



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

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STATE OF ILLINOIS
Pollution Control Board

July 28, 2010

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

AC11-4

Re: Illinois Environmental Protection Agency v. Karen L. Allen
IEPA File No.228-10-AC: 1998535008—Williamson 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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)
)
)
Complainant,)
)
)
v.)
)
)
KAREN L. ALLEN,)
)
)
)
)
)
)
Respondent.)

AC 11-4
(IEPA No.228-10-AC)

ORIGINAL

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 (2008).

FACTS

1. That Karen L. Allen ("Respondent") is the current owner of a facility located at 17167 Africa Road, in rural Thompsonville, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Thompsonville/Allen, Karen L.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1998535008.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on July 1, 2010, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 7-28-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 8322.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his July 1, 2010 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) (2008).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2008).

- (3) 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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 September 1, 2010, 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 (2008), 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) (2008), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent 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 (2008). 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* *or SOP*

Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 7/22/2010

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

REMITTANCE FORM

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JUL 30 2010

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
KAREN L. ALLEN,)
)
)
)
Respondent.)

AC **11-4**
(IEPA No. 228-10-AC)

ORIGINAL

FACILITY: Thompsonville/Allen, Karen L.
COUNTY: Williamson
DATE OF INSPECTION: July 1, 2010

SITE CODE NO.: 1998535008
CIVIL PENALTY: \$4,500.00

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.

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JUL 30 2010
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
)
)
vs.)
)
Karen L. Allen, Walter A. Allen, Grace M. Allen,)
G. Allen Construction, Inc. (GACI) &)
G. Allen Waste Disposal (GAWD))
)
Respondents.)

IEPA DOCKET NO.

ORIGINAL

AFFIDAVIT

Affiant, Garrison Gross, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On July 1, 2010, between 10:00 AM and 11:00 AM, Affiant conducted an inspection of a disposal site owned by Karen L. Allen and operated by Walter A. Allen, Grace M. Allen. G. Allen Construction, Inc. (GACI) and G. Allen Waste Disposal (GAWD). The site is located in rural Thompsonville, Illinois, and known as Thompsonville / Allen, Karen L. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1998535008 by the Agency.

3. Affiant inspected said Thompsonville / Allen, Karen L. 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 / Allen, Karen L.

Garrison Gwon

Subscribed and Sworn to before me
this 12th day of July, 2010

Ronald E. Morse
Notary Public

GRG



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

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JUL 30 2010

County: Williamson LPC#: 1998535008 Region: 7 Marion
 Location/Site Name: Thompsonville / Allen, Karen
 Date: 07/01/2010 Time: From 10:00 AM To 11:00 AM Previous Inspection Date: N/A
 Inspector(s): Garrison Gross & Robert Mileur Weather: clear skies, 77°F, light breeze
 No. of Photos Taken: # 11 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # No
 Interviewed: no one was at the site Complaint #: C-10-131

STATE OF ILLINOIS
Pollution Control Board

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

Karen L. Allen & Walter A. Allen
 17205 Africa Road
 Thompsonville, Illinois 62890
 618-982-2783

Grace M. Allen,
 G. Allen Construction, Inc. (GACI) &
 G. Allen Waste Disposal (GAWD)
 1406 West Boulevard, Apt. J
 Marion, Illinois 62959

ORIGINAL

| | SECTION | DESCRIPTION | VIOL |
|-----------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS | | | |
| 1. | 9(a) | CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS | <input checked="" type="checkbox"/> |
| 2. | 9(c) | CAUSE OR ALLOW OPEN BURNING | <input checked="" 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 checked="" 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 # 1998535008

Inspection Date: 7/01/2010

| | | | |
|--------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| | (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 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 1998535008 – Williamson County
Site Name: Thompsonville / Allen, Karen L.
Township: Corinth
Date of Inspection: July 1, 2010
Inspector(s): Garrison Gross & Robert Mileur

Subject: Open Dump Site Inspection at Karen L. Allen Property

General Remarks: An Open Dump Site Inspection was conducted on Thursday, July 1, 2010, at property owned by Karen L. Allen. The inspection was conducted by Garrison Gross (author of this report) and Robert Mileur representing the Illinois EPA Bureau of Land. The property is located at 17167 Africa Road, in rural Thompsonville, Illinois 62890. The inspection was performed as a follow up to a telephone complaint (C-10-131) alleging open dumping at the site. Construction / demolition debris, landscape waste, domicile waste, pallets and several yellow garbage dumpsters were observed from the public roadway (photos 001 and 002). Two mobile homes and a camper trailer were also observed from offsite. It did not appear as if anyone was living at the site due to the overgrowth in vegetation and waste items being dumped in and along the driveway. The inspection began at approximately 10:00 AM. Weather conditions at the time of the inspection were clear skies, 77° F, with a light breeze. Surface conditions at the site were dry.

Inspection Findings: The Inspectors entered the site. Photographs were taken as we walked to the dwelling. Numerous pallets were open dumped at the site (photo 003). Several boxes of newspapers were also observed. Several large piles of landscape waste were observed (photo 004). It did not appear that the landscape waste was generated at the site. Concrete blocks and construction / demolition waste were intermingled with the landscape waste and due to the arrangement of the waste piles, it appeared that a dump truck or similar vehicle/trailer had been used to deposit the material on the property.

Construction / demolition debris including, but not limited to, concrete blocks, bricks, plywood and linoleum, was observed open dumped at the site (photos 005 and 007). Evidence of open burning was observed (photos 006 and 008). Partially burned items, including, but not limited to, domicile waste (metal cans), construction/demolition debris (lumber, insulation, truss connector plates) were observed in the ash. We attempted to make contact at the dwellings. The door to the mobile home was ajar. No one appeared to be living at the site. More yellow garbage dumpsters were located west of the dwellings. At least 18 yellow garbage dumpsters were observed at the site. Some of the dumpsters were labeled "GAWD 618-996-3552" (photo 009) others were labeled "Wayne's Disposal 996-3552." Two license plates "33 612 R" were observed at the site (photo 010). The Inspectors left the site and drove north along Africa Road. A white General Motors packer truck was observed at the residence located at 17205 Africa Road, Thompsonville, Illinois. The door of the truck was labeled "CCI 618-983-4411." Approximately 200 cubic yards of waste were observed at the site. The inspection ended at approximately 11:00 AM

Additional Remarks: The Inspectors drove by G. Allen Construction-Disposal located at 1209 North Grand Avenue, Johnston City, Illinois 62951. A white Volvo roll-off truck was located at the site. The door of the truck was labeled "GACI 618-983-4411." Several yellow roll-off boxes and

July 1, 2010
1998535008 – Williamson County
Thompsonville / Allen, Karen L.

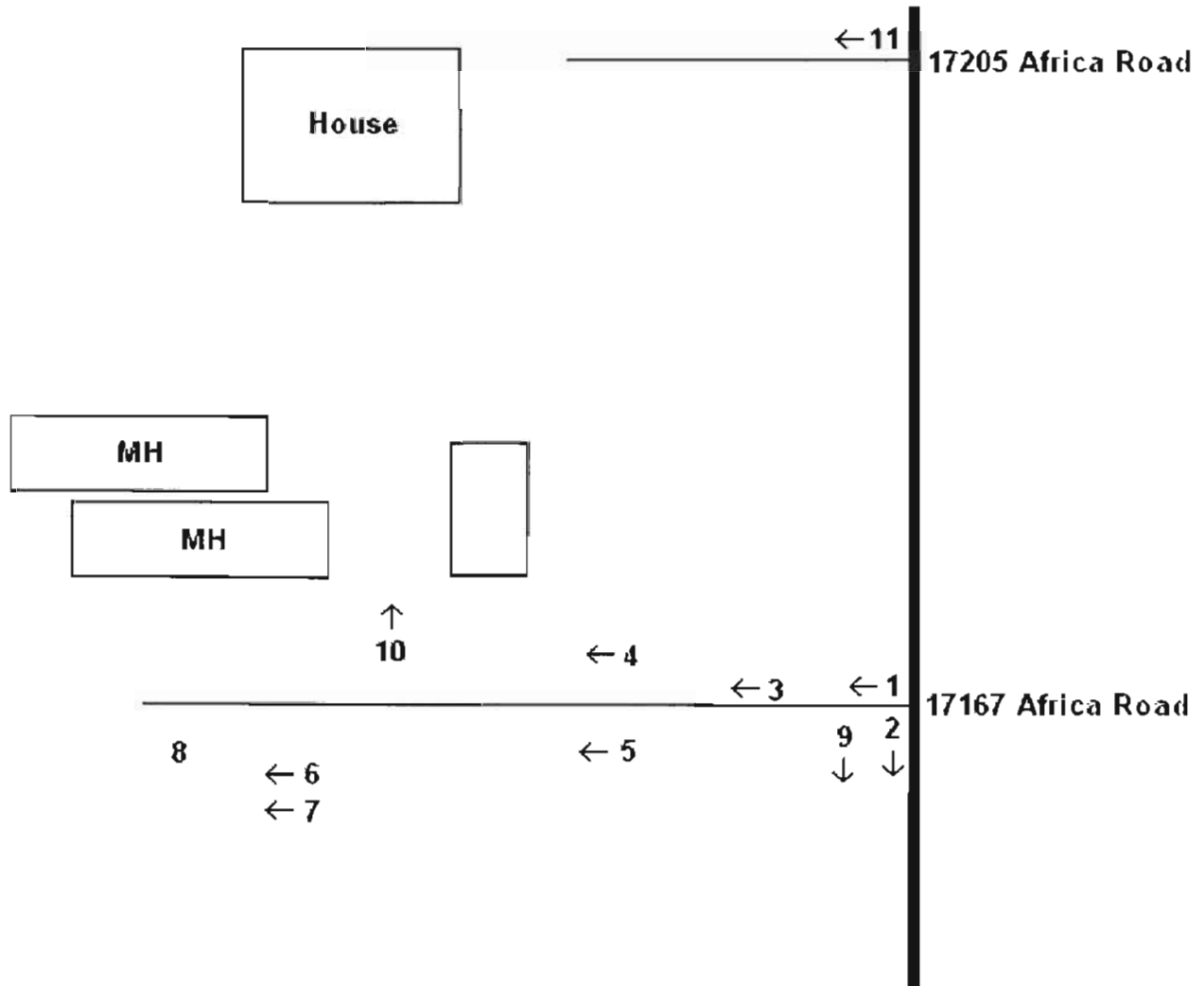
garbage dumpsters were located at the site. Some of the dumpsters were labeled "GAWD 618-996-3552." Secretary of State records indicate that license plate "33 612 R" is expired but was assigned to a 2000 Volvo truck and registered to G. Allen Construction, Inc., 1209 Grand Avenue, Johnston City, Illinois 62951.

Information concerning property taxes was obtained from the Supervisor of Assessment's Office in Williamson County. The tax bill is mailed to Karen Allen, 17205 Africa Road, Thompsonville, Illinois 62890. The property is referred to as parcels 04-12-100-005 and 04-12-100-004 containing approximately 36.69 acres. A Judicial Deed (Record 445 Page 213) dated July 10, 1998 was obtained from the Records Office in Williamson County. Information obtained from the U.S. Post Office in Thompsonville indicates that mail for Grace Allen d/b/a G. Allen Construction Inc. a/k/a GACI is delivered to 17205 Africa Road, Thompsonville, Illinois 62890. Mail for Walter Allen and Karen Allen is delivered to the same address. Information obtained from the U.S. Post Office in Marion indicates that mail for Grace Allen d/b/a G. Allen Construction Inc. a/k/a GACI is delivered to 1406 West Boulevard, Apt. J, Marion, Illinois 62959.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: July 1, 2010
Site #: 1998535008 – Williamson County
Site Name: Thompsonville / Allen, Karen L.
Inspector(s): Garrison Gross & Robert Mileur
Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 001
Comments: offsite photo
of pallets, demolition
debris and landscape
waste



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 002
Comments: offsite photo
of yellow garbage
dumpsters

File Names: 1998535008-07012010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 003
Comments: large pile of
wooden pallets and
demolition debris



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 004
Comments: large pile of
landscape waste

File Names: 1998535008-07012010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 005
Comments: demolition
debris



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 006
Comments: demolition
debris and evidence of
open burning

File Names: 1998535008-07012010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 007
Comments: demolition
debris



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: Down
Photo by: Garrison Gross
Exposure #: 008
Comments: evidence of
open burning (ash and
metal fragments)

File Names: 1998535008-07012010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: South
Photo by: Garrison Gross
Exposure #: 009
Comments: yellow
garbage dumpsters



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: North
Photo by: Garrison Gross
Exposure #: 010
Comments: license plates

File Names: 1998535008-07012010-[Exp. #].jpg



Date: 07/01/2010
Time: 10:00-11:00 AM
Direction: West
Photo by: Garrison Gross
Exposure #: 011
Comments: packer truck
parked near home north
of dump

File Names: 1998535008-07012010-[Exp. #].jpg

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JUL 30 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

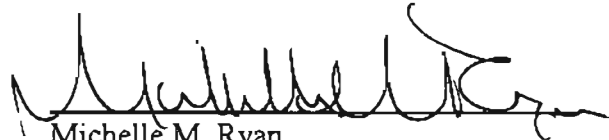
I hereby certify that I did on the 28th day of July 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Karen L. Allen
17205 Africa Road
Thompsonville, IL 62890

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