

MAY 23 2007

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACORD

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).

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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **MAY 23 2007**

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
BEN and DESTINY WYANT,)
))
Respondents.)

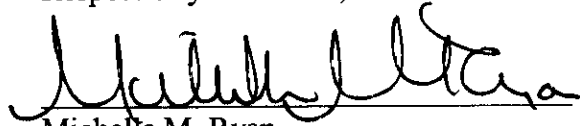
AC **07-61**
(IEPA No.129-07-AC)

NOTICE OF FILING

To: Ben & Destiny Wyant
111 W. 5th Street
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
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: May 17, 2007

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her April 23, 2007 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 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) (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 July 15, 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: 5/17/07

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

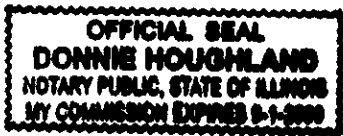
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.) IEPA DOCKET NO.
)
)
)
 Respondent.)

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 April 23, 2007, between 11:55 a.m. and 12:10 p.m., Affiant conducted an inspection of a disposal site operated by Ben & Destiny Wyant, located in Williamson County, Illinois, and known as Thompsonville/Noe-Wyant by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1998535005 by the Agency.
3. Affiant inspected said Thompsonville/Noe-Wyant 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 Thompsonville/Noe-Wyant.



A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Paul J. Miller".

Subscribed and Sworn to before me

this 4th day of May, 2007

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Donnie Houghland".

Notary Public

GES:SRW:jkb/30221/05-02-07

LPC # 1998535005

Inspection Date: 4/23/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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 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 INSPECTION REPORT

Date: April 23, 2007 Inspectors: Sheila Williams

Site Code: 1998535005 County: Williamson

Site Name: Thompsonville/Noe - Wyant Time: 11:55 A.M. – 12:10 P.M.

GENERAL REMARKS

On April 23, 2007 a follow-up inspection of the Thompsonville/Noe – Wyant site was conducted. The last inspection was conducted on January 18, 2007. During the current inspection it was apparent site conditions had not changed since the previous two inspections.

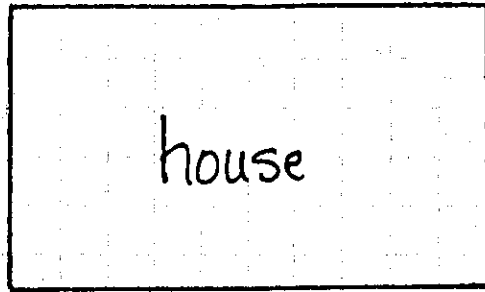
As before, five areas of apparent violations were observed. They have been designated as Area A – Area E. Among the observed wastes were demolition wood, two tires, roofing debris, a variety of metal, broken glass, three mattresses, charred waste & plastics. Approximately 308 cubic yards of waste were present.

Following the initial inspection, an Administrative Citation Warning Notice was sent to Paul & Norma Noe of Peoria, IL because county records indicated they receive the tax bill for this piece of property. In her response to the ACWN, Norma Noe provided information explaining that in February 2004 the property was sold contract for deed to Ben & Destiny Wyant. Mrs. Noe sent the regional office copies of a February 6, 2004 cashier's check made out to Norma Noe that has Jamie Wyant as the remitter (in her October 3, 2006 letter, Mrs. Noe wrote that Jamie Wyant is Ben Wyant's mother); a March 1, 2004 check also made out to Norma Noe from the account of B & J Construction of West Frankfort, IL & signed by Ben Wyant; and copies of a notarized contract for deed that indicate Ben & Destiny Wyant purchased property from Paul & Norma Noe. The legal description of the property in the contract for deed appears to be the same as the site.

To Jordan Fort Rd.

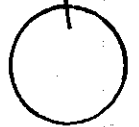
↑ N

Thorn Rd.

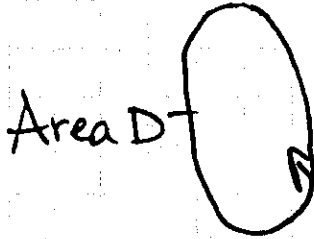


house

Area A



2 →



Area D

↖ 10

↖ 9

6 ↓

5 ↓

4 ↓

11 ↖

3 ↓

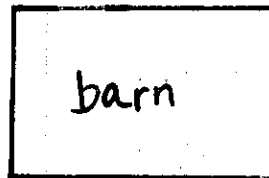
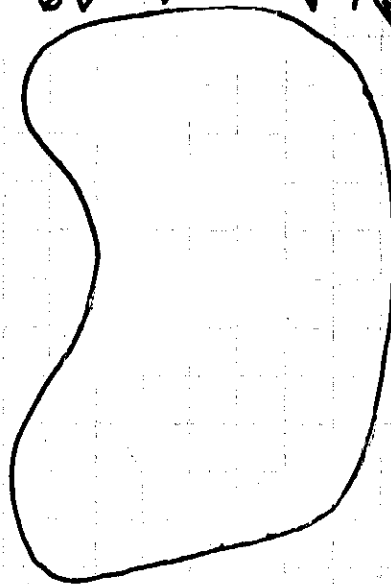
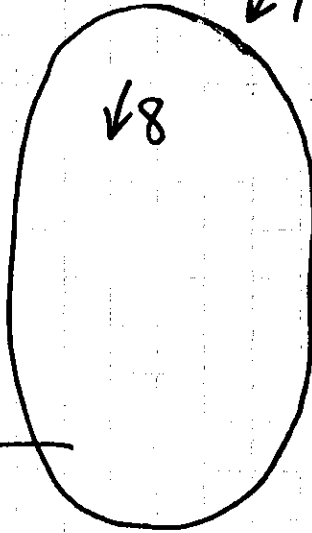


Area C

7 ↓

8 ↓

Area E



barn

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IEPA/DOL

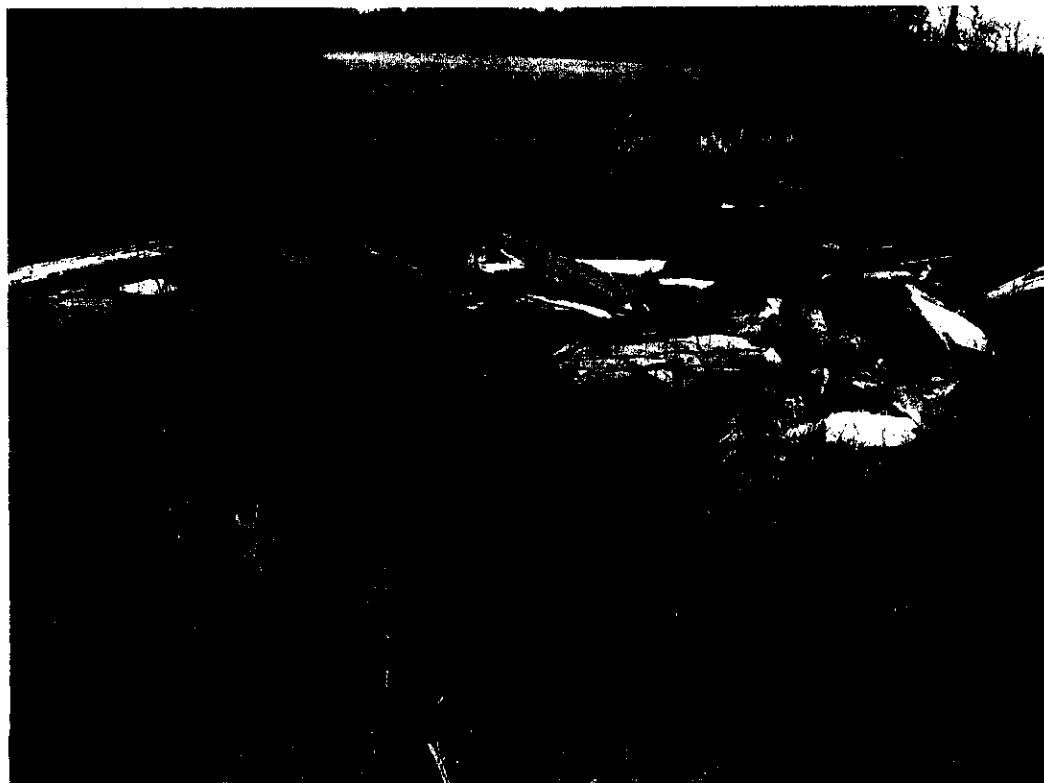
Thompsonville/Noe-Wyant
#1998535005 - Williamson County
Not to Scale
Locations are Approximate
4-23-07



DIGITAL PHOTOGRAPHS



**Date: 4/23/2007
Time: 11:58 A.M.
Direction: south
Photo by: S. Williams
Exposure #: 001
Comments:
apparently
abandoned house
with waste mostly to
the south**

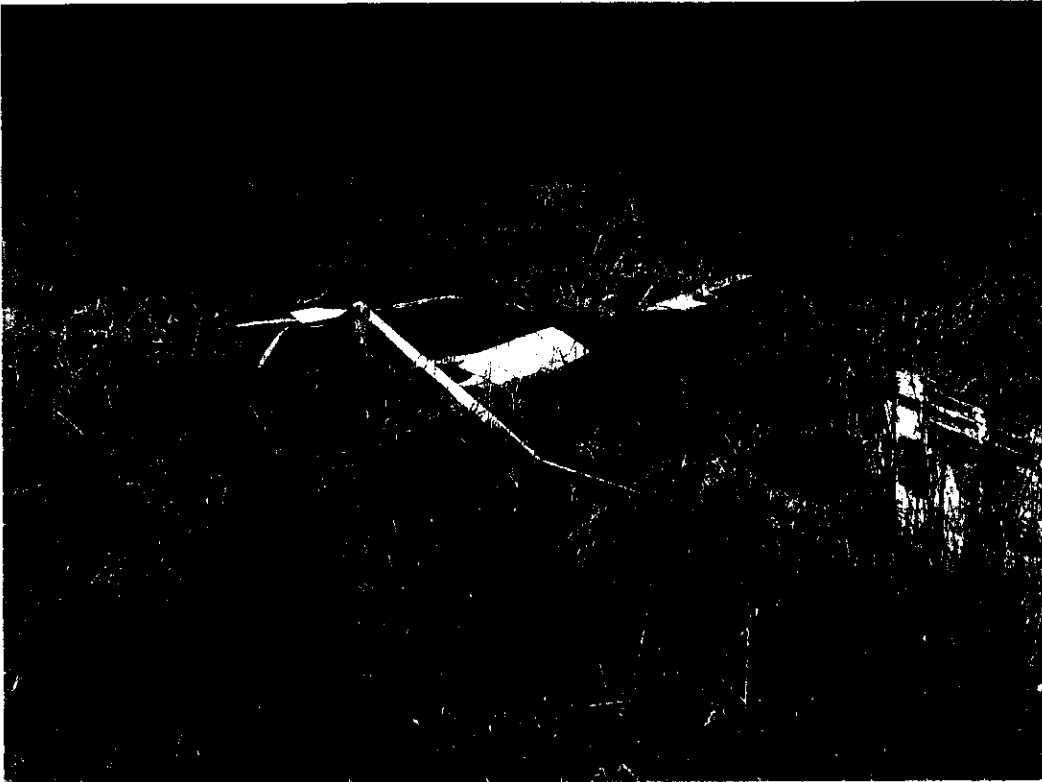


**Date: 4/23/2007
Time: 11:59 A.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 002
Comments: roofing
waste, demolition
wood, two tires,
metal & concrete**

File Names: 1998535005~04232007 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 4/23/2007
Time: 11:59 A.M.
Direction: southeast
Photo by: S. Williams
Exposure #: 003
Comments:
demolition debris**



**Date: 4/23/2007
Time: 12:00 P.M.
Direction: south
Photo by: S. Williams
Exposure #: 004
Comments: roofing
shingles & demolition
wood**

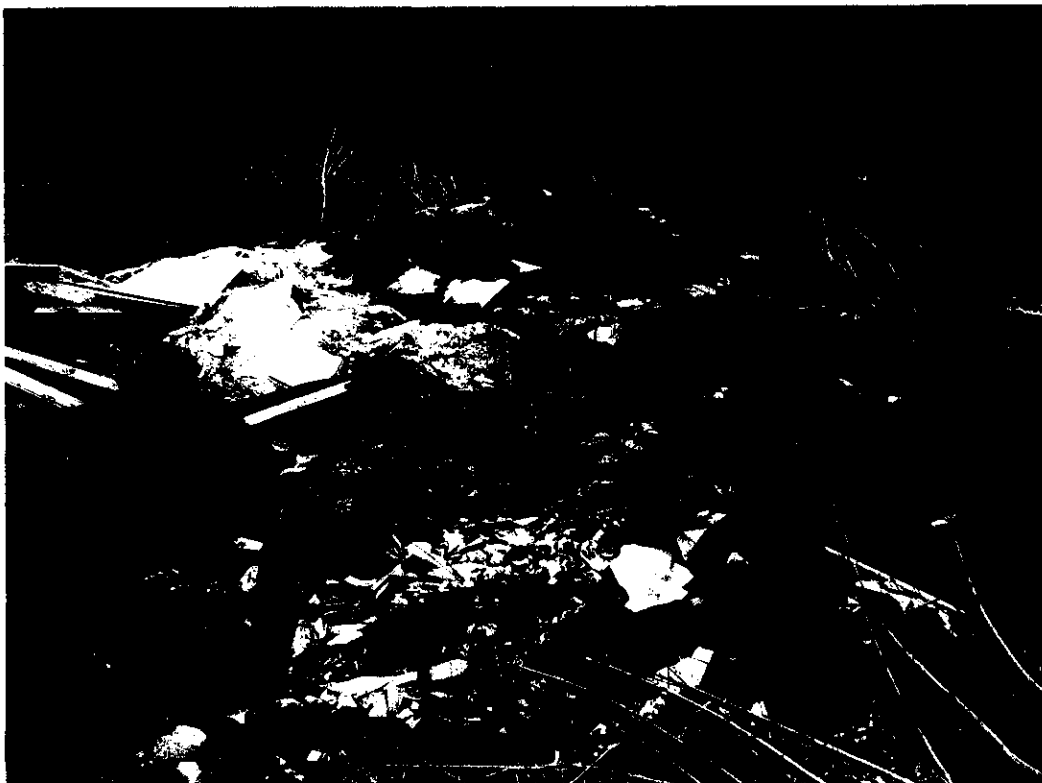
File Names: 1998535005~04232007 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 4/23/2007
Time: 12:00 P.M.
Direction: south
Photo by: S. Williams
Exposure #: 005
Comments: roofing
shingles, mattresses
& demolition debris



Date: 4/23/2007
Time: 12:00 P.M.
Direction: south
Photo by: S. Williams
Exposure #: 006
Comments: roofing
shingles (some
charred), a tarp, a
burn barrel & metal

File Names: 1998535005~04232007 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 4/23/2007
Time: 12:01 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 007
Comments: charred
waste, metal &
demolition debris**



**Date: 4/23/2007
Time: 12:03 P.M.
Direction: southwest
Photo by: S. Williams
Exposure #: 008
Comments: broken
glass, demolition
debris, shingles & a
variety of metal**

File Names: 1998535005~04232007 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 4/23/2007
Time: 12:03 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 009
Comments: roofing
waste, demolition
wood, plastic buckets
& cardboard**

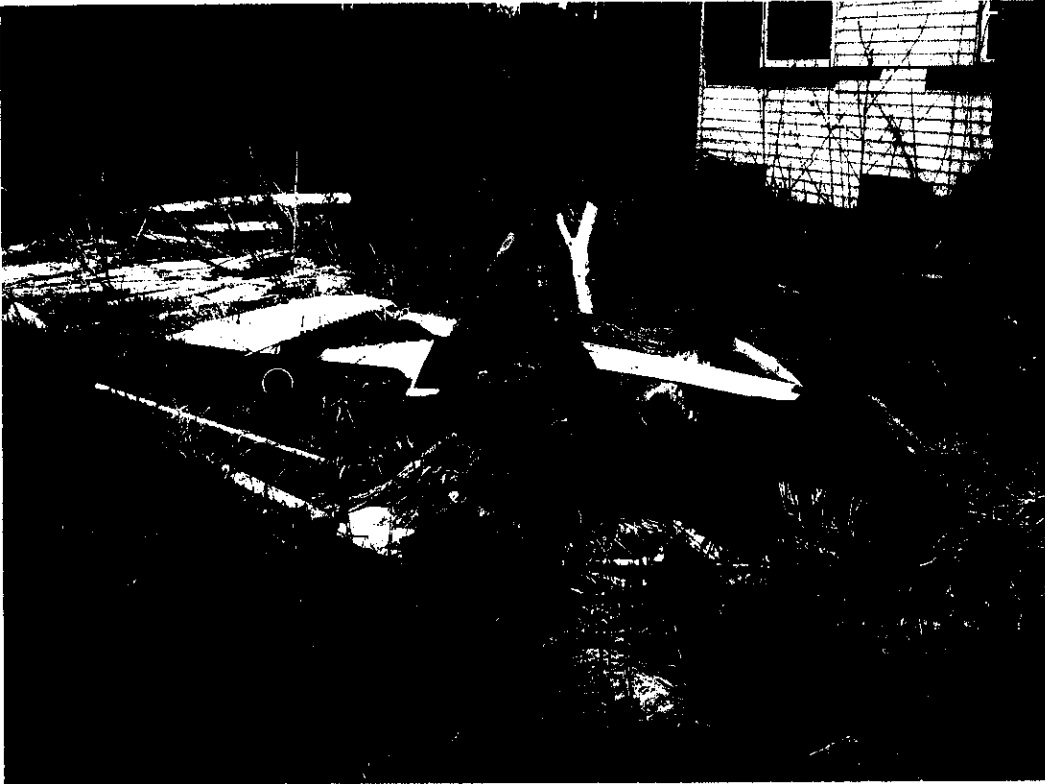


**Date: 4/23/2007
Time: 12:04 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 010
Comments: metal,
roofing waste &
demolition wood**

File Names: 1998535005~04232007 - [Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 4/23/2007
Time: 12:07 P.M.
Direction: northwest
Photo by: S. Williams
Exposure #: 011
Comments: metal,
demolition debris,
weathered wood
stumps, a plastic hose**

**Date:
Time:
Direction:
Photo by:
Exposure #:
Comments:**

No Photo

File Names: 1998535005~04232007 - [Exp. #].jpg

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OCT 06 2006

IL Environmental Protection Agency
MARION REGIONAL OFFICE

To Whom It may Concern:

I sold the property in question on Feb. 2004
(Enclosed Copy) As you can see Mr. Wyant
had his own construction business. I
called the number on the check - it has been
disconnected. But his mother - Jamie Wyant
who handled all his business 117 W. 5th St
still has the same phone West Frankford, IL
618-932-2861 62896

I called her + told her Ben was going
to have to clean up that mess + stop burning
she was going to send me a letter stating that
so I could forward it to you. As of today
I have not heard from them.

There has been non-payment on the
contract for some time - but he continues
to have a vested interest in the property as
no quick Claim Deed has been signed. They
tell me a trip to court will be necessary. I've
not had the money or the energy to start this
process. I checked on the property in July-05
because my aunt on Thompsonville Rd said
burning - construction - roofing - work was
taking place - at that time there was one
small pile behind the house. So all

Oct 3 2006

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MAY 07 2007

IEPA/BOL

2

of this has taken place since then.

I'm hoping you will go after the person who is responsible for this mess.

At no time would we condone this.

Thanks

Norma A Noe

P.S. 9:41 AM - Oct 3 - just called again
Answering machine they don't intend to
take my call.



Norma A. Noe
1644 N. Moody Ct.
Peoria, IL 61604-4342

C. J. H.

GARRISON & GARRISON
ATTORNEYS AT LAW
612 NORTH MARKET, P. O. BOX 1110
MARION, IL 62959

618/993-2601

Mrs. Norma A. Noe
1644 Moody Court
Peoria, IL 61604

RE: Contract for Deed - Noe/Wyant

Dear Mrs. Noe:

The Contract for Deed was executed today, but it was too late for federal express to pick up. They close at 4:00 p.m. It was after 5:00 p.m.

Enclosed please find the cashier's check in the sum of \$4500.00, along with the original Contract. Both you and your husband need to execute the Contract before a Notary Public and return a copy to my office, as well as forward a copy to the Wyants.

My bill for services is also enclosed.

Thank you for this opportunity to have been of service.

Yours very truly,

James T. Garrison

WHEN HELD TO LIGHT, IF CIRCULAR WATERMARKS ARE NOT PRESENT, DO NOT CASH SEE BACK FOR ADDITIONAL SECURITY FEATURES.

287622



Banterra Bank
201 W. Main St
Marion, IL 62959

70-2259.612

REMITTER

JAMIE WYANT

DATE 2-6-04

PAY TO THE ORDER OF NORMA NOE

\$ 4,500.00

\$4,500.00

DOLLARS

CASHIER'S CHECK

[Signature]
AUTHORIZED SIGNATURE

⑈ 287622⑈ ⑆08⑆222593⑆ ⑈515 500 2⑈

STATE OF ILLINOIS)
) SS.
COUNTY OF WILLIAMSON)

BEN WYANT, being first duly sworn on his oath, deposes and says that he is one of the Buyers who signed the foregoing Contract for Deed, that he has read the same, knows the contents thereof and the same are true.

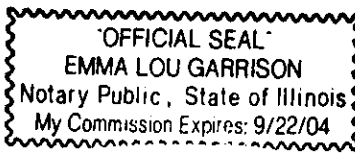
Ben Wyant

BEN WYANT

SUBSCRIBED AND SWORN TO

before me this 6 day
of July, 2004.
Emma Lou Garrison

Notary Public



STATE OF ILLINOIS)
) SS.
COUNTY OF WILLIAMSON)

DESTINY WYANT, being first duly sworn on her oath, deposes and says that she is one of the Buyers who signed the foregoing Contract for Deed, that she has read the same, knows the contents thereof and the same are true.

Destiny Wyant

DESTINY WYANT

SUBSCRIBED AND SWORN TO

before me this 6 day
of July, 2004.
Emma Lou Garrison

Notary Public



CONTRACT FOR DEED

THIS Agreement Made and entered into this 6th day of February, 2004, by and between PAUL A. NOE AND NORMA A. NOE, hereinafter referred to as Sellers, and BEN WYANT AND DESTINY WYANT, hereinafter referred to as Buyers,

WITNESSETH That Sellers hereby agree and covenant to convey to Buyers, by Warranty Deed, the real estate herein described as follows:

THE WEST TEN (10) ACRES OF THE NORTHEAST ONE-FOURTH (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHT (8) SOUTH, RANGE FOUR (4) EAST OF THE THIRD PRINCIPAL MERIDIAN, SUBJECT TO PRIOR RESERVATIONS OR CONVEYANCES OF MINERALS, IF ANY, SITUATED IN WILLIAMSON COUNTY, ILLINOIS.

Provided, and on condition the Buyers shall pay or cause to be paid to Sellers as purchase money for said real estate, the sum of Twenty Thousand Dollars (\$20,000.00), payable as follows:

a. The sum of \$5,000.00, (\$500.00 escrow, the receipt of which is hereby acknowledged and \$4500.00 remaining downpayment to be paid by Buyers at the time of closing on this contract.

b. The sum of \$15,000.00 is to be paid at the rate of \$300.00 per month, with interest payable at the rate of eight percent (8%) per annum. Said payments are to begin on the 1st day of March, 2004, payable on the 1st day of each month thereafter for a period of five (5) years.

c. Buyers shall have the right at any time during the above mentioned period to refinance or pay Sellers in full.

Taxes for the year 2004, payable in 2005, shall be by Sellers. Taxes for the year 2005, payable in 2006, shall be paid by Buyers.

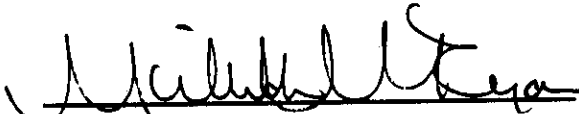
PROOF OF SERVICE

I hereby certify that I did on the 17th day of May, 2007 send by Overnight mail for hand delivery to the Marion Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for hand delivery

To: Ben & Destiny Wyant
111 W. 5th Street
West Frankfort, IL 62896
7004 2510 0001 8587 9485

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail 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
7004 1510 0001 8587 9478


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

THIS FILING SUBMITTED ON RECYCLED PAPER