



# 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

LISA BONNETT, DIRECTOR

RECEIVED  
CLERK'S OFFICE

JUL 01 2013

STATE OF ILLINOIS  
Pollution Control Board

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

June 26, 2013

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



ORIGINAL

AC14-2

Re: Illinois Environmental Protection Agency v. Robert Johnson  
IEPA File No. 142-13-AC; 0570200002—Fulton County

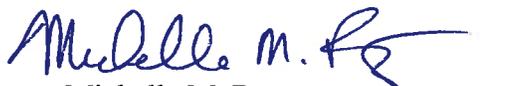
Dear Mr. Therriault:

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 by JCR

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 01 2013

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
ROBERT JOHNSON, )  
) )  
Respondent. )

AC 14-2  
(IEPA No. 142-13-AC)

NOTICE OF FILING

To: Robert Johnson  
612 E. Main Street  
Bryant, IL 61519

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 *by JCR*

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: June 26, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUL 01 2013

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)
PROTECTION AGENCY,	)
	)
Complainant,	)
	)
v.	)
	)
ROBERT JOHNSON,	)
	)
	)
	)
	)
Respondent.	)

AC 14-2  
(IEPA No. 142-13-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 (2010).

FACTS

1. That Robert Johnson is the current owner and operator ("Respondent") of a facility located at 612 E. Main Street, Bryant, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Johnson, Robert.
2. That said facility is designated with Site Code No. 0570200002.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on May 15, 2013, Robert J. Wagner of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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 6-26-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 5904.

#### VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his May 13, 2013 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) (2010).
- (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) (2010).
- (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) (2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 July 31, 2013, 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 (2010), 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) (2010), 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 (2010). 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.

  
\_\_\_\_\_  
Lisa Bonnett, Director  
Illinois Environmental Protection Agency

Date: 6/19/2013

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. )  
 )  
ROBERT JOHNSON, )  
 )  
 )  
 )  
 )  
Respondent. )

AC 14-2  
(IEPA No. 142-13-AC)

FACILITY: Johnson, Robert  
SITE CODE NO.: 0570200002  
COUNTY: Fulton  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: May 13, 2013

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

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JUL 01 2013

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF )

)  
)  
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)  
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)  
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IEPA DOCKET NO.

AC14-2

RESPONDENT )

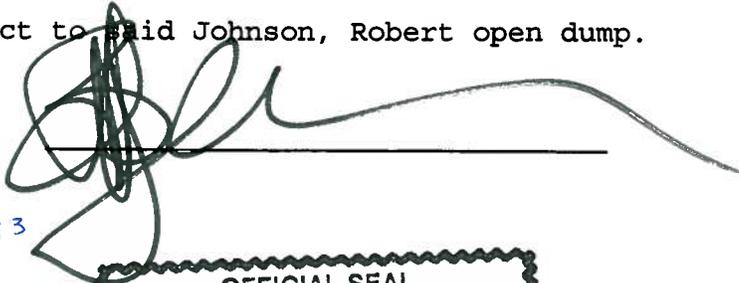
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

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 May 13, 2013, between 8:55 AM and 9:15 AM, Affiant conducted an inspection of the open dump in Fulton County, Illinois, known as Johnson, Robert, Illinois Environmental Protection Agency Site No. 0570200002.

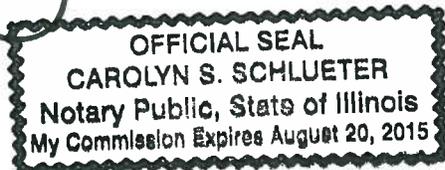
3. Affiant inspected said Johnson, Robert open dump site by an on-site inspection, which included walking and photographing the site.

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 Johnson, Robert open dump.



Subscribed and Sworn to before me this 29 day of May, 2013

Carolyn S. Schlueter  
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Fulton LPC#: 0570200002 Region: 3 - Peoria  
 Location/Site Name: Bryant / Johnson, Robert  
 Date: 05/13/2013 Time: From 8:55 AM To 9:15 AM Previous Inspection Date: 01/07/2013  
 Inspector(s): Robert J. Wagner Weather: 70 F, Sunny, Dry,  
 No. of Photos Taken: # 16 Est. Amt. of Waste: 5 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: No One Onsite Complaint #: C-2012-106-P  
 Latitude: 40.463563° Longitude: -90.088751° Collection Point Description: Dump Location -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):  
 Robert Johnson  
 612 E. Main Street  
 Bryant, Illinois 61519  
 (309) 231 - 0254

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**JUL 01 2013**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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"/>
	(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"/>

LPC # 0570200002

Inspection Date: 05/13/2013

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS</b>			
11.	95(a)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL</b>	<input type="checkbox"/>
12.	95(b)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL</b>	<input type="checkbox"/>
13.	95(c)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION</b>	<input type="checkbox"/>
14.	95(d)	<b>NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE</b>	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
15.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
16.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
17.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
18.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
19.	815.201	<b>FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
20.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
21.	<b>OTHER:</b>		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
- Items marked with an "NE" were not evaluated at the time of this inspection.

### Narrative

On May 13, 2013, I (Robert J. Wagner, BOL/FOS-Peoria) conducted a re-inspection of property owned by Robert Johnson (8:55 AM to 9:15 AM). The property is located at 612 E. Main Street, Bryant, Illinois (see attached site map).

This site was originally inspected on January 7, 2013 as an open dump because of a citizen complaint. On January 28, 2013, Robert Johnson was sent an Open Dump Administrative Citation Warning Notice (ACWN) for the following violations: Section 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), and 55(a)(2) of the Act and Section 812.101(a) of the Regulations. Mr. Johnson did not respond to the ACWN.

Upon arrival, I began a walk around inspection of the property. Photographs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 show the site. It appears more debris has been open burned since the January 7, 2013 inspection of the property. The photographs show chunks of concrete with protruding metal bars, processed wood, tire beads, a baby car seat, a window, an empty plastic gas container, a boat, shingles, and metal debris. Evidence indicates that open burning has taken place on the property. This evidence is the charred remains of processed wood, shingles, a boat, tires, and metal debris.

I finished the walk around inspection and departed the site at 9:15 AM. I spoke with Mr. Johnson via telephone. Mr. Johnson told me that he was not allowed to speak to me and ended the conversation by hanging up the phone.

The following alleged violations were observed and indicated on the open dump inspection checklist:

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste in a manner which resulted in open burning.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste in a manner which resulted in open burning.**

3. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste.**

4. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Robert Johnson caused or allowed a waste disposal operation without a permit granted by the Agency.**

5. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Robert Johnson caused or allowed a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

6. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Robert Johnson caused or allowed the disposal of waste at this site which does not meet the requirements of the Act and regulations thereunder.**

7. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

*The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.*

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste in a manner which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste in a manner which resulted in open burning.**

9. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **Robert Johnson caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

10. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Robert Johnson caused or allowed open dumping of used or waste tires.**

11. Pursuant to Section 55(a)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)) is alleged for the following reason: **Robert Johnson caused or allowed open burning of used or waste tires.**

0570200002 -- Fulton County  
Johnson, Robert  
FOS  
Inspection Date: May 13, 2013  
Prepared By: Robert J. Wagner  
Page 4

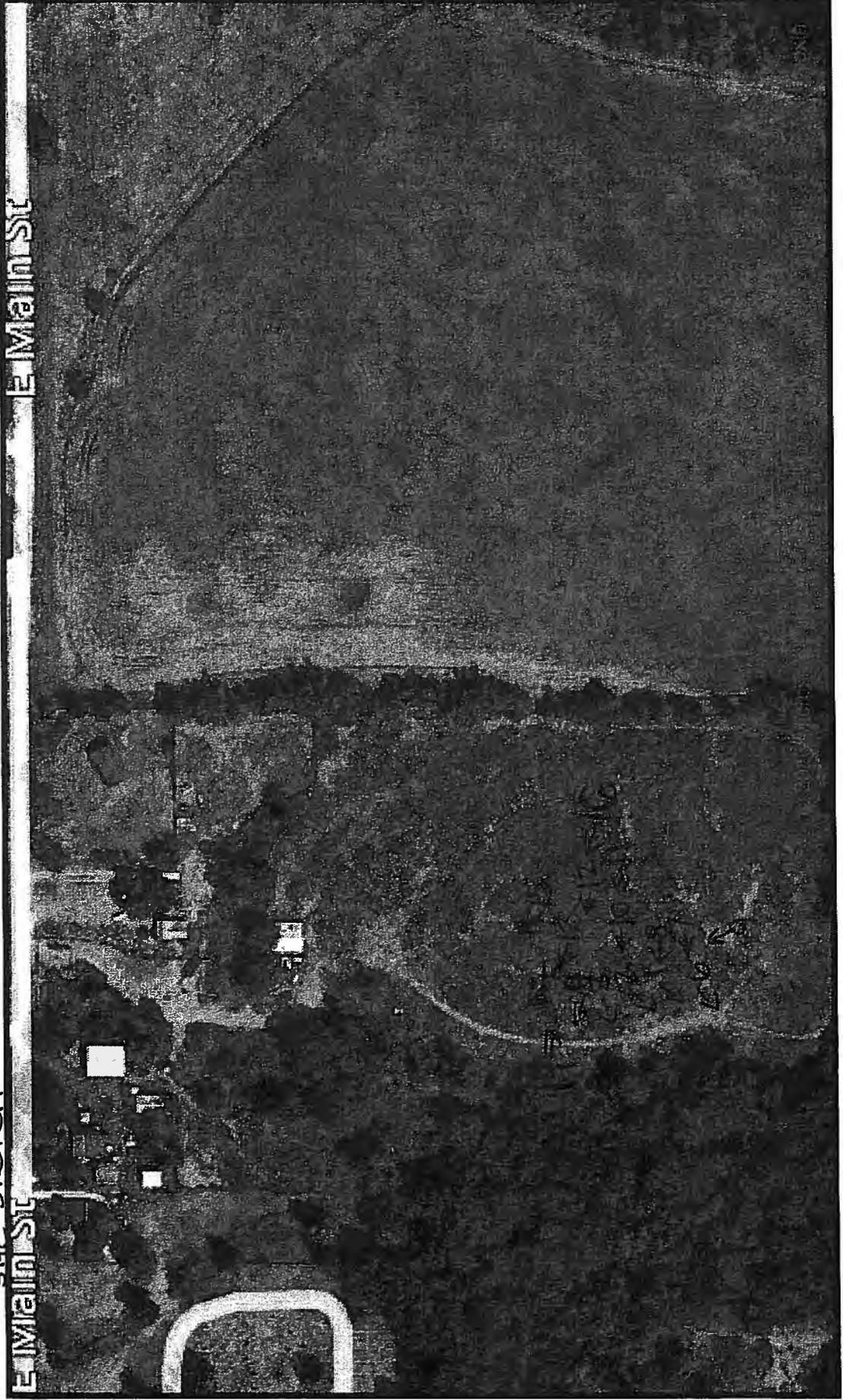
12. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Robert Johnson operated a waste disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

Print this page in a more readable format: [Click Print](#) next to the upper-right corner of the map.

0570200002 - Fulton County  
Johnson, Robert  
FOS  
site sketch

NA



Drawing not to scale



**DATE:** May 13, 2013

**TIME:** 9:00 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-001.jpg

**COMMENTS:** The photograph  
shows the site.



**DATE:** May 13, 2013

**TIME:** 9:00 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-002.jpg

**COMMENTS:** The photograph  
shows the site.





**DATE:** May 13, 2013

**TIME:** 9:00 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-003.jpg

**COMMENTS:** The photograph  
shows the site.



**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-004.jpg

**COMMENTS:** The photograph  
shows the site.





**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-005.jpg

**COMMENTS:** The photograph  
shows the site.



**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-006.jpg

**COMMENTS:** The photograph  
shows the charred remains of tire  
beads.



**DOCUMENT FILE NAME:**  
0570200002~05132013.doc



**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-007.jpg

**COMMENTS:** The photograph  
shows the charred remains of a  
door, metal debris, tin cans, paper  
and processed wood.



**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-008.jpg

**COMMENTS:** The photograph  
shows the site.





**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-009.jpg

**COMMENTS:** The photograph  
shows the site.



**DATE:** May 13, 2013

**TIME:** 9:01 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-010.jpg

**COMMENTS:** The photograph  
shows the charred remains of a boat  
hull, tire beads and a tree.



**DOCUMENT FILE NAME:**  
0570200002~05132013.doc



**DATE:** May 13, 2013

**TIME:** 9:02 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 11

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-011.jpg

**COMMENTS:** The photograph  
shows the charred remains of a boat  
hull, tire beads and a tree.



**DATE:** May 13, 2013

**TIME:** 9:02 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 12

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-012.jpg

**COMMENTS:** The photograph  
shows the site.



**DOCUMENT FILE NAME:**

0570200002~05132013.doc



**DATE:** May 13, 2013

**TIME:** 9:02 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 13

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-013.jpg

**COMMENTS:** The photograph  
shows piles of shingles, plastic  
containers, television set, wood and  
paper.



**DATE:** May 13, 2013

**TIME:** 9:02 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 14

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-014.jpg

**COMMENTS:** The photograph  
shows the charred remains of paper,  
plastic, wood and processed wood.



**DOCUMENT FILE NAME:**  
0570200002~05132013.doc



**DATE:** May 13, 2013

**TIME:** 9:02 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 15

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-015.jpg

**COMMENTS:** The photograph  
shows the site.



**DATE:** May 13, 2013

**TIME:** 9:03 AM

**PHOTOGRAPHED BY:**

Robert J. Wagner

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 16

**PHOTOGRAPH FILE NAME:**  
0570200002~05132013-016.jpg

**COMMENTS:** The photograph  
shows piles of shingles, plastic  
containers, television set, wood and  
paper.



**DOCUMENT FILE NAME:**

0570200002~05132013.doc

1036276

JAMES I. NELSON  
COUNTY CLERK & RECORDER  
FULTON COUNTY, IL

TRUSTEE'S DEED

THE GRANTOR, BETTY J. BROOKS, as Trustee under the Kile G. Brooks and Betty J. Brooks Trust dated the 9th day of July, 1998, of Bryant, in the County of Fulton and State of Illinois, for and in consideration of One Dollar and other good and valuable consideration, WARRANTS and CONVEYS unto ROBERT C. JOHNSON, of Bryant, in the County of Fulton and State of Illinois, the following described real estate, to-wit:

SEE EXHIBIT A ATTACHED.

Subject to all easements and rights-of-way of record; and Subject to the 2010 taxes due and payable in 2011.

Part of P.I.N. 14-14-31-200-008 (Tract 1)  
P.I.N. 14-14-31-200-009 (Tract 2)

This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said Trustee pursuant to the terms of the aforesaid Trust.

Dated this 8 day of October, A. D. 2010.

Betty Brooks (SEAL)  
BETTY J. BROOKS, as Trustee under the Kile G. Brooks and Betty J. Brooks Trust dated the 9th day of July, 1998

RECORDED ON  
10/14/2010 10:59:32AM

REC FEE: 41.00  
REV STMP: 123.00  
RHSP FEE: 10.00  
PAGES: 3

FULTON COUNTY REAL ESTATE  
TRANSFER TAX PAID \$ 41.00  
J. NELSON, CLERK RECORDER

STATE TAX

STATE OF ILLINOIS

OCT. 14. 10

REAL ESTATE TRANSFER TAX  
DEPARTMENT OF REVENUE

# 0000010966

REAL ESTATE TRANSFER TAX
0008200
FP326683

STATE OF ILLINOIS     )  
                                  )   SS  
COUNTY OF FULTON    )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that BETTY J. BROOKS, as Trustee under the Kile G. Brooks and Betty J. Brooks Trust dated the 9th day of July, 1998, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and seal this 8 day of <sup>Oct.</sup>~~September~~, 2010.

Anna M. Rains  
Notary Public

Send Tax Notice to, and return to:  
Robert C. Johnson     ↓  
612 East Main St     TERRILL TITLE  
Bryant, IL 61519     10490022  
Robert C. Johnson  
612 E. Main St. Bryant, IL 61519  
Prepared by:  
THOMAS B. EWING, Attorney  
EWING & SCOTT  
190 N. Adams Street  
Lewistown, IL 61542



EXHIBIT A

Tract 1:

A part of the Northeast Quarter of Section 31, Township 6 North, Range 4 East of the Fourth Principal Meridian, described as follows: Commencing at a point 228 feet 8 inches South of the Northeast corner of Section 31, in Township 6 North, Range 4 East of the Fourth Principal Meridian, running thence West 40 rods to the 40 rod line, thence South 1,111 feet 4 inches, or to the 80 rod line, thence East 40 rods to the section line, thence North 1,111 feet 4 inches to the place of beginning; EXCEPTING THEREFROM a tract described as follows, to-wit: Beginning at the Northwest corner of the East Half of the East Half of the said Northeast Quarter of said Section 31, thence along the North line of said Northeast Quarter bearing South 89 degrees 36 minutes 57 seconds East, a distance of 209.67 feet; thence bearing South 00 degrees 34 minutes 43 seconds West, a distance of 228.67 feet to an iron rod, the actual point of beginning; thence bearing North 89 degrees 36 minutes 57 seconds West, a distance of 209.67 feet to an iron rod on the West line of said East Half of the East Half of the Northeast Quarter of Section 31, thence South along said West line a distance of 299.33 feet to an iron pin and thence Northeasterly on a straight line to the actual point of beginning.

Also, a part of the Northeast Quarter of Section 31, Township 6 North, Range 4 East of the Fourth Principal Meridian, described as follows: Commencing at a point 208 feet 8 inches West of the Northeast corner thereof, thence West 242 feet 8 inches, thence South 228 feet 8 inches, thence East 242 feet 8 inches, thence North 228 feet 8 inches to the place of beginning; all situated in the Town of Buckheart, County of Fulton and State of Illinois.

Tract 2.

Twelve (12) acres off of the South side of the West One-Half of the Northeast Quarter of the Northeast Quarter of Section 31, all situated in Township 6 North of the Base Line, Range 4 East of the Fourth Principal Meridian, in Fulton County, Illinois.

**PROOF OF SERVICE**

I hereby certify that I did on the 26th day of June 2013, 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: Robert Johnson  
612 E. Main Street  
Bryant, IL 61519

**RECEIVED**  
**CLERK'S OFFICE**  
**JUL 01 2013**  
**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

  
Michelle M. Ryan  
Assistant Counsel *by JGR*

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544