



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

Lisa Bonnett, Director

(217) 782-9817

TDD: (217) 782-9143

March 21, 2013



ORIGINAL

RECEIVED
CLERK'S OFFICE
MAR 28 2013
STATE OF ILLINOIS
Pollution Control Board

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

AC 13-41

Re: Illinois Environmental Protection Agency v. Robert & Tia Mixer
IEPA File No.57-13-AC: 0018085007—Adams 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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MAR 28 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ROBERT & TIA MIXER,)
)
Respondents.)

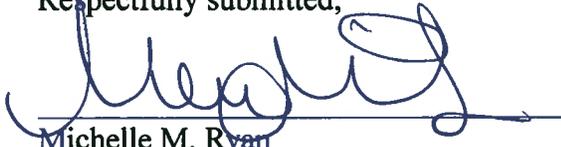
AC 13-41
(IEPA No. 57-13-AC)

NOTICE OF FILING

To: Robert & Tia Mixer
15604 Highway 104
Quincy, IL 62305

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: March 21, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
ROBERT & TIA MIXER,)
Respondents.)

AC 13-41
(IEPA No. 57-13-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 Robert & Tia Mixer are the current owners ("Respondent's") of a facility located immediately northwest of the intersection of Illinois Route 104 and E 1600th Street east of Quincy, Adams County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Gilmer Township/Mixer.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0018085007.
3. That Respondent's have owned said facility at all times pertinent hereto.
4. That on February 4, 2013, Mark Weber of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 3-21-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5225.

VIOLATIONS

Based upon direct observations made by Mark Weber during the course of his February 4, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent's have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent's 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent's 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondent's elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 18, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent's 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 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent's 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's fail 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's 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's 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's in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent's 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 (2010). If Respondent's elect to contest this Administrative Citation, then Respondent's 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's.

 Lisa Bonnett *by SOP*

Lisa Bonnett, Director
Illinois Environmental Protection Agency

Date: 3/21/13

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

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MAR 28 2013

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
ROBERT & TIA MIXER,)
Respondents.)

AC 13-41
(IEPA No. 57-13-AC)

FACILITY: Gilmer Township/Mixer
SITE CODE NO.: 0018085007
COUNTY: Adams
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: February 4, 2013

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
Open Dump Inspection Checklist

County: Adams LPC#: 0018085007 Region: 5 - Springfield
 Location/Site Name: Gilmer Township/Mixer
 Date: 02/04/2013 Time: From 0945 To 1010 Previous Inspection Date: 12/14/2011
 Inspector(s): Mark Weber Weather: 40 degrees F w/10 mph NW wind
 No. of Photos Taken: # 14 Est. Amt. of Waste: 50 yds³ Samples Taken: Yes # No
 Interviewed: No one Complaint #: C-12-068-C
 Latitude: 39.933763 Longitude: -91.203389 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation -

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

Rob & Tia Mixer
 15604 Highway 104
 Quincy, IL 62305
 217/430-2719

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Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 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"/>
	(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 type="checkbox"/>

LPC # 0018085007

Inspection Date: 02/04/2013

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>

ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS

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"/>

**35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS
SUBTITLE G**

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 checked="" type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input checked="" 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"/>

OTHER REQUIREMENTS

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"/>
	739.122(b)(2)	Used oil containers may not be leaking	<input checked="" type="checkbox"/>
	739.122(c)(1)	Used oil containers and aboveground tanks used to store oil at generator facilities must be labeled or marked clearly with the words "Used Oil"	<input checked="" type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 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.
- 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.
- 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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMORANDUM

DATE: February 28, 2013
TO: BOL - Division File
FROM: Mark Weber, DLPC/FOS – Springfield Region
SUBJECT: LPC# 0018085007 – Adams County
Gilmer Township/Mixer
FOS File

On February 4, 2013 Mr. Mark Weber, Division of Land Pollution Control/Field Operations Section (DLPC/FOS) - Springfield Regional Office (SRO), conducted a re-inspection of the Mixer site in rural Adams County. The Illinois Environmental Protection Agency (IEPA) SRO received an anonymous complaint on December 9, 2011 indicating that the property owner had been open dumping and open burning wastes on the site. As a result of the complaint the initial IEPA inspection of the Mixer site was conducted on December 14, 2011.

The description for the parcel is provided as the South Half (S1/2) of the Southeast Quarter (SE1/4) of Section Thirty-three (33), except the West Twenty (20) acres thereof, in Township One (1) South, Range Seven (7) West of the Fourth Principal Meridian, Adams County, Illinois. The legal description was derived from a 2007 warranty deed obtained by the IEPA inspector from the Adams County Recorder's Office. Robert M. and Tia R. Mixer are listed on the deed as the owners of the property. The property is located immediately northwest of the intersection of Illinois Route 104 and E 1600th Street. Mr. Mixer provided a mailing address to the inspector of 15604 Highway 104 Quincy, Illinois at the time of the inspection. Please refer to the attached aerial photograph for a depiction of the site location.

Open dumped wastes identified during the December 14, 2011 complaint inspection included dimensional lumber & pallets, automotive parts, plastics, mixed metals, paper, and glass. The open dumped wastes were scattered throughout the property. An inactive open burn area was also identified. The total volume of open dumped waste was estimated at 50 cubic yards. Approximately 50 off and on rim used tires were located on-site as well.

As a result of the complaint inspection an Administrative Citation Warning Notice (ACWN) dated January 20, 2012 was sent to the Mixers. Violations of the Illinois Environmental Protection Act cited in the ACWN included Sections 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), and 55(a)(1). Apparent violation of the Regulations, 35 Illinois Administrative Code (IAC) sections 812.101(a), 722.111, and 808.121 were also cited. The Mixers were given a deadline of March 31, 2012 to remove

all wastes from their property per the conditions of the ACWN. To date the Mixers have not provided the SRO with any receipts or manifests documenting the proper identification, disposal, or recycling of wastes from their property per the conditions of the ACWN.

February 4, 2013 Re-Inspection

The IEPA inspector arrived at the Mixer site at approximately 0945 hours on February 4, 2013. The temperature was approximately 40° Fahrenheit. Skies were partly sunny with a 10 mile per hour northwest wind. Site soil conditions were dry. There was no site representative present for the re-inspection, but Mr. Mixer owns and operates Mixer Blow-In Insulation from this location. There is no physical office or warehouse on-site.

Open dumped solid wastes observed during the re-inspection included dimensional lumber & pallets, mixed metals, plastics, liquid propane cylinders, lead acid batteries, paper, and cellulose insulation. The wastes are open dumped at various locations on-site. While much of the cellulose insulation is contained in plastic bags there is some scattered throughout the property. It does appear that the open burning of waste on-site has been discontinued. While some of the wastes observed during the complaint inspection have been removed, other wastes have been brought on-site. The total volume of open dumped wastes remains at 50 cubic yards. In addition to the open dumped wastes there are at least 50 used tires both on and off the rim located on-site. The off rim tires had been placed underneath a semi-trailer parked on the property.

During the initial complaint inspection IEPA personnel documented three 55-gallon drums on-site as well. When questioned about the drums Mr. Mixer indicated that they contained water which is hauled to job sites where insulation is blown in. None of the drums were placarded but one was marked "used oil". These drums were not present during the re-inspection. The responsible party was required per the conditions of the ACWN to identify the contents of the drums. If the contents meet the definition of a waste, a determination will need to be made if they are defined as hazardous or special waste per the requirements of 35 IAC 722.111 and 808.121. As mentioned earlier in this report there has been no waste characterization submitted by the responsible party.

This inspector also observed a plastic tub filled with what appeared to be a mixture of water and used oil. A used oil drip pan type of container was partially submerged within the tub itself. The mixture of water and used oil has been allowed to spill over the side of the tub and has plainly stained the soil underneath. Per the conditions of 35 IAC Section 739.122 which pertains specifically to used oil storage, the generator is required to contain the used oil in such a manner that it may not leak. Also the container used to store the used oil must be clearly marked with the words "Used Oil." Please refer to the attached photographs taken during the February 4, 2013 inspection for a depiction of site conditions as they existed at that time.

Photographs #1 provides a view of pallets, a large vinyl tarp, and dimensional lumber open dumped at the Mixer site.

Photograph #2 gives a view of blown in insulation stored on-site

Photograph #3 depicts the off rim used tires at the site. They have been placed under a semi-trailer. It did not appear that water had accumulated in any of the tires.

Photograph #4 depicts a significant pile of pallets at the Mixer site.

Photograph #5 shows pallets, plastics, insulation, and mixed metals open dumped on-site. On rim used tractor tires are also visible.

Photograph #6 is of used oil spilled at the Mixer site. The staining of site soil is clearly evident.

Photograph #7 depicts a farm implement and a vehicle abandoned at the Mixer site.

Photograph #8 shows more of the pallets and mixed metals open dumped on-site.

Photograph #9 is of plastics, mixed metals, and dimensional lumber open dumped on-site.

Photograph #10 is of even more pallets at the site and a trailer without current registration. The door to the trailer had a lock on it. It is likely used for site storage.

Photograph #11 shows plastic bags emptied of insulation and open dumped on-site.

Photograph #12 provides a view of the former open burn area at the Mixer site.

Photograph #13 is of two 100 lb. liquid propane cylinders located on-site.

Photograph #14 depicts a lead acid battery.

The February 4, 2013 re-inspection was conducted in order to determine if violations of the Illinois Environmental Protection Act cited in January 20, 2012 Administrative Citation Warning Notice (ACWN) persist at the Mixer site. Based upon observations made during the inspection it was determined that while some violations were addressed other do indeed persist at the site including some new violations. Violations of the Act include Sections: 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), and 55(a)(1). Apparent violations of the Regulations, 35 IAC Sections 722.111, 739.122(b)(2), 739.122(c)(1), 808.121, and 812.101 were observed as well. Refer to the attached Open Dump Checklist for additional information.

The IEPA inspector left the Mixer site around 1010 hours and proceeded to conduct other inspections in Adams County, Illinois.

cc: DLPC/FOS - Springfield Region

Go gk 39.933763, -91.203389

LPC# 0018085007 - Adams County
Gilmer Township/Mixer
FOS File





DIGITAL PHOTOGRAPHS



Date: 02/04/2013
Time: 0954
Direction: NE
Photo by: Mark Weber
Exposure #: 1
Comments: Pallets, a large vinyl tarp, and dimensional lumber open dumped at the Mixer site.



Date: 02/04/2013
Time: 0954
Direction: N
Photo by: Mark Weber
Exposure #: 2
Comments: Blown in insulation stored on-site.

File Names: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/04/2013
Time: 0955
Direction: N
Photo by: Mark Weber
Exposure #: 3
Comments: Off rim used tires at the site. They have been placed under a semi-trailer. It did not appear that water had accumulated in any of the tires.



Date: 02/04/2013
Time: 0955
Direction: NE
Photo by: Mark Weber
Exposure #: 4
Comments: A significant pile of pallets at the Mixer site.

File Names: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 02/04/2013
Time: 0956
Direction: W
Photo by: Mark Weber
Exposure #: 5
Comments: Pallets, plastics, insulation, and mixed metals open dumped on-site. On rim used tractor tires are also visible.



Date: 02/04/2013
Time: 0956
Direction: W
Photo by: Mark Weber
Exposure #: 6
Comments: Used oil spilled at the Mixer site. The staining of site soil is clearly evident.

File Name: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 02/04/2013
Time: 0957
Direction: NW
Photo by: Mark Weber
Exposure #: 7
Comments: Farm implement and vehicle abandoned at the Mixer site.



Date: 02/04/2013
Time: 0957
Direction: W
Photo by: Mark Weber
Exposure #: 8
Comments: Pallets and mixed metals open dumped on-site.

File Name: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 02/04/2013
Time: 0958
Direction: S
Photo by: Mark Weber
Exposure #: 9
Comments: Plastics, mixed metals, and dimensional lumber open dumped on-site.



Date: 02/04/2013
Time: 0958
Direction: SW
Photo by: Mark Weber
Exposure #: 10
Comments: More pallets at the site and a trailer without current registration. The door to the trailer had a lock on it. It is probably used for storage.

File Name: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 02/04/2013
Time: 0959
Direction: NW
Photo by: Mark Weber
Exposure #: 11
Comments: Plastic bags emptied of insulation.



Date: 02/04/2013
Time: 1000
Direction: N
Photo by: Mark Weber
Exposure #: 12
Comments: Former open burn area at the Mixer site.

File Name: 0018085007~02042013-[Exp. #].jpg



DIGITAL PHOTOGRAPH



Date: 02/04/2013
Time: 1002
Direction: NW
Photo by: Mark Weber
Exposure #: 13
Comments: Two 100 lb.
LP cylinders.



Date: 02/04/2013
Time: 1004
Direction: SW
Photo by: Mark Weber
Exposure #: 14
Comments: Lead acid
battery.

File Name: 0018085007~02042013-[Exp. #].jpg

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
CLERK'S OFFICE

MAR 28 2013

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

AC13-41

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
Robert M. & Tia R. Mixer,)
)
Respondents)

IEPA DOCKET NO.

Affiant, Mark J. Weber, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 4, 2013 between 9:45 AM and 10:10 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit located in Adams County, Illinois, and known as Gilmer Township/Mixer by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0018085007 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Gilmer Township/Mixer open dump site by an on-site inspection, which included a walk through of the site and photo documentation of site conditions.
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 Gilmer Township/Mixer open dump.

Mark J. Weber

Mark J. Weber

Subscribed and Sworn To before me
This 5th day of *March*, 2013

Charlene K. Powell

Notary Public



PROOF OF SERVICE

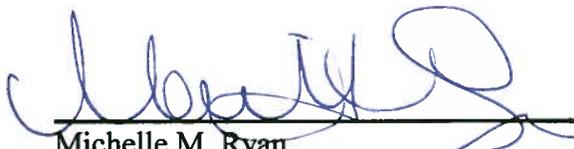
I hereby certify that I did on the 21st day of March 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Robert & Tia Mixer
15604 Highway 104
Quincy, IL 62305

RECEIVED
CLERK'S OFFICE
MAR 28 2013
STATE OF ILLINOIS
Pollution Control Board

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