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CLERK'S OFFICE

FEB 10 2005

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACOS-54

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.**

ADMINISTRATIVE CITATION

FEB 10 2005

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

RAY LOGSDON ESTATE, LOGSDON SAND)
and GRAVEL, and M.K. O'HARA)
CONSTRUCTION, INC.,)

Respondents.)

STATE OF ILLINOIS
Pollution Control Board

AC 05 54
(IEPA No. 33-05-AC)

NOTICE OF FILING

To: Ray Logsdon Estate
c/o John Logsdon
617 W. Main Street
Beardstown, Illinois 62618

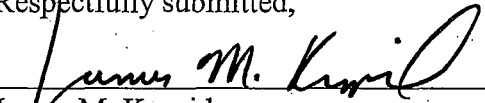
Logsdon Sand and Gravel
300 W. Main Street
P.O. Box 319
Beardstown, Illinois 62618

M.K. O'Hara Construction, Inc.
c/o Madalyn O'Hara, President
U.S. Highway 67 South
R.R. #2, Box 104
Beardstown, Illinois 62618

Craig Myers, Registered Agent
M.K. O'Hara Construction, Inc.
900 E. 15th Street, P.O. Box 139
Beardstown, Illinois 62618

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,



James M. Kropid
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: February 8, 2005

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 10 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
RAY LOGSDON ESTATE, LOGSDON)
SAND and GRAVEL, and M.K. O'HARA)
CONSTRUCTION, INC.,)
))
))
Respondents.)

AC 0554
(IEPA No. 33-05-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 Ray Logsdon Estate is the present owner and Logsdon Sand and Gravel and M.K. O'Hara Construction, Inc. are the operators (collectively "Respondents") of a facility that is located just south of the Logsdon Sand and Gravel which is located at 300 W. Main Street, Beardstown, Cass County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Beardstown/Logsdon Sand and Gravel.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0178020009.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.

4. That on January December 15, 2004, Charlie King of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his December 15, 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 deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (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 March 1, 2005, 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, Respondents' 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 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 wnc*
Illinois Environmental Protection Agency

Date: _____

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

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FEB 10 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 RAY LOGSDON ESTATE, LOGSDON)
 SAND and GRAVEL, and M.K. O'HARA)
 CONSTRUCTION, INC.,)
)
 Respondents.)

AC 05 54
 (IEPA No. 33-05-AC)

FACILITY: Beardstown/Logsdon Sand and Gravel SITE CODE NO.: 0178020009

COUNTY: Cass CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: December 15, 2004

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Cass LPC#: 0178020009 Region: Springfield
 Location/Site Name: Beardstown/Logsdon Sand and Gravel
 Date: 12/15/2004 Time: From 1305 To 1340 Previous Inspection Date: 10/20/2004
 Inspector(s): Charlie King and David C. Jansen Weather: Prtly. Cldy., 25 deg. F. Winds S @ 15 mph.
 No. of Photos Taken: # 14 Est. Amt. of Waste: 103 yds³ Samples Taken: Yes # _____ No
 Interviewed: None Complaint #: None - Referred by BOA

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

Logsdon Sand and Gravel
 ATTN: Mr. Troy Logsdon
 300 W. Main St., P. O. Box 319
 Beardstown, IL 62618
 217/323-1565 or 217/370-7739

M. K. O'Hara Construction, Inc.
 ATTN: Mr. Kenny O'Hara
 RR 2, Box 104, Rt. 67 South
 Beardstown IL 62608

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 JAN 25 2005

	SECTION	DESCRIPTION	IEPA-BOI	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS				
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS		<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING		<input 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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board		<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS		<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:		
	(1)	Litter		<input checked="" type="checkbox"/>
	(2)	Scavenging		<input type="checkbox"/>
	(3)	Open Burning		<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters		<input checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors		<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site		<input type="checkbox"/>

LPC # 0178020009

Inspection Date: 12/15/2004

	(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 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 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"/>
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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Charles W. King Jr. David Jensen

 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: January 7, 2005
TO: Land Division File
FROM: Charlie King, DLPC/FOS – Springfield Region
SUBJECT: LPC # 0178020009 – Cass County
Beardstown/Logsdon Sand & Gravel
FOS File

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JAN 26 2005

IEPA-BOI

NARRATIVE RE-INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Re-Inspection Report Document of an inspection conducted at the subject site on December 15, 2004 from approximately 1:05 p.m. until 1:40 p.m., by this author. David C. Jansen, Manager, DLPC/FOS – Springfield Region, and Kristen Laughridge, Assistant Attorney General (AAG), Illinois Attorney General's Office (IAGO), accompanied me on the re-inspection. The re-inspection was conducted to follow-up the October 20, 2004 site inspection. The re-inspection revealed that although the numerous truck loads of brick, rock, dirt, and other wastes that were observed during the October 20, 2004 inspection had been flattened out and/or removed, numerous wastes were still present.

It should be noted that other wastes were observed at this site by this author on August 16, 2004. Those wastes consisted primarily of wood and asphalt wastes, and were found to be placed there by the City of Beardstown's Public Works Department. The owners of the site were found to have allowed the City to temporarily place the wastes there. When confronted, the City quickly cleaned up the site and submitted copies of receipts documenting proper cleanup. The site was then re-inspected on August 23, 2004. Both of these inspections were discussed in this author's Narrative Inspection and Re-inspection Report Document Memorandum to the Land Division File, dated October 13, 2004. The Illinois EPA subsequently sent a letter to both parties (Logsdon Sand and Gravel, and, the City of Beardstown) dated October 15, 2004. That letter acknowledged that the site was cleaned up and mentioned that both parties stated that open dumping would not occur again. However, before that letter was received by the respondents, also on or about October 15, 2004, Mr. Troy Logsdon, one of the respondents, telephoned this inspector and stated that he had received several loads of dirt, asphalt and broken brick at the site, as planned. These were the piles addressed previously in this report that were observed on October 20, 2004. He stated that it was for the development of a truck and semi-trailer holding area. However, when he went down to inspect it, he found out that it had metals and some other wastes strung throughout. He stated that he would have to get the contractor who placed it there to clean it up. I agreed, and asked who that contractor

photo # 005. Photo # 006 shows metal in standing water and ice, estimated to measure approximately 8' x 3' x 3'. Moving to the south and southwest, photo # 007 shows the flattened area of the site. Concrete nearby was observed. Some chunks had protruding rebar, as shown in photo # 008. A busted toilet and a car battery were also observed in that approximately 3' x 2' x 2' area, shown in photo # 009. Just southeast of that area, large tractor and car tires were observed, as was dumped corn and metal culvert pipes as shown in photo # 010. In total, six tractor tires (including three on the north side of the access road) and three car tires were observed. Pieces of shingles and processed wood were observed in an area approximately 15' x 6' x 2', shown in photo # 011. An old metal hopper was also observed on its side in standing water and ice, shown in photo # 012. It measured approximately 12' x 6' x 6'. Photo # 013 shows fill placed on the ground up to water that connects with the Illinois River in the background. The purpose of this photo is to show the proximity of the river to the site. During periods of high water, this area undoubtedly floods. Back towards the east and northeast, stacks of metal and wood utility poles are shown in photo # 014. There were two stacks of metals like the one shown in the photograph, perpendicular to each other. Each one measured approximately 15' x 8' x 5'. There were 10 poles measuring on average, approximately 15' x 2' x 2'.

During the inspection, apparent violations of the Illinois Environmental Protection Act (Act) and the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC) were observed and are alleged. Those apparent violations of the Act are Sections: 12(a), 12(d), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(4), 21(7) and 55(a)(1). An apparent violation of the regulations, 35 IAC, is Section 812.101(a). The Open Dump Inspection checklist that accompanies this report provides additional details.

OTHER COMMENTS

1. Troy Logsdon agreed to telephone this author and inform me when Kenny O'Hara returned to clean up the multiple rock piles of metals, wood and other wastes. However, no such telephone call was received.
2. The total amount of wastes that were observed at this site during the re-inspection comprised approximately 103 cu. yds. That waste volume was calculated as follows:

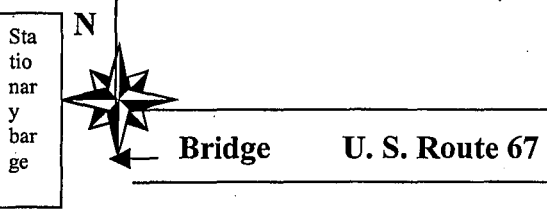
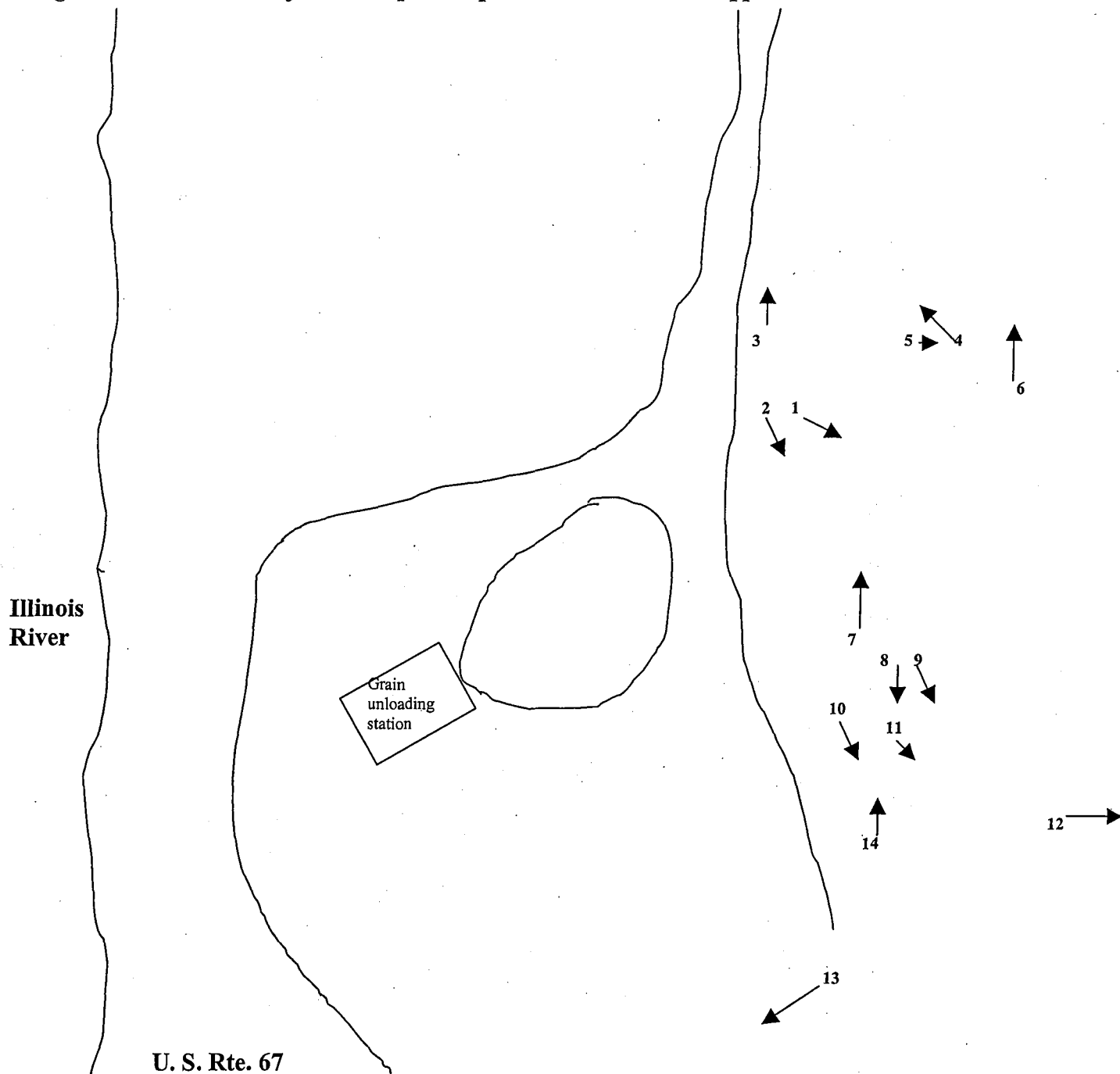
<u>Waste Description</u>	<u>Size of Waste Area</u>	<u>Totals</u>
Shingles and wood	15' x 6' x 2' =	180
Metal hopper	12' x 6' x 6' =	432
Large metal units	15' x 8' x 5' x 2 units =	1200
Utility poles	15' x 2' x 2' x 10 units =	600
Miscellaneous rebar	5' x 2' x 2' =	20
Burned refuse northeast side	5' x 3' x 2' =	30
Other miscellaneous wastes	15' x 6' x 2' =	180
Metals in water (northeast)	8' x 3' x 3' =	72
Toilet and car battery	3' x 2' x 2' =	12

SITE SKETCH

Site name: Beardstown/Logsdon Sand and Gravel
LPC #: 0178020009
Inspector: Charlie King

County: Cass
Date: December 15, 2004
Time: 1:05 p.m. - 1:40 p.m.

A digital camera was used for the Inspection photos. Distances are approximate - Not drawn to scale



LEGEND
2→ - Denotes location and direction of photo.



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:05 p.m.
Direction: E/SE
Photo by: Charlie King
Exposure #: 001
Comments: This area
is where numerous
piles of brick, wood
and metals were
observed during the
previous site
inspection on October
20, 2004. This part of
the site is now mostly
flat.



Date: December 15,
2004
Time: 1:06 p.m.
Direction: S
Photo by: Charlie King
Exposure #: 002
Comments: This shows
more of the site, now
mostly flat.

File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004

Time: 1:09 p.m.

Direction: NE

Photo by: Charlie King

Exposure #: 003

Comments: A few of
the rock piles (rocks,
bricks,dirt), were left
behind and not
flattened, as shown.
The access road is
shown.



Date: December 15,
2004

Time: 1:10 p.m.

Direction: N

Photo by: Charlie King

Exposure #: 004

Comments: Burned
general household
refuse, wood, cans, a
fuel filter, glass and
bottles were observed
in an area measuring
approximately 5'x3'x2'.

File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:13 p.m.
Direction: E/NE
Photo by: Charlie King
Exposure #: 005
Comments: Processed
wood wastes in
standing water and ice,
are shown. This waste
area measured
approximately 2' x 2' x
1'.



Date: December 15,
2004
Time: 1:16 p.m.
Direction: N/NE
Photo by: Charlie King
Exposure #: 006
Comments: This metal
was observed in
standing water and ice.
It was estimated to
measure approximately
8' x 3' x 3'.

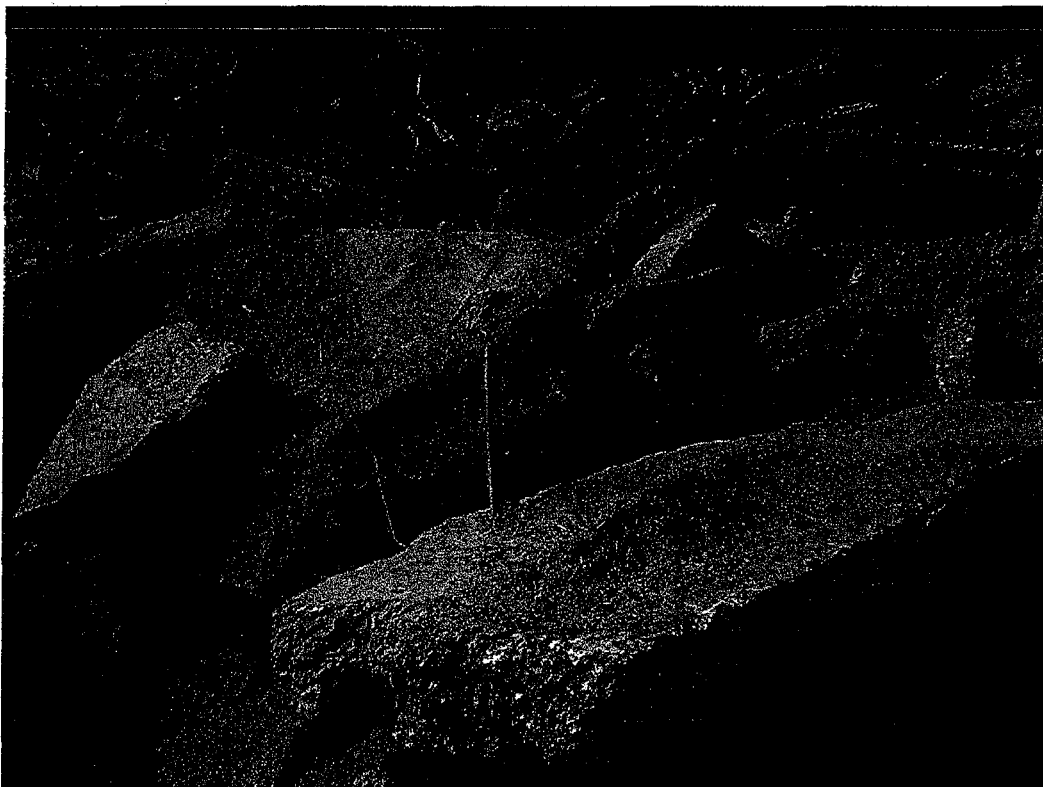
File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:18 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 007
Comments: This
photo, taken from the
southwest area of the
site, shows an
overview of the
flattened area.



Date: December 15,
2004
Time: 1:19 p.m.
Direction: SW
Photo by: Charlie King
Exposure #: 008
Comments: Concrete
chunks, some with
protruding rebar, are
shown.

File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15, 2004
Time: 1:20 p.m.
Direction: S
Photo by: Charlie King
Exposure #: 009
Comments: A toilet and a car battery are shown, measuring approximately 3' x 2' x 2'.



Date: December 15, 2004
Time: 1:21 p.m.
Direction: S
Photo by: Charlie King
Exposure #: 010
Comments: Large used tires, spilled or dumped corn and apparent metal conduits or culvert pipes are shown.

File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:21 p.m.
Direction: S
Photo by: Charlie King
Exposure #: 011
Comments: Pieces of
shingles and
processed wood are
shown in an area that
measured
approximately 15' x 6' x
2'.



Date: December 15,
2004
Time: 1:24 p.m.
Direction: SE
Photo by: Charlie King
Exposure #: 012
Comments: An old
metal hopper is shown
in standing water and
ice. It measured
approximately 12' x 6' x
6'.

File Names: 017802000912152004~-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: December 15,
2004
Time: 1:25 p.m.
Direction: W
Photo by: Charlie King
Exposure #: 013
Comments: This photo
shows fill placed on
the ground up to water
that connects with the
Illinois River in the
background.



Date: December 15,
2004
Time: 1:27 p.m.
Direction: NE
Photo by: Charlie King
Exposure #: 014
Comments: Stacks of
metal and wood utility
poles are shown.
There were two stacks
of metals like the one
shown, perpendicular
to each other. Each
one measured
approximately 15' x 8' x
5'. There were 10 poles
measuring on average
approximately 15' x 2' x
2'.

File Names: 017802000912152004~-[Exp. #].jpg



NORTH

Illinois River

Location of
open dumped
waste on
Logsdon
property

Illinois Route
67 bridge

City of
Beardstown

LPC # 0178020009
Cass County
Beardstown/Logsdon Sand
& Gravel
FOS File

4/5/98 USGS aerial photo



0178020009 - Cass County
Beardstown/Logsdon Sand and Gravel
FOS File

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
 Ray Logsdon Estate,)
 Logsdon Sand and Gravel, and,)
 M. K. O'Hara Construction, Inc.)
)
 Respondents)

IEPA DOCKET NO.

Affiant, Charles W. King, Jr., being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 15, 2005 between 1:05 PM and 1:40 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Cass County, Illinois, and known as Beardstown/Logsdon Sand and Gravel by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0178020009 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Beardstown/Logsdon Sand and Gravel 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 Beardstown/Logsdon Sand and gravel open dump.

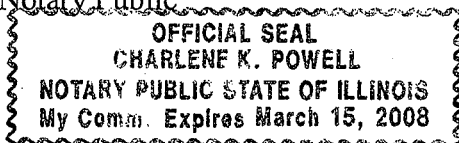
Charles W. King, Jr.

 Charles W. King, Jr.

Subscribed and Sworn To before me
This 10th day of January, 2005

Charlene K. Powell

 Notary Public



PROOF OF SERVICE

I hereby certify that I did on the 8th day of February 2005, 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: Ray Logsdon Estate
c/o John Logsdon
617 W. Main Street
Beardstown, Illinois 62618

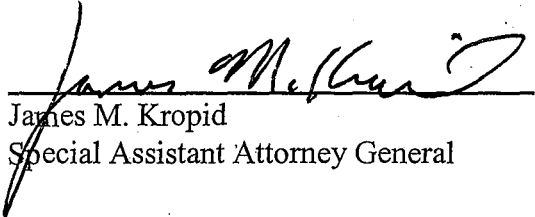
Logsdon Sand and Gravel
300 W. Main Street
P.O. Box 319
Beardstown, Illinois 62618

M.K. O'Hara Construction, Inc.
c/o Madalyn O'Hara, President
U.S. Highway 67 South
R.R. #2, Box 104
Beardstown, Illinois 62618

Craig Myers, Registered Agent
M.K. O'Hara Construction, Inc.
900 E. 15th Street, P.O. Box 139
Beardstown, Illinois 62618

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

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


James M. Kropid
Special Assistant Attorney General

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

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