



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

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

ORIGINAL

Acc09-18

October 15, 2008

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. Troy Voss and Shirley Voss
IEPA File No. 296-08-AC: 0738180003—Henry 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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OCT 20 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

ORIGINAL

Complainant,

AC

09-18

v.

(IEPA No. 296-08-AC)

TROY VOSS and SHIRLEY VOSS,

Respondents.

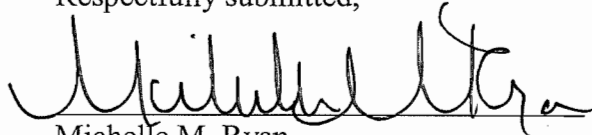
NOTICE OF FILING

To: Troy Voss
298 Fillmore
P.O. Box 153
Altona, IL 61414

Shirley Voss
3751 North 500th Avenue
Alpha, IL 61413

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

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

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

Dated: October 15, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

TROY VOSS and SHIRLEY VOSS,

Respondents.

ORIGINAL AC 09-18

(IEPA No. 296-08-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 Shirley Voss is the current owner and Troy Voss is the operator ("Respondents") of a facility located at 3751 North 500th Avenue, Alpha, Henry County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Voss, Shirley.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0738180003.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on September 15, 2008, Eugene Figge of the Illinois Environmental Protection Agency's ("Illinois EPA") 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.

5. That on 10-15-08, Illinois EPA sent this Administrative Citation [via Certified Mail No. 7007 0220 0000 0152 4974 /for hand delivery].
4981

VIOLATIONS

Based upon direct observations made by Eugene Figge during the course of his September 15, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2006).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2006).
- (3) That Respondents caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elects not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than November 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.


Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, 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, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 10/15/08

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

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CLERK'S OFFICE

OCT 20 2008

STATE OF ILLINOIS
Pollution Control Board

AC

09-18

(IEPA No. 296-08-AC)

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 TROY VOSS and SHIRLEY VOSS,)
)
)
)
 Respondents.)

FACILITY: Voss, Shirley

SITE CODE NO.: 0738180003

COUNTY: Henry

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: September 15, 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

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OCT 20 2008
STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF)

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IEPA DOCKET NO.

RESPONDENT)

Affiant, R. Eugene Figge, 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 September 15, 2008, between 10:00 a.m. and 10:30 a.m., Affiant conducted an inspection of the open dump in Henry County, Illinois, known as Voss, Shirley, Illinois Environmental Protection Agency Site No. 0738180003.

3. Affiant inspected said Voss, Shirley 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 Voss, Shirley open dump.

R. Eugene Figge

Subscribed and Sworn to before me this 17 day of Sept. 2008

Carolyn S. Schlueter
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Henry LPC#: 0738180003 Region: 3 - Peoria
 Location/Site Name: Oxford Twp./ Voss, Shirley
 Date: 09/15/2008 Time: From 10:00 am To 10:30 am Previous Inspection Date: _____
 Inspector(s): R. Eugene Figge Weather: Cloudy 70F
 No. of Photos Taken: # 25 Est. Amt. of Waste: 120 yds³ Samples Taken: Yes # _____ No
 Interviewed: Troy Voss Complaint #: C-2008-104-P
 Latitude: 41.22319 Longitude: -90.36429 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Troy Voss
 298 Fillmore
 P.O. Box 153
 Altona, Illinois 61414
 309-341-6855

Shirley Voss
 3751 North 500th Avenue
 Alpha, Illinois 61419
 309-529-5357

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 STATE OF ILLINOIS
 Pollution Control Board

	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 # 0738180003

Inspection Date: 09/15/2008

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" 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 September 15, 2008, an inspection was conducted from 10:00 a.m. until 10:30 a.m. at property owned by Shirley Voss. The inspection was conducted in response to Citizen Complaint C-2008-104-P alleging open dumping and open burning. According to the deed, the property is owned by Shirley Voss of the same address as the property 3751 North 500th Avenue, Alpha, Illinois 61413. The following persons participated in the inspection:

R. Eugene Figge -- IEPA (author)
Troy Voss -- Operator (by telephone)

According to the complaint, Troy Voss was in the process of demolishing a house in Galesburg and hauling it out to his mother's property for disposal. At the disposal site, the author observed an area of fresh excavation. See photographs 1 and 2. On the west side of this area general refuse had been open burnt. See photographs 3 through 5. The author observed approximately 300 used truck tires adjacent to a barn on the east side of the property. See photographs 7 through 10.

East of the barn was an accumulation of demolition waste. See photographs 11, 12, and 14. In the same area it appeared that demolition waste had been open burnt. See photographs 15, 18, 19, and 20. Charred bead rings indicating that used tires had been open burnt were observed in the same area. See photographs 17 and 21.

The author departed and drove to 349 North Academy in Galesburg, Illinois. At this location a house that was being demolished was observed as well as a track hoe. The demolition waste observed here seemed to have the same consistency as some of the demolition waste observed in Alpha Illinois. See photographs 22 through 25.

The author spoke with Troy Voss by telephone. Mr. Voss told the author that his mother was in Arizona and that he had not dumped any waste from the Galesburg site on his mother's property. He said that he had landfill receipts from Millennium Waste in Moline to prove that he had not dumped waste at his mother's residence. The author asked Mr. Voss about the accumulation of used tires at his mother's residence. His response was that the used tires belonged to him and that his practice is to wait for annual tire collections in the Village of Cambridge to dispose of them. The author explained that Agency sponsored tire collections are subject to one time participation and that businesses are not eligible for participation.

The following apparent violations were observed during the inspection:

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) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated that Shirley Voss as owner and Troy Voss as operator had caused or tended to cause open burning which would 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; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Evidence of open burning was observed during the inspection that indicated Shirley Voss as owner and Troy Voss as operator had caused or allowed open burning.**

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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated Shirley Voss as owner and Troy Voss as operator had caused or allowed open dumping.**

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: **Shirley Voss as owner and Troy Voss as operator disposed of waste 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: **Shirley Voss as owner and Troy Voss as operator conducted a waste disposal operation in violation of regulations 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Shirley Voss as owner and Troy Voss as operator allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Shirley Voss as owner and Troy Voss as operator caused or allowed 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **Shirley Voss as owner and Troy Voss as operator caused or allowed 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: **Shirley Voss as owner and Troy Voss as operator caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

10. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Evidence of open dumping of used or waste tires was observed during the inspection that indicated Shirley Voss as owner and Troy Voss as operator caused or allowed the open dumping of used or waste tires.**

11. Pursuant to Section 55(a)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(2)) is alleged for the following reason: **Evidence of open burning of used or waste tires was observed during the inspection that indicated Shirley Voss as owner and Troy Voss as operator caused or allowed the open burning of used or waste tires.**

12. 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: **Shirley Voss as owner and Troy Voss as operator operated a waste disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: R. Eugene Figge

Date of Inspection: September 15, 2008

Site Name: Voss, Shirley

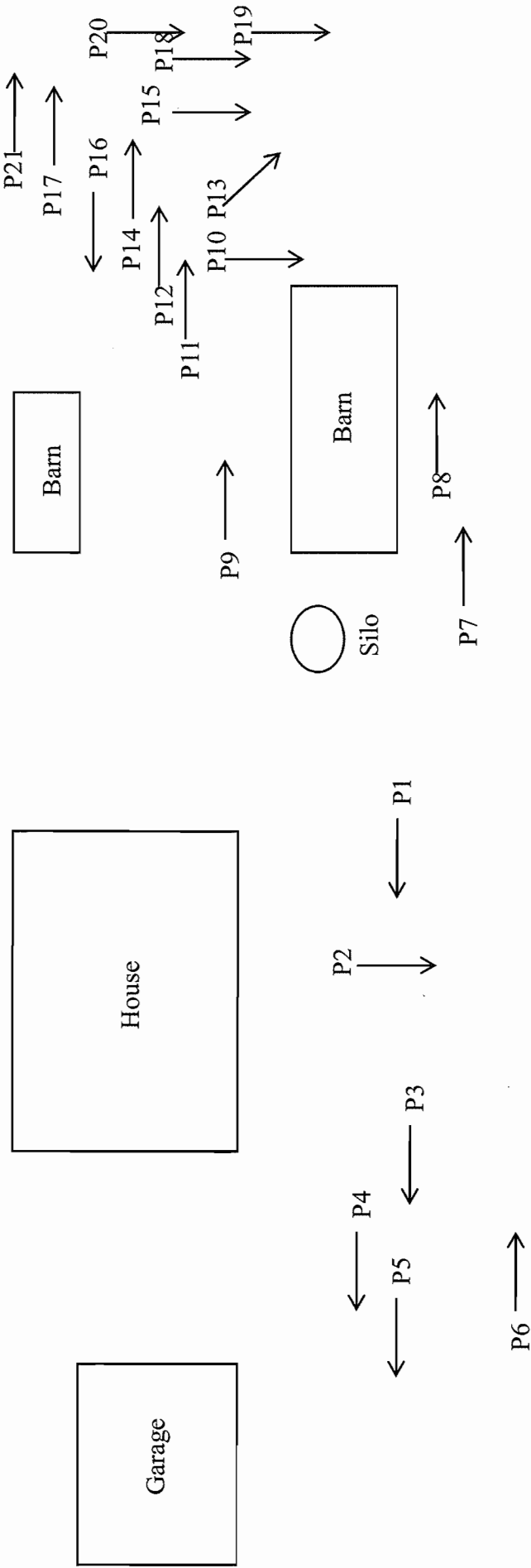
LPC #: 0738180003

County: Henry

Time: 10:00 a.m. - 10:30 a.m.



North 500th Avenue



Not to Scale



DATE: September 15, 2008

TIME: 10:20 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0738180003~09152008-001.jpg

COMMENTS: Area of fresh
excavation.



DATE: September 15, 2008

TIME: 10:20 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0738180003~09152008-002.jpg

COMMENTS: Area of fresh
excavation.





DATE: September 15, 2008

TIME: 10:21 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0738180003~09152008-003.jpg

COMMENTS: General refuse and
open burning.



DATE: September 15, 2008

TIME: 10:21 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0738180003~09152008-004.jpg

COMMENTS: General refuse and
open burning.





DATE: September 15, 2008

TIME: 10:21 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0738180003~09152008-005.jpg

COMMENTS: General refuse and
open burning.



DATE: September 15, 2008

TIME: 10:21 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0738180003~09152008-006.jpg

COMMENTS: Area of fresh
excavation. Used tires by barn in
the distance.





DATE: September 15, 2008

TIME: 10:22 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0738180003~09152008-007.jpg

COMMENTS: Approximately
200 used tires south of barn.



DATE: September 15, 2008

TIME: 10:23 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0738180003~09152008-008.jpg

COMMENTS: : Approximately
200 used tires south of barn.





DATE: September 15, 2008

TIME: 10:23 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0738180003~09152008-009.jpg

COMMENTS: Used tires east side
of the barn.



DATE: September 15, 2008

TIME: 10:23 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0738180003~09152008-010.jpg

COMMENTS: Used tires mixed
with broken concrete.





DATE: September 15, 2008

TIME: 10:23 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0738180003-09152008-011.jpg

COMMENTS: Demolition waste.



DATE: September 15, 2008

TIME: 10:24 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0738180003-09152008-012.jpg

COMMENTS: Demolition waste.





DATE: September 15, 2008

TIME: 10:24 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0738180003~09152008-013.jpg

COMMENTS: Used tires mixed
with broken concrete.



DATE: September 15, 2008

TIME: 10:25 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0738180003~09152008-014.jpg

COMMENTS: Demolition waste.





DATE: September 15, 2008

TIME: 10:25 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0738180003~09152008-015.jpg

COMMENTS: Burnt demolition
waste.



DATE: September 15, 2008

TIME: 10:25 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0738180003~09152008-016.jpg

COMMENTS: demolition waste.





DATE: September 15, 2008

TIME: 10:25 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0738180003~09152008-017.jpg

COMMENTS: Burnt tires.



DATE: September 15, 2008

TIME: 10:26 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
0738180003~09152008-018.jpg

COMMENTS: Burnt demolition
waste.





DATE: September 15, 2008

TIME: 10:26 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
0738180003~09152008-019.jpg

COMMENTS: Burnt demolition
waste.



DATE: September 15, 2008

TIME: 10:26 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
0738180003~09152008-020.jpg

COMMENTS: Burnt demolition
waste.





DATE: September 15, 2008

TIME: 10:26 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
0738180003~09152008-021.jpg

COMMENTS: Burnt tires.



DATE: September 15, 2008

TIME: 11:01 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 22

PHOTOGRAPH FILE NAME:
0738180003~09152008-022.jpg

COMMENTS: Demolition site in
Galesburg.





DATE: September 15, 2008

TIME: 11:01 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 23

PHOTOGRAPH FILE NAME:
0738180003~09152008-023.jpg

COMMENTS: Demolition site in
Galesburg.



DATE: September 15, 2008

TIME: 11:01 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 24

PHOTOGRAPH FILE NAME:
0738180003~09152008-024.jpg

COMMENTS: Demolition site in
Galesburg.





0738180003 – Henry County
Voss, Shirley
FOS

Site Photographs
Page 13 of 13

DATE: September 15, 2008

TIME: 11:02 a.m.

PHOTOGRAPHED BY:
R. Eugene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 25

PHOTOGRAPH FILE NAME:
0738180003~09152008-025.jpg

COMMENTS: Demolition site in
Galesburg.



DOCUMENT FILE NAME:
0738180003~09152008.doc

7381190

KNOW ALL MEN BY THESE PRESENTS

That the Farmers State Bank of Alpha, Alpha, Illinois
 a corporation existing under the laws of the State of Illinois, for and in consideration of one dollar
 and for other goods and valuable considerations, the receipt hereof is hereby confessed, does hereby
 Remise, Convey, Release and Quit-Claim unto Monte M. Voss and Sandra L. Voss, his
Wife and Noel S. Voss and Shirley A.
Voss, his wife of the County of Henry and State of Illinois,

the right, title, interest, claim or demand whatsoever it may have acquired in, through or by a certain
 mortgage deed bearing date the 6th day of April A. D. 1970 and
 recorded in the Recorder's office of Henry County, in the State of Illinois,
 on the 28th day of April A. D. 1970, in Book _____ of Records
 on page _____, as Document No. 70R2052, to the premises therein described, situated in the
 County of Henry and State of Illinois, as follows, to-wit:

_____ Sec. 10, Twp. 10, Rge. 1

IN TESTIMONY WHEREOF, The said Farmers State Bank of Alpha
 has hereunto caused its corporate seal to be affixed, and these presents to be
 signed by L. L. Carlson, its President
 and attested by Leon W. Robinson, its Cashier
 this 26th day of December A. D. 1972



Farmers State Bank of Alpha
L. L. Carlson President
Leon W. Robinson Cashier
 Attest: _____

STATE OF ILLINOIS.

Henry County } ss.

C. R. Wing, a Notary Public

in and for said County, in the State aforesaid. DO HEREBY CERTIFY that

L. L. Carlson personally known to me to be the
 Vice President of the Farmers State Bank of Alpha, and
Leon W. Robinson personally known to me to be the
 Cashier of said Farmers State Bank of Alpha

whose names are subscribed to the foregoing instrument, appeared before me
 this day in person and severally acknowledged that as such Vice
President and Cashier they signed and delivered the said
 instrument of writing as Vice President and Cashier
 of said Farmers State Bank of Alpha, and
 caused the corporate seal of said Farmers State Bank of Alpha
 to be affixed thereto, pursuant to authority given by the Board of

Directors of said Bank
 as their free and voluntary act, and as the free and voluntary act and deed
 of said Farmers State Bank of Alpha for the uses and
 purposes therein set forth.

GIVEN under my hand and Notarial seal, this
26th day of December A. D. 1972



STATE OF ILLINOIS - COUNTY OF HENRY
 Filed and Recorded March 19, 1972 at 3:50 o'clock P.M.
E. C. JOHNSON, Recorder of Deeds
 Deputy Carlina Charlis

RECEIVED
CLERK'S OFFICE

OCT 20 2008

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 15th day of October 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

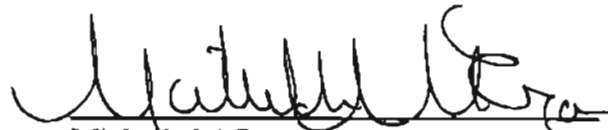
To: Troy Voss
298 Fillmore
P.O. Box 153
Altona, IL 61414

Shirley Voss
3751 North 500th Avenue
Alpha, IL 61413

ORIGINAL

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
Assistant Counsel

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