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CLERK'S OFFICE

NOV 14 2005

STATE OF ILLINOIS  
Pollution Control Board

**INFORMATIONAL NOTICE !!!**

*ACD-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 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).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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

AC 06-17  
(IEPA No. 443-05-AC)

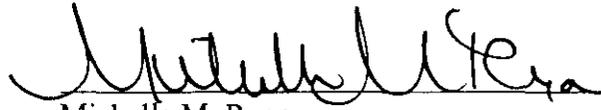
**NOTICE OF FILING**

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

Roy W. Evans, Jr.  
13011 N 1050<sup>th</sup> 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



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).

### 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 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, 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

REMITTANCE FORM

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**CLERK'S OFFICE**

NOV 14 2005

**STATE OF ILLINOIS**  
**Pollution Control Board**

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

AC *de-17*  
(IEPA No. 443-05-AC)

FACILITY: Road District No. 11/Evans      SITE CODE NO.: 1378110004  
COUNTY: Morgan      CIVIL PENALTY: \$1,500.00  
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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

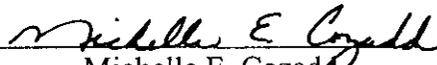
AFFIDAVIT

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

IEPA DOCKET NO.

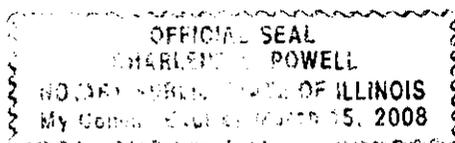
Affiant, Michelle E. Cozadd, being first duly sworn, voluntarily deposes and states as follows:

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 2:20 PM and 2:25 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. 11/Evans by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1378110004 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Road District No. 11/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. 11/Evans open dump.

  
Michelle E. Cozadd

Subscribed and Sworn To before me  
This 38 day of October, 2005

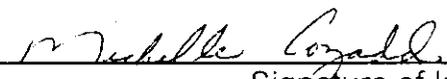
  
Charles K. Powell





Inspection Date: October 13, 2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
<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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.			

  
\_\_\_\_\_  
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 #1378110004 – Morgan County  
Road District No. 11/Evans  
FOS File

**RECEIVED**  
OCT 27 2005  
IEPA/BOL

The purpose of this memorandum is to serve as the narrative for a re-inspection conducted on October 13, 2005. Mr. David Jansen, DLPC/FOS Springfield Regional Manager accompanied me on the re-inspection that took place between 2:20 pm and 2:25 pm. Three digital photographs were taken. The weather conditions were sunny and approximately 70°F. No one was interviewed during the re-inspection.

The piles of wood chips are shown in the attached photographs #001 and #003. Wood chips cannot be used as fill without an Illinois EPA permit. The attached photograph #003 shows the pile of damaged dimensional lumber and scrap metal on the east side of the pond.

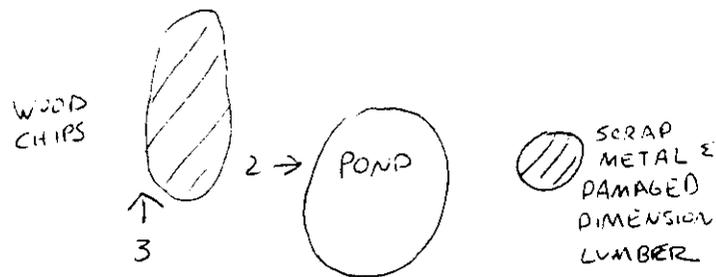
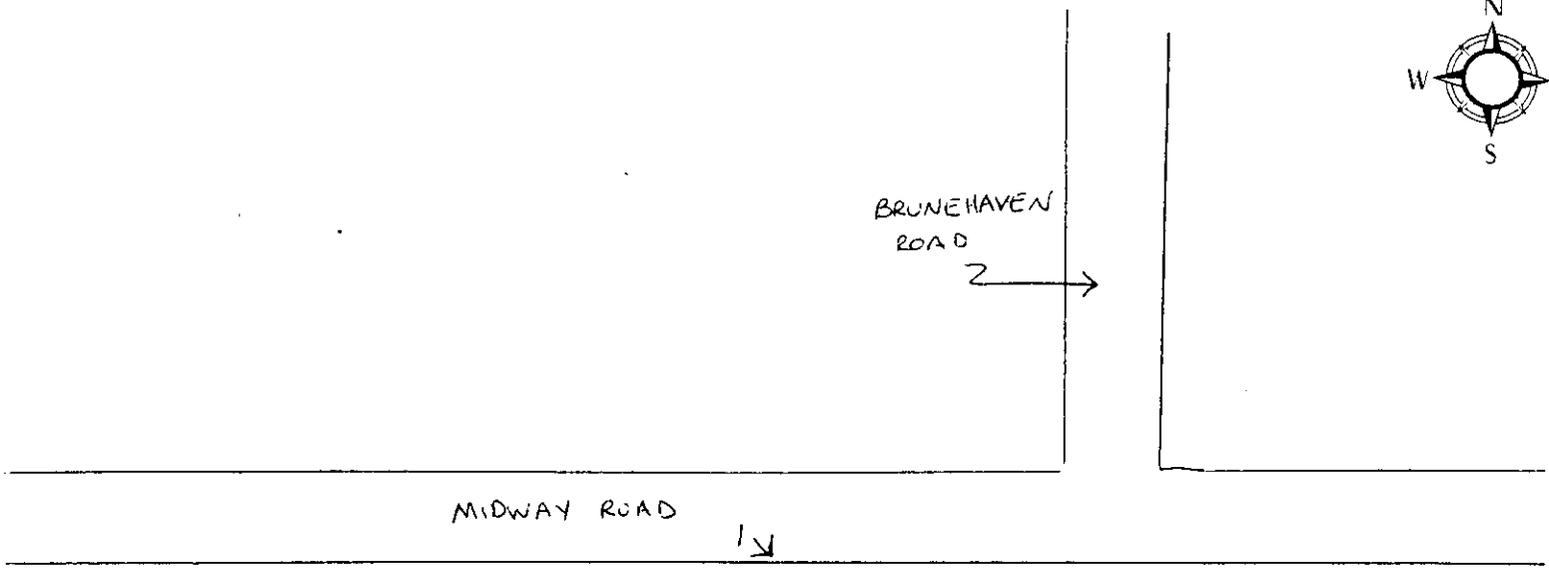
This site was previously inspected on June 2, 2005 and June 23, 2005. Apparent open dumping violations were cited during both inspections. The property owners, Mr. Rex D. Evans and Mr. Roy W. Evans, Jr., were sent Violation Notices L-2005-01324 and L-2005-01323, respectively. The Violation Notices were sent on July 15, 2005. There have been no written responses to the Violation Notices from Mr. Rex D. Evans or Mr. Roy W. Evans, Jr.

There has been no change to the site since the initial inspection on June 2, 2005 or since the previous inspection on June 23, 2005.

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:** 2:21 pm  
**Direction:** SE  
**Photo by:** M. Cozadd  
**Exposure #:** 001  
**Comments:** Piles of  
wood chips

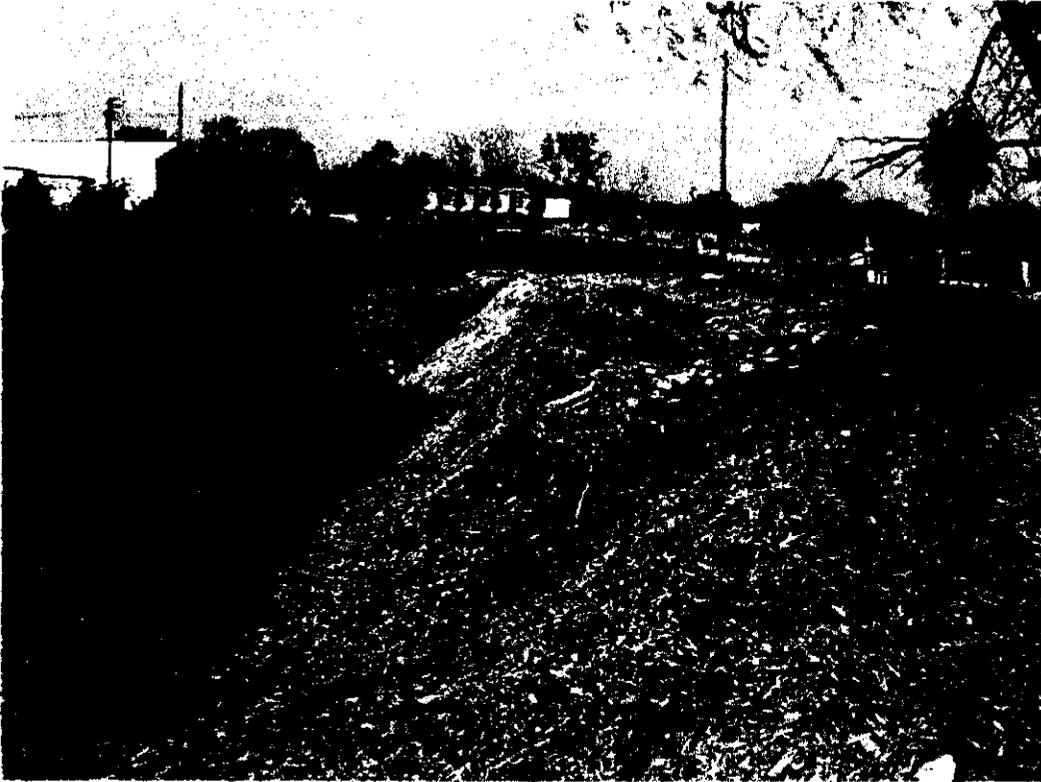


**Date:** 13 October 2005  
**Time:** 2:22 pm  
**Direction:** E  
**Photo by:** M. Cozadd  
**Exposure #:** 002  
**Comments:** Pile of  
damaged dimensional  
lumber and scrap metal

**File Names:** 1378110004~10132005-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 13 October 2005  
**Time:** 2:22 pm  
**Direction:** N  
**Photo by:** M. Cozadd  
**Exposure #:** 003  
**Comments:** Piles of  
wood chips

**File Name:** 1378110004~10132005-[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-2005-01323**  
LPC #1378110004 - Morgan County  
Road District No. 11/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-2005-01323. 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:ep(G:\MEC\Evans\WC ULRI0142005.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-2005-01324**  
LPC #1378110004 – Morgan County  
Road District No. 11/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-2005-01324. 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\ep(G:\MEC\Evans\WC2ULR10142005.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  
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MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

**PROOF OF SERVICE**

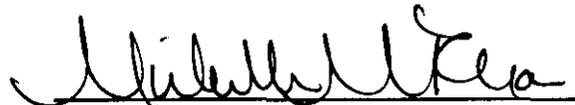
I hereby certify that I did on the 9th day of July 2005, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN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

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

Roy W. Evans, Jr.  
13011 N 1050<sup>th</sup> 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

THIS FILING SUBMITTED ON RECYCLED PAPER