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STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

A 006-16

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 James R. Thompson 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**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 REX D. EVANS and ROY W. EVANS, JR.,)
)
 Respondents.)

AC *06-16*
 (IEPA No. 442-05-AC)

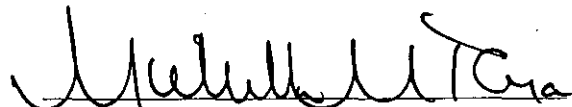
NOTICE OF FILING

To: Rex D. Evans
 1868 Midway Road
 Murrayville, IL 62668

Roy W. Evans, Jr.
 13011 N 1050th Road
 Macomb, IL 61455

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: November 9, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
REX D. EVANS and ROY W. EVANS, JR.,)
Respondents.)

AC 06-16
(IEPA No. 442-05-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 (2004).

FACTS

1. That Rex D. Evans and Roy W. Evans are the present owners and Rex D. Evans is the operator (collectively "Respondents") of a facility located as follows: Part of the Southeast Quarter of the Southeast Quarter of Section Thirty-one in Township Fourteen North, Range Ten West of the Third Principal Meridian in Morgan County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Road District No. 10/Evans.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1378100006.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on October 13, 2005, Michelle Cozadd of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Michelle Cozadd during the course of her October 13, 2005 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) (2004).

- (2) 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) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), 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 Three Thousand Dollars (\$3,000.00). 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 December 30, 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 (2004), 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) (2004), 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 (2004). 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 Respondent.

Douglas P. Scott
Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 11/9/05

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
REX D. EVANS and ROY W. EVANS, JR.,)
)
)
)
)
Respondents.)

AC *06-16*
(IEPA No. 442-05-AC)

FACILITY: Road District No. 10/Evans SITE CODE NO.: 1378100006
COUNTY: Morgan CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: October 13, 2005

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.

NOV 14 2005

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant)
))
vs.)
))
REX D. EVANS AND)
ROY W. EVANS, JR.,)
Respondents)

IEPA DOCKET NO.

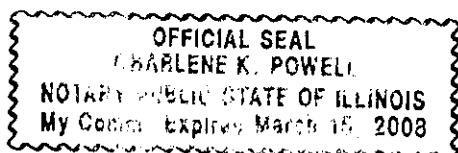
Affiant, Michelle E. Cozadd, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 13, 2005, between 2:05 PM and 2:30 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Morgan County, Illinois, and known as Road District No. 10/Evans by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1378100006 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Road District No. 10/Evans open dump site by an on-site inspection that 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 Road District No. 10/Evans open dump.

Michelle E. Cozadd
Michelle E. Cozadd

Subscribed and Sworn To before me
This 28 day of *October*, 2005

Charlene K. Powell



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Morgan LPC#: 1378100006 Region: 5 - Springfield
Location/Site Name: Road District No. 10/Evans
Date: 10.13.05 Time: From 2:05 pm To 2:30 pm Previous Inspection Date: 06.23.05
Inspector(s): Michelle Cozadd & Dave Jansen Weather: 70°F and sunny
No. of Photos Taken: # 20 Est. Amt. of Waste: 1000 yds³ Samples Taken: Yes # No X
Interviewed: _____ Complaint #: C-05-120-C

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

Rex D. Evans 1868 Midway Road Murrayville, IL 62668 217.882.2081 (home) 217.473.5976 or 217.473.5977 (cell)

Roy W. Evans, Jr. 13011 N 1050th Road Macomb, IL 61455 309.837.1782
--

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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	X
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
		(1) Without a Permit	X
		(2) In Violation of Any Regulations or Standards Adopted by the Board	X
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	X
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	X
		(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	

Inspection Date: October 13, 2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	X
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	X
12.	808.121	SPECIAL WASTE DETERMINATION	X
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.	21(r)	CAUSE OR ALLOW THE STORAGE OR DISPOSAL OF COAL COMBUSTION WASTE	X

[Handwritten Signature]

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: October 14, 2005
TO: DLPC/Division File
FROM: Michelle Cozadd, DLPC/FOS Springfield Region
SUBJECT: LPC #1378100006 – Morgan County
Road District No. 10/Evans
FOS File

RECEIVED
OCT 27 2005
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The purpose of this memorandum is to serve as the narrative for an October 13, 2005 re-inspection that took place between 2:05 pm and 2:30 pm. I was accompanied by Mr. David Jansen, DLPC/FOS Springfield Regional Manager. Twenty digital photographs were taken. The weather conditions were sunny and approximately 70°F. No one was interviewed during the re-inspection.

This site was inspected previously on June 2, 2005 and June 23, 2005. Violation Notices L-2005-01321 and L-2005-01322 were sent to the property owners, Mr. Roy W. Evans, Jr. and Mr. Rex D. Evans, respectively. The Violation Notices were sent on July 15, 2005. No written response was received from either property owner.

The coal combustion waste ("CCW"), unidentified 55-gallon drums and discolored soil on the west side of the site are shown in the attached photos #001 through #003. There was no change in the condition of the site in this area since the previous inspection on June 23, 2005.

The fill face of CCW along the south and west sides of the site is shown in the attached photos #004 through #006. The attached photos #005 and #006 show wood chips open dumped in several areas along the fill face. The amount of waste in the fill in this area remained unchanged since the June 23, 2005 inspection.

The wood pallets, scrap metal and equipment along the eastern edge of the site are illustrated in the attached photo #007.

During the June 2, 2005 inspection, oily discolored soil and gravel was observed near two 5-gallon buckets on the east side of the site. During the June 23, 2005 inspection, the buckets were no longer present and additional white rock was observed on top of the oily discolored soil and gravel in this area. The white rock and the oily discolored soil and gravel were still present during the October 13, 2005 inspection as shown in the attached photo #008. The attached photo #008 also shows CCW piles and scrap metal. The hopper is located on top of a pile of CCW on the east side of the site.

Waste materials on the slope of the fill leading into the ravine on the northeast corner of the fill were observed during the past two inspections. The used tires and plastic 5-gallon buckets have been removed from this area between the June 2, 2005 and June 23, 2005 inspection. There has been no significant change in the amount of waste materials in this area since the June 23, 2005 inspection. The attached photos #009, #015 and #019 show the damaged dimensional lumber, scrap metal and other miscellaneous debris in this area.

The area near the garage is shown in the attached photos #010 through #013 and #018. The dumpster with the large accumulation of 5-gallon plastic buckets that was observed during the June 23, 2005 inspection was no longer present. There have been no other changes to this area. The 55-gallon drums, discolored soil, lead acid batteries, used tires and miscellaneous debris were still observed in this location.

The damaged dimensional lumber pile, wood chips and broken concrete north of the garage also appeared unchanged since the previous inspection (see attached photo #014).

The piles of wood chips at the edge of the fill in an area north of the garage appear unchanged since the June 23, 2005 inspection (see attached photo #016). Wood chips cannot be used as fill without an Illinois EPA permit. Mr. Rex Evans is aware of the landscape waste rules and regulations as operator of an Illinois EPA permitted landscape waste transfer station in Quincy, Illinois (LPC #0010655258).

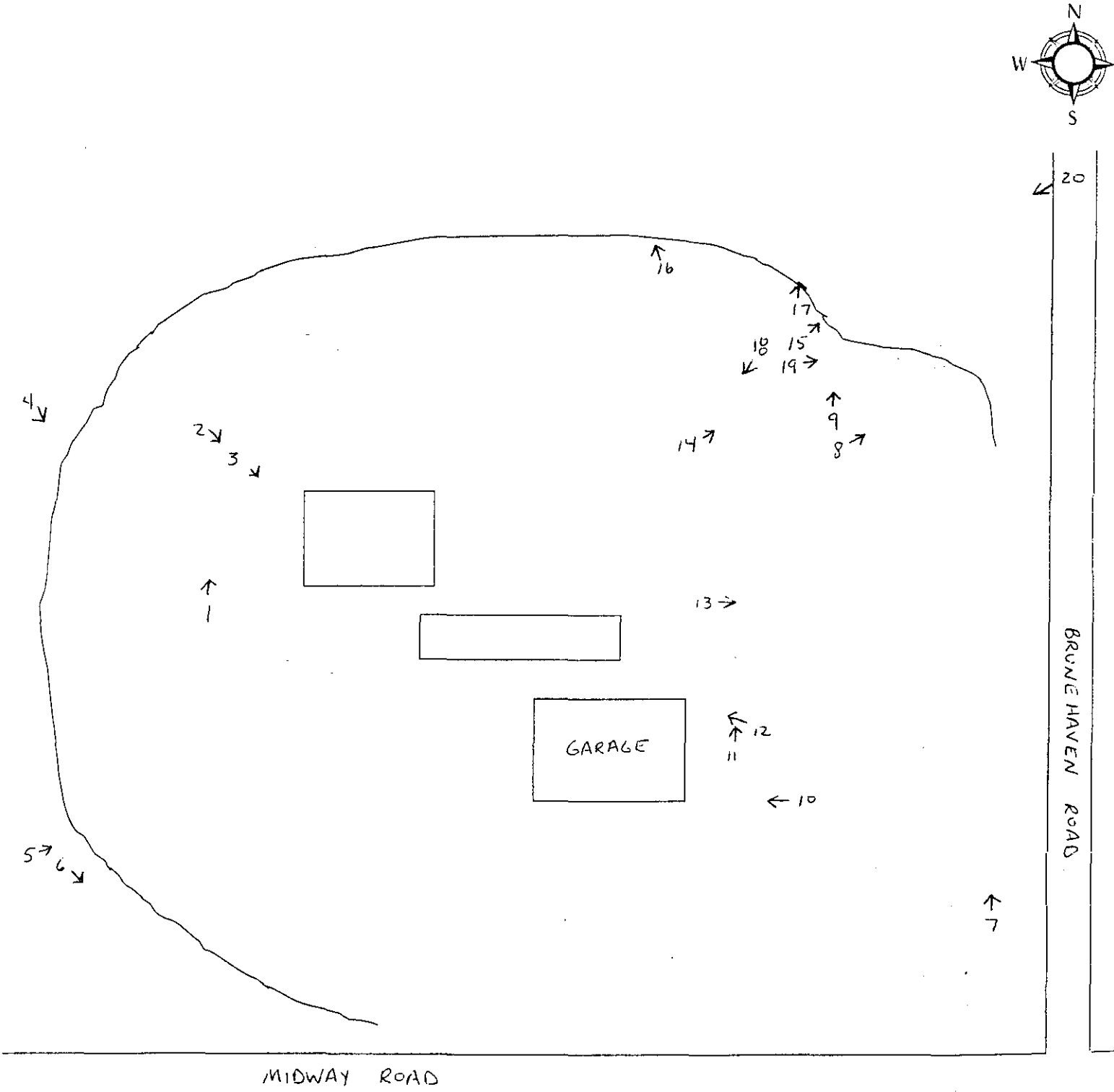
Overviews of the CCW and wood chips on the northern fill face are shown in the attached photos #017 and #020. The CCW adjacent to and in the creek in the northeast corner of the site is shown in the attached photos #020. Much of the CCW has eroded off the slopes of the CCW fill and into the flood plain of the creek. A large diameter culvert under Brunehaven Road to the east of the fill was draining a small amount of water into the creek.

There have been no significant changes to the site since the June 23, 2005 inspection.

cc: DLPC/FOS Springfield Region



SITE SKETCH



October 13, 2005 Inspection
Measurements Approximate
Direction of Photo ➔
Not to Scale



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:19 pm
Direction: E
Photo by: M. Cozadd
Exposure #: 019
Comments: Damaged dimensional lumber and scrap metal near northeast corner of fill

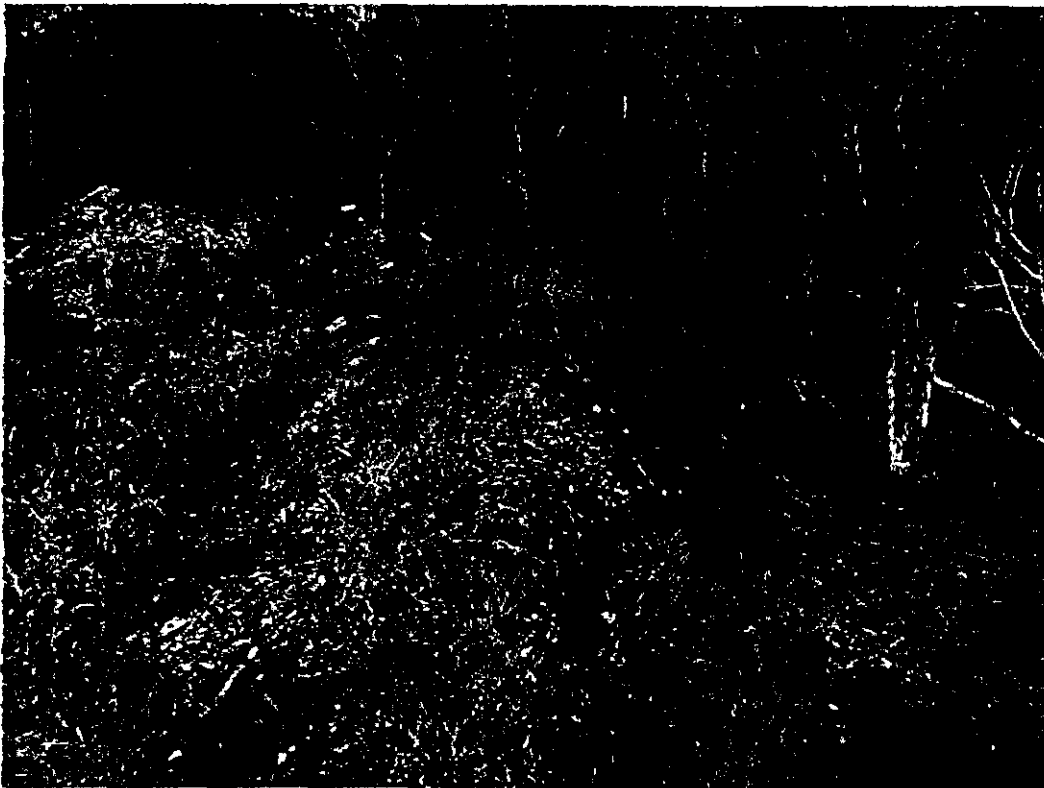


Date: 13 October 2005
Time: 2:26 pm
Direction: SW
Photo by: M. Cozadd
Exposure #: 020
Comments: Overview of northern fill face of coal combustion waste and wood chips with creek in foreground

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:19 pm
Direction: N
Photo by: M. Cozadd
Exposure #: 017
Comments: Overview of coal combustion waste and wood chips on northern fill face

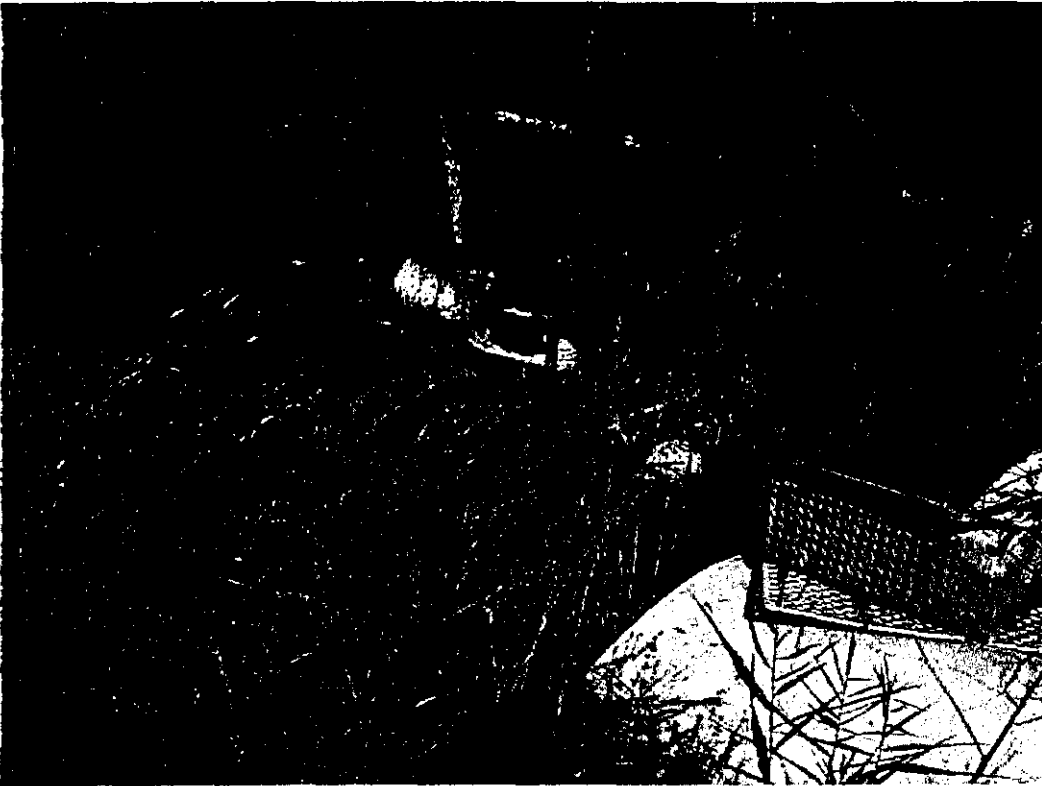


Date: 13 October 2005
Time: 2:19 pm
Direction: SW
Photo by: M. Cozadd
Exposure #: 018
Comments: Overview of damaged dimensional lumber, 55-gallon drums and used tires near garage

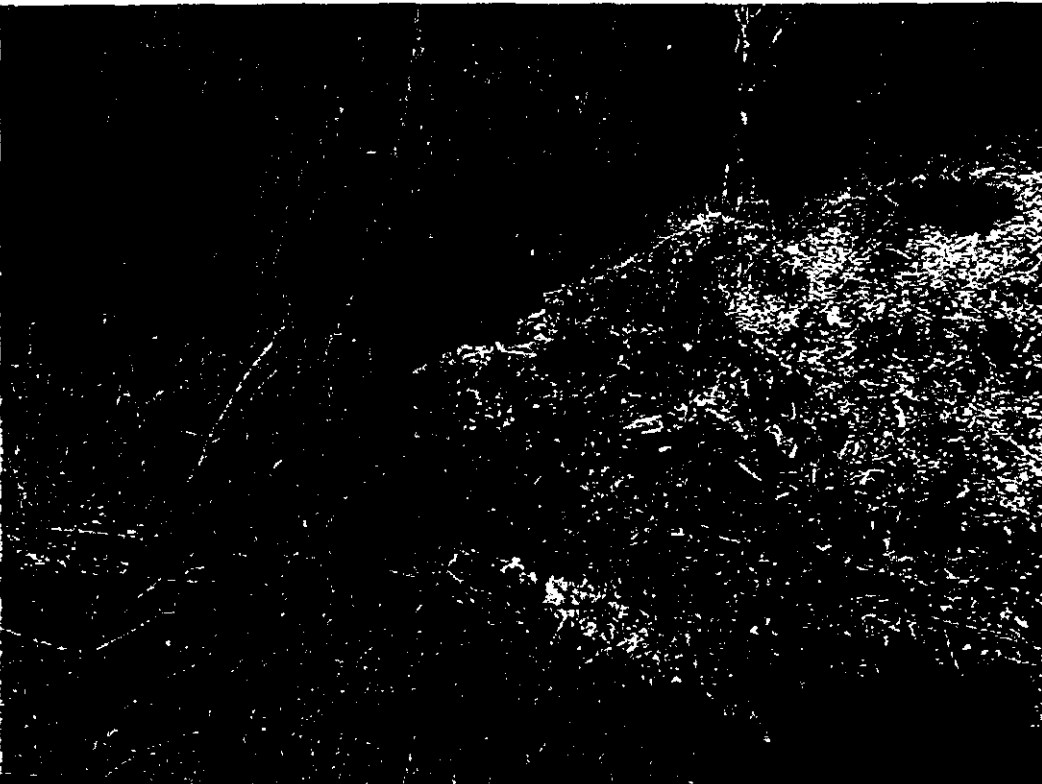
File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:17 pm
Direction: NE
Photo by: M. Cozadd
Exposure #: 015
Comments: Damaged dimensional lumber, scrap metal and other waste materials leading down slope into ravine on northeast corner of fill



Date: 13 October 2005
Time: 2:18 pm
Direction: NW
Photo by: M. Cozadd
Exposure #: 016
Comments: Wood chips on northern fill face

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:17 pm
Direction: E
Photo by: M. Cozadd
Exposure #: 013
Comments: 55-gallon drums near garage. Three of the six drums were empty.



Date: 13 October 2005
Time: 2:17 pm
Direction: NE
Photo by: M. Cozadd
Exposure #: 014
Comments: Damaged dimensional lumber, wood chips and broken concrete north of garage

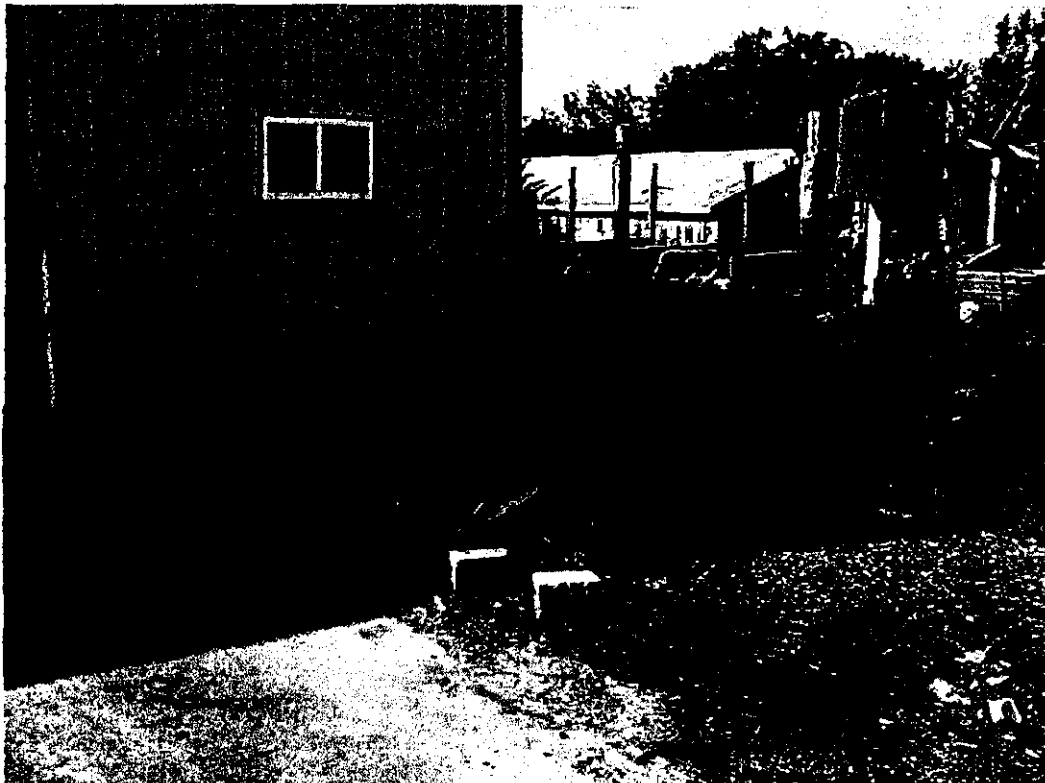
File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:16 pm
Direction: N
Photo by: M. Cozadd
Exposure #: 011
Comments: 55-gallon drums and used tires near garage. Three of the six drums were empty.



Date: 13 October 2005
Time: 2:16 pm
Direction: NW
Photo by: M. Cozadd
Exposure #: 012
Comments: Used tires near garage

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:15 pm
Direction: N
Photo by: M. Cozadd
Exposure #: 009
Comments: Damaged dimensional lumber and scrap metal near northeast corner of fill



Date: 13 October 2005
Time: 2:16 pm
Direction: W
Photo by: M. Cozadd
Exposure #: 010
Comments: Used tires, lead acid batteries and other waste materials near garage

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:15 pm
Direction: N
Photo by: M. Cozadd
Exposure #: 007
Comments: Wood pallets, scrap metal and equipment on east side of site



Date: 13 October 2005
Time: 2:15 pm
Direction: NE
Photo by: M. Cozadd
Exposure #: 008
Comments: Oily discolored gravel and soil under white rock in area where two 5-gallon buckets of used oil were observed during the June 2, 2005 inspection. Pile of coal combustion waste on left side of photo. Scrap metal also observed in photograph.

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:13 pm
Direction: NE
Photo by: M. Cozadd
Exposure #: 005
Comments: Coal
combustion waste and
wood chips



Date: 13 October 2005
Time: 2:13 pm
Direction: SE
Photo by: M. Cozadd
Exposure #: 006
Comments: Coal
combustion waste

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:09 pm
Direction: SE
Photo by: M. Cozadd
Exposure #: 003
Comments: 55-gallon drums on west side of site



Date: 13 October 2005
Time: 2:10 pm
Direction: SE
Photo by: M. Cozadd
Exposure #: 004
Comments: Coal combustion waste

File Names: 1378100006~10132005-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 13 October 2005
Time: 2:08 pm
Direction: N
Photo by: M. Cozadd
Exposure #: 001
Comments: Coal
combustion waste, 55-
gallon drums and other
materials on west side of
site



Date: 13 October 2005
Time: 2:09 pm
Direction: SE
Photo by: M. Cozadd
Exposure #: 002
Comments: 55-gallon
drums and discolored
soil on west side of site

File Names: 1378100006~10132005-[Exp. #].jpg



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

October 26, 2005

Mr. Roy W. Evans, Jr.
13011 North 1050th Road
Macomb, IL 61455

Re: **Violation Notice, L-2005-01321**
LPC #1378100006 - Morgan County
Road District No. 10/Evans
Compliance File

RECEIVED
OCT 27 2005
IEPA/BOL

Dear Mr. Evans:

On October 13, 2005, you and your brother's property near Murrayville, Illinois was inspected by Michelle Cozadd and myself representing the Illinois Environmental Protection Agency. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine compliance with the Act, 35 Illinois Administrative Code, Subtitle G and the apparent violations cited in the July 15, 2005 Violation Notice, L-2005-01321. . The previously cited apparent violations have not been corrected, and no response to the Violation Notice has been received.

A copy of this inspection report is enclosed. Please note that this matter is currently under review by the Illinois EPA's Division of Legal Counsel.

If you have questions regarding this matter, please contact Mrs. Cozadd at 217/786-6892.

Sincerely,

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/MEC/cp(G:\MEC\Evans\A1ULR10142005.doc)

Enclosure

cc: DLC, Greg Richardson
DLPC/Division File
DLPC/FOS Springfield Region

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR Douglas P. Scott, Director

October 26, 2005

Mr. Rex D. Evans
1868 Midway Road
Murrayville, IL 62668

Re: Violation Notice, L-2005-01322
LPC #1378100006 – Morgan County
Road District No. 10/Evans
Compliance File

RECEIVED
OCT 27 2005
IEPA/BOL

Dear Mr. Evans:

On October 13, 2005, you and your brother's property near Murrayville, Illinois was inspected by Michelle Cozadd and myself representing the Illinois Environmental Protection Agency. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine compliance with the Act, 35 Illinois Administrative Code, Subtitle G and the apparent violations cited in the July 15, 2005 Violation Notice, L-2005-01322. The previously cited apparent violations have not been corrected, and no response to the Violation Notice has been received.

A copy of this inspection report is enclosed. Please note that this matter is currently under review by the Illinois EPA's Division of Legal Counsel.

If you have questions regarding this matter, please contact Mrs. Cozadd at 217/786-6892.

Sincerely,

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCI/MEC/cp(G:\MEC\Evans\A2ULR10142005.doc)

Enclosure

cc: DLC, Greg Richardson
DLPC/Division File
DLPC/FOS Springfield Region

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463
BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

PROOF OF SERVICE

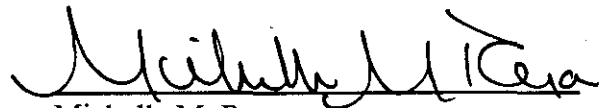
I hereby certify that I did on the 9th day of July 2005, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Rex D. Evans
1868 Midway Road
Murrayville, IL 62668

Roy W. Evans, Jr.
13011 N 1050th Road
Macomb, IL 61455

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



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