

RECEIVED
CLERK'S OFFICE

JAN 05 2007

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC07-30

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JAN 05 2007
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BOBBY G. MYERS and DONALD D.)
MYERS)
)
Respondents.)

AC 07-30
(IEPA No. 375-06-AC)

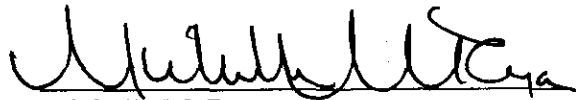
NOTICE OF FILING

To: Bobby G. Myers
P.O. Box 82
Cobden, IL 62920

Donald D. Myers
P.O. Box 213
Cobden, IL 62920

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

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: January 3, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

JAN 05 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BOBBY G. MYERS and DONALD D.)
MYERS,)
)
)
)
)
Respondents.)

AC **0730**
(IEPA No. 375-06-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 (2004).

FACTS

1. That Bobby G. Myers and Donald D. Myers are the present owners (collectively "Respondents") of a facility located at 3050 Mt. Glen Road, in rural Cobden, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Cobden/Myers, Bobby G.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1818515003.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.

4. That on December 5, 2006, Garrison Gross of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his December 5, 2006 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) (2004).
- (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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than February 28, 2007, 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 (2004), 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) (2004), 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 (2004). 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
Douglas P. Scott, Director *by me*
Illinois Environmental Protection Agency

Date: 1/31/07

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
)
 vs.)
)
 Bobby G. Myers)
 and)
 Donald D. Myers)
)
 Respondents.)

IEPA DOCKET NO.

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 December 5, 2006, between 1:40 PM and 2:10 PM, Affiant conducted an inspection of a disposal site operated by Bobby G. Myers and Donald D. Myers located in Union County, Illinois, and known as Cobden / Myers, Bobby G. *et al* by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1818515003 by the Agency.
3. Affiant inspected said Cobden / Myers, Bobby G. *et al* site by an on-site inspection which included walking and photographing the site.

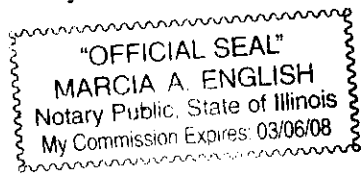
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Cobden / Myers, Bobby G. *et al.*

Garrison Gross

Subscribed and Sworn to before me

this 12th day of December 2006

Marcia A. English
Notary Public



GRG

LPC # 1818515003

Inspection Date: 12/05/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 1818515003

County: Union

Date of Inspection: December 5, 2005

Site Name: Cobden/MYERS, Bobby G. *et al*

Township: Alto Pass

Inspectors: G. Gross

GPS Coordinates: N 37.52551° W 089.30698°

Subject: Open Dump Site Inspection at Bobby G. Myers *et al* Property

General Remarks: An Open Dump Site Inspection was conducted on Tuesday, December 5, 2006 at the property of Bobby G. Myers *et al*. Garrison Gross, Illinois EPA Bureau of Land personnel and author of this report, conducted the inspection. The property is located at 3050 Mt. Glen Road, in rural Cobden, Illinois, 62920. The inspection was performed as a follow up to a previous inspection conducted on May 13, 2005. Weather conditions at the time of the inspection were clear skies, 46° F, and a moderate breeze. The inspection began at approximately 1:40 PM.

An excessive number of vehicles could still be observed from Mt. Glen Road. It was evident that extensive clearing work along one of the onsite roads had eliminated trees and vegetation from a portion of the property. Some of the waste items previously observed in this area appeared to have been removed from the site. I parked the vehicle near the old garage and continued the inspection by walking and photographing the site. I walked north along a dirt road. An excavated pit was observed that contained wastes including but not limited to demolition debris, tires and metal (photo 001). Unidentifiable waste metal, demolition debris, furniture and domicile waste was observed at the site (photos 002 and 009). Clearing work along the roadway was observed and photographed (photos 003). An area near the cleared roadway, approximately 20 feet wide by 60 feet long, had been used for open burning. Numerous tire beads and tire carcasses were observed in the ash as well as metal, and tree and brush-type waste (photos 004-006). Approximately 2000 waste tires were scattered throughout the site (photos 008, 010, 014, 018, and 025). Many of the tires were off the rim and overgrown in vegetation. Approximately 20 waste vehicles including old tractors and heavy machinery were observed at the site (photos 007, 011, 015, 020-024). The derelict truck-mounted boom crane (photo 012) observed at the site was the same piece of equipment observed at the Mountain Glen / Myers site (1818515001) on October 28, 1999. One waste mobile home was observed at the site (photo 013). It was unlevelled and not connected to utilities. This mobile home had been observed in a different location at the time of the previous inspection. A Case track-hoe was observed at the site (photo 016). A pick-up truck equipped with a cutting torch was observed near the track-hoe (photo 017). Vehicle engines were nearby suggesting that salvage operations were being conducted at the site (photo 019). Photographs of the roadway to the garage (photo 026), up the hill (photo 027), and to the old house (photo 028) were taken to show the changes since the last inspection.

The inspection ended at approximately 2:10 PM. More than 20 waste vehicles are located at the site. More than 2000 waste tires were observed at the site. Approximately 600 cubic yards of waste was observed at the site.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: December 5, 2006

Site #: 1818515003

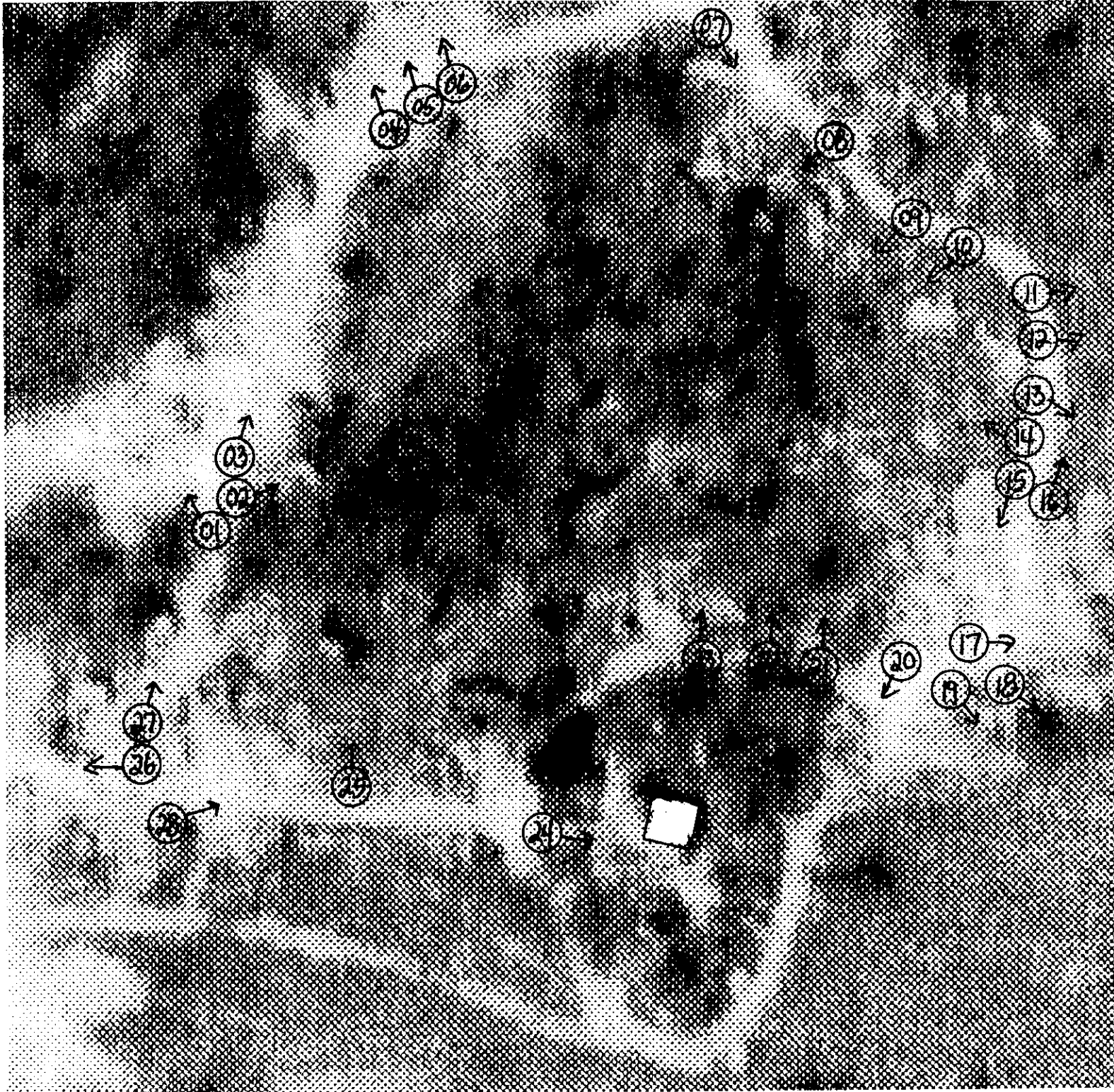
Site Name: Cobden/MYERS, Bobby G. *et al*

County: Union

Inspector: Garrison Gross

GPS Coordinates: N 37.52551° W 089.30698°

Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:43 PM
Direction: NW
Photo by: G. Gross
Exposure #: 001
Comments: Photo of excavated pit containing demolition debris, tires and metal.



Date: 12/05/2006
Time: 1:44 PM
Direction: E
Photo by: G. Gross
Exposure #: 002
Comments: Photo of furniture, tires and domicile waste.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:44 PM
Direction: N
Photo by: G. Gross
Exposure #: 003
Comments: Photo of roadway leading north which has been cleared of vegetation and trees.



Date: 12/05/2006
Time: 1:45 PM
Direction: NW
Photo by: G. Gross
Exposure #: 004
Comments: Photo of open burning evidence including tire carcasses, tire beads, and tree waste.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:45 PM
Direction: NW
Photo by: G. Gross
Exposure #: 005
Comments: Photo of
open burning evidence
including tire carcasses
and tire beads



Date: 12/05/2006
Time: 1:46 PM
Direction: NW
Photo by: G. Gross
Exposure #: 006
Comments: Photo of
open burning evidence
including tire carcasses,
tire beads, and tree waste.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:48 PM
Direction: SE
Photo by: G. Gross
Exposure #: 007
Comments: Photo of
waste vehicle containing
waste tires.

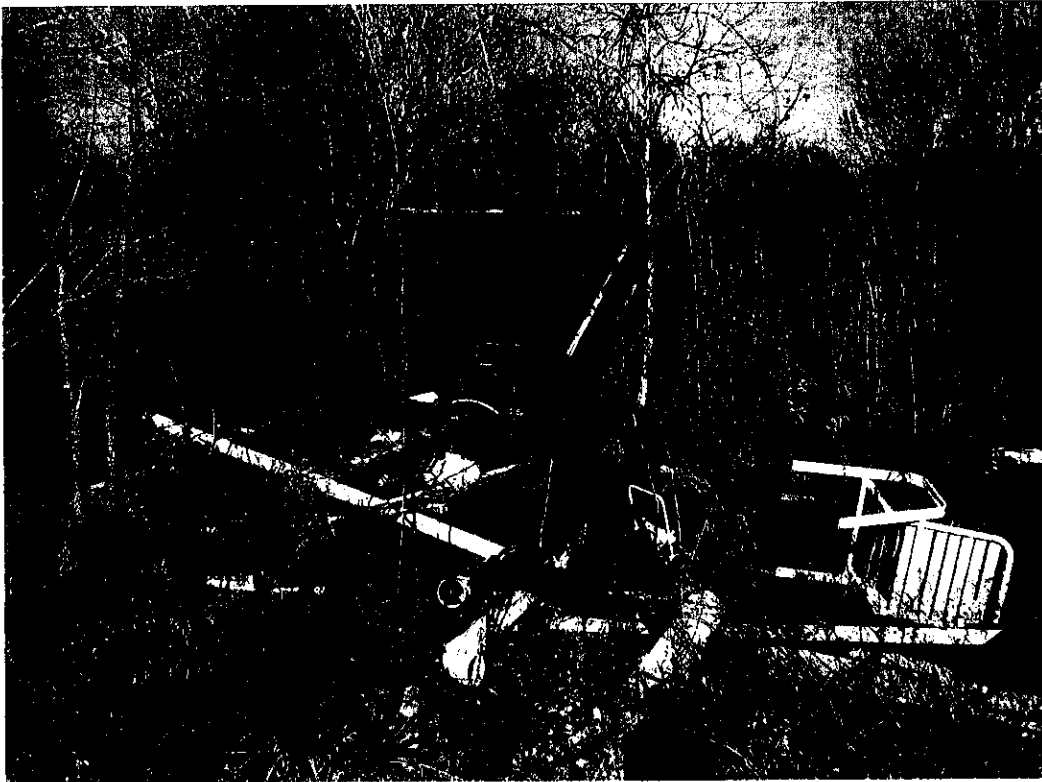


Date: 12/05/2006
Time: 1:50 PM
Direction: SW
Photo by: G. Gross
Exposure #: 008
Comments: Photo of
waste tires overgrown in
vegetation.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:51 PM
Direction: SW
Photo by: G. Gross
Exposure #: 009
Comments: Photo of
waste metal, demolition
debris, tires and lawn
furniture.



Date: 12/05/2006
Time: 1:51 PM
Direction: W
Photo by: G. Gross
Exposure #: 010
Comments: Photo of
waste metal, tires and
domicile waste.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:52 PM
Direction: E
Photo by: G. Gross
Exposure #: 011
Comments: Photo of
waste vehicle.

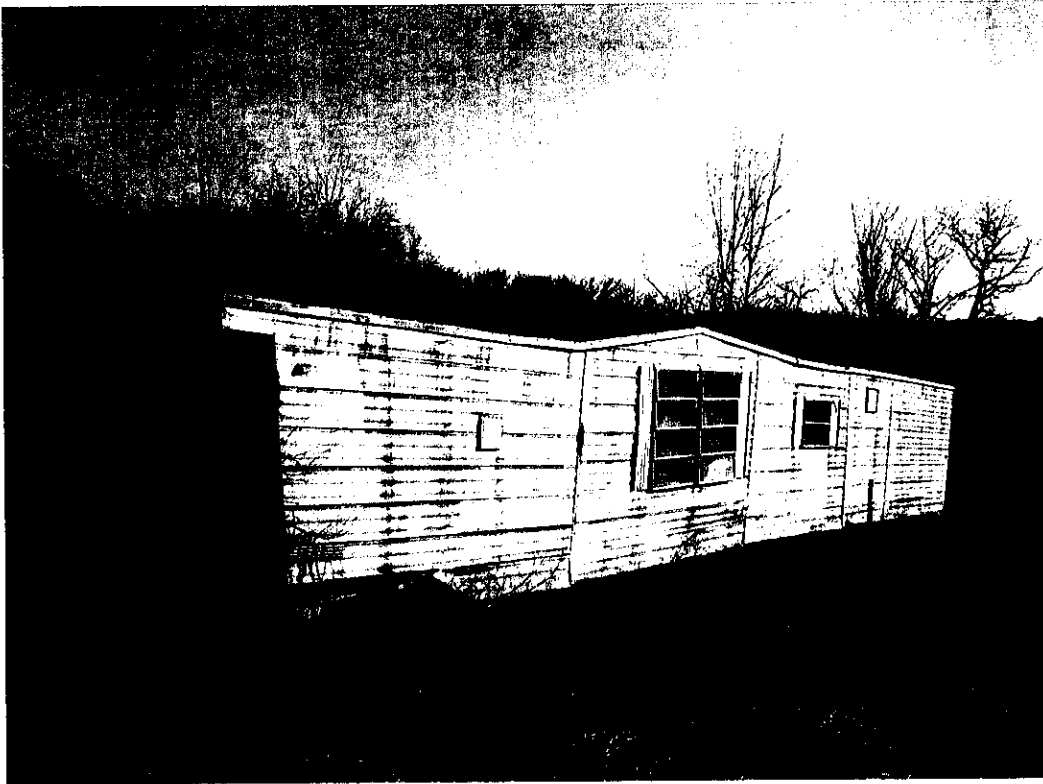


Date: 12/05/2006
Time: 1:52 PM
Direction: E
Photo by: G. Gross
Exposure #: 012
Comments: Photo of
waste vehicle.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:53 PM
Direction: SE
Photo by: G. Gross
Exposure #: 013
Comments: Photo of
waste mobile home.



Date: 12/05/2006
Time: 1:53 PM
Direction: W
Photo by: G. Gross
Exposure #: 014
Comments: Photo of
waste tires overgrown in
vegetation.

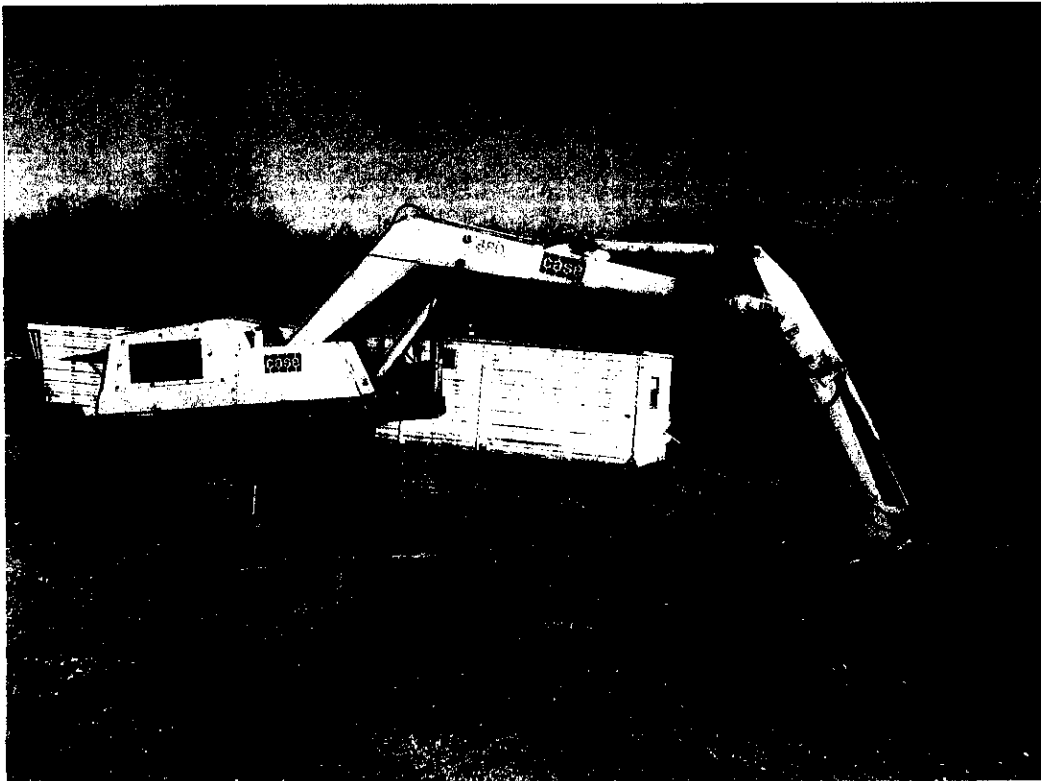
File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:54 PM
Direction: S
Photo by: G. Gross
Exposure #: 015
Comments: Photo of
waste vehicle.



Date: 12/05/2006
Time: 1:54 PM
Direction: N
Photo by: G. Gross
Exposure #: 016
Comments: Photo of
track-hoe located at the
site.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:54 PM
Direction: E
Photo by: G. Gross
Exposure #: 017
Comments: Photo of
truck containing cutting
torch.

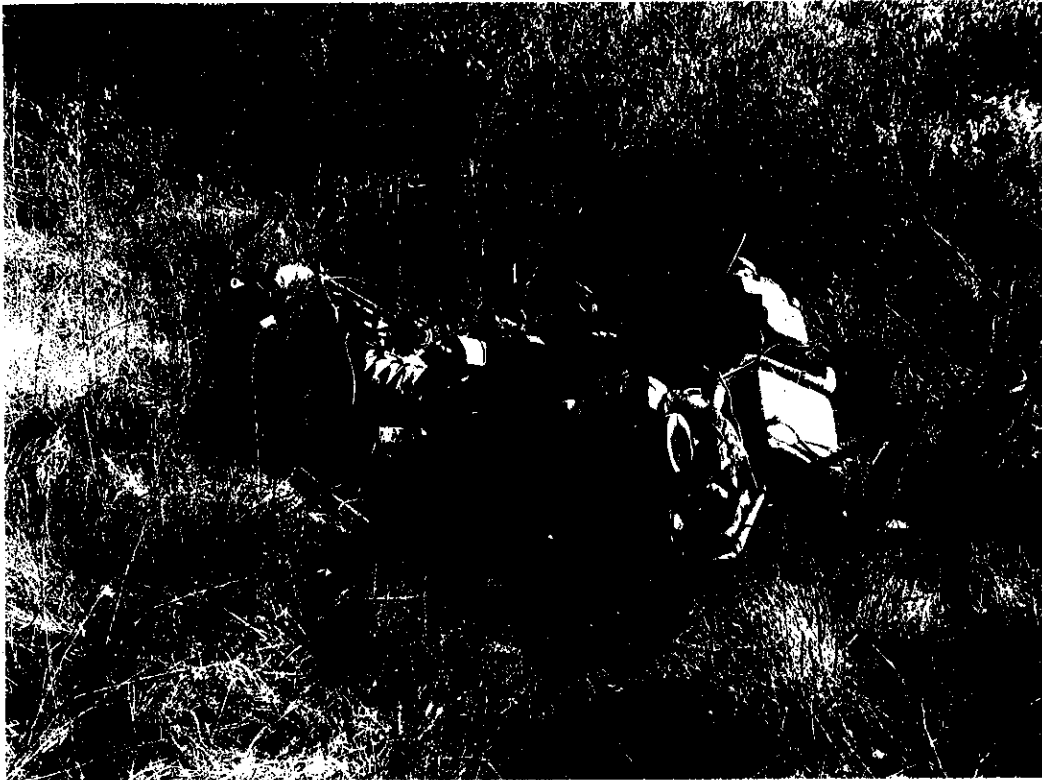


Date: 12/05/2006
Time: 1:55 PM
Direction: E
Photo by: G. Gross
Exposure #: 018
Comments: Photo of
waste tires overgrown in
vegetation.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:56 PM
Direction: E
Photo by: G. Gross
Exposure #: 019
Comments: Photo of
automotive parts
(engines) removed from
vehicles.



Date: 12/05/2006
Time: 1:57 PM
Direction: S
Photo by: G. Gross
Exposure #: 020
Comments: Photo of
waste vehicle.

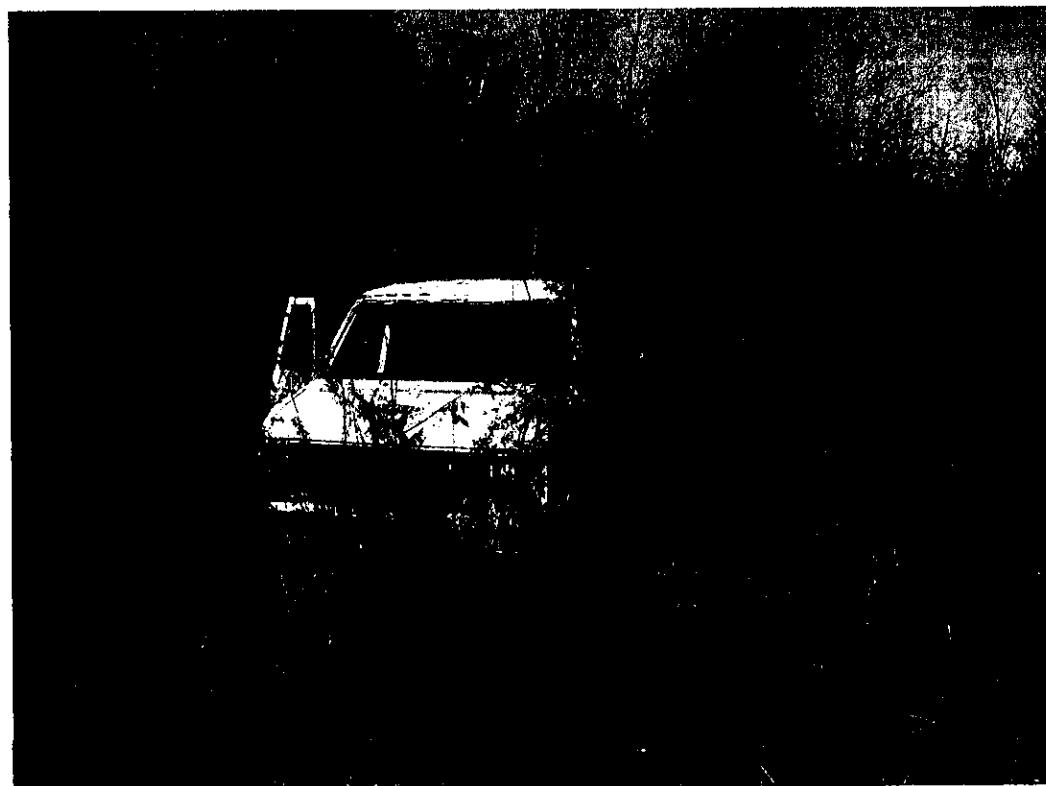
File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:57 PM
Direction: N
Photo by: G. Gross
Exposure #: 021
Comments: Photo of
waste vehicle overgrown
in vegetation.



Date: 12/05/2006
Time: 1:58 PM
Direction: N
Photo by: G. Gross
Exposure #: 022
Comments: Photo of
waste vehicle overgrown
in vegetation.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:58 PM
Direction: N
Photo by: G. Gross
Exposure #: 023
Comments: Photo of
waste vehicle overgrown
in vegetation.



Date: 12/05/2006
Time: 1:58 PM
Direction: E
Photo by: G. Gross
Exposure #: 024
Comments: Photo of
waste vehicle, tires and
domicile waste.

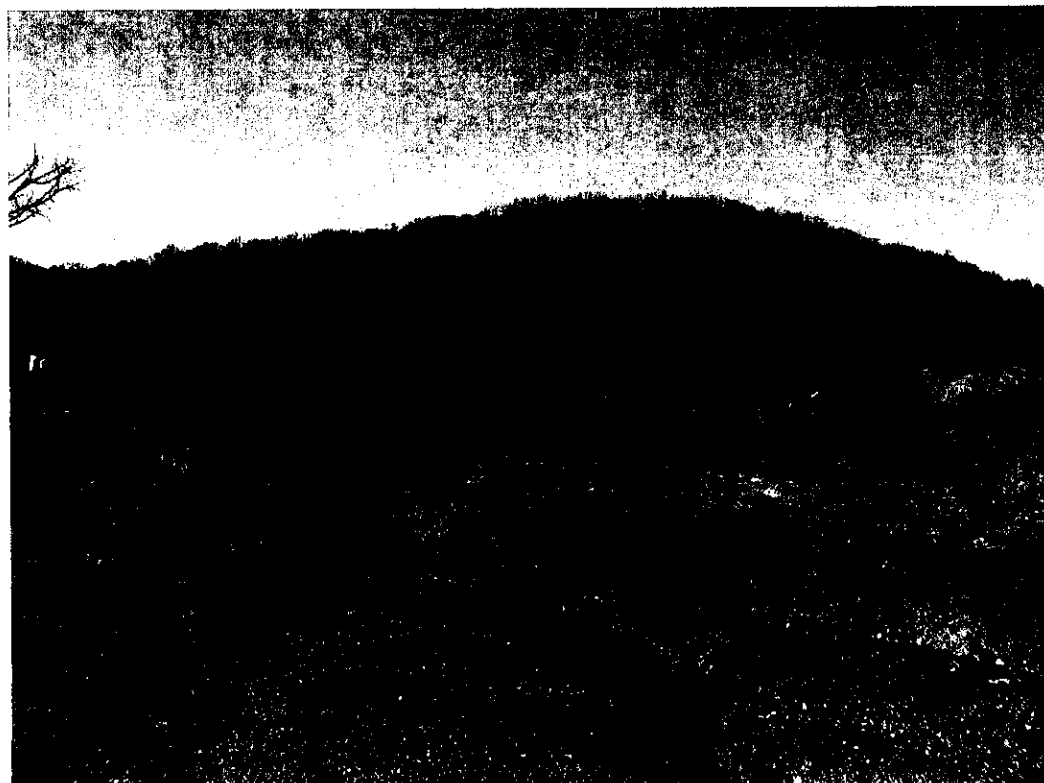
File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 1:59 PM
Direction: N
Photo by: G. Gross
Exposure #: 025
Comments: Photo of
waste tires and metal.



Date: 12/05/2006
Time: 2:00 PM
Direction: W
Photo by: G. Gross
Exposure #: 026
Comments: Photo of
roadway leading to old
garage.

File Names: 1818515003~12052006-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 12/05/2006
Time: 2:00 PM
Direction: N
Photo by: G. Gross
Exposure #: 027
Comments: Photo of
roadway leading up the
hill to the cleared area.



Date: 12/05/2006
Time: 2:01 PM
Direction: NE
Photo by: G. Gross
Exposure #: 028
Comments: Photo of
roadway leading to old
house.

File Names: 1818515003~12052006-[Exp. #].jpg

PROOF OF SERVICE

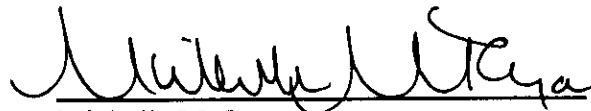
I hereby certify that I did on the 3rd day of January 2007, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Bobby G. Myers
P.O. Box 82
Cobden, IL 62920

Donald D. Myers
P.O. Box 213
Cobden, IL 62920

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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