



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

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

RECEIVED
CLERK'S OFFICE

OCT 29 2014

STATE OF ILLINOIS
Pollution Control Board

October 24, 2014

AC 15-17

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

ORIGINAL

Re: Illinois Environmental Protection Agency v Bernard and Carolyn Carr and Jeffery Yerky
IEPA File No. 367-14-AC; 0570055015

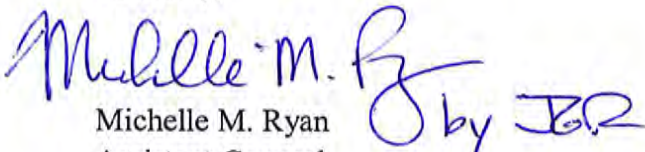
Dear Mr. Therriault:

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

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OCT 29 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BERNARD AND CAROLYN CARR)
AND JEFFERY YERKY,)
)
Respondents.)

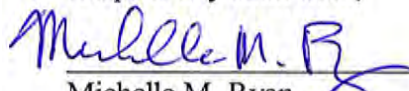
AC 15-17
(IEPA No. 367-14-AC)

NOTICE OF FILING

To: Bernard and Carolyn Carr Jeffery Yerky
3994 N. Fisk Road 3995 North Fisk Road
Astoria, IL 61501 Astoria, IL 61501

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: October 24, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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OCT 29 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
BERNARD AND CAROLYN CARR AND)
JEFFERY YERKY,)
Respondents.)

AC 15-17
(IEPA No. 367-14-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 (2014).

FACTS

1. That Bernard and Carolyn Carr are the current owners and Jeffery Yerky is the current operator ("Respondents") of a facility located at 3995 North Fisk Road, Astoria, Fulton County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Carr, Bernard & Carolyn.
2. That said facility is designated with Site Code No. 0570055015.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on October 1, 2014, 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 10-24-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 5189.
7012 0470 0001 3000 5202
VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his October 1, 2014 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) (2014).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).
- (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) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), 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 December 12, 2014, 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 (2014), 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) (2014), 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 (2014). 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 ^{ADD}

Date: 10-24-14

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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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OCT 29 2014

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Complainant,)

v.)

BERNARD AND CAROLYN CARR AND)
JEFFERY YERKY,)

Respondents.)

AC 15-17
(IEPA No. 367-14-AC)

FACILITY: Bernard and Carolyn Carr
SITE CODE NO.: 0570055015
COUNTY: Fulton
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: October 1, 2014

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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CLERK'S OFFICE

OCT 29 2014

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF)

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ACIS-17

IEPA DOCKET NO.

RESPONDENT)

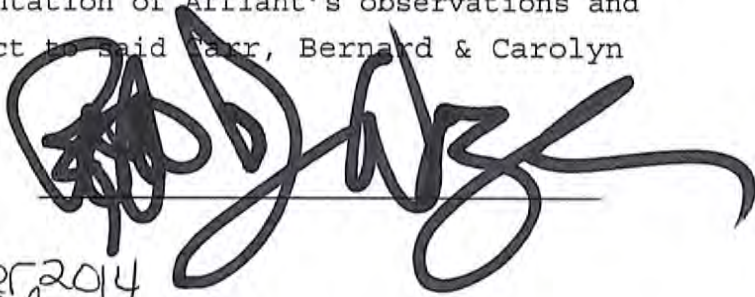
Affiant, Robert J. Wagner, being first duly sworn, voluntarily deposes and states as follows:

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 October 1, 2014, between 10:15 AM and 10:30 AM, Affiant conducted an inspection of the open dump in Tazewell County, Illinois, known as Carr, Bernard & Carolyn., Illinois Environmental Protection Agency Site No. 0570055015.

3. Affiant inspected said Carr, Bernard & Carolyn. 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 Carr, Bernard & Carolyn open dump.



Subscribed and Sworn to before me this 09 day of October 2014

Melodee L Campbell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Fulton LPC#: 0570055015 Region: 3 - Peoria
 Location/Site Name: Astoria / Carr, Bernard & Carolyn
 Date: 10/01/2014 Time: From 10:15 AM To 10:30 AM Previous Inspection Date: 06/24/2014
 Inspector(s): Robert J. Wagner Weather: 65 F, Sunny, Dry
 No. of Photos Taken: # 20 Est. Amt. of Waste: 5 yds³ Samples Taken: Yes # No
 Interviewed: No One On Site Complaint #: C-2014-049-P
 Latitude: 40.247171 Longitude: -90.370553 Collection Point Description: Dump Location -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Bernard & Carolyn Carr
 3994 N. Fisk Rd.
 Astoria, Illinois 61501

Jeffery Yerky
 3995 N. Fisk Rd.
 Astoria, Illinois 61501

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 STATE OF ILLINOIS
 Pollution Control Board

	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"/>
	(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 # 0570055015

Inspection Date: 10/01/2014

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"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	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	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	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	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<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 October 1, 2014, I (Robert J. Wagner DLPC/FOS-Peoria) conducted a re-inspection at property owned by Bernard Carr and Carolyn Carr. The property is located at 3995 N. Fisk Road, Astoria, Illinois (see attached site map).

Site History

On June 24, 2014, the site was originally inspected in response to Citizen Complaint C-2014-049-P. Jeffrey Yerky (son of Carolyn Carr and son-in-law of Bernard Carr) was on site. He explained that he had recently burned down an old barn on the property. He had also burned some debris that he had accumulated from cleaning out a few houses in Bloomington Illinois. The following waste materials were observed open dumped on the property: processed wood, metal, tree branches, paper, plastic containers, and tire beads. Evidence indicated open burning had taken place on the property. This evidence was the charred remains of processed wood, metal, tree branches, paper, plastic containers, and tire beads.

On July 18, 2014, Bernard Carr, Carolyn Carr, and Jeffrey Yerky were sent an Administrative Warning Notice (ACWN) for the following apparent violations: Sections 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. Bernard and Carolyn Carr did not respond to the ACWN. Mr. Yerky responded to the ACWN that he understood the reason for the violations and would no longer burn or dump on the property. On August 29, 2014, a rejection letter was sent to Mr. Yerky because he did not agree to remove all waste by the date in the ACWN.

Site Inspection

I began my walk around inspection of the property. Photographs 1, 2, 3, and 4 show the charred remains of tin cans, aluminum cans, metal debris, pieces of paper, tree branches, 12 oz. glass bud light beer bottles, glass canning jars, and Pringles potato chips can. This was a new area where open burning and open dumping is taking place on the property. See attached site sketch.

Photographs 5, 6, 7, 8, and 9 show the charred remains of a portable basketball hoop, processed wood, and tree branches. This was a new area where open burning and open dumping is taking place on the property. See attached site sketch.

Photographs 10, 11, 12, and 13 show metal patio furniture, metal siding, empty metal drum, metal fencing, tire beads, ATV tire, metal downspouts, metal sheeting, processed wood, metal flashing, and a charred car tire rim. Some of these items were observed during the June 24, 2014 inspection of the property

Photographs 14 and 15 show the charred remains of processed wood and a metal gas can. The photographs also show a car tire on rim, metal patio furniture, metal siding, empty metal drum,

metal fencing, metal sheeting, processed wood, and metal flashing. This was a new area where open burning and open dumping is taking place on the property.

Photographs 16 and 17 show the charred remains of processed wood, metal, bedsprings, a hose, tin cans, pieces of paper, plastic material, aerosol cans, and tree branches. Photograph 17 also shows an ATV tire at the edge of the burn pile. This was a new area where open burning and open dumping is taking place on the property. See attached site sketch.

Photographs 18 and 19 show an embankment where processed wood lay at the bottom. Photograph 20 shows the charred remains of processed wood, pieces of paper, and tree branches. This area is in the same condition as it was during the June 24, 2014 inspection of the property

The following alleged violations were observed and checked 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky conducted a waste-treatment, waste-storage, and 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky conducted a waste-treatment, waste-storage, and 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky treated, stored, and disposed 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky 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) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky caused or allowed open dumping of used or waste tires.**

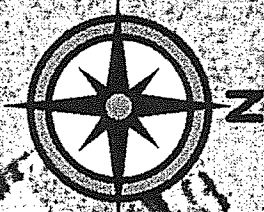
11. Pursuant to Section 55(a)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(2)), no person shall cause or allow the open burning of any used or waste tire.

A violation of Section 55(a)(2) is alleged for the following reason: **Bernard Carr, Carolyn Carr, and Jeffery Yerky caused or allowed open burning of used or waste tires.**

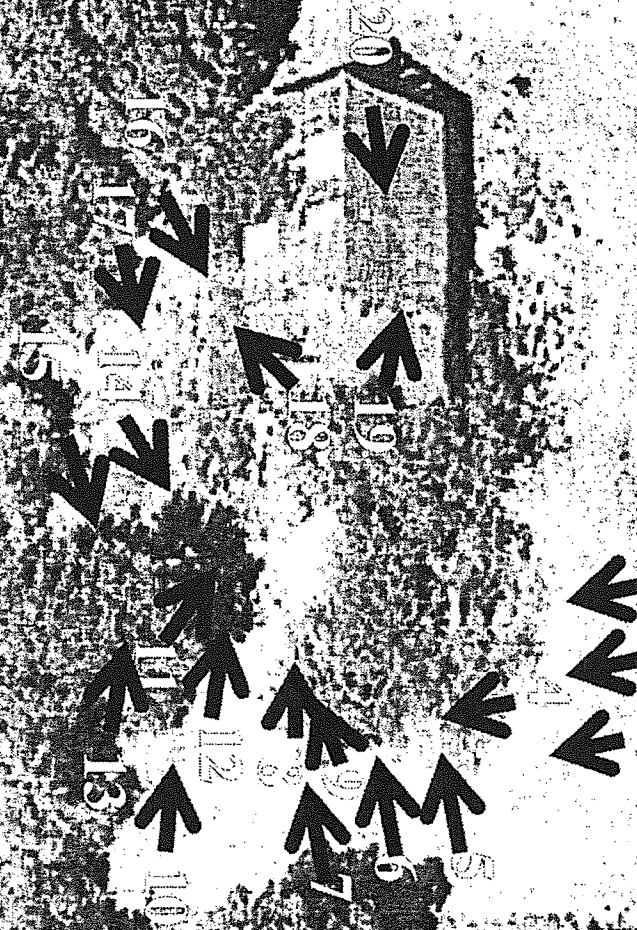
12. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

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

0570055015 - Fulton County
Carr, Bernard & Carolyn
FOS
Inspection Date: October 1, 2014
Inspector: Robert J. Wagner
Site Sketch



N Fisk Rd



Drawing Not to Scale



DATE: October 1, 2014

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0570055015~10012014-001.jpg

COMMENTS: The photograph
shows the charred remains of tin
cans, aluminum cans, bits, metal
debris and pieces of paper, tree
branches, 12 oz. glass bud light beer
bottles, glass canning jars and
Pringles potato chips can.



DATE: October 1, 2014

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0570055015~10012014-002.jpg

COMMENTS: The photograph
shows the charred remains of tin
cans, aluminum cans, bits, metal
debris and pieces of paper, tree
branches, 12 oz. glass bud light beer
bottles, glass canning jars and
Pringles potato chips can.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0570055015~10012014-003.jpg

COMMENTS: The photograph
shows the charred remains of tin
cans, aluminum cans, bits, metal
debris and pieces of paper, tree
branches, 12 oz. glass bud light beer
bottles, glass canning jars and
Pringles potato chips can.



DATE: October 1, 2014

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0570055015~10012014-004.jpg

COMMENTS: The photograph
shows the charred remains of tin
cans, aluminum cans, bits, metal
debris and pieces of paper, tree
branches, 12 oz. glass bud light beer
bottles, glass canning jars and
Pringles potato chips can.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:18 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0570055015~10012014-005.jpg

COMMENTS: The photograph
shows the charred remains of a
portable basketball hoop, processed
wood and tree branches.



DATE: October 1, 2014

TIME: 10:18 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0570055015~10012014-006.jpg

COMMENTS: The photograph
shows the charred remains of a
portable basketball hoop, processed
wood and tree branches.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:18 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0570055015~10012014-007.jpg

COMMENTS: The photograph
shows the charred remains of a
portable basketball hoop, processed
wood and tree branches.



DATE: October 1, 2014

TIME: 10:18 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0570055015~10012014-008.jpg

COMMENTS: The photograph
shows the charred remains of a
portable basketball hoop, processed
wood and tree branches.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:18 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0570055015~10012014-009.jpg

COMMENTS: The photograph
shows the charred remains of metal
debris, processed wood and tree
branches.



DATE: October 1, 2014

TIME: 10:19 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0570055015~10012014-010.jpg

COMMENTS: The photograph
shows metal patio furniture, metal
siding, empty metal drum, metal
fencing, tire beads, ATV tire, metal
downspouts, metal sheeting,
processed wood and metal flashing.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:19 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0570055015~10012014-011.jpg

COMMENTS: The photograph
shows metal patio furniture, metal
siding, empty metal drum, metal
fencing, tire beads, ATV tire, metal
downspouts, metal sheeting,
processed wood and metal flashing.



DATE: October 1, 2014

TIME: 10:19 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0570055015~10012014-012.jpg

COMMENTS: The photograph
shows metal sheeting, processed
wood and a charred car tire rim.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:19 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0570055015~10012014-013.jpg

COMMENTS: The photograph
shows metal patio furniture, metal
siding, empty metal drum, metal
fencing, tire beads, ATV tire, metal
downspouts, metal sheeting,
processed wood and metal flashing.



DATE: October 1, 2014

TIME: 10:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0570055015~10012014-014.jpg

COMMENTS: The photograph
shows the charred remains of
processed wood and a metal gas
can.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0570055015~10012014-015.jpg

COMMENTS: The photograph shows the charred remains of processed wood and a metal gas can. The photograph also shows a car tire on rim, metal patio furniture, metal siding, empty metal drum, metal fencing, metal sheeting, processed wood and metal flashing.



DATE: October 1, 2014

TIME: 10:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0570055015~10012014-016.jpg

COMMENTS: The photograph shows the charred remains of processed wood, metal, bedsprings, a hose, tin cans, bits and pieces of paper, plastic material, aerosol cans and tree branches. The photograph also shows an ATV tire at the edge of the burn pile.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:20 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0570055015~10012014-017.jpg

COMMENTS: The photograph
shows the charred remains of
processed wood, metal, bedsprings
a hose, tin cans, bits and pieces of
paper, plastic material, aerosol cans
and tree branches.



DATE: October 1, 2014

TIME: 10:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
0570055015~10012014-018.jpg

COMMENTS: The photograph
shows the site.



DOCUMENT FILE NAME:
0570055015~10012014.doc



DATE: October 1, 2014

TIME: 10:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
0570055015~10012014-019.jpg

COMMENTS: The photograph
shows the site.



DATE: October 1, 2014

TIME: 10:24 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
0570055015~10012014-020.jpg

COMMENTS: The photograph
shows the charred remains of
processed wood, bits and pieces of
paper, and tree branches.



DOCUMENT FILE NAME:
0570055015~10012014.doc

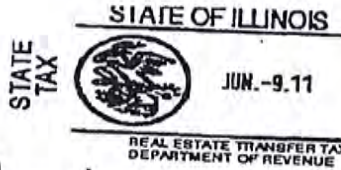
MAIL TO: CFH-11FN-7216.0
Bernard Carr: Carolyn Carr (1/2)
18 Lakeview Dr.
Bushnell, IL 61422
SPECIAL WARRANTY DEED
(CORPORATION TO INDIVIDUAL)
ILLINOIS

FULTON COUNTY REAL ESTATE
TRANSFER TAX PAID \$58.50
J. NELSON, CLERK RECORDER

1140325
JAMES I. NELSON
COUNTY CLERK & RECORDER
FULTON COUNTY, IL

RECORDED ON
06/09/2011 02:44:15PM

REC FEE: 46.00
REV STMP: 175.50
RHSP FEE: 10.00
PAGES: 4



0000011440

REAL ESTATE
TRANSFER TAX

0011700

FP326683

THIS INDENTURE, made this 26th day of April, 2011, between Fannie Mae a/k/a Federal National Mortgage Association, a corporation organized and existing under the laws of the United States of America and duly authorized to transact business in the State of Illinois, party of the first part, and Bernard Carr and Carolyn Carr, party of the second part, WITNESSETH, that the party of the first part, for and in consideration of the sum of \$10.00 (Ten dollars and no/100s) in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and pursuant to authority of the Board of Directors of said corporation, by these presents does REMISE, RELEASE, ALIEN AND CONVEY unto the party of the second part, and to their heirs and assigns, FOREVER, all the following described real estate, situated in the County of FULTON and the State of Illinois known and described as follows, to wit:

SEE ATTACHED EXHIBIT A # Husband and wife

GRANTEE HEREIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY TO A BONAFIDE PURCHASER FOR VALUE FOR A SALES PRICE GREATER THAN \$139,860 FOR A PERIOD OF 3 MONTH(S) FROM THE DATE OF THIS DEED, GRANTEE SHALL ALSO BE PROHIBITED FROM ENCUMBERING SUBJECT PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT FOR GREATER THAN \$139,860 FOR A PERIOD OF 3 MONTH(S) FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO GRANTEE. THIS RESTRICTION SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO A MORTGAGE OR DEED OF TRUST SUBJECT TO ANY AND ALL COVENANTS, CONDITIONS, EASEMENTS, RESTRICTIONS AND ANY OTHER MATTERS OF RECORD.

Together with all and singular the hereditament and appurtenances thereunder belonging, or in otherwise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the party of the first part, either in law or equity, of, in and to the above described premises, with the hereditament and appurtenances: TO HAVE AND HOLD the said premises as above described, with the appurtenances, unto the part of the second part, their heirs and assigns forever.

The Grantor promises or covenants to defend title to the property from and against all lawful claims and demands of all persons claiming by, through or under Grantor and none other.

PERMANENT REAL ESTATE INDEX NUMBER(S) 24-26-11-300-001
PROPERTY ADDRESS(ES):

3994 N. Fisk Rd., Astoria, IL, 61501

Fannie Mae a/k/a Federal National Mortgage Association

PLACE CORPORATE SEAL HERE

By: William H. Ake
As Attorney in Fact

STATE OF IL)
COUNTY OF Cook) SS

I, Rhonda L. Griffin the undersigned, a notary public in and for said County, in the State aforesaid, do hereby certify that Katherine G. Fife, personally known to me to be the attorney in fact for Fannie Mae a/k/a Federal National Mortgage Association, and personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he/she/they signed, sealed and delivered the said instrument, as his/her/their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 26th day of April, 2011.

OFFICIAL SEAL
RHONDA L. GRIFFIN
Notary Public, State of Illinois
My Commission Expires 03/30/2015

Rhonda L. Griffin
NOTARY PUBLIC

This instrument was prepared by PIERCE & ASSOCIATES, P.C.,
1 North Dearborn, Suite 1300, Chicago, IL 60602

Exempt under the provision of
~~Section 4, of the Real Estate Transfer Act~~ Date: _____
Agent: _____

PLEASE SEND SUBSEQUENT TAX BILLS TO:

Bernard Carr & Carolyn Carr
3994 N. Elm Rd.
Astoria, IL 61506

RECORDER OF Fulton COUNTY
PLAT ACT AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF Kendall)

Eva Cruz, being duly sworn on oath, deposes and states that she reside(s) at 105 W. Veterans Parkway, Yorkville, IL 60560. That the attached deed is not in violation of 765 ILCS 205/1 of the Illinois Revised Statutes for one of the following reasons:

1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.
2. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
3. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
5. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. The conveyance is made to correct descriptions in prior conveyances.
9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
10. The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further states that she make(s) this affidavit for the purpose of inducing the Recorder of County, Illinois, to accept the attached deed for recording and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.



SUBSCRIBED AND SWORN TO
BEFORE ME THIS 6 DAY
OF June, 2011
Linda V. Lis
Notary Public



EXHIBIT A

A part of the East 1/2 of the Southeast 1/4 of Section 10, and a part of the West 1/2 of the Southwest 1/4 of Section 11, Township 3 North, Range 1, East of the Fourth Principal Meridian, in Fulton County, Illinois, more particularly described as follows: Commencing at the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 11, which point is the place of beginning; running thence North 350 feet; thence running West 622 feet; thence running South 350 feet to the South line of said Section 11; thence running East 622 feet to the point of beginning.

PROOF OF SERVICE

I hereby certify that I did on the 24th day of October 2014, 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: Bernard and Carolyn Carr
3994 N. Fisk Road
Astoria, IL 61501

Jeffery Yerky
3995 North Fisk Road
Astoria, IL 61501

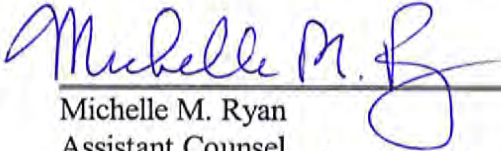
RECEIVED
CLERK'S OFFICE

OCT 29 2014

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 JCR

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