



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED  
CLERK'S OFFICE

FEB 02 2009

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

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

AC09-33

January 29, 2009

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. David Swearingen  
IEPA File No.4-09-AC: 0298065002—Coles 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

RECEIVED  
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FEB 02 2009  
STATE OF ILLINOIS  
Pollution Control Board

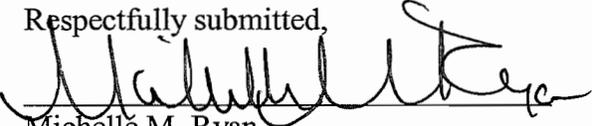
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
DAVID SWEARINGEN, )  
 )  
Respondent. )

ORIGINAL  
AC 09-33  
(IEPA No. 4-09-AC)

**NOTICE OF FILING**

To: David Swearingen  
408 North Missouri Street  
P.O. Box 21  
Toledo, IL 62468

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: January 29, 2009



facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on January 29, 2009, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 2988.

#### VIOLATIONS

Based upon direct observations made by Jennifer O'Hearn during the course of her December 11, 2008 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) (2006).
  
- (2) 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) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 Three Thousand Dollars (\$3,000.00). 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 March 2, 2009, 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 (2006), 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) (2006), if Respondent fails 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, 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 (2006). 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.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 1/29/09

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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FEB 02 2009

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, ) )  
) )  
v. ) )  
) )  
DAVID SWEARINGEN, ) )  
) )  
) )  
) )  
Respondent. ) )

AC 09-33  
(IEPA No. 4-09-AC)

ORIGINAL

FACILITY: Mattoon/Swearingen

SITE CODE NO.: 0298065002

COUNTY: Coles

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: December 11, 2008

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

RECEIVED  
CLERK'S OFFICE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FEB 02 2009

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

AC09-33

IN THE MATTER OF: )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
)  
)  
David Swearingen. )  
Respondent, )

IEPA DOCKET NO.

Affiant, Jennifer O'Hearn, 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 11, 2008, between 2:21 P.M. and 2:50 P.M., Affiant conducted an inspection of the site in Coles County, Illinois, known as the David Swearingen, Illinois Environmental Protection Agency Site No. 0298065002.
3. Affiant inspected said David Swearingen site by an on-site inspection, which included walking the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to the David Swearingen site, a five acre lot located in the northeast corner of the intersection of 200 East County Road and Illinois Route 16, in Mattoon Township, about a mile southwest of Mattoon, Illinois site.

Jennifer O'Hearn  
Jennifer O'Hearn

Subscribed and Sworn to before me  
this 20<sup>th</sup> day of JANUARY,  
2009.

Sharon L Barger  
Notary Public



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

**RECEIVED**  
**CLERK'S OFFICE**  
**FEB 02 2009**

County: COLES LPC#: 0298065002 STATE OF ILLINOIS  
 Regional Control Board

Location/Site Name: Mattoon/Swearingen, David

Date: 12/11/2008 Time: From 2:21PM To 2:50PM Previous Inspection Date: 04/29/2008

Inspector(s): Jennifer O'Hearn Weather: Partly Cloudy, 40 degrees, 5mph wind out of northwest

No. of Photos Taken: # 11 Est. Amt. of Waste: 700 yds<sup>3</sup> Samples Taken: Yes #        No   
 (-30)

Interviewed:        Complaint #:       

Latitude: 39.47129 Longitude: -88.43405 Collection Point Description: Site Entrance - +/-33.9ft.

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin

Responsible Party Mailing Address(es) and Phone Number(s):  David Swearingen, property owner P.O. Box 21 Toledo, IL 62468 217/849-2041	Duane Swearingen, manager of Swearingen Bros., 2820 Lake Land Blvd, Mattoon, IL 61938 217/234-3530; 217/254-9935
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	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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	<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"/>

LPC # 0298065002

Inspection Date: 12/11/2008

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<input type="checkbox"/>
16.	807.201	Failure to submit an application to the Agency for a permit to develop a new solid waste management site.	<input checked="" type="checkbox"/>
17.	807.202		<input type="checkbox"/>
	(a)	Failure to submit an application to the Agency for a permit to operate a new solid waste management site.	<input checked="" 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.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#0298065002—Coles County  
Mattoon/Swearingen, David  
FOS File  
Inspector: Jennifer O’Hearn  
December 11, 2008 Inspection

**OPEN DUMP REINSPECTION**

**Site History:**

The original inspection of the site was conducted on April 29, 2008. The site exhibited evidence of open dumping. The ACWN’s were sent on June 3, 2008.

**General Comments:**

On December 11, 2008 at 2:21 P.M., Jennifer O’Hearn conducted an inspection at the site which is located about a mile and a half west of Mattoon, Illinois, in the northeast corner of the intersection of 200 E CR and Illinois Route 16, on a rural, five acre lot which was previously railroad right-of-way in Mattoon TWP, County of Coles, State of Illinois, TWP 12N, RNG 7W of the 3<sup>rd</sup> Principal Meridian, Coles County, Illinois: Section 21: part of the NW1/4. The purpose of this inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations).

According to the Coles County Tax Assessor’s Office in Charleston, Illinois the taxes were paid by David Swearingen, P.O. Box 21, Toledo, Illinois, 62468 for a 5.57 acre parcel with the parcel # of 07-1-00785-000. The inspection consisted of walking around the site and taking pictures. The weather was partly cloudy and the temperature 40 degrees, with a 5-10 mph wind out of the northwest.

I parked my vehicle on the west end of the property, about thirty yards east of the site entrance off of 200 E CR and walked east about thirty-five yards. I viewed an apparent new pile of dimensional lumber mixed in with landscape waste. (photo 1) I walked to the northeast about fifteen yards and saw painted and unpainted concrete and brick. (photo 2) I walked a half dozen yards to the northeast and saw painted concrete block, concrete and brick. (photo 3) I walked to the northeast several yards and saw painted concrete and a strip of metal about a foot by a half inch in size. (photo 4) I walked to the southeast several yards and saw more painted concrete. (photo 5) I walked to the northeast about five yards and saw more painted concrete, unpainted concrete and brick. (photo 6) I walked to the southwest about a dozen yards and saw concrete with protruding rebar and brick. (photo 7) I walked to the southwest thirty-five yards and saw a metal cylinder and other metal. (photo 8) I stepped a couple yards to the south and saw landscape waste piles and metal underneath the front of one of the piles, apparent new waste not observed in

the previous inspection. (photo 9) I walked to the northwest about five yards and saw two more piles of landscape waste, one with a piece of metal piping, apparent new waste not observed in the previous inspection. (photo 10) I walked to the southwest about fifteen yards and saw concrete, brick, and metal protruding from the soil. I also saw a mounded up area with concrete just visible beneath the weeds. (photo 11) I noted that the old guardhouse with shingles inside seen in the first inspection was no longer at the site, as well as a pile of metal and a pile of painted concrete with plastic sheeting. It also appeared that some metal and dimensional lumber in other areas seen on the first inspection were not observed during this inspection. I left the site at 2:50 P.M.

**Apparent violations observed during this inspection:**

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

Upon reinspection of the site on December 11, 2008, outstanding violations included:

- #1 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **evidence of open dumping of waste was observed during the inspection.**

- #2 Pursuant to Section 21(d)(1) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit

A violation of Section 21(d)(1) is alleged for the following reason: **evidence of the operation of a waste-storage, waste-treatment, or waste-disposal operation without a permit was observed during the inspection.**

- #3 Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Pollution Control Board.

A violation of Section 21(d)(2) is alleged for the following reason: **evidence of the operation of a waste-storage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board was observed during the inspection.**

- #4 Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste or transport any waste into this State for disposal, treatment, storage, or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **waste was stored and/or disposed of at this site which does not meet the requirements of the Act and of regulations and standards thereunder.**

- #5 Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in litter.

A violation of Section 21(p)(1) is alleged for the following reason: **waste was open dumped at this site resulting in litter.**

- #6 Pursuant to Section 21(p)(7) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in deposition of general construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: **waste was open dumped at this site resulting in deposition of general construction and demolition debris.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]

- #7 Pursuant to Section 812.101(a) of the Regulations, All persons, except those specifically exempted by Section 21(d) of the Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of Section 812.101(a) is alleged for the following reason: **this waste management site has not submitted an application to the Agency for a permit to develop and operate a landfill.**

**Apparent new violations observed during this inspection:**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]

- #8 Pursuant to Section 807.201 of the Regulations, Subject to such exemption as expressly provided in Section 21(e) (Ill. Rev. Stat. 1981, ch. 111½, par. 1021(e)) of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

A violation of Section 807.201 is alleged for the following reason: **this waste management site has not submitted an application to the Agency for a permit to develop a new solid waste management site.**

Pursuant to Section 807.202 of the Regulations,

#9

- a) New Solid Waste Management Sites. Subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1982, ch. 111½, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

A violation of Section 807.202(a) is alleged for the following reason: **this waste management site has not submitted an application to the Agency for a permit for operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.**

- b) Existing Solid Waste Management Sites.
  - 1) Subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1981, ch. 111½, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any existing solid waste management site without an Operating Permit issued by the Agency not later than one year after the effective date of these Regulations.
  - 2) All applications for Operating Permits shall be submitted to the Agency at least 90 days prior to the date on which such permit is required; however, the Agency may waive such provision when appropriate.
  - 3) The Agency may, if necessary to prevent an unmanageable workload, extend the date by which Operating Permits are required for a period not to exceed 180 days. The Agency shall notify the persons affected and the Board, in writing, of such extension at least ninety days in advance of the date set forth in Section 202(b)(1).
- c) Duration of Operating Permits.

All operating permits shall remain valid until the site is completed or closed, or until revoked, as provided herein.

**The following violations are dropped:**

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

Upon reinspection of the site on December 11, 2008, the following violations are dropped: 22.38(b)(9) and 22.38(b)(11).

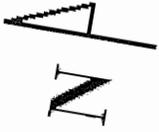
**FIELD SKETCH**

**WILDLIFE PROTECTION AGENCY**

Date of Inspection : 12/11/08  
Inspector: Jennifer O'Hearn  
Site Name : Mattoon/Swearingen, David  
Site Code: 0298065002

City: Mattoon

Map Not to Scale  
Arrows indicate direction  
and location of Photos



200 E CR

fenceline

drive



Route 16



Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0298065002 —  
Coles County  
Mattoon/Swearingen  
FOS File

Date: 12-11-2008  
Time: 2:27PM  
Direction: Northeast  
Photo by: Jennifer  
O'Hearn  
PHOTO FILE NAME:  
0298065002~ 12112008-  
001.jpg  
Comments: Dimensional  
lumber mixed in with  
landscape waste.



Date: 12-11-2008  
Time: 2:32PM  
Direction: Northwest  
Photo by: Jennifer  
O'Hearn  
PHOTO FILE NAME:  
0298065002~ 12112008-  
002.jpg  
Comments: Painted and  
unpainted concrete and  
brick.





Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

**LPC # 0298065002—  
Coles County  
Mattoon/Swearingen  
FOS File**

**Date: 12-11-2008  
Time: 2:33PM  
Direction: Northeast  
Photo by: Jennifer  
O'Hearn  
PHOTO FILE NAME:  
0298065002~ 12112008-  
003.jpg  
Comments: Painted  
concrete block,  
concrete and brick.**



**Date: 12-11-2008  
Time: 2:34PM  
Direction: Northeast  
Photo by: Jennifer  
O'Hearn  
PHOTO FILE NAME:  
0298065002~ 12112008-  
004.jpg**



Comments: Painted concrete and metal strip.



Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0298065002— Coles  
County  
Mattoon/Swearingen  
FOS File

Date: 12-11-2008  
Time: 2:35PM  
Direction: Northeast  
Photo by: Jennifer O'Hearn  
PHOTO FILE NAME:  
0298065002~ 12112008-  
005.jpg  
Comments: Painted  
concrete.



Date: 12-11-2008  
Time: 2:36PM  
Direction: Northeast  
Photo by: Jennifer O'Hearn



**PHOTO FILE NAME: 0298065002~ 12112008-006.jpg**  
**Comments: Painted concrete, unpainted concrete and brick.**



**Illinois Environmental Protection Agency**  
**Bureau of Land**

## **DIGITAL PHOTOGRAPHS**

**LPC # 0298065002—**  
**Coles County**  
**Mattoon/Swearingen**  
**FOS File**

**Date: 12-11-2008**  
**Time: 2:40PM**  
**Direction: Northeast**  
**Photo by: Jennifer**  
**O'Hearn**  
**PHOTO FILE NAME:**  
**0298065002~ 12112008-**  
**007.jpg**  
**Comments: Concrete**  
**with protruding rebar**  
**and brick.**



**Date: 12-11-2008**  
**Time: 2:46PM**  
**Direction: Northeast**  
**Photo by: Jennifer**  
**O'Hearn**  
**PHOTO FILE NAME:**  
**0298065002~ 12112008-**  
**008.jpg**



Comments: Metal cylinder and other metal.



Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0298065002— Coles County  
Mattoon/Swearingen  
FOS File

Date: 12-11-2008

Time: 2:47PM

Direction: Northeast

Photo by: Jennifer O'Hearn

PHOTO FILE NAME:

0298065002~ 12112008-  
009.jpg

Comments: Landscape  
waste piles, metal  
underneath front pile.



Date: 12-11-2008

Time: 2:48PM

Direction: Northeast

Photo by: Jennifer O'Hearn



**PHOTO FILE NAME: 0298065002~ 12112008-010.jpg**

Comments: Landscape waste piles, metal piping in center of photo.



**Illinois Environmental Protection Agency  
Bureau of Land**

## ***DIGITAL PHOTOGRAPHS***

**LPC # 0298065002—  
Coles County  
Mattoon/Swearingen  
FOS File**

**Date: 12-11-2008**

**Time: 2:51PM**

**Direction: Northeast**

**Photo by: Jennifer  
O'Hearn**

**PHOTO FILE NAME:  
0298065002~ 12112008-  
011.jpg**

Comments: Concrete  
and brick, metal  
protruding from soil.  
Mounded up area with  
concrete just visible  
beneath weeds.



374509 04/10/1995 03:10P B: 931 P: 146  
Betty Coffrin - Coles County Clerk

**TRUSTEE'S DEED**

THIS INDENTURE WITNESSETH that the Grantor, FIRST MID-ILLINOIS BANK & TRUST, N.A., Mattoon, Illinois, formerly First National Bank of Mattoon, a National Banking Association, as Trustee under Trust Number 84049, dated September 5, 1984, in consideration of Ten Dollars (\$10) and other good and valuable consideration in hand paid, conveys and quit-claims to DAVID SWEARINGEN, Box 30, County of Cumberland and State of Illinois, all of the right, title and interest of said Grantor, of, in or to all of that portion of the former real property of Consolidated Rail Corporation, formerly The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, in the records of the United States Railway Association, situated in Mattoon Township, County of Coles, State of Illinois, located on, across or in the following-described land:

TOWNSHIP 12 NORTH, RANGE 7 WEST OF THE 3RD PRINCIPAL MERIDIAN,  
COLES COUNTY, ILLINOIS:

SECTION 21: That part of the NW $\frac{1}{4}$  described as beginning at Station 6916 + 81 and thence along the centerline of the said former real property, as shown on the Right of Way and Track Map of the Cleveland, Cincinnati, Chicago and St. Louis Railway dated June 30, 1915, to the West line of said NW $\frac{1}{4}$  EXCEPT oil, gas and other minerals,

being a part of the premises which the Trustees of the Property of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, Debtor, by Conveyance Document No. CCC & St. L. CRC-RP21 dated March 29, 1976 and recorded in Coles County on Deed Record 517 at page 449, granted and conveyed unto Consolidated Rail Corporation.

DATED this 6 day of April, 1995.

FIRST MID-ILLINOIS BANK & TRUST, N.A.,  
Mattoon, Illinois, formerly First National Bank of Mattoon, a National Banking Association, as Trustee under Trust Number 84049, dated September 5, 1984

ATTEST:

*Jane M. Lane*  
Assistant Cashier

BY: *John A. Burke*  
Vice President

10/200

146

MAIL NEXT TAX STATEMENT TO:  
DAVID SWEARINGEN  
Box 30  
Toledo, IL 62468

STATE OF ILLINOIS )  
COUNTY OF COLES ) SS

The foregoing instrument was acknowledged before me this 5 day of April, 1995, by GARY J. BOSKE, a Vice-President and JANET L. GROVE, Assistant Cashier, of FIRST MID-ILLINOIS BANK & TRUST, N.A., Mattoon, Illinois, formerly First National Bank of Mattoon, a National Banking Association, as Trustee under Trust Number 84049, dated September 5, 1984 on behalf of said Banking Association.

*Benetia A. Brady*  
NOTARY PUBLIC

Coles County Real Estate  
Transfer Tax  
PAID  
Amount \$ 5.00  
Coles Co. Clerk & Recorder

"OFFICIAL SEAL"  
Benetia A. Brady  
Notary Public, State of Illinois  
My Commission Expires 9/1/98

STATE OF ILLINOIS  
REAL ESTATE TRANSFER TAX  
APR 10 1995  
DEPT. OF REVENUE  
\$ 5.00

This instrument prepared by John H. Armstrong of Craig & Craig, Attorneys at Law, 1807 Broadway Ave.-Box 689, Mattoon, IL 61938

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RECEIVED  
CLERK'S OFFICE

FEB 02 2009

STATE OF ILLINOIS  
Pollution Control Board

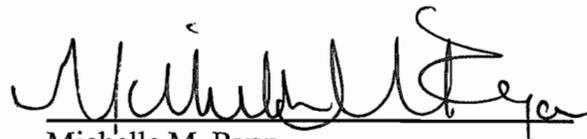
**PROOF OF SERVICE**

I hereby certify that I did on the 29th day of January 2009, 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: David Swearingen  
408 North Missouri Street  
P.O. Box 21  
Toledo, IL 62468

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