



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

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NOV 14 2011
STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

November 8, 2011

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

AC12-14

ORIGINAL

Re: Illinois Environmental Protection Agency v. Harold Dean Foster
IEPA File No. 340-11-AC; 1490850001—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

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HAROLD DEAN FOSTER,

Respondent.

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AC 12-14
(IEPA No. 340-11-AC)

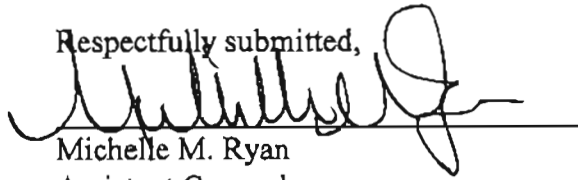
NOTICE OF FILING

To: Harold Dean Foster
42998 County Highway 8
Pittsfield (Time), IL 62363

ORIGINAL

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 8, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
NOV 14 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
HAROLD DEAN FOSTER,)
)
)
)
Respondent.)

AC 12-14
(IEPA No. 340-11-AC)

2 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 Harold Dean Foster is the current owner and operator ("Respondent") of a facility located at 42998 County Highway 8, Time, Pike County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Time/Foster.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1490850001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on September 23, 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 11-8-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8588 4519.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his September 23, 2011 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 open 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 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 December 15, 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 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.



John J. Kirk, Interim, Director
Illinois Environmental Protection Agency

Date: 11/7/2011

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
HAROLD DEAN FOSTER,)
)
)
)
Respondent.)

AC 12-14
(IEPA No. 340-11-AC)

2 ORIGINAL

FACILITY: Time/Foster

SITE CODE NO.: 1490850001

COUNTY: Pike

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: September 23, 2011

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

AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency,)
 Complainant)
 vs.)
)
 Harold M. "Dean" Foster,)
 Respondent)

IEPA DOCKET NO.

RECEIVED
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 NOV 14 2011
 STATE OF ILLINOIS
 Pollution Control Board
 AC12-14

2 ORIGINAL

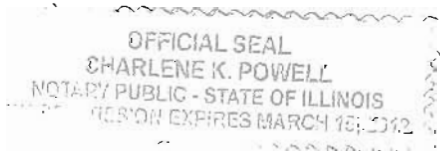
Affiant, Charlie King, being first duly sworn, voluntarily deposes and states as follows:

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 September 23, 2011, between 12:15 p.m. and 1:01 p.m., Affiant conducted an inspection of an open dump, located in Pike County, Illinois and known as Time/Foster by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1490850001 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 19th day of October, 2011

Charlene K. Powell
 Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Pike LPC#: 1490850001 Region: 5 - Springfield

Location/Site Name: Time/Foster

Date: 09/23/2011 Time: From 1215 To 1301 Previous Inspection Date: 04/08/2011

Inspector(s): Charlie King Weather: Sunny, 65 deg. F, Winds NW @ 15 mph.

No. of Photos Taken: # 22 Est. Amt. of Waste: 795 yds³ Samples Taken: Yes # No

Interviewed: None Complaint #: C-09-101-C

Latitude 39 561161 Longitude: -90.722845 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)

Harold "Dean" Foster
42998 County Highway 8
Pittsfield (Time), IL 62363
217/285-6108

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Pollution Control Board

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 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 # 1490850001

Inspection Date: 09/23/2011

	(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 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

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.

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
MEMORANDUM**

DATE: October 19, 2011
TO: Land Division File
FROM: Charlie King, BOL/DLPC/FOS – Springfield Region
SUBJECT: LPC # 1490850001 – Pike County
Time/Foster
C-09-101-C
FOS File

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of a re-inspection conducted at the subject site by this author on September 23, 2011 from approximately 12:15 p.m. until 1:01 p.m., by this inspector. The re-inspection was conducted to follow-up the original site inspection conducted on March 27, 2009, also by this inspector. That initial site inspection resulted in the observation of apparent open dumping, as discussed in this author's Narrative Inspection Report Document to the Land Division File, dated May 7, 2009. Subsequently, the respondent was issued an Open Dump Administrative Citation Warning Notice (ACWN) from the Illinois EPA, dated May 8, 2009. Re-inspections were conducted on October 2, 2009, April 2, 2010, October 8, 2010, April 8, 2011 and the most recent September 23, 2011 re-inspection. Clean-up time extensions were provided after each re-inspection prior to the September 23, 2011 re-inspection. In a letter to respondent site owner and operator Harold M. "Dean" Foster dated May 18, 2011, he was advised that if the site was not completely cleaned up by September 1, 2011, an Administrative Citation with a \$4,500 first offense penalty might be issued to him. The September 23, 2011 inspection revealed that the site was not completely cleaned up. During the April 8, 2011 site inspection, the site was found to have approximately 931 cubic yards of wastes still on it. During the September 23, 2011 inspection, that volume dropped only to approximately 795 cubic yards of wastes. Also, during the September 23, 2011 inspection, a previously cited violation of the Illinois Environmental Protection Act (Act), Section 55(k)(1) (standing water in used tires), was not found and is therefore no longer alleged. However, evidence of open burning, that was not alleged during the previous inspection, was discovered during the current inspection. Therefore, apparent violations of the Act, Sections 9(a), 9(c) and 21(p)(3) are now alleged.

The respondent owns just over the entire southern half of the property on the block that is surrounded on the south by County Highway 8, on the west by Main Street, a.k.a. 430th Street, and on both the north and east by Hill Street, in Time, IL. This property has two inhabited mobile homes on it that the respondent owns. One mobile home on the eastern part of the property is where the respondent lives. The other, on the western side of the property is where the respondent's former spouse lives. The northeastern part of the block is reportedly not owned by the respondent, rather it was reportedly owned by a deceased man named Buchanan. However, the respondent reiterated on more than one occasion in the past that he had been using that lot for decades. The northeast portion of the block does not have a home on it, and an old small uninhabited mobile home has been removed. However, a large single-wide mobile home that is partially on that lot and partially on the respondent's property is still there. In the past, it was reportedly used for storage by the respondent. Although reduced by a small amount, approximately 795 cubic yards of openly dumped waste were found on most of the respondent's property and on the northeast lot, which the respondent has admitted dumping on for decades. As mentioned in previous inspection reports, upon

inquiry, the respondent is on record as stating that nobody had ever told him that he couldn't use the property.

The owner and operator of the site is Harold M. "Dean" Foster, 42998 County Highway 8, Pittsfield (Tine), IL 62363. The legal and specific location of the site was presented in detail in the May 7, 2009 narrative, and therefore, will not be repeated herein. Mr. Foster's telephone number is: 217/285-6108.

Upon arrival at the site on the day of the most recent re-inspection, the weather was sunny, with an air temperature of approximately 65° F. Winds were northwesterly at approximately 15 mph. Surface soil conditions were mostly dry.

During the most recent re-inspection, 22 photographs were taken with a digital camera. They show the conditions at the site on the day of the re-inspection. From the re-inspection and the Digital Photographs, a partially computer generated, partially hand drawn sketch of the site was developed. It shows the basic layout of the site, as well as the approximate locations and directions of the inspection photographs. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referred to in this narrative and on the Digital Photographs sheets. However, real numbers have been used on the sketch, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this report.

The inspection photographs are described as follows:

Photo #s 001, 002 and 003 show the southern and southwest portions of the site from the southwest corner. Wastes visible include wood and metals. Photo #s 002 and 003 also show a small dumpster Mr. Foster has reported in the past is rented from Area Disposal. A dead cat can be seen in two of the photographs.

Photo # 001 shows an overview of the southwest area of the site from the intersection of County Highway 8 to the south and 430th Street to the west. Wood, gas cylinders, paper, plastics and metals were on the ground in the distance. A dead cat is in the lower right corner of the photograph. A two cubic yard Area Disposal dumpster is also shown.

Photo# 002 shows more of the overview discussed in the description for photo # 001. Wood, bricks, concrete, corrugated metal pipe and vehicles are shown, along with the Area Disposal dumpster and the dead cat, which are also visible in photo # 001.

Photo # 003 shows the third of three photos making up an overview of the south and southwest areas of the site. Photo #s 001 and 002 are also part of the overview. Most of this south area was void of wastes.

Photo # 004 shows metals, gas cylinders, wood and concrete chunks in an area measuring approximately 25' x 15' x 2'.

Photo # 005 shows a close-up of part of the area shown in photo # 002. Here, the wood, corrugated metal pipe, concrete blocks and metals can be more clearly seen. This area measured approximately 25' x 12' x 2'.

Photo # 006 shows metals, used tires on-rims, wood and plastics located in front of, or just south of, the partial shed used for storage. This partial shed appears to be starting to fall apart, and is leaning forward on the right side in this photograph.

Photo # 007 shows wood, used tires on-rims, metals, plastics, toys, a fire extinguisher, gas cylinders, plastics and glass in an area measuring approximately 12' x 10' x 2', just north and northwest of the dilapidated partial shed shown in photo # 006.

Photo # 008 shows north of the dilapidated shed shown in photo # 006, wood, used tires on-rims, metals, an air compressor, wood pallets, and an open blue metal 55-gallon drum filled with metals on the north side of the path between those wastes and the partial shed, measuring 20' x 10' x 5'. The fire extinguisher shown in photo # 007 is also visible.

Photo # 009 shows an un-inhabited junk mobile home measuring approximately 14' x 70' x 9'.

Photo # 010 shows part of an old roof measuring 10' x 10' x 1'.

Photo # 011 shows used tires on-rims, shingles, plastic jugs and wood, measuring approximately 12' x 8' x 2', just SE of Mr. Foster's home.

Photo # 012 shows metals, used tires on-rims and wood on the far east side of the south side of the property. The wastes here measured approximately 10' x 10' x 2'.

Photo # 013 shows corrugated tin barely visible to the left and more clearly visible to the right, measured together approximately 15' x 5' x 2'.

Photo # 014 shows wood, used tires on-rims, tarps and plastics, north of the fence that is north of Mr. Foster's mobile home. This area of wastes measured approximately 60' x 5' x 3'.

Photo # 015 shows more tires off-rims, metals and wood wastes. This area measured 20' x 20' x 2', and did not include the landscape wastes in the right foreground, because Mr. Foster sells cut wood for firewood.

Photo # 016 shows two piles of wood, metals and used tires on-rims. The one in the background measured approximately 12' x 10' x 3'. The one in the foreground measured approximately 15' x 8' x 3'.

Photo # 017 shows used tires on-rims, wood and metals measured approximately 35' x 30' x 2'.

Photo # 018 shows demolition waste, wood and used tires on-rims measured approximately 35' x 20' x 3'.

Photo # 019 shows springs, metals, plastic fibers and ashes were observed in this recent open burning area measured approximately 20' x 12' x 2'.

Photo # 020 shows the opposite side of the junk mobile home shown in photo # 009.

Photo # 021 shows metals, used tires on-rims, conduits, a lawn mower, black cable, concrete blocks and wood wastes measured approximately 35' x 35' x 2'.

Photo # 022 shows a continuation of the open dumped wastes shown in photo # 021. Metals, a plastic drum, a used tire on-rim and a gas cylinder were observed. The total area was provided in the description of photo # 021.

During the inspection, all of the apparent violations of the Illinois Environmental Protection Act (Act) and of the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 I.A.C.) that were observed during

the April 8, 2011 re-inspection, were again observed during the re-inspection on September, 23, 2011, except standing water in used tires was no longer observed or alleged, but open burning was observed and is now alleged. The current apparent violations of the Act are Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7) and 55(a)(1). An apparent violation of the regulations, 35 I.A.C., is Section 812.101(a). More information can be obtained from the Open Dump Inspection Checklist, which accompanies this report.

Other Comments

It now appears there are approximately 795 cubic yards of waste on-site, which is less than the 931 cubic yards observed during the April 8, 2011 re-inspection and considerably less than then the 5,064 cubic yards observed during the original site inspection on March 27, 2009. However, the same amount of wastes were observed during the October 8, 2010 and April 8, 2011 re-inspections, and the 795 cubic yards observed during the September 23, 2011 re-inspection shows a reduction of only 136 cubic yards since October 8, 2010. Mr. Foster did submit metals and landfill receipts for wastes removed in July, August and September, 2011, which far surpasses this 136 cubic yard removal estimate. However, the 795 cubic yard estimate of remaining wastes on-site was carefully calculated. Therefore, either some wastes were missed during previous calculations, or else additional wastes were added between the last two inspections, making up the difference between the receipt totals and the inspector estimates. It is suspected that the former prevails, i.e., some waste volume was missed during previous calculations.

CK

cc: DLPC/FOS – Springfield Region

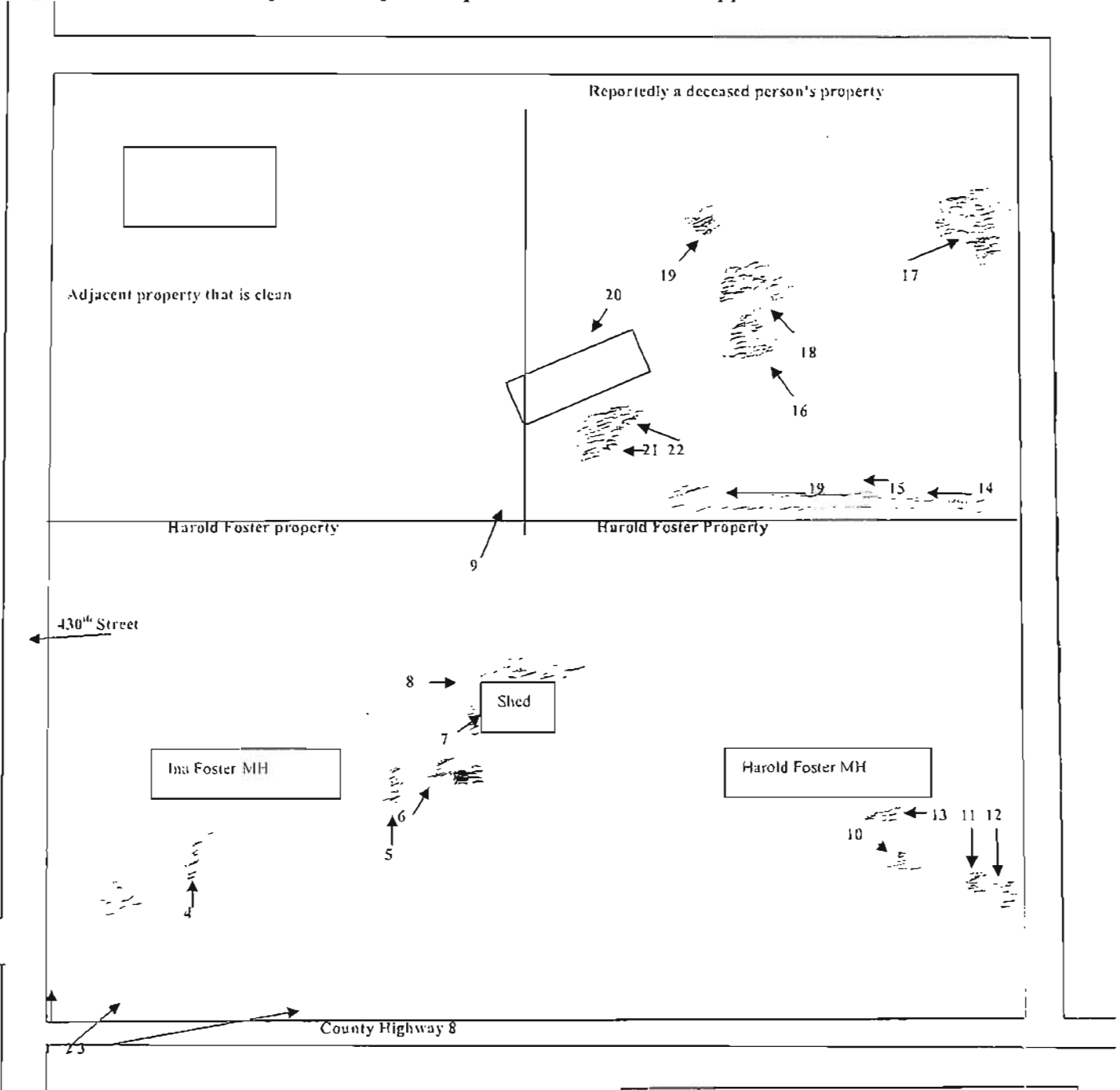
SITE SKETCH

Site name: Time/Foster
LPC #: 1490850001
Inspector: Charlie King

County: Pike County
Date: September 23, 2011
Time: 12:15 p.m. – 1:01 p.m.

FOS File

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



LEGEND

- 2 - Photo number and direction
- Open dumping
- Open burning



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:20 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 001
Comments: Overview of the southwest area of the site from the intersection of County Highway 8 to the south and 430th Street to the west. Wood, gas cylinders, paper, plastics and metals were on the ground in the distance. A dead cat is in the lower right corner of the photograph. A two cubic yard Area Disposal dumpster is also shown.



Date: September 23, 2011
Time: 12:20 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 002
Comments: More of the overview discussed in the description for photo # 001. Wood, bricks, concrete, corrugated metal pipe and vehicles are shown, along with the Area Disposal dumpster and the dead cat, which are also visible in photo # 001.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:20 p.m.
Direction: E
Photo by: Charlie King
Exposure #: 003
Comments: The third of three photos making up an overview of the south and southwest areas of the site. Photo #s 001 and 002 are also part of the overview. Most of this south area was void of wastes.



Date: September 23, 2011
Time: 12:21 p.m.
Direction: N
Photo by: Charlie King
Exposure #: 004
Comments: Metals, gas cylinders, wood and concrete chunks in an area measuring approximately 25' x 15' x 2'.

File Names: 1490850001~09232011 -[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:23 p.m.
Direction:
Photo by: Charlie King
Exposure #: 005
Comments: A close-up of part of the area shown in photo # 002. Here, the wood, corrugated metal pipe, concrete blocks and metals can be more clearly seen. This area measured approximately 25' x 12' x 2'.



Date: September 23, 2011
Time: 12:24 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 006
Comments: Metals, used tires on-rims, wood and plastics located in front of, or just south of, the partial shed used for storage. This partial shed appears to be starting to fall apart, and is leaning forward on the right side in this photograph.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:27 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 007
Comments: Wood, used tires on-rims, metals, plastics, toys, a fire extinguisher, gas cylinders, plastics and glass in an area measuring approximately 12' x 10' x 2', just north and northwest of the dilapidated partial shed shown in photo # 006.



Date: September 23, 2011
Time: 12:27 p.m.
Direction:
Photo by: Charlie King
Exposure #: 008
Comments: North of the dilapidated shed shown in photo # 006, wood, used tires on-rims, metals, an air compressor, wood pallets, and an open blue metal 55-gallon drum filled with metals on the north side of the path between those wastes and the partial shed, measuring 20' x 10' x 5'. The fire extinguisher shown in photo # 007 is also visible.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:30 p.m.
Direction: NE
Photo by: Charlle King
Exposure #: 009
Comments: An uninhabited junk mobile home measuring approximately 14' x 70' x 9'.



Date: September 23, 2011
Time: 12:31 p.m.
Direction: E
Photo by: Charlie King
Exposure #: 010
Comments: Part of an old roof measuring 10' x 10' x 1'.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23,
2011
Time: 12:32 p.m.
Direction: SE
Photo by: Charlie King
Exposure #: 011
Comments: Used tires
on-rims, shingles,
plastic jugs and wood,
measuring
approximately 12' x 8' x
2', just SE of Mr.
Foster's home.



Date: September 23,
2011
Time: 12:34 p.m.
Direction: S
Photo by: Charlie King
Exposure #: 012
Comments: Metals,
used tires on-rims and
wood on the far east
side of the south side
of the property. The
wastes here measured
approximately 10' x 10'
x 2'.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:35 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 013
Comments: Corrugated tin barely visible to the left and more clearly visible to the right, measured together approximately 15' x 5' x 2'.



Date: September 23, 2011
Time: 12:36 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 014
Comments: Wood, used tires on-rims, tarps and plastics, north of the fence that is north of Mr. Foster's mobile home. This area of wastes measured approximately 60' x 5' x 3'.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:38 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 015
Comments: More tires off-rims, metals and wood wastes. This area measured 20' x 20' x 2', and did not include the landscape wastes in the right foreground, because Mr. Foster sells cut wood for firewood.



Date: September 23, 2011
Time: 12:39 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 016
Comments: Two piles of wood, metals and used tires on-rims. The one in the background measured approximately 12' x 10' x 3'. The one in the foreground measured approximately 15' x 8' x 3'.

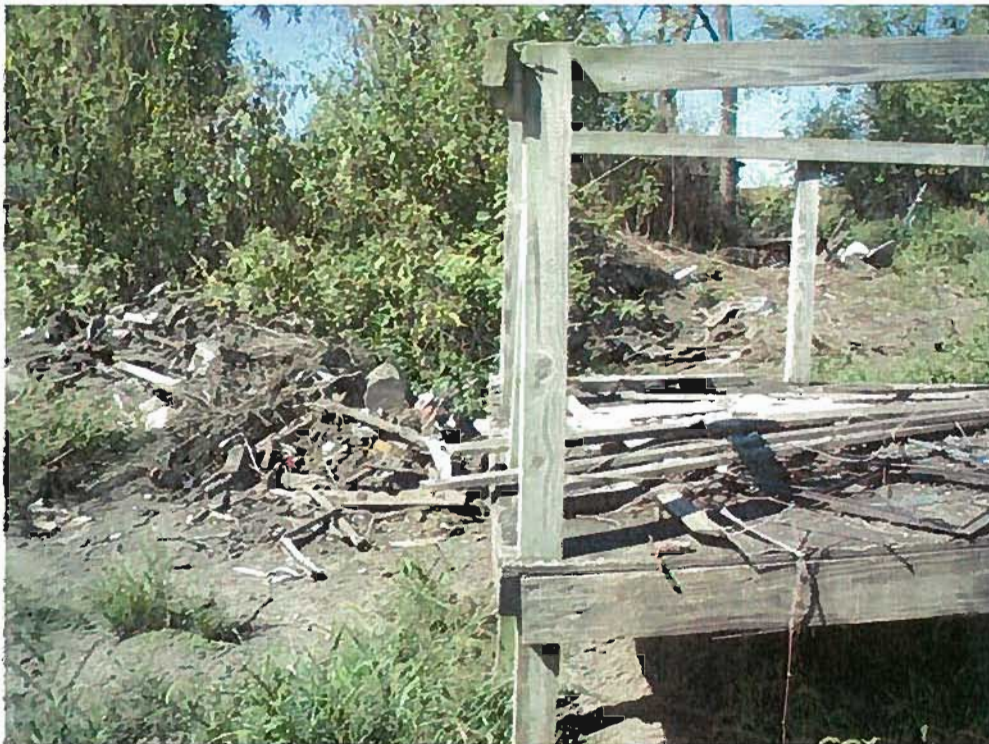
File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:41 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 017
Comments: Used tires on-rims, wood and metals measured approximately 35' x 30' x 2'.



Date: September 23, 2011
Time: 12:42 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 018
Comments: Demolition waste, wood and used tires on-rims measured approximately 35' x 20' x 3'.

File Names: 1490850001~09232011-{Exp. #}.jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:44 p.m.
Direction: N/NE
Photo by: Charlie King
Exposure #: 019
Comments: Springs, metals, plastic fibers and ashes were observed in this recent open burning area measured approximately 20' x 12' x 2'.



Date: September 23, 2011
Time: 12:46 p.m.
Direction: S/SW
Photo by: Charlie King
Exposure #: 020
Comments: The opposite side of the junk mobile home shown in photo # 009.

File Names: 1490850001~09232011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 23, 2011
Time: 12:51 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 021
Comments: Metals, used tires on-rims, conduits, a lawn mower, black cable, concrete blocks and wood wastes measured approximately 35' x 35' x 2'.



Date: September 23, 2011
Time: 12:51 p.m.
Direction: NW
Photo by: Charlie King
Exposure #: 022
Comments: A continuation of the open dumped wastes shown in photo # 021. Metals, a plastic drum, a used tire on-rim and a gas cylinder were observed. The total area was provided in the description of photo # 021.

File Names: 1490850001~09232011-[Exp. #].jpg

PROOF OF SERVICE

I hereby certify that I did on the 8th day of November 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

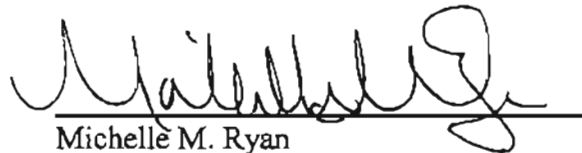
To: Harold Dean Foster
42998 County Highway 8
Pittsfield (Time), IL 62363

RECEIVED
CLERK'S OFFICE
NOV 14 2011
STATE OF ILLINOIS
Pollution Control Board

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

2 ORIGINAL



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