 2008 Time: 12:54 PM Direction: Southwest Photo by: W Zierath Exposure #: 026 Comments: Close up of some of the junk shown in photograph 023 including many of the objects described in photograph 025 and a weed trimmer, an old sign, old tools and other junk.

LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:54 PM Direction: Southwest Photo by: W Zierath Exposure #: 027 Comments: Close up of some of the junk shown in photograph 023 including objects from the previous photographs, wheels and scrap metal.

Date: May 30, 2008 Time: 12:54 PM Direction: West Photo by: W Zierath Exposure #: 028 Comments: An abandoned flatbed truck loaded predominately with scrap metal.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 14 of 25



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:54 PM Direction: West Photo by: W Zierath Exposure #: 029 Comments: The expired license plate on the truck shown in photograph 028.

Date: May 30, 2008 Time: 12:55 PM Direction: Southeast Photo by: W Zierath Exposure #: 030 Comments: The junk shown in photograph 023.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 15 of 25



LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS

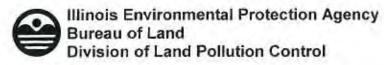


Date: May 30, 2008 Time: 12:55 PM Direction: Southeast Photo by: W Zierath Exposure #: 031 Comments: the remnant of a metal tank shown in photograph 023.

Date: May 30, 2008 Time: 12:55 PM Direction: South Photo by: W Zierath Exposure #: 032 Comments: An old metal door and various metal objects.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 16 of 25



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:55 PM Direction: West Photo by: W Zierath Exposure #: 033 Comments: A trailer made from an old pickup truck bed filled with junk.

Date: May 30, 2008 Time: 12:56 PM Direction: Northwest Photo by: W Zierath Exposure #: 034 Comments: An abandoned car.

File Names: 0090105031~05302008-[Exp. #].jpg

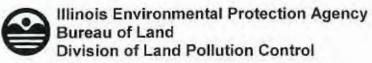
Bureau of Land Division of Land Pollution Control LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:56 PM Direction: Northwest Photo by: W Zierath Exposure #: 035 Comments: The license plate on the car shown in photograph 034 with a sticker from 1988.

Date: May 30, 2008 Time: 12:56 PM Direction: Northwest Photo by: W Zierath Exposure #: 036 Comments: A roll-off box with one of the long sides removed that was being used to store scrap metal and other junk. To the right of the roll-off box was a used tire on a rim.



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:57 PM Direction: North Photo by: W Zierath Exposure #: 037 Comments: A close-up of some of the waste in the trailer shown in photograph 033.

Date: May 30, 2008 Time: 12:57 PM Direction: East Photo by: W Zierath Exposure #: 038 Comments: Another view of the trailer shown in photograph 033.

LPC # 0090105031 — Brown County Mt. Sterling/Jennings, Donald and Mary FOS File

DIGITAL PHOTOGRAPHS

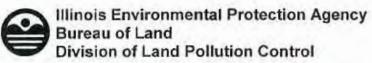


Date: May 30, 2008 Time: 12:57 PM Direction: North Photo by: W Zierath Exposure #: 039 Comments: Junk along the south side of the building including scrap metal, lawn furniture and tires (off rims).

Date: May 30, 2008 Time: 12:57 PM Direction: Northwest Photo by: W Zierath Exposure #: 040 Comments: Junk along the south side of the building including windows, tools, and an old grill.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 20 of 25



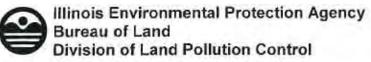
DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:57 PM Direction: West Photo by: W Zierath Exposure #: 041 Comments: Junk along the south side of the building including windows, tools, and an old grill.

Date: May 30, 2008 Time: 12:58 PM Direction: East Photo by: W Zierath Exposure #: 042 Comments: Junk along the south side of the building including windows, tools, and an old grill.

File Names: 0090105031~05302008-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



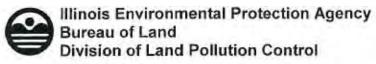
Date: May 30, 2008 Time: 12:58 PM Direction: East Photo by: W Zierath Exposure #: 043 Comments: Junk west of the building including insulated wire, windows, lawn mowers and scrap metal.



Date: May 30, 2008 Time: 12:58 PM Direction: East Photo by: W Zierath Exposure #: 044 Comments: Junk west of the building including insulated wire, bathroom fixtures, lawn mowers and scrap metal.

File Names: 0090105031~05302008-[Exp. #].jpg

Page 22 of 25



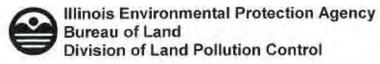
DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:58 PM Direction: Northeast Photo by: W Zierath Exposure #: 045 Comments: Junk west of the building including an abandoned car, used tires, windows and scrap metal.

Date: May 30, 2008 Time: 12:58 PM Direction: Northeast Photo by: W Zierath Exposure #: 0046 Comments: Junk west of the building including an abandoned car, used tires, toys and scrap metal.

File Names: 0090105031~05302008-[Exp. #].jpg

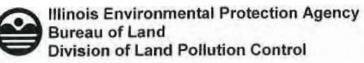


DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:59 PM Direction: North Photo by: W Zierath Exposure #: 047 Comments: Junk west of the building including an abandoned car, toys and scrap metal.

Date: May 30, 2008 Time: 12:59 PM Direction: Northwest Photo by: W Zierath Exposure #: 048 Comments: Junk west of the building including toys and scrap metal.



DIGITAL PHOTOGRAPHS



Date: May 30, 2008 Time: 12:59 PM Direction: East Photo by: W Zierath Exposure #: 049 Comments: Junk west of the building including an abandoned car, toys and assorted litter.

Date: May 30, 2008 Time: 12:59 PM Direction: East Photo by: W Zierath Exposure #: 050 Comments: Junk west of the building including toys and assorted litter.

File Names: 0090105031~05302008-[Exp. #].jpg

WARRANTY DEED-

LPCTTOOQ OLOSO31 JENNINGS, DONALD & MARY FOS FLE

is and her own right and each as the spouse of the other, respectively; a	ach in
ayne E. Alford and Joyce L. Alford, husband and wife, each in his and her ight and each as the spouse of the ther, respectively, spouse of the	own
Ten (\$10.00) Dollars and other good & valuable consideration	N.W.
husband and wife, as joint tenants and not as tenants in common, wi right of survivorship	th

the following described Real Estates

A part of the East half (1/2) of the Northwest Quarter (1/4) of Section Seventeen (17) described by metes and bounds as follows, to-wit: Beginning at a point on the South side of what was formerly the Toledo, Wabash and Western Railroad (now the Wabash Railroad) seventy-five (75) feet from the center of the Main Track at the intersection of West Cross Street in the Town, now City, of Mt. Sterling, in Brown County, Illinois. Thence South 20° 48' West, 7.99 chains to the South line of said Northwest Quarter (1/4) of said Section Seventeen (17), thence West along said South line 9.88 chains to the corner between the said East Half (1/2) and West Half (1/2) of said Section of land, thence North along said line between the East Half (1/2) and the West Half (1/2) of said Quarter Section 15.82 chains to the South line of said Railroad right-of-way, thence East along said South line of said Railroad right-of-way 16.71 chains to the place of beginning;

EXCEPT that part thereof; Beginning at a point on the South line of the right-of-way of what was formerly the Toledo, Wabash and Western Railway, now the Wabash Railway, Seventy-five (75) feet from the Center of the Main Track at the intersection thereof with West Cross Street in the Town, now City, of Mt. Sterling, in said County of Brown, thence running South 20° 48' West for a distance of Two Hundred and Sixty (260) feet, thence running West parallel with the Main Track of said Railway for a distance of Three Hundred and Thirty-five (335) feet, thence running North 20° 48' East for a distance of Two Hundred and Sixty (260) feet to the

SANKAR CLARK MADA XXX CLARK MAN here	eby releasing and waising all rights under and by write of the Homesteod Exemption SUME to pay general real estate taxes for
the year 1987 and all subse	equent years thereto.
Dated that 97th	_dorelApril87
Thomas R. Altor Wayne E Offord Wayle E. Alford	- ISEAL) Jayce A. Alford (SEAL) - ISEAL) Joyce A. Alford (SEAL) Joyce D. Alford (SEAL)
THIS IS A SPUT OF DIVISION OF AN EXISTING PIECE	1
white, each in his and her own right secondly index to on the become of levis totary walls that of illights	and for hold County and page alevenaid, DO HEREAY CERTIFY, the Thomas R. Alform Wile, each in his and her own right and each as the ; und Mayne E. Alford und Joyce L. Alford, husband any ht und each as the spouse of the other, respectively. met a be the same persons whose none unce the same persons whose none unce and and delivered the tood introment as the light of homested and and delivered the tood introment as the light of homested and and delivered the tood introment as the light of homested and and delivered the tood introment as the light of homested and and delivered the tood introment as the light of homested and and adding lead, this affect out of the tight of homested April
DOCUMENTARY STAF	MPS Exempt under provisions of Paragraph Section 4, Real Estate Transfer Tax Act.
82	Date Buyer, Seller or Representative
	DEED PREPARED BY
×	George J. Lewis
The tax statements for the year 19 87 and subseque	nt years shall be sent to
Jennings & Mary	Ann_ADDRESS RRU MISTERING, 10 62353 - TET.
10 Hz	10
	ق –
	# 0

South line of Baid Railroad Right-of-way, and thence East along the Baid South line of Said Railroad Right-of-way for a distance of three hundred and Thirty-five (335) feet, to the place of beginning; ALSO EXCEPT that part thereof: Commencing at a point on the Southerly line of the right-of-way of the Norfolk and Western Railway Company, Seventy-five (75) feet from the center of the Main Track at the intersection thereof with the West line of the East half of the Northwest Quarter of Said Section Seventeen (17), thence South 57° 26' East along the Southerly Company. Southerly right-of-way line of said Norfolk and Western Railway Company Seven Hundred Sixty-one and fifty-nine hundredths (761.59) feet, thence South 32° 30' 40° West One Hundred Eighty-five and Twenty-eight hundredths (165.28) feet, thence North 65° 04' 02° West Five Hundred Ninety-seven and (165.28) feet, thence North 55° 04° 02° west Five Hundred Ninety-seven and sixty-five hundredths (597.65) feet to a point on the West line of the East half of said Northwest Quarter, thence North 00° 03' 18° West along the West line of the East half of said Northwest Quarter Three Hundred Fourteen and twenty-eight hundredths (314.28) feet to the point of beginning, all in Township One (1) South, Range Three (3) West of the Fourth Principal Meridian, situated in the County of Brown, in the State of Illinois.



Brown County Real Estate Transfer Tax In the amount of \$ 19.50 4.12.1989 Date

39

e (Cin Deeds, on Page 0 This duly recor TESTIMONY THEREOF 10 Address q WARRANTY DEED Deed Should Be day a COUNTY Z the second RUNOIS STATUTORY FORM FROM ð 0 Prompily Recorded 3 Ż o clock ž 89-8 3 200

PROOF OF SERVICE

ORIGINAL

STATE OF ILLINOIS Pollution Control Board

JUL-2 1 2008

I hereby certify that I did on the 17th day of July 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: Donald E. and Mary A. Jennings R.R.4, P.O. Box 31 Mt. Sterling, IL 62353

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

Ilkie helle M. Ryan

Assistant Counsel

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

THIS FILING SUBMITTED ON RECYCLED PAPER