



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

December 14, 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
DEC. 29 2010
STATE OF ILLINOIS
Pollution Control Board
AC11-16
ORIGINAL

Re: Illinois Environmental Protection Agency v. Phillip Newell
IEPA File No. 322-10-AC: 1998625012—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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
DEC 29 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
PHILLIP NEWELL,)
)
Respondent.)

AC 11-16
(IEPA No. 322-10-AC)

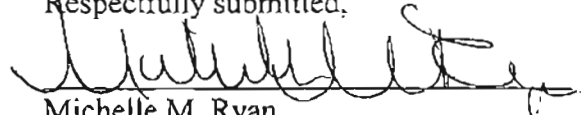
ORIGINAL

NOTICE OF FILING

To: Phillip Newell
838 Jodi Lane
Morton, IL 62959

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: December 14, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION



ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 PHILLIP E. NEWELL,)
)
)
)
 Respondent.)

AC 11-16
 (IEPA No. 322-10-AC)



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 Phillip E. Newell is the present owner ("Respondent") of a facility located at 11038 Cedar Grove in rural Marion, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Marion/Newell. Phillip.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1998625012.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on October 28, 2010, Maggie Stevenson and Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of their inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 12-14-10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 0220 0000 0152 4080.

VIOLATIONS

Based upon direct observations made by Maggie Stevenson and Garrison Gross during the course of their October 28, 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 January 14, 2011, 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.

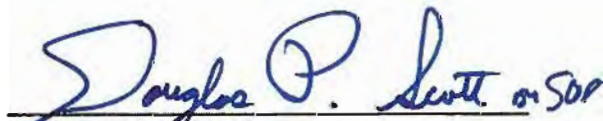
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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 (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: 12/8/10

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

RECEIVED
CLERK'S OFFICE

DEC 29 2010

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
PHILLIP E. NEWELL, RUSSELL D.)
MORRIS, DOUGLAS L. CARPENTER and)
THOMAS L. BURNETT,)
))
Respondent.)

AC 11-16
(IEPA No. 322-10-AC)

ORIGINAL

FACILITY: Marion/Newell, Phillip .

SITE CODE NO.: 1998625012

COUNTY: Williamson

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: October 28, 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

RECEIVED
CLERK'S OFFICE

DEC 29 2010

STATE OF ILLINOIS
Pollution Control Board

County Williamson LPC#: 1998625012 Region: 7 - Marion

Location/Site Name: Marion/Newell, Phillip

Date: 10/28/2010 Time: From 2:00 To 2:30 Previous Inspection Date: 05/14/2008

Inspector(s): Garrison Gross/Maggie Stevenson Weather: 69.8 °F humidity 28% pressure 29.53 winds SW 18.4 mph Scattered Clouds

No. of Photos Taken: # 12 Est. Amt. of Waste: ~90 yds³ Samples Taken: Yes # No

Interviewed: Douglas Carpenter, Tom Burnett Complaint #: C-10-176

Latitude: 37 76104 Longitude: -88.96925 Collection Point Description: Other - driveway at 11615 Pease Road

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

Responsible Party
Mailing Address(es)
and Phone Number(s):
Phillip Newell
838 Jodi Lane
Marion, IL 62959



	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	<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 checked="" 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 # 1998625012

Inspection Date: 10/28/2010

	(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

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1998625012

Date: October 28, 2010

County: Williamson

Inspectors: Maggie Stevenson
Garrison Gross

Subject: Marion/Newell, Phillip

General Remarks

G.P.S.: 37.76104/-88.96925

Amount of Waste: ~90 CY

Owner of Property: Phillip Newell

This inspection was made as the result of a complaint received by this office. The site is located at 11038 Cedar Grove in rural Marion, Illinois. The site was easily accessed by a driveway located at 11615 Pease Road but can be accessed via a dirt road off of Cedar Grove. The property at 11615 Pease Road belongs to Elizabeth Newell, the respondent's former wife. The Agency has been to both sites previously in 2008. The respondent was listed as owner of the 11038 Cedar Grove site and operator of both sites. The respondent is a scrapper. Inspector Garrison Gross, Williamson County Deputy Lt. Chris Kelly, and Deputy Lt. Jim Webb accompanied me on the site inspection.

Thirty pictures were taken of the site, adjacent site as landmarks, and waste which consisted of various metals, vehicles, white goods, dimensional lumber, lead acid battery, and mobile homes in various stages of demolition. According to the Williamson County Tax Assessor, this property is parcel 06-02-400-047 and has a legal description of PT NW BEING E145 of W475 of S330 QS SE SC 02 TN 09 RNG 02 Book 474 page 046. The tax bill is being sent to Phillip Newell at 383 Jodi Lane in Marion, Illinois 62959.

We arrived at the site and took pantographic photographs to document the relationship of the two sites (pictures 001-006). Two men were noticed removing materials from a mobile home so we walked onto the respondent's property. We introduced ourselves to the man on the ground (Douglas Carpenter) and told him why we were there. He stated that they only brought in three of the mobile homes and the other two were already on the property. We asked him if the respondent was at the site and he said "he was home earlier but his truck was gone now." He became very frustrated and said that they were legal and had a permit to transport the mobile homes. He also stated that Illinois State Police had been there yesterday about the transport issue and the respondent had told them to leave.

We discussed the issue of demolishing the mobile homes with him and he called the second man (Tom Burnett) down from the roof of a mobile home. The second man was hesitant to give his name and said the situation had nothing to do with him. He stated that the respondent allowed them to bring the mobile homes to the site for demolition because it caused a mess in the Marion trailer park to demolish them on-site. Both men mentioned that the mobile homes were damaged during the May 8, 2009 storm. We explained that the mobile homes had to be demolished on-site unless they had a license from the Secretary of State as a salvage yard. Both men claimed they never heard of such a thing. Both men were asked what they were salvaging from the mobile homes and they stated the metals and wire. When asked how they were handling the wire they stated that they knew better than to burn the coating off the wire.

and they took some of it to Ted's and some to Gary's Metals. The second man stated that they could get \$1.00 per pound for unstripped wire and \$3.00 per pound for stripped wire at Gary's Metals. We explained that there had been a complaint of open burning and the first man stated that they were not burning anything but maybe the respondent had burned trash. When asked what was done with the remainder of the materials they stated it was put in a dumpster and taken to the landfill. The men stated that they stacked up the demolition debris until they had enough to order a dumpster (which had not been ordered yet). They also stated that the fiberglass insulation was placed back inside the mobile home frame to reduce the chance of blowing debris. When asked who they were working for the first man stated they worked for Don Morris. Williamson County Deputies clarified the name by asking if it was Russell Donald Morris who was in his 30s. The first man confirmed the identity of their employer. The first man started packing up recyclable materials and tools in the back of his truck and stated that he "only made \$40 to \$50 a day and it wasn't worth it." He stated he was done with this job. They were informed that the site would be reported to the Secretary of State.

The Deputies remained near the two men while we walked and photographed the site. The mobile homes on the site were in various stages of demolition (pictures 007, 008, and 014-019). The mobile home they were working on when we arrived at the site is shown in picture 008. Demolition debris was piled nearby on top of landscape waste (pictures 009-010). A BBQ grill was also nearby. The grill was full of ash and burned wire was inside. Wire was stacked on the ground in a pile of ash. The area of the intact wire was adjacent to the grill. Parts of the protective coating on the wire had been singed due to the close proximity of the grill. Dimensional lumber, white goods and miscellaneous debris was stacked around the respondent's property (picture 013 and 024-025).

Four vehicles were noted on the properties. Two of the vehicles were parked near the property line between the respondent's and his former wife's properties. Picture 020 shows a White, 4-door, Chrysler with the trunk partially ajar, missing rear window, vehicle parts on top of the trunk and an expired Illinois license plate (picture 020-021). The other vehicle was also a Chrysler which looked to be intact but not plated. Picture 023 indicates the proximity of the vehicles to the property line. A minivan and pickup truck were clearly on the respondent's former wife's property.

There was some waste on the adjacent property (respondent's former wife) but it was minimal (pictures 026 and 027). Three burn barrels in poor condition were also located on this property. The burn barrels were completely cold and showed no indication that burning had recently taken place (pictures 028-030). Waste in one barrel indicated that burning of inappropriate waste would be taking place at this residence in the future. Plastics and metals (picture 030) had been placed in a burn barrel.

Summary of Violations:

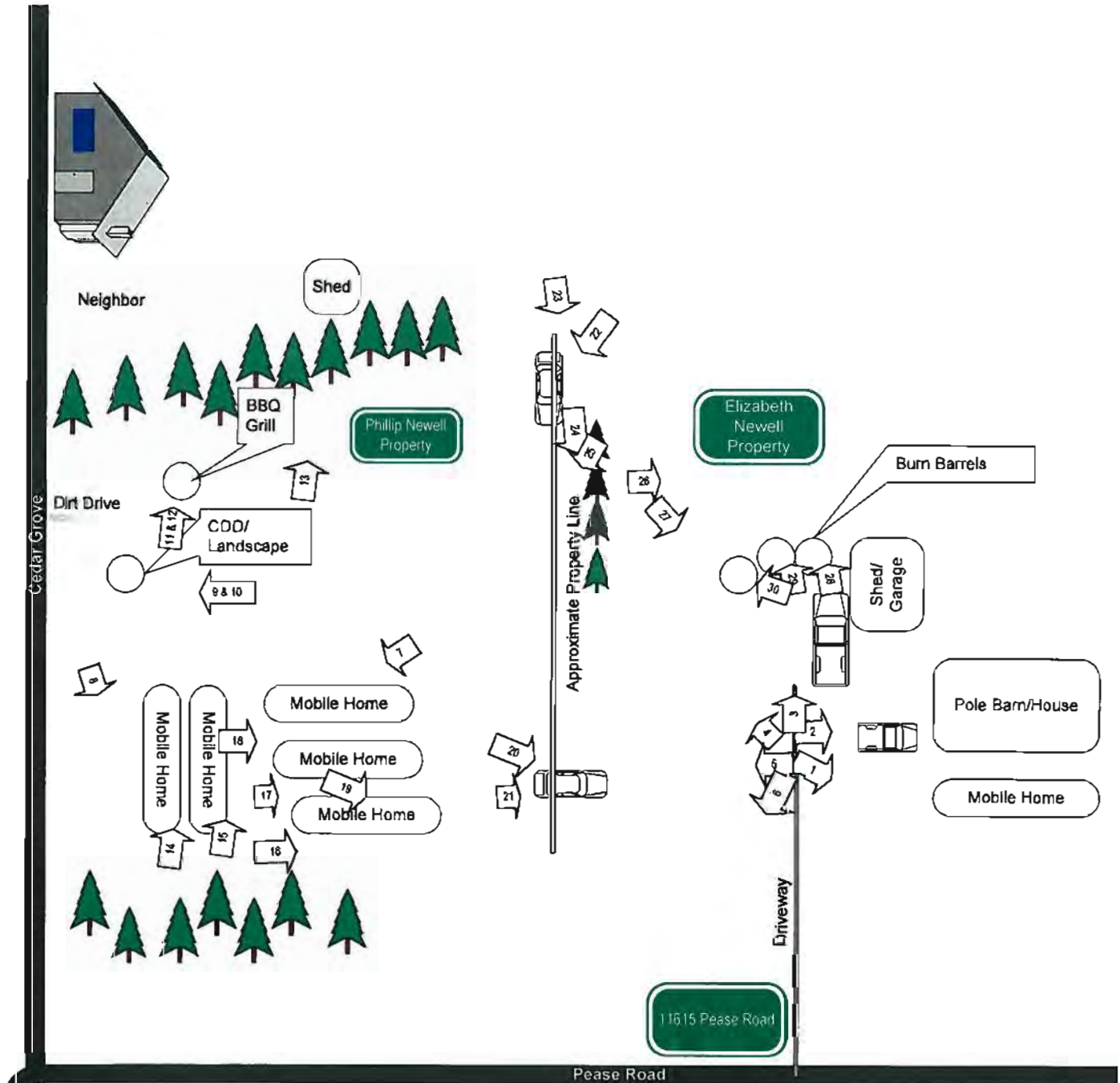
1. 9(a) – The respondent and associated parties have allowed the combustion of insulated covering on wire in a broken BBQ placed directly on the ground at an open dump site.
2. 9(c) - The respondent and associated parties have allowed the combustion of insulated covering on wire in a broken BBQ placed directly on the ground at an open dump site.
3. 21(a) – The respondent and associated parties have allowed waste to be brought in from off-site and open dumped at 11038 Cedar Grove in rural Marion, Illinois aka parcel 06-02-400-047 in Williamson County. Waste includes, but not limited to, CDD, mobile homes and miscellaneous waste.
4. 21(d) – The respondent and associated parties are not permitted to conduct a waste-storage, waste-treatment,

or waste disposal site in Illinois and are in violation of the Act and 35 Illinois Administrative Code.

5. 21(e) – The respondent and associated parties have disposed of CDD; treated wiring in order to remove the insulated coating; stored miscellaneous waste including CDD and mobile homes; and transported CDD, mobile homes, and miscellaneous waste to a site that does not meet the requirements of the Act.
6. 21(p)(1) – The respondent and associated parties have allowed the open dumping of CDD, mobile homes, and miscellaneous waste in a manner which results in litter at the site located at 11038 Cedar Grove in rural Marion, Illinois aka parcel 06-02-400-047 in Williamson County.
7. 21(p)(3) – The respondent and associated parties have allowed the open burning of insulated covering from wire at the site located at 11038 Cedar Grove in rural Marion, Illinois aka parcel 06-02-400-047 in Williamson County.
8. 21(p)(7) – The respondent and associated parties have allowed the deposition of general construction or demolition debris (CDD) in the form of dimensional lumber, siding, insulation, wiring, metals, and mobile homes at the site located at 11038 Cedar Grove in rural Marion, Illinois aka parcel 06-02-400-047 in Williamson County.
9. 812.101(a) – The respondent and associated parties failed to submit an application for a permit to develop and operate a landfill at the site located at 11038 Cedar Grove in rural Marion, Illinois aka parcel 06-02-400-047 in Williamson County.

FILENAME
AC Site Map

DESCRIPTION
LPC # 1998625012 - Williamson County
Marlon/Newell, Phillip
October 28, 2010
2:00 - 2:30 PM



Map Key

All locations are approximate/Not drawn to scale

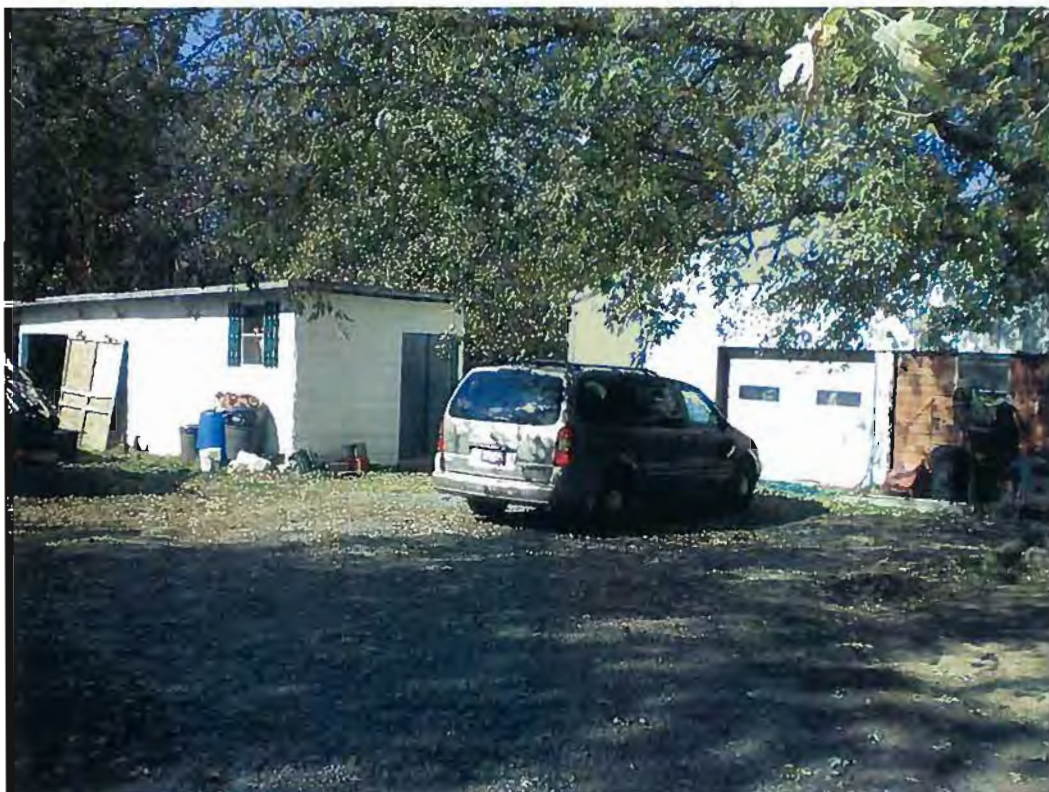
Photo/Direction.....



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 001
Comments: Mobile home
used for storage on
Elizabeth Newell's
property.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Northwest
Photo by: M. Stevenson
Exposure #: 002
Comments: Pole
barn/garage style home
and shed on Elizabeth
Newell's property.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 003
Comments: Shed, truck full of metals, debris on ground at the Elizabeth Newell's property.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southwest
Photo by: M. Stevenson
Exposure #: 004
Comments: View toward Phillip Newell Property from Elizabeth Newell's driveway.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: South
Photo by: M. Stevenson
Exposure #: 005
Comments: View of Phillip
Newell property from
Elizabeth Newell's
driveway.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southeast
Photo by: M. Stevenson
Exposure #: 006
Comments: View of
Elizabeth Newell's
property and the
southeast corner of the
Phillip Newell property.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southeast
Photo by: M. Stevenson
Exposure #: 007
Comments: Mobile home with center section missing wall and roof sections.



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southeast
Photo by: M. Stevenson
Exposure #: 008
Comments: Mobile home being demolished.

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: South
Southeast
Photo by: M. Stevenson
Exposure #: 009
Comments: Pile of CDD
mixed with landscape
waste.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: South
Southeast
Photo by: M. Stevenson
Exposure #: 010
Comments: Pile of CDD
mixed with landscape
waste.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 011
Comments: BBQ grill on
ground with ash and
burned wire inside, singed
wire on ground, wire with
protective coating intact
on ground, ash on ground.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Northwest
Photo by: M. Stevenson
Exposure #: 012
Comments: Inside of BBQ
showing ash and wire
with the protective
coating burned off.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 013
Comments: Area of open dumping with dimensional lumber, white goods, and siding.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 014
Comments: Mobile homes in various stages of demolltion.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 015
Comments: Mobile homes
in various stages of
demolition.**

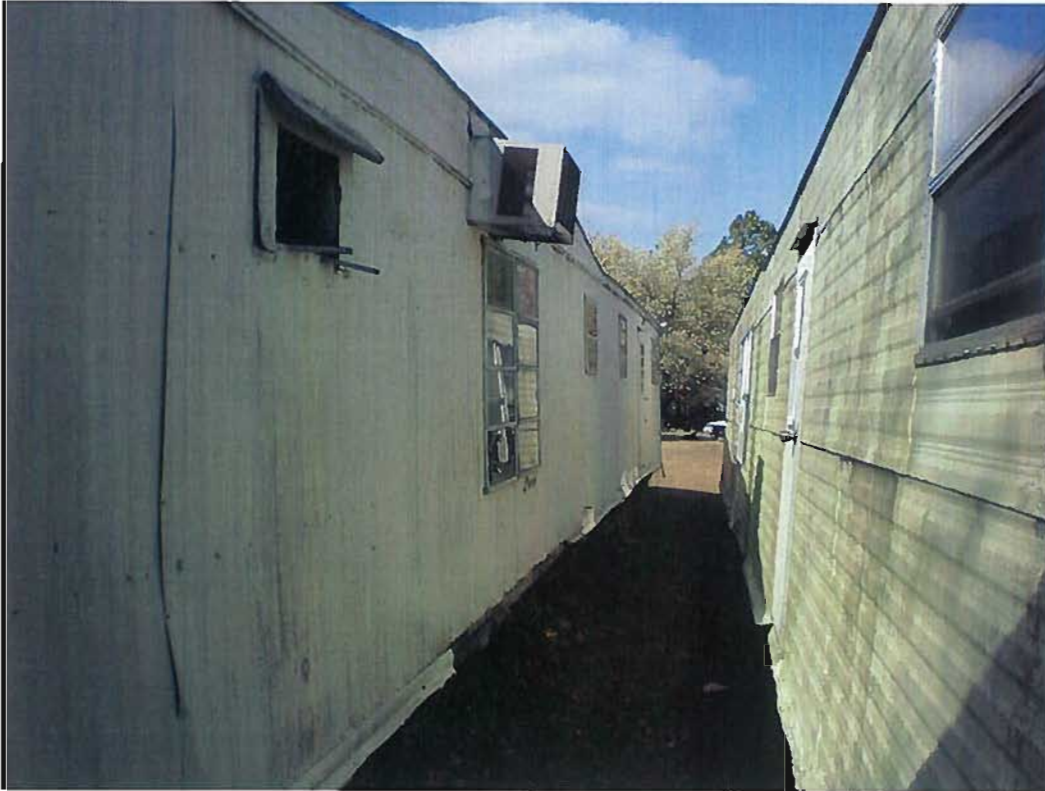


**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 016
Comments: Mobile home**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 017
Comments: Mobile homes
In various stages of
demolition.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 018
Comments: Mobile homes
in various stages of
demolition.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 019
Comments: Mobile home
missing windows.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 020
Comments: Vehicle with
expired plates and
missing rear window.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 021
Comments: Expired plate.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southeast
Photo by: M. Stevenson
Exposure #: 022
Comments: Vehicle
without plate.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: East
Photo by: M. Stevenson
Exposure #: 023
Comments: View of
vehicles without current
plates and stack of
unprotected dimensional
lumber.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: East
Photo by: M. Stevenson
Exposure #: 024
Comments: Dimensional
lumber.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: East
Photo by: M. Stevenson
Exposure #: 025
Comments: Dimensional lumber.



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: North
Photo by: M. Stevenson
Exposure #: 026
Comments: Elizabeth Newell's property.

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 027
Comments: Area beside
shed with car battery,
burn barrels, truck with
metals, wire fencing,
miscellaneous debris.**



**Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Southwest
Photo by: M. Stevenson
Exposure #: 028
Comments: Burn barrel in
poor condition.**

File Names: 1998625012 ~10282010-001 through 030.jpg



DIGITAL PHOTOGRAPHS



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: West
Southwest
Photo by: M. Stevenson
Exposure #: 029
Comments: Burn barrel
with slide missing.



Date: 10/28/2010
Time: 2:00-2:30 PM
Direction: Southwest
Photo by: M. Stevenson
Exposure #: 030
Comments: Burn barrel
with slide missing, car
battery.

File Names: 1998625012 ~10282010-001 through 030.jpg

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)	
)	
Complainant.)	
)	
v.)	IEPA DOCKET NO.
)	
Phillip E. Newell)	
Russell D. Morris)	
Douglas L. Carpenter)	
Thomas L. Burnett)	
)	
Respondent.)	

AFFIDAVIT

Affiant, Maggie Stevenson, 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 October 28, 2010, between 2:00 – 2:30 PM, Affiant conducted an inspection of a disposal site operated by Phillip Newell, located in Williamson County, Illinois, and known as Marion/Newell, Phillip by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1998625012 by the Agency.

3. Affiant inspected said Marion/Newell, Phillip 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 Newell, Phillip site.

Maggie Stevenson

Maggie Stevenson

Subscribed and Sworn to before me

this 5th day of November

Gail Stricklin
Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant.)
)
) IEPA DOCKET NO.
)
v.)
)
Phillip E. Newell)
Russell D. Morris)
Douglas L. Carpenter)
Thomas L. Burnett)
)
Respondent.)

AFFIDAVIT

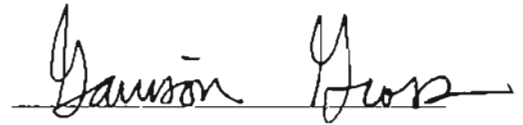
Affiant, Garrison Gross, being first duly sworn, voluntarily deposes and states as follows:

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 October 28, 2010, between 2:00 – 2:30 PM, Affiant conducted an inspection of a disposal site operated by Phillip Newell, located in Williamson County, Illinois, and known as Marion/Newell, Phillip by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1998625012 by the Agency.

3. Affiant inspected said Marion/Newell, Phillip site by an on-site inspection which included walking and photographing the site.

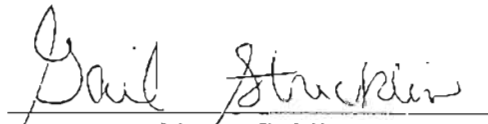
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Newell, Phillip site.



Garrison Gross

Subscribed and Sworn to before me

this 8th day of November



Notary Public



RECEIVED
CLERK'S OFFICE

DEC 29 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

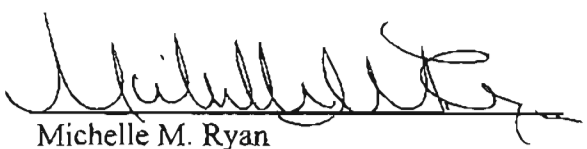
I hereby certify that I did on the 14th day of December 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Phillip Newell
838 Jodi Lane
Morton, IL 62959

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