



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

June 14, 2011

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

AC11-32

RECEIVED
CLERK'S OFFICE
JUN 17 2011
STATE OF ILLINOIS
Pollution Control Board
ORIGINAL

Re: Illinois Environmental Protection Agency v. Brandon DeHart and Robert Evans
IEPA File No. 150-11-AC: 1498190013—Pike 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
JUN 17 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BRANDON DEHART and ROBERT EVANS,)
)
Respondents.)

AC 11.32
(IEPA No. 150-11-AC)

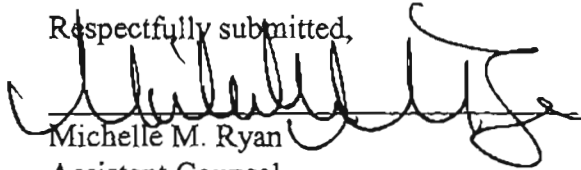
NOTICE OF FILING

ORIGINAL

To: Brandon DeHart
750 Knapp Lane
Pittsfield, IL 62363

Robert Evans
Realty I
108 West Washington Street
Pittsfield, IL 62363

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: June 14, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUN 17 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
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v.)
)
BRANDON DEHART and ROBERT EVANS)
)
)
)
Respondents.)

AC 11-32
(IEPA No. 150-11-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 Robert Evans is the current owner and Brandon DeHart is the current operator ("Respondents") of a facility located at 750 Knapp Lane, Pittsfield, Pike County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Pittsfield Township/DeHart.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1498190013.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on May 6, 2011, Charlie King of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield 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 6-14-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 1876.
7004 2510 0001 8619 1869

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his May 6, 2011 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) (2008).
- (2) That Respondent 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) (2008).
- (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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2011, 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 (2008), 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) (2008), 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 (2008). 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.

 Lisa Bonnett *by SP*

Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

Date: 6/13/2011

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
JUN 17 2011
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
BRANDON DEHART and ROBERT EVANS,)
Respondents.)

AC 11-32
(IEPA No. 150-11-AC)

FACILITY: Pittsfield Township/DeHart
COUNTY: Pike
DATE OF INSPECTION: May 6, 2011

SITE CODE NO.: 1498190013
CIVIL PENALTY: \$4,500.00

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

ORIGINAL

NOTE

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

RECEIVED
CLERK'S OFFICE

JUN 17 2011

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 BRANDON DEHART and ROBERT)
 EVANS,)
 Respondents)

IEPA DOCKET NO.

ORIGINAL

AC11-32

Affiant, Charlie King, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 6, 2011 between 12:30 p.m. and 12:45 p.m., Affiant conducted an inspection of an open dump, located in Pike County, Illinois and known as Pittsfield Township/DeHart by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1498190013 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.

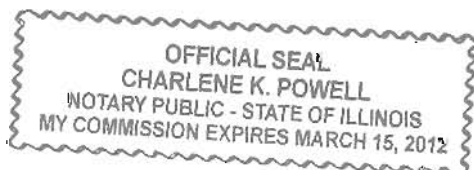
Charlie King

 Charlie King

Subscribed and Sworn to Before Me
this 26th day of May, 2011

Charlene K. Powell

 Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
CLERK'S OFFICE
JUN 17 2011
STATE OF ILLINOIS
Pollution Control Board

County: Pike LPC#: 1498190013 Region: Springfield
 Location/Site Name: Pittsfield Township/DeHart
 Date: 05/06/2011 Time: From 1230 To 1245 Previous Inspection Date: 04/22/2011
 Inspector(s): Charlie King Weather: Sunny, 70 deg. F., Winds W @ 10 mph.
 No. of Photos Taken: # 10 Est. Amt. of Waste: 498 yds³ Samples Taken: Yes # No
 Interviewed: None Complaint #: C-11-061-C
 Latitude: 39.631606 Longitude: -90.795822 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation - Google Maps

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 Brandon DeHart
 750 Knapp Lane
 Pittsfield, IL 62363
 217/491-5264

Robert Evans
 108 W. Washington St.
 Pittsfield, IL 62363

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 checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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 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 # 1498190013

Inspection Date: 05/06/2011

	(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 checked="" type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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"/>
OTHER REQUIREMENTS			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: May 26, 2011

TO: DLPC/Division File

FROM: Charlie King, BOL/DLPC/FOS – Springfield Region

SUBJECT: LPC # 1498190013 -Pike County
Pittsfield Township/DeHart
C-11-061-C
FOS File

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Inspection Report Document for re-inspections conducted at the subject site on March 15, 2011 from approximately 12:20 p.m. until 12:35 p.m., on April 22, 2011 from approximately 11:30 a.m. until 12:00 p.m., and on May 6, 2011 from approximately 12:30 p.m. until 12:45 p.m., all by this author. No one accompanied me on any of the three re-inspections. The March 15, 2011 re-inspection was conducted to follow-up the initial site inspection conducted on November 19, 2010 in response to a complaint received at the Illinois EPA – Springfield Regional Office, via the Pike County Health Department. Details of that inspection were presented in this author's Narrative Inspection Report Document Memorandum to the Land Division File dated December 22, 2010. Apparent violations were found to exist, and subsequently, an Open Dump Administrative Citation Warning Notice (ACWN) was issued to two parties on December 29, 2010, with a cleanup deadline of March 1, 2011. Those parties were property owner Robert E. Evans, a Pittsfield, Illinois realtor, and Brandon DeHart, who is purchasing the property contract for deed from Mr. Evans. Mr. DeHart is the operator of the site. Mr. DeHart provided a written response to the ACWN dated January 6, 2011, which was received at the BOL/DLPC/FOS – Springfield Regional Office on January 11, 2011. He stated he was waiting for his income tax return to have funds to clean up the site. His letter was answered in an Illinois EPA letter dated February 3, 2011. Mr. Evans provided an ACWN response letter dated January 21, 2011, which was received January 24, 2011. In that letter he stated that he sold the property to Mr. DeHart, contract for deed (on a three-year balloon contract), and voiced his concern that he felt it was extremely unfair to him for the Illinois EPA to hold him (partially) responsible to clean up the property. In an Illinois EPA letter to Mr. Evans dated February 3, 2011, where the Illinois EPA informed Mr. Evans that although Mr. DeHart had been given a cleanup deadline of March 1, 2011, inasmuch as Mr. DeHart was primarily responsible for the open dumping and open burning violations at the property, the Illinois EPA would be willing to extend Mr. Evans a cleanup deadline of May 1, 2011, in the event that Mr. DeHart missed his deadline of March 1st.

The March 15, 2011 re-inspection shows that Mr. DeHart failed to meet his cleanup deadline. Approximately 694 cubic yards of demolition wastes, some burned, and a few used tires containing standing water, were observed on-site. Mr. DeHart left a voice-mail message for this inspector after the March 15, 2011 re-inspection, reiterating that he had to wait for his income tax return, and that his grandfather was helping him with the cleanup because he had a farm truck that could take wastes to the Pike County Landfill. The April 22, 2011 re-inspection revealed a farm truck and a large track hoe on site, and the appearance that some of the wastes had been removed. It also revealed that approximately 550 cubic yards of wastes were still on-site. The May 6, 2011 re-inspection revealed that Mr. Evans had also failed to meet his clean-up deadline. Approximately 498 cubic yards of wastes were still observed on-site. The truck and track hoe observed during the April 22, 2011 re-inspection were no longer observed on-site. Also, although there appeared to this inspector that there were less wastes on the level southern surface of the site, the down sloped northern surface appeared to have more wastes on it. The May 6, 2011 inspection did reveal that the used tires containing standing water that were previously observed on-site, were no longer observed.

Mr. Evans had not contacted this inspector since his previously mentioned January 21, 2011 letter. On May 25, 2011, this inspector telephoned Mr. Evans, and asked him why the site wasn't cleaned up. Mr. Evans provided some very revealing information. He stated that Mr. DeHart had been in jail for the past few weeks. A check of the www.judici.com website revealed that Mr. DeHart had been arrested. When pressed to explain why he (Mr. Evans) did not have the site cleaned up by May 1, 2011, he stated that he did not feel that it was his responsibility. I asked him if he still owned the site, and he said that he did. He also added that Mr. DeHart had not paid him anything for three months and when he questioned him about it, Mr. DeHart told Mr. Evans that he was using the money to clean the site up.

The site is located approximately on property on or adjacent to 750 Knapp Lane, Pittsfield, IL. The legal and specific legal description of the property was presented in this author's December 22, 2010 Narrative Inspection Report Document Memorandum to the Land Division File, and therefore, will not be repeated herein.

The property owner is Mr. Robert E. Evans, Realty 1, 108 W. Washington Street, Pittsfield, IL 62363. His telephone number there is 217/285-5020. Mr. Brandon DeHart lives in a small house on the property. His address is: Brandon DeHart, 750 Knapp Lane, Pittsfield, IL 62363. Telephone: 217/491-5264.

Upon arrival at the site on the day of the March 15, 2011 re-inspection, the weather was overcast, with an air temperature of approximately 40° F. Winds were westerly at approximately five (5) mph. Surface soil conditions were wet and muddy. Upon arrival at the site on the day of the April 22, 2011 re-inspection, the weather was overcast with a light rain. The air temperature was approximately 50° F. Winds were southwesterly at five (5) mph. Surface soil conditions were wet and muddy. Upon arrival at the site on the day of the May 6, 2011 re-inspection, the weather was sunny with an air temperature of approximately 70° F. Winds were westerly at approximately 10 mph. Surface soil conditions were damp.

During the March 15, 2011 re-inspection, seven (7) photographs were taken with a digital camera. During the April 22, 2011 re-inspection, nine (9) photographs were taken with a digital camera. During the May 6, 2011 re-inspection, 10 photographs were taken with a digital camera. All of the photos show the conditions at the site on the respective days of re-inspections. From the re-inspections and the photographs, partially computer generated and partially hand drawn sketches of the site were developed by this author. They show the layout of the site, as well as the numbers, approximate locations and directions of the photographs. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referenced in this narrative and on the Digital Photograph pages. Real numbers were used on the Site Sketches, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this narrative.

The Digital Photographs for the March 15, 2011 re-inspection are described as follows:

Photo # 001 shows mobile homes being stripped.

Photo # 002 shows the same mobile homes shown in photo # 001 from another angle.

Photo # 003 shows wastes on the ground that measured approximately $125' \times 75' \times 2' = 18,750$ cubic feet, or 694 cubic yards. A large portion of the wastes are shown here.

Photo # 004 shows the same waste pile shown in photo # 003 from another angle.

Photo # 005 shows more demolition wastes, just west of the big pile shown in the previous two pages.

Photo # 006 shows the north side of the large pile of demolition wastes shown in photo #s 003 and 004.

Photo # 007 shows the bulk of the demolition wastes, shown also in photo #s 003, 004 and 006.

The Digital Photographs for the April 22, 2011 re-inspection are described as follows:

Photo # 001 shows two mobile homes in the process of being stripped.

Photo # 002 shows the site as it appeared from the stripped mobile home area.

Photo # 003 shows a farm truck and a track hoe by some of the wastes.

Photo # 004 shows an old light blue Chevrolet farm truck with the Illinois license number of Farm 7604 VG.

Photo # 005 shows the word "Baylis" on the driver's door of the truck.

Photo # 006 shows wastes, a ladder and a coal shovel on the east side of the farm truck.

Photo # 007 shows wastes northwest of the old farm truck.

Photo # 008 shows wastes on the north side of the old farm truck.

Photo # 009 shows a close-up of the track hoe on-site.

The Digital Photographs for the May 6, 2011 re-inspection are described as follows:

Photo # 001 shows two mobile homes being stripped.

Photo # 002 shows a small pile of wood, metal, plastics, cardboard and ashes in an area measuring approximately 15' x 10' x 3'.

Photo # 003 shows approximately just under half of this waste pile is on the down slope of a hill leading to a pond, behind this pile of demolition wastes.

Photo # 004 shows a close-up of the same small waste pile shown in photo # 002.

Photo # 005 shows the same pile shown in photo # 003, from another angle.

Photo # 006 shows wastes on the down slope, which is an extension to the north of the pile shown in photo #s 003 and 005.

Photo # 007 shows the same pile shown in photo #s 003 and 005, from another angle.

Photo # 008 shows demolition wastes consisting mostly of wood in an area measuring approximately 30' x 20' x 2'.

Photo # 009 shows demolition wastes, including wood, plastics, metals, ashes, glass and some pieces of used tires to the west of the pile shown in photo # 006.

Photo # 010 shows this photo shows more of the wastes shown in photo # 006. However, the proximity of the pond in the background is visible here.

During the three re-inspection, apparent violations of the Illinois Environmental Protection Act (Act) and of the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 I.A.C) observed during the November 19, 2010 initial site inspection were again observed during the three re-inspections of March 15, 2011, April 22, 2011 and are alleged. Those apparent violations of the Act are, Sections: 9(a), 9(c), 12(a), 12(d), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), 55(a)(2) and 55(k)(1). During the May, 6, 2011 re-inspection, all of these same apparent violations except 55(k)(1) were observed. An apparent violation of the 35 I.A.C. regulations observed during all of the inspections on-site to-date, is Section 812.101(a). Additional information is provided in the attached Open Dump Inspection Checklists for each re-inspection date.

Other Comments

1. During the April 22, 2011 re-inspection, a young man who said he was related to Brandon DeHart approached and wanted to know what I was doing. I showed him my identification and told him. I asked if Mr. DeHart was around, and he said he was, but he was asleep. He then left.
2. Also during the April 22, 2011 re-inspection, an unidentified man who claimed to have purchased property to the southwest asked if he could purchase the property where the dump was located. I told him to speak to Robert Evans.

CK

cc: DLPC/FOS - Springfield

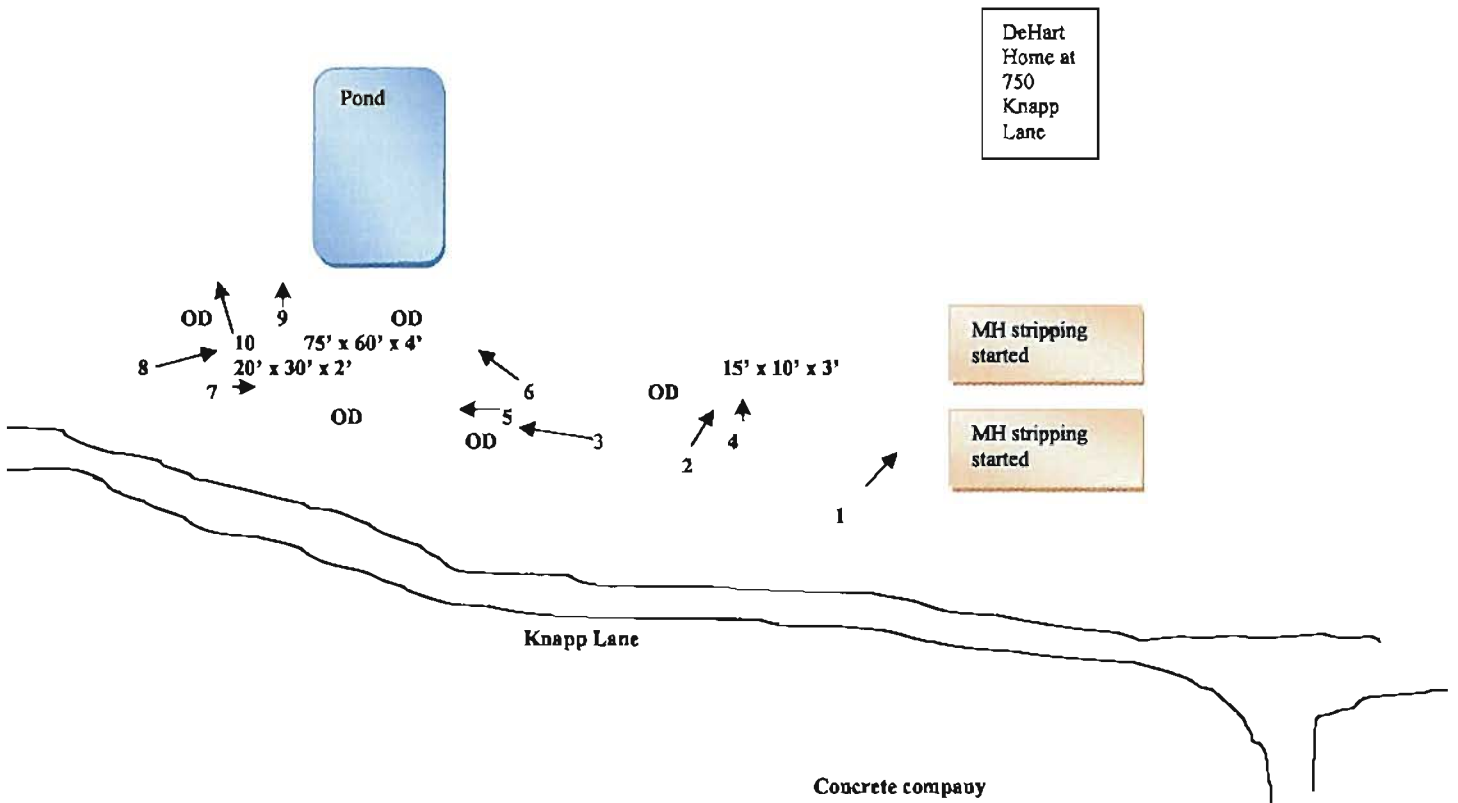
SITE SKETCH

Site name: Pittsfield Township/DeHart
LPC #: 1498190013
Inspector: Charlie King

County: Pike County
Date: May 6, 2011
Time: 12:30 a.m. – 12:45 p.m.

FOS File

A digital camera was used for the Inspection photos. Distances are approximate – Not drawn to scale



LEGEND
2
OD – Open Dumping with open burning in places.



DIGITAL PHOTOGRAPHS



Date: May 6, 2011
Time: 12:36 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 001
Comments: Two mobile homes being stripped.



Date: May 6, 2011
Time: 12:36 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 002
Comments: A small pile of wood, metal, plastics, cardboard and ashes in an area measuring approximately 15' x 10' x 3'.

File Names: 1498190013~05062011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 6, 2011
Time: 12:37 p.m.
Direction: N/NW
Photo by: Charlie King
Exposure #: 003
Comments:
Approximately just under half of this pile is on the down slope of a hill leading to a pond, behind this pile of demolition wastes.



Date: May 6, 2011
Time: 12:38 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 004
Comments: A close-up of the same small waste pile shown in photo # 002.

File Names: 1498190013~05062011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 6, 2011
Time: 12:39 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 005
Comments: The same pile shown in photo # 003, from another angle.



Date: May 6, 2011
Time: 12:39 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 006
Comments: Wastes on the down slope, which is an extension to the north of the pile shown in photo #s 003 and 005.

File Names: 1498190013~05062011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 6, 2011
Time: 12:40 p.m.
Direction: E/NE
Photo by: Charlie King
Exposure #: 007
Comments: The same pile shown in photo #s 003 and 005, from another angle.



Date: May 6, 2011
Time: 12:41 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 008
Comments: Demolition wastes consisting mostly of wood in an area measuring approximately 30' x 20' x 2'.

File Names: 1498190013~05062011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: May 6, 2011
Time: 12:41 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 009
Comments: Demolition wastes, including wood, plastics, metals, ashes, glass and some pieces of used tires to the west of the pile shown in photo # 006.



Date: May 6, 2011
Time: 12:42 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 010
Comments: This photo shows more of the wastes shown in photo # 006. However, the proximity of the pond in the background is visible here.

File Names: 1498190013~05062011-[Exp. #].jpg

RECEIVED
CLERK'S OFFICE

JUN 17 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 14th day of June 2011, 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

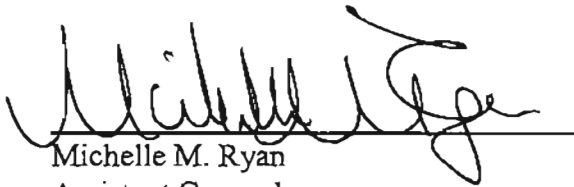
To: Brandon DeHart
750 Knapp Lane
Pittsfield, IL 62363

Robert Evans
Realty I
108 West Washington Street
Pittsfield, IL 62363

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