



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

November 10, 2010

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

RECEIVED
CLERK'S OFFICE

NOV 19 2010

STATE OF ILLINOIS
Pollution Control Board

AC11-15

Re: Illinois Environmental Protection Agency v. Paul Aurenden
IEPA File No. 316-10-AC: 0850305002—JoDaviess County

ORIGINAL

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

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CLERK'S OFFICE

NOV 19 2010

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
PAUL AUREDEN,))
))
Respondent.))

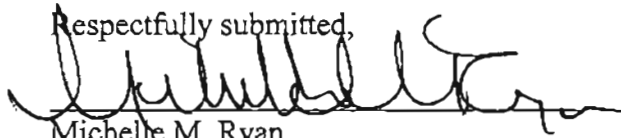
AC 11-15
(IEPA No. 316-10-AC)

ORIGINAL

NOTICE OF FILING

To: Paul Aureden
113 State Road 35 Lot 9
Hazel Green, WI 53811-9793

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: November 10, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Respondent.))

AC 11-15
(IEPA No. 316-10-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 Paul Aureden is the current owner and operator ("Respondent") of a facility located at 17607 US Highway 20 W near East Dubuque, JoDaviess County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as East Dubuque (Menominee Twsp)/Paul Aureden.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0850305002.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on October 6, 2010, Shaun Newell of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 11-10-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 3984.

VIOLATIONS

Based upon direct observations made by Shaun Newell during the course of his October 6, 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 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).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in used tires, at this site, not altered, covered or otherwise prevented from accumulating water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (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 December 30, 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, Director
Illinois Environmental Protection Agency

Date: 11/7/10

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

**RECEIVED
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NOV 19 2010

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
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v.)
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PAUL AUREDEN,)
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))
))
Respondent.)

AC *11-15*
(IEPA No. 316-10-AC)

ORIGINAL

FACILITY: East Dubuque(Menominee Twsp)/Paul Aureden
SITE CODE NO.: 0850305002
COUNTY: JoDaviess
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: October 6, 2010

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jo Daviess LPC#: 0850305002 Region: 1 - Rockford
 Location/Site Name: East Dubuque (Menominee Twp)/Paul Aureden
 Date: 10/06/2010 Time: From 10:35 AM To 11:00 AM Previous Inspection Date: 11/24/2009
 Inspector(s): Newell Weather: Sunny 70 degrees
 No. of Photos Taken: # 8 Est. Amt. of Waste: ~100 yds³ Samples Taken: Yes # No
 Interviewed: No one present Complaint #: C-10-038R
 Latitude: 42.274538 Longitude: -90.344212 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Address Match -

Responsible Party Mailing Address(es) and Phone Number(s):	Paul Aureden 113 State Road 35 Lot 9 Hazel Green, WI 53811-9793 (no phone listed)	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
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 AND REGULATIONS	<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 # 0850305002-Jo Daviess County

Inspection Date: 10/06/2010

	(7)	Deposition of: (I) General Construction or Demolition Debris as defined in Section 3.160(a); or (II) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
VIOLATIONS			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
VIOLATIONS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<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 and subsection (k) of Section 55 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.

LPC# 0850305002—Jo Daviess County
East Dubuque/Paul Aureden
FOS File

NARRATIVE INSPECTION REPORT

On October 6, 2010, I (Shaun Newell) reinspected the above referenced facility. The purpose of the inspection was to determine whether the solid waste had been properly disposed of by alleged property owner, Paul Aureden of Hazel Green, Wisconsin. The inspection is resulting from a citizen complaint filed with the IEPA Bureau of Land. The complaint, C-10-038R, alleges that the respondent, Paul Aureden is open dumping 50 plus appliances and waste tires located at 17607 US Hwy 20 W near East Dubuque, Illinois. I contacted the Jo Daviess County Courthouse and confirmed that the property owner is Paul Aureden of Hazel Green, Wisconsin. I attempted to contact Mr. Aureden before the inspection but he has no phone listing. I then contacted the Wisconsin Grant County Sheriff's Office and they were able to confirm the residential address for Mr. Aureden is accurate. Since there is no means to contact the property owner an inspection was conducted the morning of November 24, 2009.

On November 24, 2009, I discovered ~150 cubic yards of solid waste scattered along a hillside. Solid waste included old appliances, plastics, demolition debris, miscellaneous household waste and waste tires. Due to the fall season, much of the foliage had fallen off and exposed the solid waste to traffic along US Highway 20. Some of the notable items were: doors, utility carts, refrigerators, freezers, tires on and off rim (20), stoves, empty drums, microwaves, electric appliances, electric motors, hot water heaters, plastic crates, window works, lawnmowers, grass trimmers, glass, toilets, shingles (roofing materials), etc. I found no USEPA tags to demonstrate the removal of Freon from various white goods.

On December 15, 2009, an Administrative Citation Warning Notice (ACWN) was sent to Mr. Aureden. This notice was not accepted and the US Postal Service returned the notice to the IEPA (BOL). The Rockford FOS resent the ACWN by certified mail on March 4, 2010 and the correspondence was signed by Dawn Aureden on March 6, 2010. The Rockford Regional Office has not received any communication from Mr. Aureden. I requested that the Jo Daviess County Health Department go by the site and check the status. I spoke with Sandra from the Jo Daviess County Health Department on February 26, 2010 and she stated that no clean-up had occurred on site. Alleged violations cited in the ACWN include the following: Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(7), 55(a)(1), 55(k)(1) of the Illinois Environmental Protection Act and Section 812.101(a) of 35 Illinois Adm. Code.

On October 6, 2010, the site was reinspected by Rockford FOS. I parked my vehicle on a frontage road located several hundred feet west of the location. Illinois Department of Transportation is widening US 20 at this location and a base is being added. I spoke with Royce Monk, an Associate Engineering Technician for Fehr-Graham & Associates of Freeport, Illinois. He stated that road work in this area will be complete by the end of November 2010. He said that the Aureden property will be accessible within one week. A layer of rock will be added to the base to allow access to the property.

I then walked along the hillside and discovered little if any progress had been made on site.

LPC# 0850305002—Jo Daviess County
East Dubuque/Paul Aureden
FOS File

It would appear the maybe a load or two of the solid waste had been removed. There is no documentation to support proper disposal of the solid waste. I took a few photographs to show the present condition of the site. Photograph 0850305002~100610-001 faces southwest showing the solid waste. Photograph 0850305002~100610-002 faces west showing the solid waste. Photograph 0850305002~100610-003 faces southwest showing the solid waste. Photograph 0850305002~100610-004 faces northwest showing the solid waste. Photograph 0850305002~100610-005 faces southwest showing the solid waste and waste tire. Photograph 0850305002~100610-006 faces northeast showing the solid waste. Photograph 0850305002~100610-007 faces south showing the solid waste. Photograph 0850305002~100610-008 faces east showing the solid waste & waste tires.



©2010 Google

Eye alt 3149 ft

Image USA Farm Service Agency

©2010 Google

42°27'43.82" N 90°34'41.60" W elev 625 ft

Imagery Date: Jun 28, 2009

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 10-6-10

Inspector: NEWELL

Site Code: 085 030 5002

County: Jo Daviess

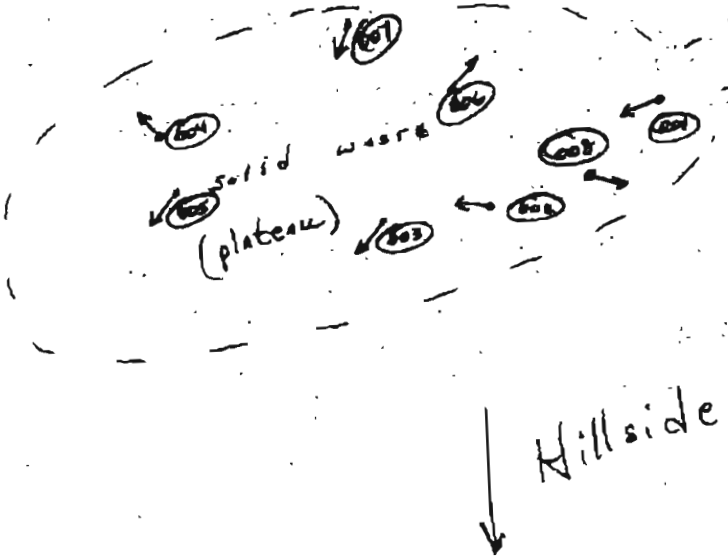
Site Name: Paul Aurdem

Time: 10:55A - 11:00A

← T. East
Dubuque

US 20

17607



Photographs
085 030 5002 ~
100610-001 thru 008
Not To Scale

LPC # 0850305002-Jo Daviess County
East Dubuque (Menominee Twsp)/Paul Aureden
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: October 6, 2010
TIME: 10:40 A.M.
DIRECTION: Southwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-001
COMMENTS: Facing SW
showing the solid waste.



DATE: October 6, 2010
TIME: 10:41 A.M.
DIRECTION: West
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-002
COMMENTS: Facing W
showing the solid waste.



DATE: October 6, 2010
TIME: 10:45 A.M.
DIRECTION: Southwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-003
COMMENTS: Facing SW
showing the solid waste.



DATE: October 6, 2010
TIME: 10:46 A.M.
DIRECTION: Northwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-004
COMMENTS: Facing NW
showing the solid waste.



DATE: October 6, 2010
TIME: 10:50 A.M.
DIRECTION: Southwest
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-005
COMMENTS: Facing SW
showing the solid waste and
tire.



DATE: October 6, 2010
TIME: 10:51 A.M.
DIRECTION: Northeast
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-006
COMMENTS: Facing NE
showing the solid waste.



DATE: October 6, 2010
TIME: 10:55 A.M.
DIRECTION: South
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-007
COMMENTS: Facing S
showing the solid waste.



DATE: October 6, 2010
TIME: 11:00 A.M.
DIRECTION: East
PHOTO by: S. Newell
PHOTO FILE NAME:
0850305002~100610-008
COMMENTS: Facing E
showing the solid waste &
waste tires.









ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

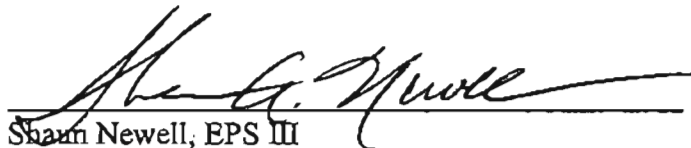
AFFIDAVIT

IN THE MATTER OF:)
)
 Paul Aureden)
)
 Respondent)

IEPA DOCKET NO.

Affiant, Shaun Newell, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 6, 2010 between 11:00 a.m. and 11:25 a.m., Affiant conducted an inspection of an open dump, located in Jo Daviess County, Illinois and known as Paul Aureden Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number BOL #0850305002 by the Agency.
3. Affiant inspected said 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 open dump.


Shaun Newell, EPS III

Subscribed and Sworn to Before Me
this 12th day of October, 2010


Notary Public



RECEIVED
CLERK'S OFFICE

NOV 19 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

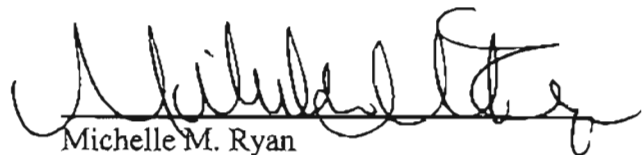
I hereby certify that I did on the 10th day of November 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Paul Aureden
113 State Road 35 Lot 9
Hazel Green, WI 53811-9793

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
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