

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 08 2003

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

LARRY LORD,

Respondent.

AC 04-09

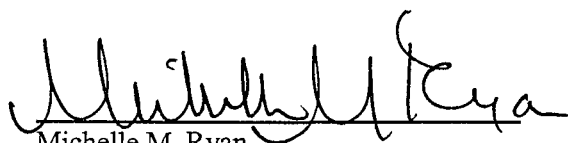
STATE OF ILLINOIS
Pollution Control Board
(IEPA No. 498-03-AC)

NOTICE OF FILING

To: Larry Lord
216 Prairie Street
Lacon, Illinois 61540

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: September 4, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

LARRY LORD,

Respondent.

AC 04-09

(IEPA No. 498-03-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 (2002).

FACTS

1. That Larry Lord is the present owner and operator of a facility located approximately three miles south of Sparland, off Illinois Route 29, in Marshall County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Lord 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. 1238105001.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on July 11, 2003, Jeff 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 Jeff Port during the course of his July 11, 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 the proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (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 September 30, 2003, 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 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: 9/4/03

Prepared by: Michelle M. Ryan, Assistant Counsel
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.

LARRY LORD,

Respondent.

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AC

(IEPA No. 498-03-AC)

FACILITY: Lord Property

SITE CODE NO.: 1238105001

COUNTY: Marshall

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: July 11, 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

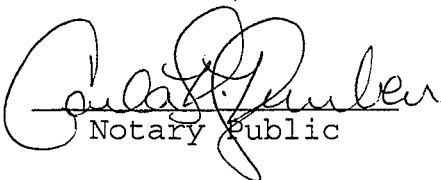
Larry Lord RESPONDENT

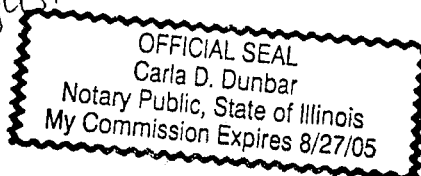
IEPA DOCKET NO. 498-03-AC

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 July 11, 2003, between 10:25 a.m. and 10:45 a.m., Affiant conducted an inspection of the open dump in Marshall County, Illinois, known as the Lord property, Illinois Environmental Protection Agency Site No. 1238105001.
3. Affiant inspected said Lord 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 Lord property open dump.

Subscribed and Sworn to before
me this 4th day of August


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Marshall LPC#: 1238105001 Region: 3 - Peoria
 Location/Site Name: Sparland/Lord Property
 Date: 07/11/2003 Time: From 10:25 am To 10:45 am Previous Inspection Date: 03/22/2002
 Inspector(s): Jeff Port, Gene Figge Weather: Sunny 65 Degrees F
 No. of Photos Taken: # 10 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No ☒
 Interviewed: No One Present Complaint #:

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

Larry Lord
 216 Prairie Street
 Lacon, IL 61540
 309/246-8777

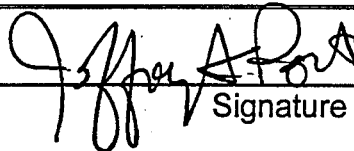
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	☐
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	☐
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	☒
4.	12(d)	CREATE A WATER POLLUTION HAZARD	☒
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	☒
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	☒
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	☒
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	☒
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	☒
	(2)	Scavenging	☐
	(3)	Open Burning	☐
	(4)	Deposition of Waste in Standing or Flowing Waters	☐
	(5)	Proliferation of Disease Vectors	☒
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	☐

LPC # 1238105001

Inspection Date: 07/11/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	☒
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	☒
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	☐
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	☒
11.	722.111	HAZARDOUS WASTE DETERMINATION	☐
12.	808.121	SPECIAL WASTE DETERMINATION	☐
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	☐
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: ☐ PCB; ☐ CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	☐
15.	OTHER:		☐
			☐
			☐
			☐
			☐
			☐



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.

RECEIVED

AUG 18 2003

IEPA-BOL

Narrative

On July 11, 2003, I (Jeff Port) performed a follow-up inspection at the Larry Lord property located south of Sparland on Illinois Route 29. The purpose of this inspection was to determine if compliance had been achieved with respect to violations cited in an April 10, 2002, Administrative Citation Warning Notice. These violations were observed during a March 22, 2002 inspection.

I arrived at the site at 10:25 a.m. The weather was sunny and warm, approximately 65 °F. I was accompanied by R. Eugene Figge, DLPC/FOS-Peoria. No one was present at the property. We began walking around the property and located several areas where waste tires had been accumulated. Mr. Figge sampled the tires to check for the presence of mosquito larvae. Sampling of the tires revealed the presence of larval mosquitoes of the *Ochlerotatus* genus. *Ochlerotatus* most likely the Tree Hole Mosquito is capable of transmitting West Nile Virus and is the primary carrier of La Crosse encephalitis. Photographs P1, P2, P8, and P9 show the waste tires. Additionally, we located areas where demolition debris had been dumped. Photographs P3 through P5 and P10 show the demolition debris. White goods were also present on the site and can be seen in photographs P6 and P7. It appeared that additional waste material had been brought to the site since the previous inspection. After photographing the site we left at 10:45 a.m.

Photograph locations are depicted on the accompanying site map. Based upon this inspection, the following continuing violations were observed.

1. 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.**

2. 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.**

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

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: **You conducted a waste-disposal operation at the site 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: **You conducted a waste-disposal operation in violation of Section 812.101(a) of the Regulations.**

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: **You conducted a waste-disposal operation at a site that does not meet the requirements of Sections 12(a), 12(d), 21(a), 21(d)(1) and 21(d)(2) of the Act, and Section 812.101(a) of the Regulations.**

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

8. 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, cause or allow the open dumping of any waste in a manner which results in the deposition of general construction or demolition debris; or clean construction or demolition debris.

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: **The open dumping of waste was caused or allowed in a manner which resulted in the deposition of general construction or demolition debris or clean construction or demolition debris as defined in Section 3.160(b) of this Act.**

9. 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: **The open dumping of waste tires was caused or allowed.**

10. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Illinois Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of Section 812.101(a) is alleged for the following reason: **You operated a landfill at the site without submitting an application for a permit to the Agency.**

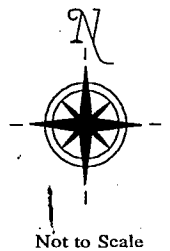
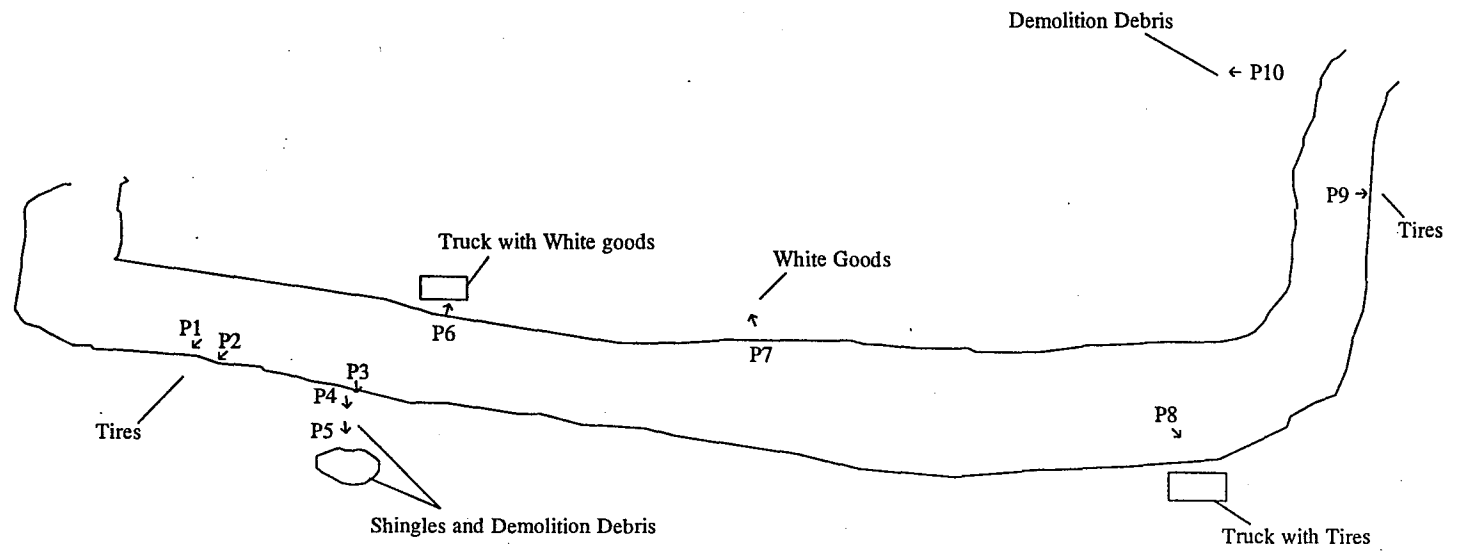
The following new violation was observed.

1. Pursuant to Section 21(p)(5) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(5)), 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 the proliferation of disease vectors.

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

1238105001 -- Marshall County
Sparland/Lord Property

July 11, 2003



**1238105001 -- Marshall County
Lord Property
FOS File**

**Site Photographs
Page 1 of 5**

DATE: July 11, 2003

TIME: 10:28 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1238105001~07112003-001.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:31 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1238105001~07112003-002.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238105001~07112003.doc

DATE: July 11, 2003

TIME: 10:32 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1238105001~07112003-003.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:32 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1238105001~07112003-004.jpg

COMMENTS:



**1238105001 -- Marshall County
Lord Property
FOS File**

**Site Photographs
Page 3 of 5**

DATE: July 11, 2003

TIME: 10:32 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1238105001~07112003-005.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:32 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1238105001~07112003-006.jpg

COMMENTS:



DOCUMENT FILE NAME:
1238105001~07112003.doc

DATE: July 11, 2003

TIME: 10:34 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1238105001~07112003-007.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:36 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1238105001~07112003-008.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:37 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1238105001~07112003-009.jpg

COMMENTS:



DATE: July 11, 2003

TIME: 10:38 a.m.

PHOTOGRAPHED BY:
Jeff Port

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1238105001~07112003-010.jpg

COMMENTS:



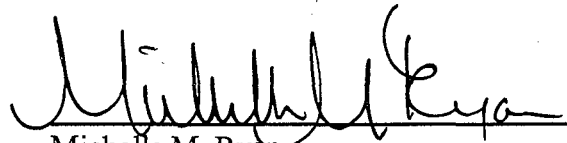
PROOF OF SERVICE

I hereby certify that I did on the 4th day of September, 2003, 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: Larry Lord
216 Prairie Street
Lacon, Illinois 61540

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



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