



# 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

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OCT 29 2014  
STATE OF ILLINOIS  
Pollution Control Board

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

October 21, 2014

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

ACIS-18  
ORIGINAL

Re: Illinois Environmental Protection Agency v Charles Wessel and CL Wessel Heavy Equipment, Inc.  
IEPA File No. 359-14-AC; 1790200022

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





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OCT 29 2014

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
CHARLES WESSEL AND CL WESSEL )  
HEAVY EQUIPMENT, INC., )  
 )  
 )  
Respondents. )

AC 15-18  
(IEPA No. 359-14-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 Charles Wessel is the current owner and CL Wessel Heavy Equipment, Inc. is the current operator ("Respondents") of a facility located at 4301 North Main Street, East Peoria, Tazewell County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as CL Wessel Heavy Equipment Inc.
2. That said facility is designated with Site Code No. 1790200022.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on September 14, 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 10-21-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 5141 Charles Wessel  
7012 0470 0001 3000 5158 CL

#### VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his September 14, 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 November 26, 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.



Date:

10-21-14

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. )  
CHARLES WESSEL AND CL WESSEL )  
HEAVY EQUIPMENT, INC., )  
Respondents. )

AC 15-18  
(IEPA No. 359-14-AC)

FACILITY: CL Wessel Heavy Equipment Inc.  
SITE CODE NO.: 1790200022  
COUNTY: Tazewell  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: September 14, 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  
Open Dump Inspection Checklist**

County: Tazewell LPC#: 1790200022 Region: 3 - Peoria  
 Location/Site Name: East Peoria / CL Wessel Heavy Equipment Inc.  
 Date: 09/14/2014 Time: From 3:10 PM To 3:25 PM Previous Inspection Date: 08/21/2012  
 Inspector(s): Robert J. Wagner Weather: 80 F, Sunny, Dry  
 No. of Photos Taken: # 9 Est. Amt. of Waste: 2 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Randy Chapman Complaint #:       
 Latitude: 40.717296 Longitude: -89.532944 Collection Point Description: Main Gate -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Owner:  
Charles L. Wessel  
d/b/a C.I. Wessel Heavy Equipment Inc.  
3715 N. Trivoli Rd.  
Trivoli, IL 61569  
(309) 694-5026

Operator:  
CL Wessel Heavy Equipment Inc.  
Agent: Charles L. Wessel  
3715 N. Trivoli Rd.  
Trivoli, Illinois 61569

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STATE OF ILLINOIS  
Pollution Control Board  
OCT 29 2014

	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"/>
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LPC # 1790200022

Inspection Date: 09/14/2014

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"/>

**ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS**

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"/>

**35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS  
SUBTITLE G**

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"/>

**OTHER REQUIREMENTS**

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.

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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.



1790200022 -- Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS  
Inspection Date: September 14, 2014  
Prepared By: Robert J. Wagner  
Page 1

## Narrative

On September 14, 2014, I inspected CL Wessel Heavy Equipment Inc. from 3:10 PM to 3:25 PM. CL Wessel Heavy Equipment Inc. is located at 4301 N. Main Street, East Peoria, Illinois. The property is deeded to Charles Wessel, an individual doing business as C.I. Wessel Heavy Equipment Company (see attached property deed). The inspection was a result of me observing tires burning on a brush pile at the above mentioned address.

I was headed west bound on US Route 24 near the interchange of US Route 150, US Route 24 and State Route 116, East Peoria Illinois; when I noticed vehicles in the westbound lane of US Route 150 slowing down to pass through thick black smoke. As I got closer to the black smoke, I could see tires burning on a brush pile. These burning tires were located to the north of the west bound lane of US Route 150. These burning tires were clearly visible from US Route 150. I turned my vehicle around and proceeded to the property.

The gate to the property was open and I could see tires burning on a pile of tree branches. As I looked around the property, I could see two more active burn piles. I began photographing the burn piles. For the purpose of this inspection report these three burn piles will be referred to as Burn Pile 1, Burn Pile 2, and Burn Pile 3. See attached site sketch and photographs.

I was approached by Randy Chapman, Chief Mechanic for CL Wessel Heavy Equipment Inc. I had previously met Mr. Chapman during a RCRA inspection of CL Wessel Heavy Equipment Inc. I identified myself to Mr. Chapman and gave him an IEPA business card. I told him to immediately cease all open burning on the property. Mr. Chapman offered no explanation as to why open burning was taking place on the property. He left my presence at this time.

Photograph 1, 2, 3, and 4 show Burn Pile 1 located in the southern portion of the property near the westbound lane of US Route 150. Burn Pile 1 consisted of tree branches and tires. At the time of the inspection, Burn Pile 1 was actively burning.

Photograph 5 shows Burn Pile 2. There was not much left of the solid waste material being burnt in Burn Pile 2. Burn Pile 2 was smoldering and putting off heat. There was a charred sheet of wood paneling lying on top of a burning tree branch. The chain linked fence seen in Photograph 5 was charred and had soot on it.

Photographs 6 and 7 show Burn Pile 3. Burn Pile 3 was located in the northern portion of the property. Burn Pile 3 consisted of tree branches and processed wood. At the time of the inspection, Burn Pile 3 was actively burning.

Photograph 8 shows construction debris piled up in the northern portion of the property near Burn Pile 3. Photograph 9 shows used tires in a pile near Burn Pile 3.

Mr. Chapman joined me near Burn Pile 3. Mr. Chapman informed me that he was working on putting out all the fires burning on the property. I told him not to burn any more solid waste on the property. I told him all solid waste material needed to be taken to an IEPA permitted landfill for proper disposal. All used tires needed to be handled in accordance with IEPA used tire regulations. I told him to keep all disposal and recycling receipts for submission to the Agency. I told him that if the property owner Charles Wessel had any questions about the inspection of the property to have him call me at the numbers listed on the card. I departed the site at approximately 3:25 PM.

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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) caused or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois.**

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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) caused or allowed the open burning of refuse.**

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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) caused or allowed the open dumping of waste in a manner that resulted in deposition of general construction or demolition debris as defined in Section 3.160(a) of this Act.**

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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) 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: **Charles Wessel (owner) and CL Wessel Heavy Equipment Inc. (operator) operated a waste**

1790200022 -- Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634

FOS

Inspection Date: September 14, 2014

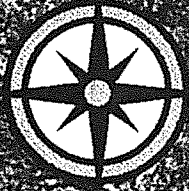
Prepared By: Robert J. Wagner

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**disposal site without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**



1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS  
Inspection Date: September 14, 2014  
Inspector: Robert J. Wagner  
Site Sketch



Burn Pile 3

Burn Pile 2

Burn Pile 1

7

6

8

9

5

4

3

2

1

Drawing Not To Scale





1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS

Site Photographs  
Page 1 of 5

**DATE:** September 14, 2014

**TIME:** 3:14 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-001.jpg

**COMMENTS:** The photograph  
shows two large tires burning in a  
pile of brush.



**DATE:** September 14, 2014

**TIME:** 3:14 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-002.jpg

**COMMENTS:** The photograph  
shows two large tires burning in a  
pile of brush.



**DOCUMENT FILE NAME:**  
1790200022~09142014.doc





1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS

Site Photographs  
Page 2 of 5

**DATE:** September 14, 2014

**TIME:** 3:14 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-003.jpg

**COMMENTS:** The photograph  
shows two large tires burning in a  
pile of brush.



**DATE:** September 14, 2014

**TIME:** 3:14 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-004.jpg

**COMMENTS:** The photograph  
shows two large tires burning in a  
pile of brush.



**DOCUMENT FILE NAME:**  
1790200022~09142014.doc





1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS

Site Photographs  
Page 3 of 5

**DATE:** September 14, 2014

**TIME:** 3:16 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-005.jpg

**COMMENTS:** The photograph  
shows an area where evidence  
indicates open burning is taking  
place. This evidence is the  
smoldering remains of a tree,  
tree branches and processed wood.



**DATE:** September 14, 2014

**TIME:** 3:16 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-006.jpg

**COMMENTS:** The photograph  
shows an area where evidence  
indicates open burning is taking  
place. This evidence is the  
smoldering remains of a tree  
branches and processed wood.



**DOCUMENT FILE NAME:**  
1790200022~09142014.doc





1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS

Site Photographs  
Page 4 of 5

**DATE:** September 14, 2014

**TIME:** 3:16 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-007.jpg

**COMMENTS:** The photograph  
shows an area where evidence  
indicates open burning is taking  
place. This evidence is the  
smoldering remains of a tree  
branches and processed wood.



**DATE:** September 14, 2014

**TIME:** 3:17 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-008.jpg

**COMMENTS:** The photograph  
shows an area where evidence  
indicates open burning has taken  
place. This evidence is the remains  
of processed wood.



**DOCUMENT FILE NAME:**  
1790200022~09142014.doc





1790200022 - Tazewell County  
CL Wessel Heavy Equipment Inc.  
ILD025738634  
FOS

Site Photographs  
Page 5 of 5

**DATE:** September 14, 2014

**TIME:** 3:17 PM

**PHOTOGRAPHED BY:**  
Robert J. Wagner

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

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**  
1790200022~09142014-009.jpg

**COMMENTS:** The photograph  
shows an area where used tires have  
been dumped.



**DOCUMENT FILE NAME:**  
1790200022~09142014.doc

Prepared by:

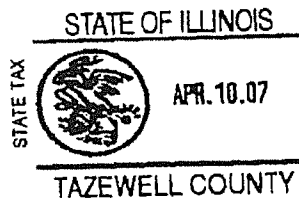
Sonya A. Pasquini  
Elias, Meginnes, Riffle  
& Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61602

After recording return to:

Charles Wessel  
3715 North Trivoli Road  
Trivoli, Illinois 61569

County Tax Paid in  
Half Amount As State Tax

200700007356  
Filed for Record in  
TAZEWELL COUNTY, IL  
ROBERT LUTZ  
04-10-2007 At 10:21 AM.  
WARR DEED 860.75  
RHSP Surcharge 10.00



REAL ESTATE TRANSFER TAX
0055000
FP 326667

# 0000016595

Chicago Title

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that MTE Properties, LLC, an Illinois limited liability company, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, CONVEYS and WARRANTS to Charles Wessel, an individual d/b/a C.I. Wessel Heavy Equipment Company, the real estate described on Exhibit A attached hereto and by this reference incorporated herein.

Said conveyance is subject to general real estate taxes for 2006 and subsequent years and is further subject to zoning and building ordinances, easements, covenants and restrictions of record.

The grantor hereby releases and waives all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated: 4/4, 2007

MTE PROPERTIES, LLC, an Illinois limited liability company

By: Thomas R. Eighmy Trust Number 91-1, Member

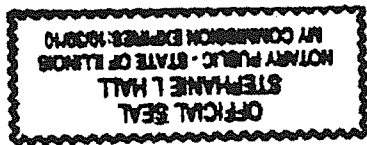
By: [Signature]  
Thomas R. Eighmy, Trustee



STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF PEORIA )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Thomas R. Eighmy, personally known to me to be Trustee of the Thomas R. Eighmy Trust Number 91-1, and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Trustee, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth; and on his oath stated that he was duly authorized to execute said instrument.

Given under my hand and notarial seal this 4th day of April, 2007.



(SEAL)

Stephanie L. Hall  
Notary Public  
Stephanie L. Hall  
(Type or print name)

MAIL TAX STATEMENT TO:

Mr. Charles Wessel  
3715 North Trivoli Road  
Trivoli, Illinois 61569

1007-170

**EXHIBIT A**

**LEGAL DESCRIPTION**

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. THENCE SOUTH 89 DEGREES 28 MINUTES 55 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 14, A DISTANCE OF 293.2 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH 0 DEGREES 29 MINUTES EAST, A DISTANCE OF 486.2 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF ROUTE #116, THENCE SOUTH 84 DEGREES 35 MINUTES WEST, ALONG THE NORTHERLY LINE OF SAID ROUTE #116, A DISTANCE OF 386.21 FEET, THENCE NORTH 89 DEGREES 45 MINUTES WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 236.00 FEET TO A POINT, THENCE NORTH 67 DEGREES 34 MINUTES WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1,116.9 FEET TO A POINT ON THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE NORTH 89 DEGREES 28 MINUTES 55 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 14, A DISTANCE OF 1,634.23 FEET TO THE POINT OF BEGINNING, TOGETHER WITH A 45-FOOT ROADWAY AND UTILITY EASEMENT IMMEDIATELY NORTH OF AND ADJACENT TO THE NORTHERLY RIGHT OF WAY LINE OF SAID ROUTE #116 FROM THE SOUTHEAST CORNER OF THE ABOVE-DESCRIBED PROPERTY NORTHEASTERLY TO THE NORTH LINE OF SAID SECTION 14.

PIN: 01-01-14-100-001



**CORPORATION FILE DETAIL REPORT**

Entity Name	C. L. WESSEL HEAVY EQUIPMENT, INC.	File Number	50965392
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	08/17/1976	State	DELAWARE
Agent Name	CHARLES L WESSEL	Agent Change Date	08/01/2003
Agent Street Address	3615 N TRIVOLI RD	President Name & Address	CHARLES L WESSEL 3715 N TRIVOLI RD TRIVOLI 61569
Agent City	TRIVOLI	Secretary Name & Address	CHARLES L WESSEL 3715 N TRIVOLI RD TRIVOLI 61569
Agent Zip	61569	Duration Date	PERPETUAL
Annual Report Filing Date	07/22/2014	For Year	2014

[Return to the Search Screen](#)

Purchase Certificate of Good Standing  
 (One Certificate per Transaction)



**PROOF OF SERVICE**

I hereby certify that I did on the 21st 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: Charles Wessel  
3715 North Trivoli Road  
Trivoli, IL 61569

CL Wessel Heavy Equipment Inc.  
Registered Agent: Charles L. Wessel  
3715 N. Trivoli Road  
Trivoli, IL 61569

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

RECEIVED  
CLERK'S OFFICE

OCT 29 2014

STATE OF ILLINOIS  
Pollution Control Board



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