

RECEIVED
CLERK'S OFFICE

DEC 29 2003

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!! *AC04-32*

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
CLERK'S OFFICE

ADMINISTRATIVE CITATION

DEC 29 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

ROSEMARY PEHM,

Respondent.

AC 04-32

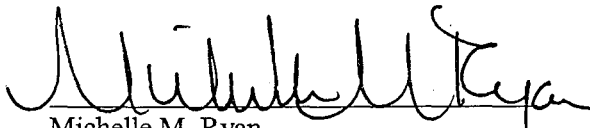
(IEPA No. 759-03-AC)

NOTICE OF FILING

To: Rosemary Pehm
1077 State Route 29
Henry, Illinois 61527

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
Special Assistant Attorney General

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

Dated: December 23, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 29 2003

STATE OF ILLINOIS
Pollution Control Board

AC 04-32
(IEPA No.759-03-AC)

1. That Rosemary Pehm ("Respondent") is the present owner of a facility located approximately 3 miles south of the junction of Route 18 and Route 29 in Henry, Marshall County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Henry/Pehm Property.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1238035001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on November 26, 2003, Jeffrey Port of the Illinois Environmental Protection Agency's 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.

VIOLATIONS

Based upon direct observations made by Jeffrey Port during the course of his November 26, 2003 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) (2002).
- (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) (2002).
- (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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 February 16, 2004, 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 (2002), 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) (2002), 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 (2002). 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.

Renee Cipriano
Renee Cipriano, Director *by me*
Illinois Environmental Protection Agency

Date: 12/23/03

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

ROSEMARY PEHM,

Respondent.

AC

(IEPA No. 759-03-AC)

FACILITY: Henry/Pehm Property

SITE CODE NO.: 1238035001

COUNTY: Marshall

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: November 26, 2003

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF

)
)
) IEPA DOCKET NO.
)
)
)
)
)

RESPONDENT

Affiant, Jeff Port, 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.

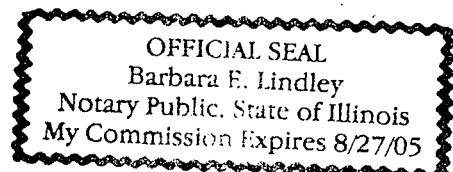
2. On November 26, 2003, between 9:48 AM and 10:20 AM, Affiant conducted an inspection of the open dump in Marshall County, Illinois, known as the Pehm property, Illinois Environmental Protection Agency Site No. 1238035001.

3. Affiant inspected said Pehm property 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 Pehm property open dump.

Subscribed and Sworn to before
me this 10th day of December, 2003

Barbara E. Lindley
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Marshall LPC#: 1238035001 Region: 3 - Peoria

Location/Site Name: Henry/Pehm Property

Date: 11/26/2003 Time: From 9:48 AM To 10:20 AM Previous Inspection Date: 11/26/2002

Inspector(s): Jeff Port Weather: Sunny and Cold 35 Degrees F

No. of Photos Taken: # 29 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No ☒

Interviewed: Fred Pehm Complaint #: C-01-039-P
Rilda Williams

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

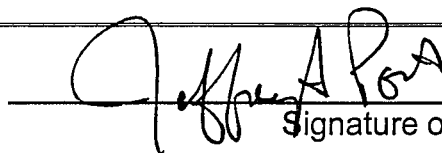
Rose Mary Pehm
1077 State Route 29
Henry, IL 61527
(309)364-2011

| | SECTION | DESCRIPTION | VIOL |
|---|---------|--|-------------------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS | | | |
| 1. | 9(a) | CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS | <input checked="" type="checkbox"/> |
| 2. | 9(c) | CAUSE OR ALLOW OPEN BURNING | <input checked="" type="checkbox"/> |
| 3. | 12(a) | CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS | <input checked="" type="checkbox"/> |
| 4. | 12(d) | CREATE A WATER POLLUTION HAZARD | <input checked="" type="checkbox"/> |
| 5. | 21(a) | CAUSE OR ALLOW OPEN DUMPING | <input checked="" type="checkbox"/> |
| 6. | 21(d) | CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION: | |
| | (1) | Without a Permit | <input 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 | <input checked="" type="checkbox"/> |
| 8. | 21(p) | CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE: | |
| | (1) | Litter | <input checked="" type="checkbox"/> |
| | (2) | Scavenging | <input type="checkbox"/> |
| | (3) | Open Burning | <input checked="" type="checkbox"/> |
| | (4) | Deposition of Waste in Standing or Flowing Waters | <input type="checkbox"/> |
| | (5) | Proliferation of Disease Vectors | <input type="checkbox"/> |
| | (6) | Standing or Flowing Liquid Discharge from the Dump Site | <input type="checkbox"/> |

LPC # 1238035001

Inspection Date: 11/26/2003

| | | | |
|--|------------|--|-------------------------------------|
| | (7) | Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris | <input checked="" type="checkbox"/> |
| 9. | 55(a) | NO PERSON SHALL: | |
| | (1) | Cause or Allow Open Dumping of Any Used or Waste Tire | <input checked="" type="checkbox"/> |
| | (2) | Cause or Allow Open Burning of Any Used or Waste Tire | <input checked="" type="checkbox"/> |
| 35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G | | | |
| 10. | 812.101(a) | FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL | <input type="checkbox"/> |
| 11. | 722.111 | HAZARDOUS WASTE DETERMINATION | <input type="checkbox"/> |
| 12. | 808.121 | SPECIAL WASTE DETERMINATION | <input type="checkbox"/> |
| 13. | 809.302(a) | ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST | <input type="checkbox"/> |
| OTHER REQUIREMENTS | | | |
| 14. | | APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON: | <input type="checkbox"/> |
| 15. | OTHER: | | <input type="checkbox"/> |
| | 815.201 | Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility | <input checked="" type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |



Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Narrative

On November 26, 2003, I (Jeff Port) performed a follow-up inspection at the Rosemary Pehm property located on the west side of Route 29, approximately 3 miles south of the junction of Route 18 and Route 29 in Henry. The purpose of this inspection was to determine if compliance had been achieved with respect to the August 9, 2001 Administrative Citation Warning Notice (ACWN). The notice was sent in response to a June 28, 2001 complaint investigation (Complaint Number C-01-039-P). On September 14, 2001, the Agency sent an ACWN compliance proposal acceptance letter, to the property owner, Rose Mary Pehm. This letter was in response to correspondence from Mrs. Pehm, received by the Agency on August 30, 2001. Based upon a March 22, 2002, follow-up inspection, a continuing violations letter dated April 5, 2002 was sent to Mrs. Pehm. An additional follow-up inspection was performed on November 26, 2002. Based upon that inspection, a continuing violations letter dated December 9, 2002 was sent to Mrs. Pehm.

I arrived at the northern dump site at approximately 9:48 AM. I was accompanied by R. Eugene Figge, DLPC/FOS-Peoria. The weather was sunny and cold, approximately 35 °F. No one was present at this location. I observed a pile of waste dumped at the entrance to the site. This pile was not present during the previous inspection. Photograph P1 shows this pile. Photographs P2 through P11 show the other piles of waste present at the site. The waste material included landscape waste, construction and demolition debris, an old bathtub, an old computer, scrap metal, white goods, and assorted domestic waste.

From this site, we proceeded south on Route 29 to the Pehm's residences. I approached Ms. Pehm's trailer and knocked on the door. A woman answered the door. I asked to speak with Mrs. Pehm. The woman said the Mrs. Pehm was not home. The woman said that her name was Patty Aneston. I explained that I was following up on the clean up of the property. Ms. Aneston said that they had been working on getting it cleaned up. I pointed out that it appeared that more waste had been burned at the site as evident of the large pile to the north of the trailer. Photographs P13 through P23 show the waste in and around the burn pile. It appeared that a mobile home had been burned, as a twisted metal frame was present. It appeared that the tires had been left on the trailer and had been burned. Various types of waste were present here. They included scrap metal, demolition debris, white goods, landscape waste, and domestic waste. Photograph P24 shows a pile of demolition debris near Mrs. Pehm's trailer.

After photographing this area, we proceeded to Fred Pehm's trailer. Photograph P25 shows a ditch filled with water that appeared to be coming from Mr. Pehm's trailer. Piping led from the trailer to the ditch. A backhoe was observed adjacent to the ditch. Photographs P26 through P28 show waste around the ditch. Photograph P29 shows a burn area where it appeared that domestic waste had been burned.

As we were leaving the site, a car approached. Mr. Pehm and Ms. Williams exited the car. Mr. Figge and I explained that we were following up on the clean up of the site. Mr. Pehm appeared angered and told us to leave the property. We began to enter our vehicle and Mr. Pehm

approached us to talk. He said that he had recently had knee surgery and was having problems getting around. He said that they had been attempting to clean up the site. I told Mr. Pehm that it appeared that more waste was being burned. Mr. Pehm went on to say that he knew of several people that were burning their waste. I told Mr. Pehm that we would be willing to investigate his complaints. Mr. Pehm stated that people were continuing to dump at the area north of the trailers. He said that he had contacted the police but no one was willing to help him. Ms. Williams asked what else needed to be done at the site. I told her that they needed to stop the burning and that the waste needed to be cleaned up and taken to a landfill. Mr. Pehm said that he didn't have the money to clean up the site. I explained to Mr. Pehm that it had been over two years since my initial inspection and that the violations I observed originally were still continuing. After further discussion with Mr. Pehm and Ms. Williams, we left the site at 10:20 AM.

Photograph locations are depicted on the attached site map. Based upon this inspection, the following apparent violations were found to be continuing and are indicated on the accompanying 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: **By allowing open burning at the site, you caused 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; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

A violation of Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **By allowing open burning at the site, you caused air pollution in Illinois.**

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois,

either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **By allowing the accumulation of waste at the site, you threatened water pollution in Illinois.**

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **By allowing the accumulation of waste at the site, you created a water pollution hazard.**

5. 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: **You caused or allowed the open dumping of waste at the site.**

6. 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: **You conducted a waste-disposal operation in violation of Section 815.201 of the Regulations.**

7. 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: **You conducted a waste-disposal operation at a site that does not meet the requirements of Sections 9(a), 9(c), 12(a), 12(d), 21(a), and 21(d)(2) of the Act, and Section 815.201 of the Regulations.**

8. 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: **The open dumping of waste was caused or allowed in a manner which resulted in litter.**

9. 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: **The open dumping of waste was caused or allowed in a manner which resulted in open burning.**

10. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall, in violation of subdivision (a) of this Section [21], cause or allow the open dumping of any waste in a manner which results in the 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)) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner resulting in the deposition of general construction or demolition debris or clean construction or demolition debris as defined by Section 3.160(b) of this Act.**

11. 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: **You allowed the open dumping of waste tires at the site.**

12. 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.

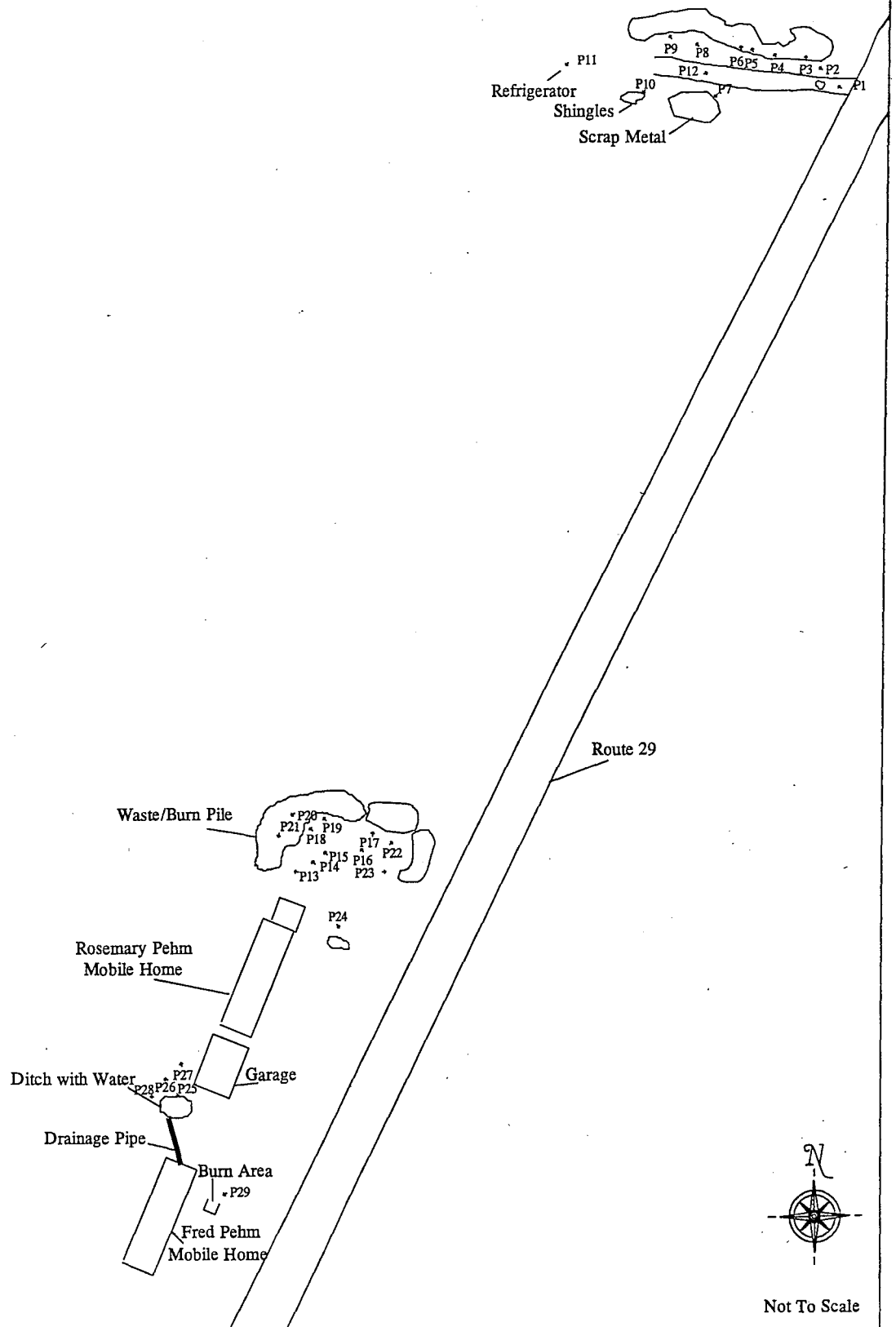
A violation of Section 55(a)(2) [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(2)) is alleged for the following reason: **You allowed the open burning of waste tires at the site.**

13. Pursuant to Section 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in the Subpart to provide information concerning location and disposal practices of the facility.

A violation of Section 815.201 is alleged for the following reason: **You did not provide the Agency with an initial facility report describing location and disposal practices.**

12318035001 -- Marshall County
Henry/Pehm Property

November 26, 2003



**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 1 of 15**

DATE: November 26, 2003

TIME: 9:49 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1238035001~11262003-001.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:49 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1238035001~11262003-002.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

DATE: November 26, 2003

TIME: 9:49 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1238035001~11262003-003.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:50 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1238035001~11262003-004.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:50 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1238035001~11262003-005.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:50 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1238035001~11262003-006.jpg

COMMENTS:



**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 4 of 15**

DATE: November 26, 2003

TIME: 9:51 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1238035001~11262003-007.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:51 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1238035001~11262003-008.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

DATE: November 26, 2003

TIME: 9:51 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1238035001~11262003-009.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:52 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1238035001~11262003-010.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:53 AM

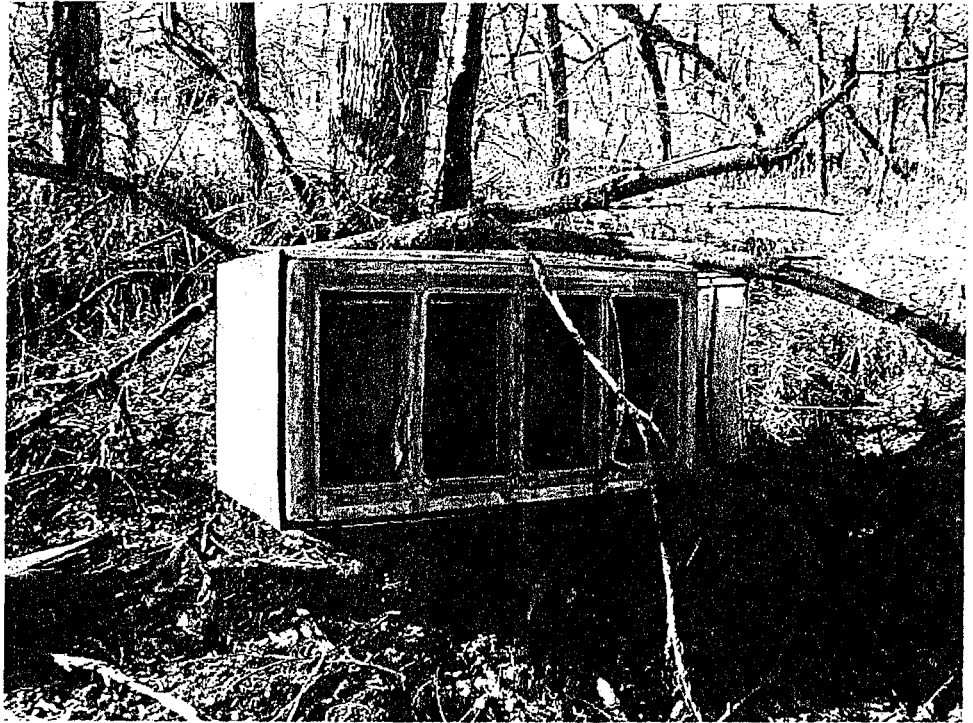
PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1238035001~11262003-011.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 9:54 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1238035001~11262003-012.jpg

COMMENTS:



**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 7 of 15**

DATE: November 26, 2003

TIME: 10:00 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1238035001~11262003-013.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:00 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
1238035001~11262003-014.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 8 of 15**

DATE: November 26, 2003

TIME: 10:00 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
1238035001~11262003-015.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:00 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
1238035001~11262003-016.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

DATE: November 26, 2003

TIME: 10:00 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
1238035001~11262003-017.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:01 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
1238035001~11262003-018.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:02 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
1238035001~11262003-019.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:02 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
1238035001~11262003-020.jpg

COMMENTS:



**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 11 of 15**

DATE: November 26, 2003

TIME: 10:03 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
1238035001~11262003-021.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:03 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 22

PHOTOGRAPH FILE NAME:
1238035001~11262003-022.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

**1238035001 -- Marshall County
Pehm Property
FOS File**

**Site Photographs
Page 12 of 15**

DATE: November 26, 2003

TIME: 10:03 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 23

PHOTOGRAPH FILE NAME:
1238035001~11262003-023.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:04 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 24

PHOTOGRAPH FILE NAME:
1238035001~11262003-024.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238035001~11262003.doc

DATE: November 26, 2003

TIME: 10:06 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 25

PHOTOGRAPH FILE NAME:
1238035001~11262003-025.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:06 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 26

PHOTOGRAPH FILE NAME:
1238035001~11262003-026.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:06 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 27

PHOTOGRAPH FILE NAME:
1238035001~11262003-027.jpg

COMMENTS:



DATE: November 26, 2003

TIME: 10:07 AM

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 28

PHOTOGRAPH FILE NAME:
1238035001~11262003-028.jpg

COMMENTS:

