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CLERK'S OFFICE

AUG 26 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-17

**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.**

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**AUG 26 2004**

**STATE OF ILLINOIS**  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)
PROTECTION AGENCY,	)
	)
Complainant,	)
	)
v.	)
	)
ROGER and JOAN KAY MILLER,	)
	)
	)
	)
Respondents.	)
	)

AC 05-17

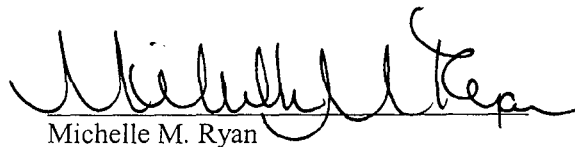
(IEPA No. 349-04-AC)

**NOTICE OF FILING**

To: Roger and Joan Kay Miller  
Miller Enterprises  
2611 W. Cardinal Rd.  
Champaign, Illinois 61822-8914

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 ADMINISTRATION 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: August 11, 2004



## VIOLATIONS

Based upon direct observations made by Deanna Carlock and Richard Gerard during the course of their June 16, 2004 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) (2002).
  
- (2) That Respondents 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 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) (2002).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 August 31, 2004, 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 (2002), 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) (2002), 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 (2002). 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.

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

Date: 8/11/04

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









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

County: Champaign      LPC#: 0198120001      Region: 4 - Champaign  
 Location/Site Name: Mahomet/Miller  
 Date: 6-16-04      Time: From 2:30 p.m. To 3:50 p.m.      Previous Inspection Date: 4-24-03  
 Inspector(s): D. Carlock, Rich Gerard      Weather: Occasional Rain, about 85 degrees F.  
 No. of Photos Taken: # 20      Est. Amt. of Waste: 30 yds<sup>3</sup>      Samples Taken:      Yes # \_\_\_\_\_ No   
 Interviewed: David Miller, son of owner      Complaint #: C04-167-CH

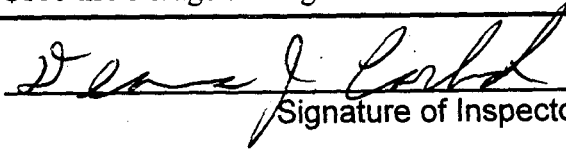
Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):

Mr. Roger Miller, owner  
 Miller Enterprises  
 2611 W. Cardinal Rd  
 Champaign, IL 61822-8914  
 217-352-0476

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 IEPA-DLPC

	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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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 General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" 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"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	848.202(b)(5)	Failure to prevent used tires from accumulating water	<input checked="" type="checkbox"/>
	55(a)(4)	Operation of a tire storage site not in compliance with Board Regulations	<input checked="" type="checkbox"/>
	55(c)	Failure to register a tire storage site.	<input checked="" type="checkbox"/>
	55(d)(1)	Failure to register a tire storage site, pay fees, and provide required information.	<input checked="" type="checkbox"/>
	55(e)	Allowing the storage of used or waste tires in violation of Board Regulations	<input checked="" type="checkbox"/>
	55.6(b)	Failure to pay the \$100 tire storage site registration fee	<input checked="" type="checkbox"/>

  
 Signature of Inspector(s)

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 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 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency**  
Bureau of Land ♦ Field Operations Section ♦ Champaign

098120001—Champaign County

Mahomet/Miller

FOS File

Inspector: Deanna Carlock

Inspection Date: 16 June 2004

C04-148-CH

GIS Data: Latitude-N40°10'54.3"; Longitude-W088°24'28.2" (Garmin GPSMAP 76S)

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OPEN DUMP INSPECTION NARRATIVE

On the June 16, 2004, from approximately 2:30 p.m. to 3:50 p.m., Rich Gerard and I inspected the above-referenced unpermitted site, located at 600 W Cumberland in Greenup, Illinois. Illinois EPA interns, Jason Berner and Keith Middleton were also present. The purpose of the inspection was to respond to a citizen complaint of open dumping and open burning, and determine compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking over the property and taking photos. It was lightly raining occasionally, about 85° F, wind from the north-northeast. No one else was present during the inspection. Twenty photos were taken. Mr. David Miller, son of the owner, Roger Miller, arrived during the investigation and accompanied us during the rest of the inspection.

**Site History:**

1971 Roger Miller applied for permit for a refuse disposal site on this "Flood Prone Area". Apparently none was issued. 1976 BOW received complaint of open dumping on riverbank—referred to BOL as Low Priority. 1977 Open Dumping complaint along riverbank—exposed refuse, cars, concrete, etc. October 11, 1977 violations cited for operating landfill site without a permit, depositing waste without proper spreading, compacting, and cover. Attempts to inspect the property again during 1977 into 1980's were denied access, so observations were conducted from off-site which noted continuing open dumping on site. Case was referred to AGO June 27, 1978. March 1982 Miller applied for a permit from US Army to excavate "earth and rubble" to construct an embankment from Rt. 47 on the east to the west property line; the response stated that as no work would be done below the ordinary high water mark of the river, no permit was necessary. April 13, 1982 Champaign County Circuit Court issued an order to Roger W. and Joan Kay Miller restraining them from open dumping construction and demolition by-products, or using it as fill, in the rivers water or between it and the natural first overflow banks; restrained from operating a dump or sanitary landfill on the site; using any construction and demolition by-products as fill, other than concrete, asphalt, brick and gravel as parking lot, road, or driveway; allowing any biodegradable material to degrade on site without removing and depositing in a sanitary landfill; storing any construction and demolition by-products so as to allow them to become waste; permitting any construction and demolition by-products to become dispersed or strewn over the property; burning construction and demolition by-products, litter, or other waste except as permitted by law; and confine all storage of salvageable construction and demolition by-products to a described area containing 1.27 acres. August 24, 1982 inspection found waste other than clean construction/demo debris within the first six inches of soil on site.

On October 26, 1982 Champaign County Circuit Court “permanently enjoined, restrained, and prohibited” the Millers from certain activities on site. Between 1983 and 1998 there were several inspections and some attempts to inspect that were denied access. September 6, 1983 IDOT issued permit to move the embankment. Aug. 23, 2000 Champaign Circuit Court ordered Millers to pay a \$24,000 penalty and to removal all waste from site by January 1, 2001 and enjoined from bringing any material to the sites unless and until they receive a permit from the IEPA. Nov. 22, 2002 the Appellate Court upheld the previous Order. Apr. 24, 2003 Site inspection found violations of Act, Regs, and Court Order including open dumping, operating a landfill without a permit, and used tire storage violations. On May 30, 2003 ACWN was sent. On June 17, 2003 a response received June 19, 2003 Agency letter noting that the violations cited in the ACWN would be technically resolved providing they remove & properly dispose of all waste on site. On June 4, 2003 the Illinois Supreme Court denied leave to appeal the 11/22/02 decision

### **Inspection Findings:**

On the way to the site, I telephoned Roger Miller to make him aware that I would be inspecting the site. I was told that he was out of town. We arrived at the site and found the entrance gate open although no one was seen near the entrance. We proceeded to walk over the site and take photos.

Just inside of the entrance, to the south, there were many off-road used tires, mostly on rims, stacked (see photo #1), the top ones covered to prevent water accumulation. I later counted these and determined that there were over 50 used tires in the area. Adding the smaller used tires scattered, uncovered, in several places over the site, Mr. David Miller agreed that there were approximately 100 used tires stored outside on the site. He said that the large off-road tires were for their own equipment use. I explained that a site having 50 or more used tires must register with the Illinois EPA as a Used Tire Storage Site. Mr. Miller said that they could probably dispose of most of the tires and keep less than 50, the smaller ones stored inside.

Several old trailers (see photo #2), old storage tanks, etc. were being used to store reportedly reusable materials. Materials such as metal (see photo #5), concrete, and bricks (see photo #3) are stacked or stored in separate piles. Inspector Keigley had previously been told that these items were kept for sale and reuse.

Photo #6 shows **some** broken concrete that appeared to be clear of any wood, metal or rebar and being used as fill **material** along a drive. I compared these with photos taken during the last site inspection and determined, **after speaking** to Inspector Ken Keigley, that the concrete had been placed on the slope sometime after April 24, 2003.

Immediately north and west of the slope is a flooded low area. Several concrete and corrugated steel culverts were left in this flooded area (see photo #7), without easy access for removal.

South of this area, on higher ground, there were a few old air conditioners and odd pieces of scrap metal stored haphazardly with vegetation growing around it (see photos #8 & #9).

While we inspected this area, David Miller arrived and accompanied us around the rest of the site.

Further to the south was the flood-zone area next to the river. Open dumping cited in previous inspections in this area was not observed, however there were several large, concrete slabs on the north slope that I estimated to be about 8 ft. x 10 ft., lying in this lowland area where they would not be easily accessible for removal (see photo #10 & 12). Mr. Miller stated that at least one of these concrete slabs had been reused as the base for a driveway. There were also some concrete pieces left among the trees in this low area that appeared to be haphazardly dumped (see photo #11).

Walking uphill to the north and then following the road to the west we inspected items stacked on both sides of the roadway. Photo #13 shows some empty metal drums stacked together reportedly for reuse. There were used truck tires next to them, which were attached together and some contained water. Mr. Miller stated that these were altered tires that had been used as a piece of playground equipment and were to be taken apart for recycling. Photo #14 shows some salvaged insulated panels, stored outside in the rain.

Along the north side of the roadway, where the road is being built up with mostly broken asphalt and a few pieces of concrete, the exposed asphalt and broken concrete appeared to be free of unclean debris, except for a couple pieces of rebar that were two or three feet long (see Photo #15).

Near the west end, there was a pile of bricks and several wooden pallets (see photo #17). Mr. Miller said that the bricks were in the process of being stacked on the pallets as seen to the south across the roadway (see photo #16).

As we were inspecting the items along this western end, we noticed a burnt, smoke-like odor. We did not see any sign of a fire at this location. Mr. Miller stated that it was probably a neighbor to the north burning something, since we occasionally smelled the smoke-like odor in the wind. After turning back east, still following the roadway, I again smelled the smoke, turned to my right, south, and found a burn pile, at the base of the built-up roadway. We observed the still smoldering pile of ashes containing a few partially burned wooden boards and several burned lengths of metal strapping with spike nails loosely attached (the type of nails used for fastening wood). It appeared that the fire remains had been pushed up against the embankment, exposing the burned earth (see photos #18 & 19).

We continued the site inspection along the north end of the site, returning to the entrance area, where we discussed the apparent violations on site with Mr. Miller. We left the site about 3:50 p.m.

**Summary of Apparent Violations:**  
*Environmental Protection Act (Act) 415 ILCS 5/1 et. Seq*

- #1 Pursuant to Section 9(a) of the Act, 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 this section is alleged because **evidence of open burning that would cause or tend to cause air pollution in Illinois was observed during the inspection.**

- #2. Pursuant to Section 9(c) of the Act, 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 this section is alleged because **evidence of open burning of refused was observed during the inspection.**

- #3 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of this section is alleged because **evidence of open dumping of waste was observed during the inspection.**

- #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 condition imposed by such permit.

A violation of this section is alleged because **waste was disposed without a permit granted by the Illinois EPA.**

- #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 this section is alleged because **a waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

- #6 Pursuant to Section 21(e) of the Act, 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 this section is alleged because **waste was disposed at this site that does not meet the requirements of the Act.**

- #7 Pursuant to Section 21(p)(1) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in litter.

A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in litter.**

- #8. Pursuant to Section 21(p)(3) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in open burning.

A violation of this section is alleged because **the open dumping of waste was caused or allowed in a manner that resulted in open burning.**

- #9. Pursuant to Section 21(p)(7) of the Act, no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner that results in the deposition of general construction or demolition debris.

A violation of this section is alleged because **open dumping of waste was observed that had resulted in the deposition of demolition debris.**

- #10 Pursuant to Section 55(a)(4) of the Illinois Environmental Protection Act (415 ILCS 5/55(a)(4)), no person shall cause or allow the operation of a tire storage site except in compliance with Board regulations.

A violation of this section is alleged because **you have not complied with the regulations specified in items #3, 4, 5, & 6 below.**

- #11 Section 55(c) of the Act: Requirement to register a tire storage site that contains more than 50 used tires.

A violation of this section) is alleged because **the tire storage site contains over 50 used tires and has not been registered with the Agency.**

- #12 Section 55(d)(1) of the Act: A tire storage site that contains more than 50 used tires must register the site with the Agency, certify to the Agency that the site complies with any applicable standards adopted by the Board pursuant to Section 55.2, report to the Agency the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires, and pay the fee required under subsection (b) of Section 55.6.

A violation of this section is alleged because **you have not complied with these requirements.**

- #13 Pursuant to Section 55(e) of the Illinois Environmental Protection Act (415 ILCS 5/55(e)), no person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

This section was cited because **you have not complied with 35 Illinois Administrative Code Section 848.202(b)(5), as cited in #16 below.**

- #14 Section 55.6(b) of the Act: The owner or operator of each site required to be registered under subsection (d) of Section 55 shall pay to the Agency an annual fee of \$100.

A violation of this section) is alleged because **you have not paid the \$100 annual fee.**

*35 Illinois Administrative Code (Title 35:Environmental Protection, Subtitle G:Land Pollution, Chapter I:Pollution Control Board) [Regulations]:*

- #15 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



098120001—Champaign County  
Mahomet/Miller  
FOS File

application for a permit to develop and operate a landfill.

A violation of this section is alleged because **a waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

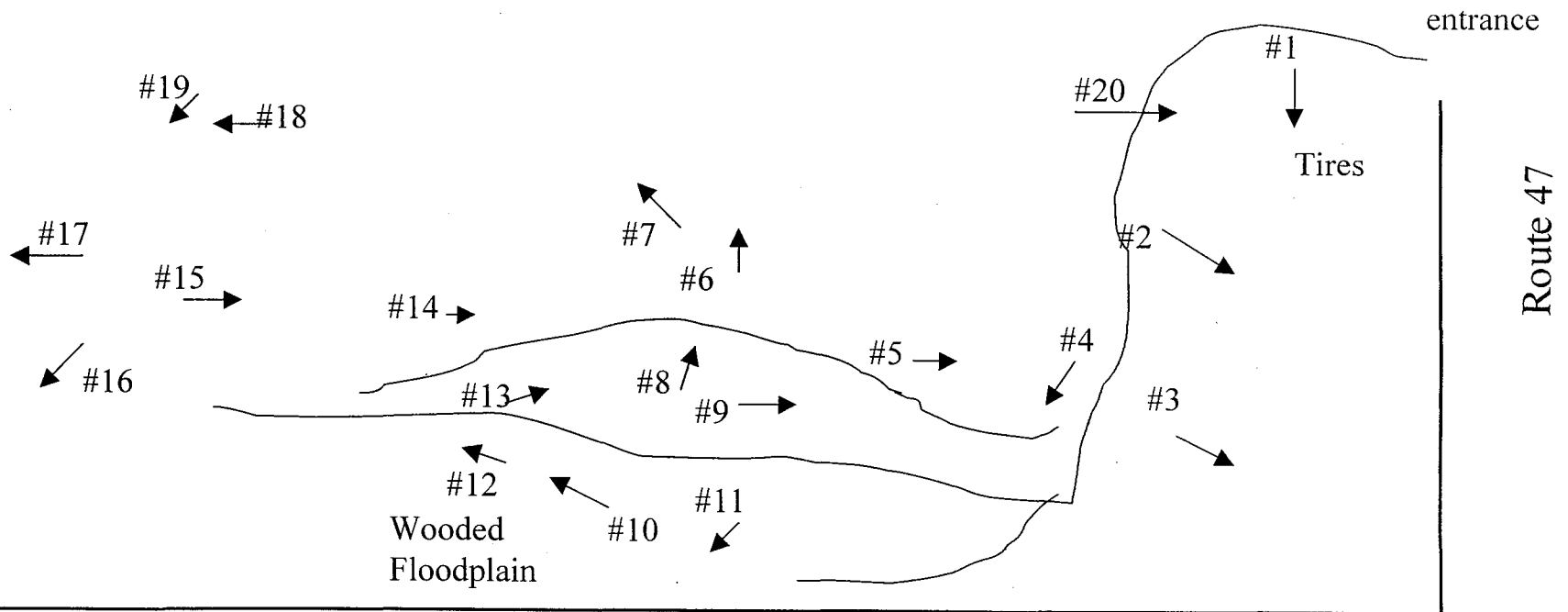
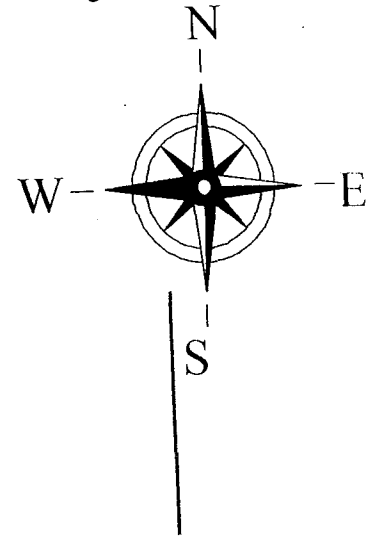
#16 Pursuant to 35 Illinois Administrative Code Section 848.202(b)(5), at a site at which more than 50 used or waste tires are located, any used or waste tires must be altered, reprocessed, converted, covered, or otherwise prevented from accumulating water within 14 days of receipt.

A violation of this section is alleged because **you have not prevented the used tires from accumulating water.**

# Illinois Environmental Protection Agency

LPC # 0198120001-Champaign County  
Mahomet/Miller  
Inspection Date: 16 June 2004

## Site Photo Map



Map not to Scale  
Arrows indicated direction  
and location of Photos



Illinois Environmental Protection Agency  
Bureau of Land

## ***DIGITAL PHOTOGRAPHS***

LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

**Date:** 6-16-04  
**Time:** 2:36 p.m.  
**Direction:** South  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-001  
**Comments:**



**Date:** 6-16-04  
**Time:** 2:38 p.m.  
**Direction:** Southeast  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-002  
**Comments:**



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

**Date:** 6-16-04  
**Time:** 2:39 p.m.  
**Direction:** Southeast  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-003  
**Comments:**



**Date:** 6-16-04  
**Time:** 2:39 p.m.  
**Direction:** Southwest  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-004  
**Comments:**



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 2:39 p.m.  
Direction: East  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-005  
Comments:



Date: 6-16-04  
Time: 2:40 p.m.  
Direction: North  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-006  
Comments:



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 2:44 p.m.  
Direction: Northwest  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-007  
Comments:



Date: 6-16-04  
Time: 2:45 p.m.  
Direction: North  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-008  
Comments:



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 2:46 p.m.  
Direction: East  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-009  
Comments:



Date: 6-16-04  
Time: 2:55 p.m.  
Direction: West  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-010  
Comments:



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 2:55 p.m.  
Direction: Southwest  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-011  
Comments:



Date: 6-16-04  
Time: 2:57 p.m.  
Direction: Northwest  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-012  
Comments:





LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 3:00 p.m.  
Direction: Northeast  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-013  
Comments:



Date: 6-16-04  
Time: 3:05 p.m.  
Direction: East  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-014  
Comments:



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 3:06 p.m.  
Direction: East  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-015  
Comments:

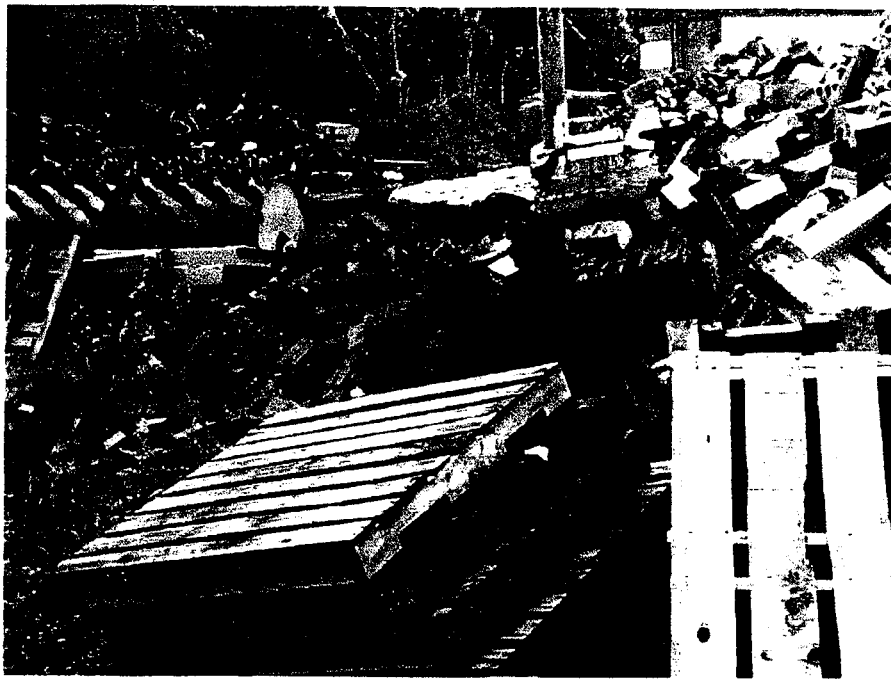


Date: 6-16-04  
Time: 3:08 p.m.  
Direction: Southwest  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-016  
Comments:



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

**Date:** 6-16-04  
**Time:** 3:08 p.m.  
**Direction:** West  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-017  
**Comments:**



**Date:** 6-16-04  
**Time:** 3:21 p.m.  
**Direction:** West  
**Photo by:** D. Carlock  
**Photo File Name:**  
0198120001-06162004-018  
**Comments:**



LPC #0198120001—Champaign County  
Mahomet/Miller  
FOS File

Date: 6-16-04  
Time: 3:21 p.m.  
Direction: Southwest  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-019  
Comments:



Date: 6-16-04  
Time: 3:35 p.m.  
Direction: East  
Photo by: D. Carlock  
Photo File Name:  
0198120001-06162004-020  
Comments:



0198120001 - Champaign,  
Mahomet/Miller

Send To Printer

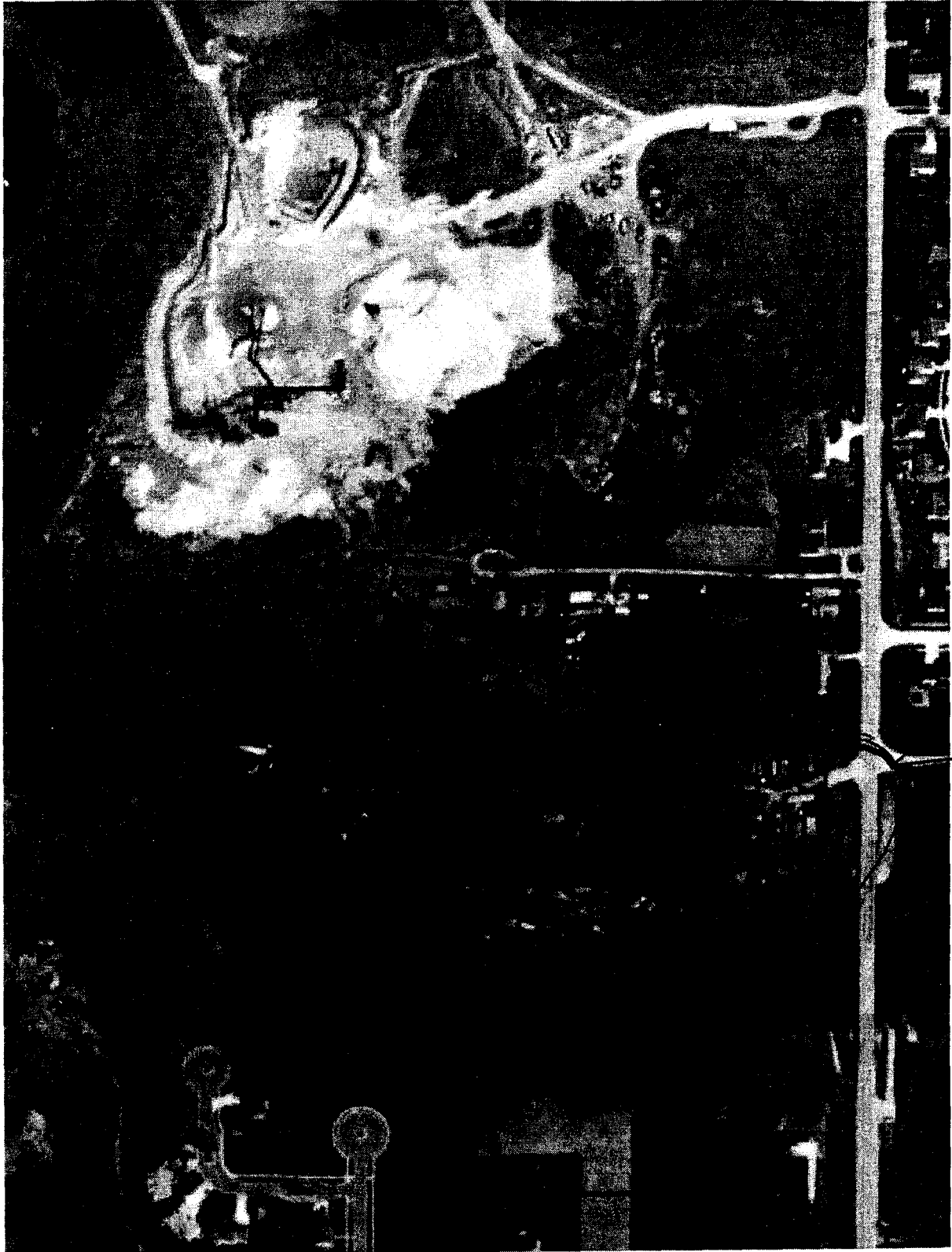
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS Mahomet, Illinois, United States 05 Apr 1998



Sit.

0 100M

0 100yd

Image courtesy of the U.S. Geological Survey

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**Joint Tenancy**

The Grantors, **ERNEST H. GIBSON and SAUL GIBSON, his wife, and MARTIN M. GIBSON and RUTH GIBSON, his wife,**

of the **City** of **Champaign**, County of **Champaign** and State of **Illinois** for the consideration of

the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, **CONVEY and WARRANT** to

**ROGER W. MILLER and JOAN KAY MILLER, husband and wife,** of the **City** of **Champaign**, County of **Champaign**

State of **Illinois** not in tenancy in common, but in joint tenancy, the following described Real Estate, to wit:

That part of the North Half (N $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-one (21), Township Twenty (20) North, Range Seven (7) East of the Third Principal Meridian in Champaign County, Illinois, conveyed by warranty deed recorded April 12, 1924 in Book 192 at Page 106 in the Recorder's Office in Champaign County, Illinois wherein said premises were described as follows:

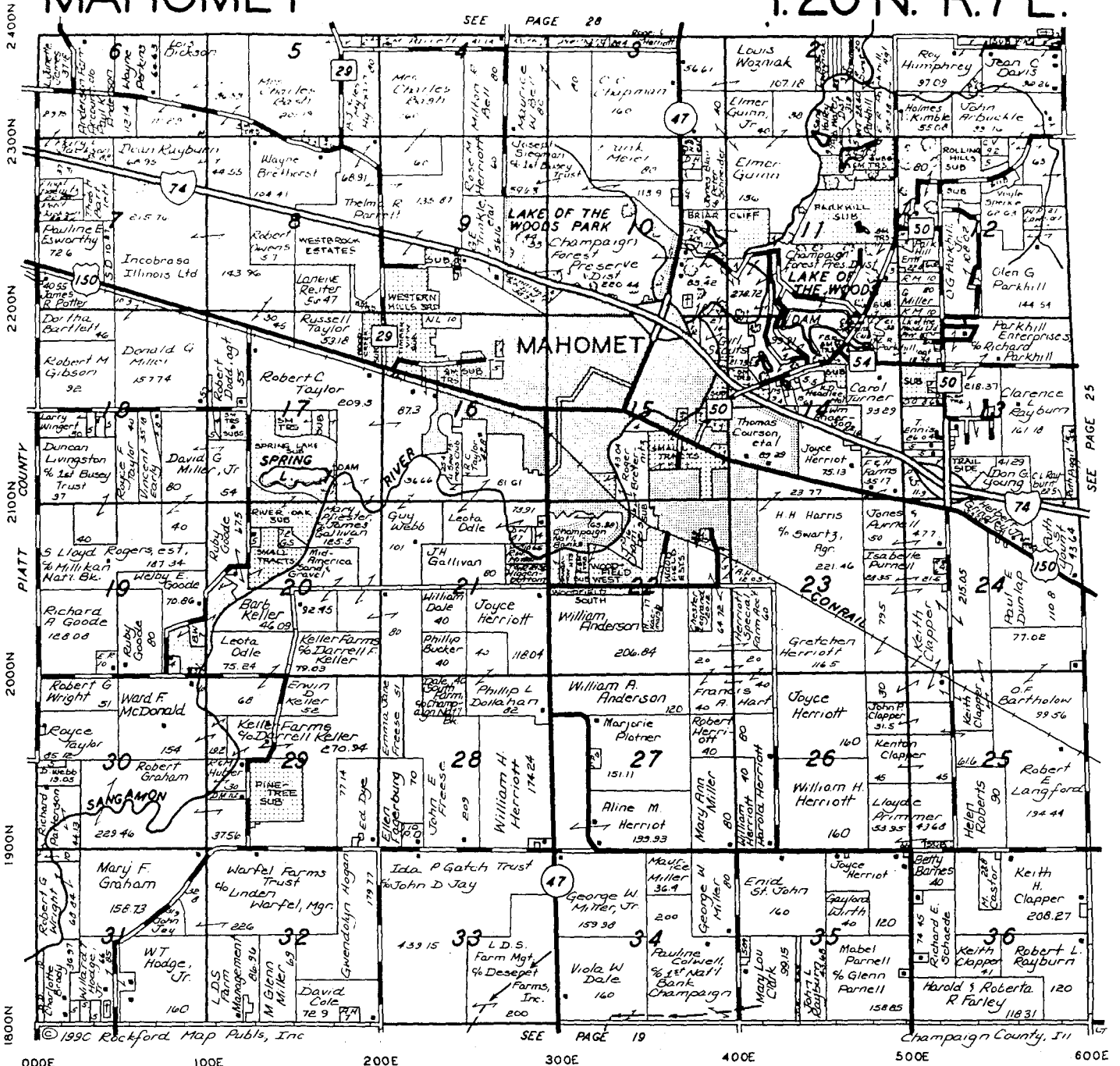
Commencing at the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-one (21), Township Twenty (20) North, Range Seven (7) East of the Third Principal Meridian and running thence West to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), thence South to rail fence (now a wire fence) thence East along said rail or wire fence to Section line between Sections Twenty-one (21) and Twenty-two (22), thence North on said Section line to place of beginning and containing Twenty (20) acres, more or less, situated in Township of Mahomet,

in the County of **Champaign** in the State of **Illinois** hereby releasing and waiving all rights under and by virtue of the Homestead Exemption laws of the State of Illinois. To have and to hold the above granted premises unto the said Grantees forever not in tenancy in com.

# MAHOMET

# T.20 N.-R.7 E.

SEE PAGE 28



East of the 3rd P.M.



# UNITED FUEL CO.

# Mobil

Motor Fuels - Heating Oils - Lubricants - LP Gas

MAHOMET  
(217) 586-4911

1802 CUNNINGHAM AVENUE  
URBANA, ILLINOIS 61801  
(217) 367-7481

RANTOUL  
(217) 892-2083

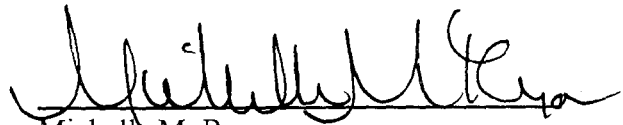
## PROOF OF SERVICE

I hereby certify that I did on the 11th day of August, 2004 send by messenger mail to the Champaign Regional Office of the Illinois EPA, a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST for hand delivery

To: Roger and Joan Kay Miller  
Miller Enterprises  
2611 W. Cardinal Rd.  
Champaign, Illinois 61822-8914

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