



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

December 17, 2012

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. Frank E. Seibert  
IEPA File No.288-12-AC: 0558045007—Franklin County

*AC13-26*

ORIGINAL  
RETURN TO CLERK'S OFFICE

RECEIVED  
CLERK'S OFFICE  
DEC 26 2012  
STATE OF ILLINOIS  
Pollution Control Board

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

RECEIVED  
CLERK'S OFFICE  
DEC 26 2012  
STATE OF ILLINOIS  
Pollution Control Board

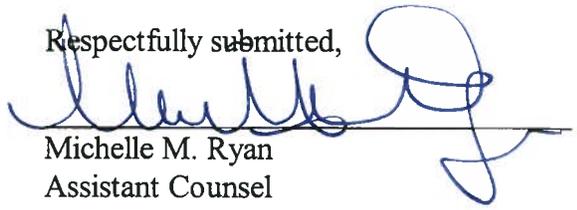
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
FRANK SEIBERT, )  
 )  
Respondent. )

AC 13-26  
(IEPA No. 288-12-AC)

NOTICE OF FILING

To: Frank E. Seibert  
503 S. Maple St.  
West Frankfort, IL 62896

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: December 17, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
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DEC 26 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
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Complainant, )  
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v. )  
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FRANK SEIBERT, )  
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 )  
 )  
Respondent. )

AC 13-26  
(IEPA No. 288-12-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 (2010).

FACTS

1. That Frank Seibert is the current owner ("Respondent") of a facility located in a part of the Northeast Fourth of the Northeast Quarter in Section 25, Township 7 South, Range 2 East of the Third Principal Meridian of Franklin County, south of West Frankfort, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as West Frankfort/Seibert.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0558045007.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on November 5, 2012, Sheila Williams and Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 12-17-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 5331.

#### VIOLATIONS

Based upon direct observations made by Sheila Williams and Garrison Gross during the course of the November 5, 2012 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) (2010).
- (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) (2010).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2010).
- (4) That Respondent caused or allowed the open dumping of waste in a manner resulting in proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2010).

- (5) 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) (2010).
- (6) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Nine Thousand Dollars (\$9,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than January 15, 2012, 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 (2010), 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) (2010), 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 (2010). 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.

John J. Kim by SOP

Date:

12/13/2012

John J. Kim, Interim Director  
Illinois Environmental Protection Agency

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  
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DEC 26 2012  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
)  
Complainant, )  
)  
v. )  
)  
FRANK SEIBERT, )  
)  
)  
)  
)  
)  
Respondent. )

AC 13-26  
(IEPA No. 288-12-AC)

FACILITY: West Frankfort/Seibert  
SITE CODE NO.: 0558045007  
COUNTY: Franklin  
CIVIL PENALTY: \$9,000.00  
DATE OF INSPECTION: November 5, 2012

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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 26 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 )  
 v. )  
 )  
 Frank Seibert )  
 )  
 Respondent. )

IEPA DOCKET NO.

*AE13-26*

AFFIDAVIT

Affiant, Sheila Williams, 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 November 5, 2012, between 9:15 a.m. and 10:20 a.m., Affiant conducted an inspection of a disposal site operated by Frank Seibert, located in Franklin County, Illinois, and known as Seibert by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0558045007 by the Agency.

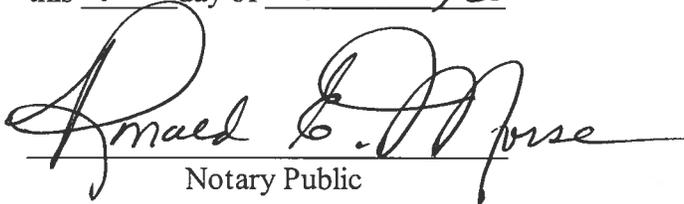
3. Affiant inspected said Seibert site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions 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 Seibert.



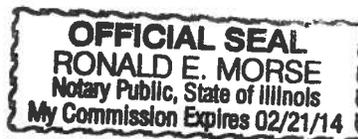
Subscribed and Sworn to before me

this 29<sup>th</sup> day of November, 2012



Notary Public

SW:cs/49911/11-27-12



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
)  
Complainant, )  
)  
)  
)  
v. )  
)  
Frank Seibert )  
)  
)  
Respondent. )

*Ac13-26*

IEPA DOCKET NO.

**RECEIVED**  
**CLERK'S OFFICE**  
**DEC 26 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

AFFIDAVIT

Affiant, Garrison Gross, 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 November 5, 2012, between 9:15 a.m. and 10:20 a.m., Affiant conducted an inspection of a disposal site operated by Frank Seibert, located in Franklin County, Illinois, and known as Seibert by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0558045007 by the Agency.
3. Affiant inspected said Seibert site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions 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 Seibert.

Danison Gros

Subscribed and Sworn to before me

this 29<sup>th</sup> day of November, 2012

Ronald E. Morse  
Notary Public

GG:cs/4991/11-27-12



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Open Dump Inspection Checklist**

County: Franklin LPC#: 0558045007 Region: 7 - Marion  
 Location/Site Name: West Frankfort/Seibert  
 Date: 11/05/2012 Time: From 9:15 AM To 10:18 AM Previous Inspection Date: 05/02/2007  
 Inspector(s): S. Williams and G. Gross Weather: ~55°F., light rain  
 No. of Photos Taken: # 24 Est. Amt. of Waste: 220 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Doug Patton, IDOT Complaint #:       
 Latitude: 37.88840 Longitude: 88.93119 Collection Point Description: Site Entrance  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS

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

Frank Seibert  
503 S. Maple St.  
West Frankfort, IL 62896

**RECEIVED**  
**CLERK'S OFFICE**  
**DEC 26 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input checked="" type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(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"/>

LPC # 0558045007

Inspection Date: 11/05/2012

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS</b>			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
20.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**Informational Notes**

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

# **NARRATIVE INSPECTION REPORT**

Date: November 5, 2012 Inspector: Sheila Williams

Site Code: 0558045007 County: Franklin

Site Name: West Frankfort/Seibert Time: 9:14 A.M. – 10:18 A.M.

## **GENERAL REMARKS**

A follow up inspection was conducted at the West Frankfort/Seibert site on November 5, 2012. According to an Illinois State Geological Survey map, Old Ben No. 8 Mine operated at this location from 1910 – 1952. In April 2007 I spoke with Ron Kaiser of the Illinois Department of Natural Resources (IDNR), who informed me IDNR got involved with the site several years back because of an emergency situation involving a fire at the site. He indicated they plan to remove unvegetated combustible coal and possibly do some work on the embankments along the railroad. I spoke with Mr. Kaiser again on November 27, 2012 at which time he said the site is on the inventory list of projects that still need to be done.

The site is approximately two tenths of a mile south of West Frankfort, just east of State Route 37. At the time of the inspection, Jones Construction was conducting work along Route 37 next to the Seibert property. I spoke with Tom Stilly of Jones Construction. He distinguished which vehicles and materials belonged to those with Jones Construction and those items that were already at the site. Mr. Stilly telephoned and let me speak with Mike Helfrich, an Estimator with Jones Construction. Mr. Helfrich said the State had relocated Mr. Seibert to 503 S. Maple St. in West Frankfort and his phone number is 618-932-8707. On a later date, I spoke with Doug Patton in the Bureau of Land Acquisition of the Illinois Department of Transportation in Carbondale. Mr. Patton said both the bridge and culvert next to Mr. Seibert's property were replaced. They were able to relocate him before the project started. He thought it had been a year or more since Mr. Seibert had lived there.

Other than scattered debris, approximately eleven areas of apparent violations were observed. Amongst the scattered wastes were demolition debris, furniture, tires and painted concrete. The pond just east of the most eastern mobile home was being filled by mostly clean debris from the road work. However, a few pieces of corrugated plastic from the road work were present. When discussed with Mr. Stilly, he said he would make sure the workers were informed to make sure only clean fill was used. Also, just southwest of the current fill area in shallow water were a tire, pop bottle crate, plastic bucket, and a chair. In all, approximately 35 tires were observed throughout the site. Mosquito larvae were observed in two tires at the site. It was apparent much of the waste observed during the previous inspection was no longer present. However, no receipts have been received since that time.

It was apparent open burning had occurred in Area A due to the typical indicators such as a pyramid shaped pile, a dense amount of ash & blackened refuse in the central portion of the pile & the amount of blackened refuse & charred ground decreasing as the outer perimeter of was approached. Refuse in the burn pile consisted of a metal chair frame, wires from a tire, charred demolition debris, and general refuse. Area A is estimated to be approximately one cubic yard (7.5'x5'x1') in size.

Part of Area B was positioned at the top of a creek embankment. Corrugated metal was present in the creek below. Just north of Area B standing up in the creek, was a plastic bottle with a plastic tube protruding from the lid. Other items in Area B were demolition debris, a storm shelter, tires, a portable commode and general refuse. A mosquito larva was observed moving in one of the tires. Area B is estimated to be approximately seven cubic yards (40'x5'x1') in size.

Area C was adjacent to the one mobile home that is not considered abandoned. Numerous plastic containers, a car seat, stroller, and textiles were in Area C. This area is estimated to be approximately one cubic yard (10'x5'x.5') in size.

A severely dilapidated mobile home made up Area D. This appears to be the same mobile home that was observed during the February 28, 2007 inspection. Three plastic coolers, multiple plastic bottles, nine plastic buckets, five tires, a gas container with a hose protruding from it, textiles, a plastic drum and general refuse were present in and

near the mobile home. Area D is estimated to be approximately 94 cubic yards (42.5'x8'x7.5') in size.

Areas E and F both consisted of primarily demolition wood and insulation. These areas are estimated to be two cubic yards (10'x5'x1') and six cubic yards (25'x12.5'x.5'), respectively.

Among the refuse in Area G were an apparently abandoned mobile home with the door open which exposed the interior, a couch (outside), and a truck with pipes, a plastic bucket, tarp, and general refuse in bed. Area G was estimated to be approximately 89 cubic yards (40'x8'x7.5') in size.

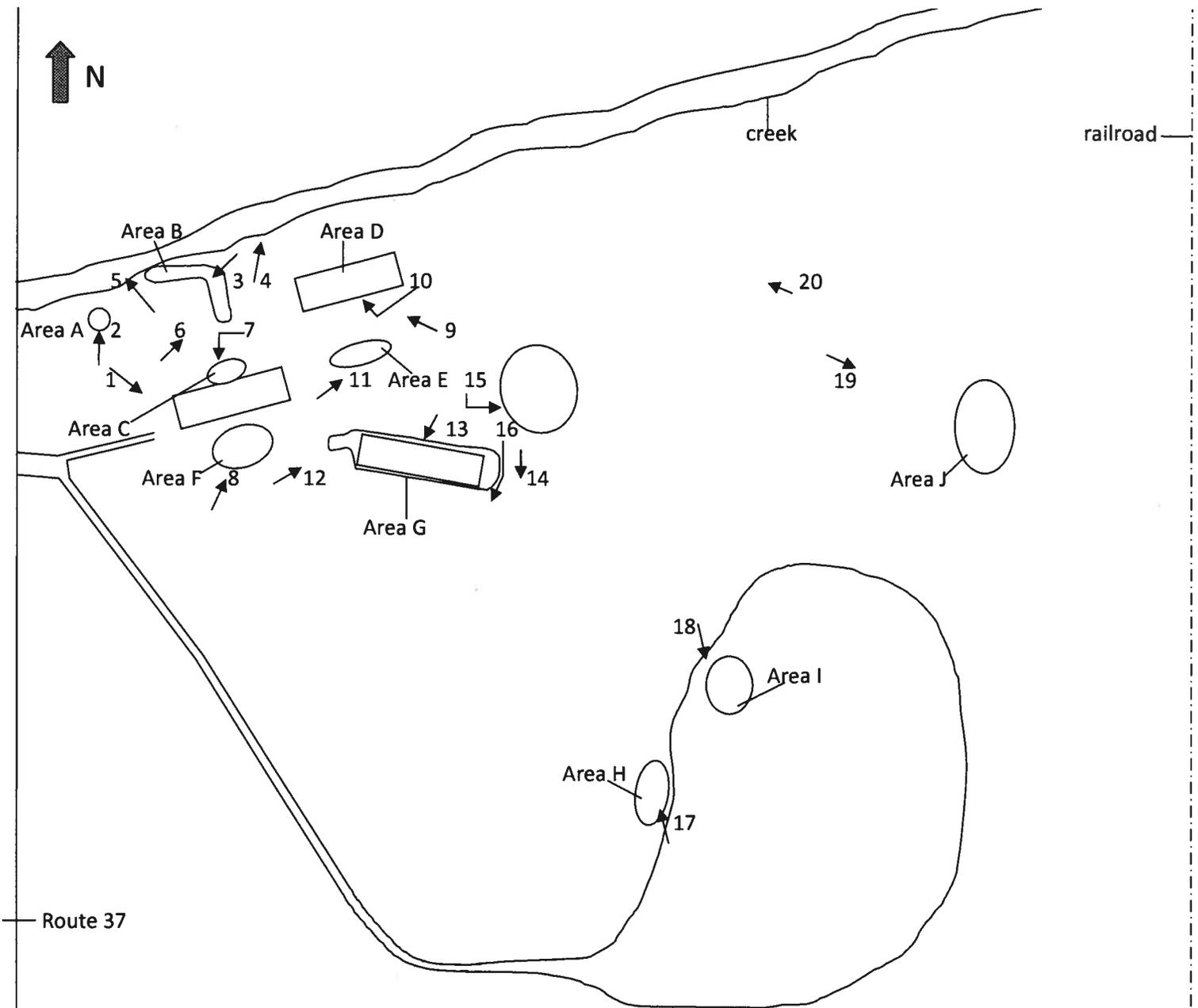
Area H contained mostly shingles. Area H was estimated to be approximately two cubic yards (12.5'x5'x1') in size.

Waste in Area I included, but was not limited to, siding, metal and apparently fresh cut wood. Area I was estimated to be approximately two cubic yards (12.5'x10'x.5') in size.

Area J consisted of what appeared to be freshly cut wood. The wood seemed to either be smaller pieces such as twigs or larger pieces like stumps. Cut wood has been observed in this location during previous inspections. It was not possible to determine if it had been generated on site or was brought from off site. Area J was estimated to be approximately six cubic yards (6'x6'x4') in size.

Two crude oil storage tanks and what appeared to be crude oil spilled on the ground made up Area K. Area K was estimated to be approximately twelve cubic yards (13.5'x6'x4') in size.

According to the Franklin County Assessor's Office, Frank Eugene Seibert of West Frankfort receives the real estate tax bill for the piece of property on which this site is located.



Route 37

creek

railroad

West Frankfort/Seibert

#0558045007 – Franklin County

Not to Scale

Locations are Approximate

11/5/2012



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:19 A.M.  
Direction: southeast  
Photo by: S. Williams  
Exposure #: 001  
Comments: two  
mobile homes and  
scattered debris**



**Date: 11/5/2012  
Time: 9:20 A.M.  
Direction: north  
Photo by: S. Williams  
Exposure #: 002  
Comments: open burn  
pile**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:21 A.M.  
Direction: southwest  
Photo by: S. Williams  
Exposure #: 003  
Comments: water and  
organic material in a  
tire**



**Date: 11/5/2012  
Time: 9:24 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 004  
Comments: plastic  
bottle with plastic  
tubing protruding  
from the lid standing  
in the creek**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:38 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 005  
Comments:  
corrugated metal in  
the creek**



**Date: 11/5/2012  
Time: 9:39 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 006  
Comments: storm  
shelter, three tires,  
portable commode,  
rug, and general  
refuse**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:39 A.M.  
Direction: south  
Photo by: S. Williams  
Exposure #: 007  
Comments: numerous  
plastic containers, car  
seat, stroller, textiles**



**Date: 11/5/2012  
Time: 9:41 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 008  
Comments:  
demolition debris**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:42 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 009  
Comments: dilapidated mobile home**



**Date: 11/5/2012  
Time: 9:43 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 010  
Comments: plastic containers, carpet, tarp, general refuse**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:48 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 011  
Comments: tire and  
demolition debris**



**Date: 11/5/2012  
Time: 9:51 A.M.  
Direction: northeast  
Photo by: S. Williams  
Exposure #: 012  
Comments: pipes,  
plastic bucket, tarp,  
and general refuse in  
truck bed**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



## DIGITAL PHOTOGRAPHS



Date: 11/5/2012  
Time: 9:52 A.M.  
Direction: southwest  
Photo by: S. Williams  
Exposure #: 013  
Comments: door was open, allowing inside of mobile home to be exposed to the elements



Date: 11/5/2012  
Time: 9:54 A.M.  
Direction: south  
Photo by: S. Williams  
Exposure #: 014  
Comments: tire, pop bottle, plastic bucket, and a chair in marshy area

File Names: 0558045007~11052012 1-24 [Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 9:55 A.M.  
Direction: east  
Photo by: S. Williams  
Exposure #: 015  
Comments: pond  
being filled**



**Date: 11/5/2012  
Time: 9:57 A.M.  
Direction: southwest  
Photo by: S. Williams  
Exposure #: 016  
Comments: painted  
concrete**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 10:05 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 017  
Comments: shingles  
and demolition wood**



**Date: 11/5/2012  
Time: 10:06 A.M.  
Direction: southeast  
Photo by: S. Williams  
Exposure #: 018  
Comments: siding,  
tire tube, apparently  
fresh cut wood, tire,  
and metal**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 10:11 A.M.  
Direction: southeast  
Photo by: S. Williams  
Exposure #: 019  
Comments:  
apparently fresh cut  
wood**



**Date: 11/5/2012  
Time: 10:13 A.M.  
Direction: northwest  
Photo by: S. Williams  
Exposure #: 020  
Comments: concrete,  
brick, demolition  
wood, carpet & foam  
padding**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 10:10 A.M.  
Direction: west  
Photo by: G. Gross  
Exposure #: 021  
Comments: crude oil  
storage tank**



**Date: 11/5/2012  
Time: 10:11 A.M.  
Direction: west  
Photo by: G. Gross  
Exposure #: 022  
Comments: crude oil  
storage tank**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**



**DIGITAL PHOTOGRAPHS**



**Date: 11/5/2012  
Time: 10:11 A.M.  
Direction: north  
Photo by: G. Gross  
Exposure #: 023  
Comments: crude oil  
spilled on ground  
around tank**



**Date: 11/5/2012  
Time: 10:11 A.M.  
Direction: south  
Photo by: G. Gross  
Exposure #: 024  
Comments: crude oil  
spilled on ground  
around tank**

**File Names: 0558045007~11052012 1-24 [Exp. #].jpg**

RECEIVED  
CLERK'S OFFICE

DEC 26 2012

STATE OF ILLINOIS  
Pollution Control Board

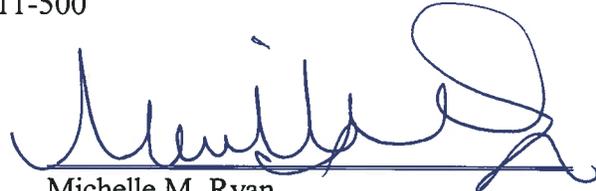
**PROOF OF SERVICE**

I hereby certify that I did on the 17th day of December 2012, 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: Frank E. Seibert  
503 S. Maple Street  
West Frankfort, IL 62896

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