

# 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

PAT QUINN, GOVERNOR

Douglas P. Scott, Director

(217) 782-9817

TDD: (217) 782-9143

RECEIVED CLERK'S OFFICE

MAY 2 9 2009

STATE OF ILLINOIS
Pollution Control Board

May 27, 2009

Re:

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

ORIGINAL

Illinois Environmental Protection Agency v. Montel & Aneita Metzger

IEPA File No.98-09-AC; 2038050003—Woodford 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. Rvan Assistant Counsel

**Enclosures** 

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

#### ADMINISTRATIVE CITATION

				RECEIVED CLERK'S OFFICE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)			MAY'2 9 2009
Complainant,	)	AC	09.48	STATE OF ILLINOIS Pollution Control Board
V.	)	(IEPA	No. 98-09-AC)	
MONTEL and ANEITA METZGER,	)			
Respondents.	)		OR	IGINAI
	NOTICE OF FILE	<u>ING</u>		1011111

To: Montel & Aneita Metzger

207 Douglas Street P.O. Box 220 Carlock, IL 61725

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: May 27, 2009

#### RECEIVED CLERK'S OFFICE

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 2 9 2009

#### ADMINISTRATIVE CITATION

STATE OF ILLINOIS Pollution Control Board

PROTECTION AGENCY,	
Complainant,	) AC 09-48
<b>v.</b>	) (IEPA No. 98-09-AC)
MONTEL and ANEITA METZGER,	)
	)
Respondents.	ORIGINA!

#### **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 (2006).

### **FACTS**

- That Montel and Aneita Metzger are the current owners ("Respondents") of a facility located approximately 3.4 miles north of Carlock at 292 Denman Road, Woodford County, Illinois.
   The property is commonly known to the Illinois Environmental Protection Agency as Metzger Montel & Aneita.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2038050003.
  - 3. That Respondents have owned and operated said facility at all times pertinent hereto.
- 4. That on April 29, 2009, Jason Thorp of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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 <u>S-27-09</u>, Illinois EPA sent this Administrative Citation via Certified Mail No. <u>7007 3020 0002 3214 3541</u>.

#### **VIOLATIONS**

Based upon direct observations made by Jason Thorp during the course of his April 29, 2009 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) (2006).
- (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)(2006).
- (3) 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) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), 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 <u>Four Thousand Five Hundred Dollars (\$4,500.00)</u>. If Respondents elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than <u>July 15, 2009</u>, 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 (2006), 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) (2006), 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 (2006). 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.

Illinois Environmental Protection Agency

tt 96.K. Date: 5/27/09

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

# RECEIVED CLERK'S OFFICE

#### REMITTANCE FORM

MAY 2 9 2009

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	) Pollution Control Board
Complainant,	) AC 09-48
v.	) (IEPA No. 98-09-AC)
MONTEL and ANEITA METZGER,	)
Respondents.	ORIGINAL
FACILITY: Metzger Montel & Aneita	SITE CODE NO.: 2038050003
COUNTY: Woodford	CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: April 29, 2009	
DATE REMITTED:	
SS/FEIN NUMBER:	
SIGNATURE:	

#### <u>NOTE</u>

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

RECEIVED CLERK'S OFFICE

MAY 2 9 2009

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF	Ac09-48
	) IEPA DOCKET NO.
RESPONDENT	ORIGINAL.

Affiant, Jason Thorp, 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 29, 2009, between 10:30 a.m. and 11:00 a.m., Affiant conducted an inspection of the open dump in Woodford County, Illinois, known as Metzger, Montel & Aneita, Illinois Environmental Protection Agency Site No.2038050003.
- 3. Affiant inspected said Metzger, Montel & Aneita open dump site by an on-site inspection, which included walking and photographing 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 said Metzger, Montel & Aneita open dump.

Jun Hy

Subscribed and Sworn to before me this 5th day of May 2009

Darban & Zmlly
Notary Public

"OFFICIAL SEAL"
Barbara E. Lindley
Notary Public, State of Illinois
My Commission Expires 8/27/09

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCYL CEIVED Open Dump Inspection Checklist

MAY 2 9 2009

County: Woodford	LPC#: 2038050003	Region: STATEOTA ILLINOIS
Location/Site Name:	Metzger Montel & Aneita	Pollution Control Board
Date: 04/29/2009	Time: From 10:30 am To 11:00 am	Previous Inspection Date: 11/25/2008
Inspector(s): Jason	Thorp Weather:	53F, E 5MPH, Overcast
No. of Photos Taken: #	15 Est. Amt. of Waste: 150 yds <sup>3</sup>	Samples Taken: Yes # No ⊠
Interviewed: No one	available on site. Compla	aint #: C-2008-046-P
Latitude: N40.63182	Longitude: W89.13187 Collection Point I	Description: Site Entrance -
(Example: Lat.: 41.26493	Long.: -89.38294) Collection Metho	d: GPS - Garmin GPSMap76S
	Montel & Aneita Metzger	
Responsible Party	207 Douglas St	
Mailing Address(es) and Phone Number(s):	P.O. Box 220	OF STATE
	Carlock, IL 61725	/ · {

	SECTION	DESCRIPTION	VIOL
	ILL	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	$\boxtimes$
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	$\boxtimes$
4.	12(d)	CREATE A WATER POLLUTION HAZARD	$\boxtimes$
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	$\boxtimes$
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
-	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH R IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	ESULTS
	(1)	Litter	$\boxtimes$
	(2)	Scavenging	
	(3)	Open Burning	$\boxtimes$
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

#### LPC # 2038050003

**Inspection Date:** 

04/29/2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	$\boxtimes$
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	$\boxtimes$
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		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	$\boxtimes$
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
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	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:		
		·	

#### Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. 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.
- 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.

Inspection Date: April 29, 2009 Prepared By: Jason Thorp

Page 1 of 5

#### Narrative

On April 29, 2009, I (Jason Thorp, BOL/FOS-Peoria) conducted a third re-inspection at a property owned by Montel and Aneita Metzger, referred to hereafter as the "Site." The Site is located approximately 3.4 miles north of Carlock at 292 Denman Road (N40.63182, W89.13187). The purpose of the re-inspection was to determine if violations observed during the initial complaint investigation C-2008-046-P conducted on April 24, 2008, had been resolved. The subject complaint investigation revealed the presence of open dumped and evidence of open burned solid waste in several locations, including areas along Vincent Run Creek, resulting in an ACWN, dated May 20, 2008.

I arrived at the Site Wednesday morning at approximately 10:30 a.m. The temperature was 53°F with overcast skies. The wind direction was east at approximately 5 mph.

No one was available on-Site for interview. I proceeded to walk the Site collecting digital photographs to document the volume of open dumped solid waste present as compared to the volume of solid waste observed during the previous complaint investigation C-20080-046-P, conducted on April 24, 2008, and subsequent re-inspections on August 6, 2008 and November 25, 2008. The Site appears to be in the same condition as previous inspections as no apparent solid waste removal activities have taken place. To date, the owners have not submitted a written response to the ACWN or receipts to document proper disposal or recycling of any solid waste.

During the complaint investigation I collected digital photographs 2038050003~04292009-001 through -015 with an Olympus D-580 digital camera to document the open dumped and evidence of open burned solid waste observed. Digital photograph #1 depicts a portion of the open dumped solid waste (bricks, metal debris, and rubber hose) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #2 depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #3 depicts an area where open dumped and open burned solid waste (metal debris and metal wire) was previously observed during complaint investigation C-2008-046-P. The subject waste appears to have been removed. No new open dumping and/or open burning have taken place at this location. Digital photograph #4 depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #5 depicts a portion of the open dumped solid waste (metal debris, white goods and general construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #6 depicts a portion of the open dumped solid waste (metal debris and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #7 depicts a portion of the open dumped solid waste (general construction/demolition debris) observed on-site. No solid waste removal activities

Inspection Date: April 29, 2009

Prepared By: Jason Thorp

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have taken place at this location. Digital photograph #8 depicts a portion of the open dumped solid waste (metal debris, used/waste tires, rail ties, construction/demolition debris) observed onsite. No solid waste removal activities have taken place at this location. Digital photograph #9 depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #10 depicts a portion of the open dumped solid waste (metal debris and white goods) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #11 depicts a portion of the open dumped and open burned solid waste observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #12 depicts a portion of the open dumped solid waste (metal debris) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #13 depicts a portion of the open dumped solid waste (metal pipe and bathtub) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #14 depicts the open dumped and open burned solid waste (construction/demolition debris and general household refuse) observed on-site along the south side of CR 355N. No solid waste removal activities have taken place at this location. Digital photograph #15 depicts the entrance to the Site. The digital photographs have been plotted on the attached Illinois EPA Site Map.

The re-inspection concluded at approximately 11:00 a.m.

Agency correspondence should be addressed to the owner(s) as follows:

#### Owner

Montel & Aneita Metzger 207 Douglas St. P.O. Box 220 Carlock, IL 61725

An open dump checklist was completed as a result of the re-inspection findings and the following solid waste violations were again observed: Sections 9(a), 9(c), 12(a), 12(d), 21(d), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), and 55(a)(1) of the Environmental Protection Act and Section 812.101(a) of the Illinois Administrative Code.

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

Inspection Date: April 29, 2009 Prepared By: Jason Thorp

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A violation of Section 9(a) is alleged for the following reason: Evidence of open burning which would cause or tend to cause air pollution in Illinois was observed during the inspection.

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: Evidence of open burning was observed during the inspection.

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with the matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) is alleged for the following reason: The discharge of contaminants was caused, threatened, or allowed, so as to cause or tend to cause water pollution in Illinois.

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) is alleged for the following reason: Contaminants were deposited upon the land in such place and manner so as to create a water pollution hazard.

5. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), 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.

6. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS /21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: Waste was disposed without a permit granted by the Illinois EPA.

Inspection Date: April 29, 2009 Prepared By: Jason Thorp

Page 4 of 5

7. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.

8. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), 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 disposed at this site which does not meet the requirements of the Act and regulations thereunder.

9. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: The open dumping of waste was caused or allowed in a manner which resulted in litter.

10. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) is alleged for the following reason: The open dumping of waste was caused or allowed in a manner which resulted in open burning.

11. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

Inspection Date: April 29, 2009 Prepared By: Jason Thorp

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A violation of Section 21(p)(7) is alleged for the following reason: The open dumping of waste was caused or allowed in a manner which resulted in deposition of general or clean construction or demolition debris.

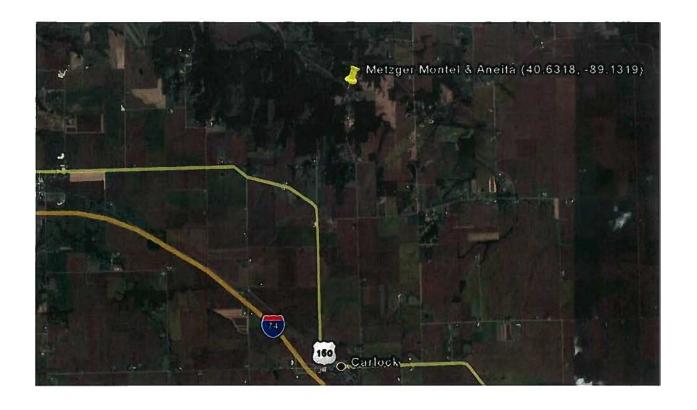
12. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

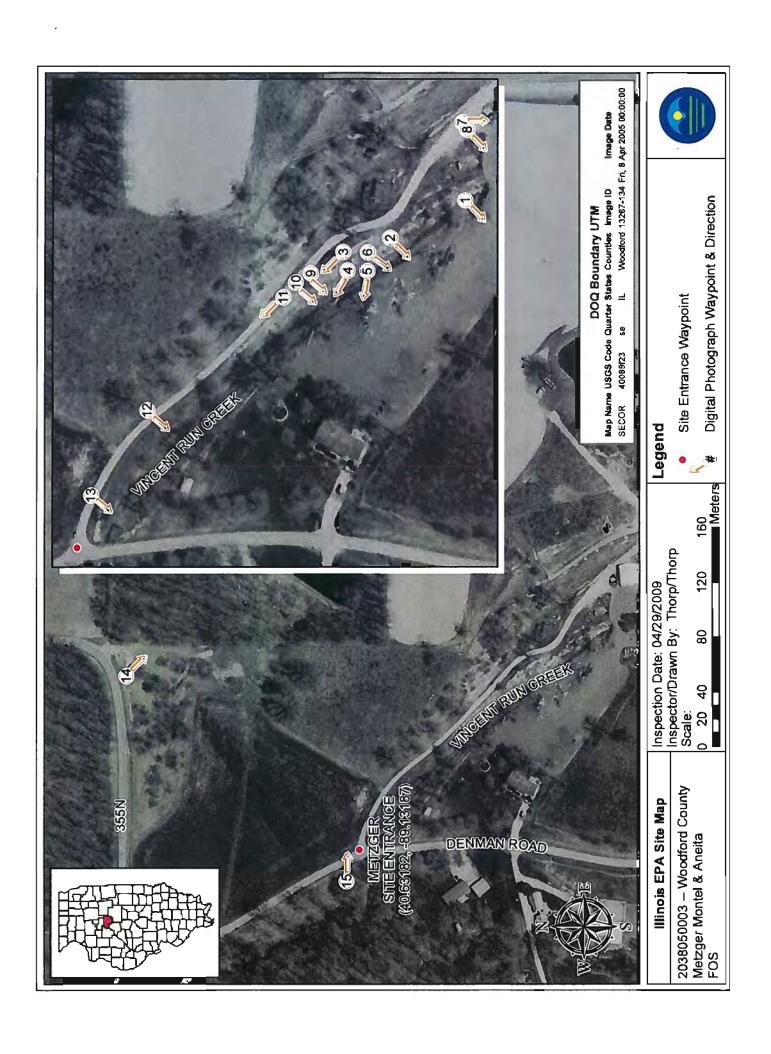
A violation of Section 55(a)(1) is alleged for the following reason: Evidence of open dumping of used or waste tires was observed during the inspection.

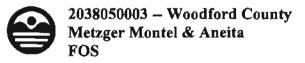
13. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: A waste disposal facility was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.

# Illinois EPA Location Map







TIME: 10:41a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:

2038050003~04292009-001.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (bricks, metal debris, and rubber hose) observed on-site. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:42 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

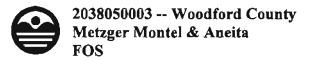
PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:

2038050003~04292009-002.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.





TIME: 10:42 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the northwest.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:

2038050003~04292009-003.jpg

COMMENTS: Digital photograph depicts an area where open dumped and open burned solid waste (metal debris and metal wire) was previously observed during the initial complaint investigation C-2008-046-P. The subject waste appears to have been removed. No new open dumping and/or open burning has taken place at this location.

DATE: 04/29/2009

TIME: 10:43 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the northwest.

PHOTOGRAPH NUMBER: 4

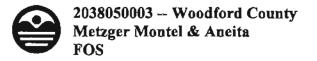
PHOTOGRAPH FILE NAME:

2038050003~04292009-004.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.







TIME: 10:44 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

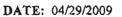
toward the northwest.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:

2038050003~04292009-005.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place



at this location.

TIME: 10:44 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

PHOTOGRAPH NUMBER: 6

**PHOTOGRAPH FILE NAME:** 2038050003~04292009-006.jpg

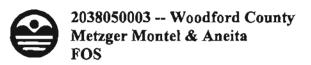
COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris

and construction/demolition debris) observed on-site. No solid waste removal activities have taken place

at this location.







TIME: 10:46 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:

2038050003~04292009-007.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (general construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.



**DATE:** 04/29/2009

TIME: 10:46 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

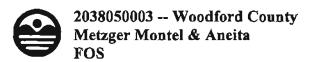
toward the southwest.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME: 2038050003~04292009-008.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, used/waste tires, rail ties, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.





TIME: 10:47 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

**PHOTOGRAPH NUMBER: 9** 

PHOTOGRAPH FILE NAME:

2038050003~04292009-009.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place

at this location.



DATE: 04/29/2009

TIME: 10:48 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

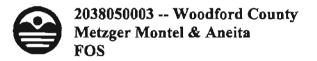
PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:

2038050003~04292009-010.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris and white goods) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.





TIME: 10:48 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the northwest.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:

2038050003~04292009-011.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped and open burned solid waste observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:49 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

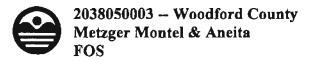
PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:

2038050003~04292009-012.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location.





TIME: 10:50 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the southwest.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME: 2038050003~04292009-013.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal pipe and bath tub) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place

at this location.



**DATE:** 04/29/2009

TIME: 10:51 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken

toward the south.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:

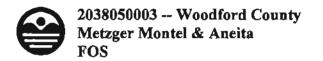
2038050003~04292009-014.jpg

COMMENTS: Digital photograph depicts the open burned and open

dumped solid waste

(construction/demolition debris and general household refuse) observed on-site along the south side of CR 355N. No solid waste removal activities have taken place at this location.





TIME: 10:53 a.m.

PHOTOGRAPHED BY: J. Thorp

**DIRECTION:** Photograph taken toward the east.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME: 2038050003~04292009-015.jpg

COMMENTS: Digital photograph depicts the entrance to the site.



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Tract So. 2: The Southeast 1/h of the Morthwest 1/h of the Mortheast 1/h of Section 17, and the Southeast 1/h of the Korthwest 1/h of the Hortheast 1/h of Section 17, all in Township 25, Horth, Sange 1 East of the Third Principal Meridian;

also: Lots 1 and 2 in John Therio's Subdivision of part of the Murthwast 1/h of the Horbwest 1/h of Section 17 in esid Township and Range shows described, excepting therefrom the following described premises. Communing at the Murthwest corner of said Lut 2, themes South 87 20 Best 300 feet, themes South 17 50 West 36 Zest, themes South 87 50 West 36 Zest, themes South 87 Mor East 150 feet, themes Bouth 17 50 West 36 Zest, themes Worth 17 by West 317 feet feet, themes Morth 27 Mor West 317 feet feet, themes Worth 17 by West 317 feet feet, themes Worth 17 by West 317 feet of seet and the Section 17 West 18 Morthwall 18 Morthwall 18 West 317 feet of the Section 17 Morthwall 18 Morthwall 1

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## MAY 2 9 2009

#### PROOF OF SERVICE

STATE OF ILLINOIS

I hereby certify that I did on the 27th day of May 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: Montel & Aneita Metzger

207 Douglas Street P.O. Box 220 Carlock, IL 61725 ORIGINAL

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