

SERVICE LIST

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Respondents operated a demolition project at the site of the former Pekin High School, located at 207, 209, and 211 North Ninth Street in Pekin, Tazewell County, Illinois (“Site”).

This action arises from Respondents’ operation of the Site. Respondents caused or allowed open dumping of waste, open dumping of waste resulting in litter, and open dumping of waste in a manner resulting in the deposition of general construction or demolition debris and clean construction or demolition debris at the Site. Additionally, Respondents disposed of solid waste at a Site that did not meet the requirements of the Act. Respondent Rhonda Fisher was the sole shareholder, director, and an employee of Respondent Demolition Excavating Group, Inc. (“DEG”). Respondent Edward Fisher was an unpaid consultant to Respondent DEG. Respondent DEG was hired to demolish the now-razed former Pekin High School. Illinois EPA inspectors subsequently inspected the Site on six dates. During the first inspection, which took place on August 15, 2013, Illinois EPA inspectors observed approximately 4,000 cubic yards of demolition debris accumulated in piles on the Site.

Respondents Rhonda Fisher and Edward Fisher’s liability on the violations alleged in the Complaint is indisputable and apparent from the pleadings, admissions, affidavits, and exhibits. The Board should therefore enter an order of summary judgment against the Respondents Rhonda Fisher and Edward Fisher on Counts I through III, enter an order of partial summary judgment against Respondents Rhonda Fisher and Edward Fisher on Count IV, deem facts admitted as to Respondent DEG, enter an order of summary judgment as to Respondent DEG, impose civil penalties pursuant to Sections 33 and 42 of the Act, 415 ILCS 5/33 and 42 (2024), and order Respondents DEG, Rhonda Fisher and Edward Fisher to cease and desist from future violations pursuant to Section 33(b) of the Act, 415 ILCS 5/33(b) (2024).

II. LEGAL STANDARD

Section 101.516(b) of the Board's regulations, 35 Ill. Adm. Code 101.516(b), provides as follows:

- (b) If the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law, the Board will enter summary judgment.

A motion for summary judgment should be granted when the pleadings reveal that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. 35 Ill. Adm. Code 101.516(b); *People ex. rel. Madigan v. Lincoln, Ltd.*, 383 Ill. App. 3d 198, 204 (1st Dist. 2008). A genuine issue of material fact exists when "the material facts are disputed, or, if [they] are undisputed, reasonable persons might draw different inferences from the undisputed facts." *Adames v. Sheahan*, 233 Ill. 2d 276, 296 (2009).

Inferences or conclusions drawn from the evidentiary material must be reasonable, and a tribunal is not required to adduce remote factual possibilities in favor of the opponent of such a motion. *Gehrman v. Zajac*, 34 Ill. App. 3d 164, 166 (1st Dist. 1974). The use of summary judgment is encouraged under Illinois law to facilitate litigation and avoid unnecessary trials. *Lincoln*, 383 Ill. App. 3d at 204.

III. STATEMENT OF FACTS

Respondent DEG operated a demolition contracting business until it was involuntarily dissolved on January 13, 2017. Exhibit B, Answer by Respondents Edward Fisher and Rhonda Fisher ("Answer"), Count I, at ¶4. Respondent DEG was closely held by Respondent Rhonda Fisher and had a principal place of business at 805 Adams, Manito, Madison County, Illinois (Ex. B, Answer, Count I, at ¶6). Respondent Rhonda Fisher was the sole owner, officer, and director of the corporation. Exhibit C, Respondents' Response to Complainant's First Set of Interrogatories

(“Interrogatory Response”), at ¶3. Respondent Rhonda Fisher was the president and authorized agent of Respondent DEG. (Ex. B, Answer, Count I, at ¶7). Respondent Rhonda Fisher controlled the operations of Respondent DEG and oversaw all aspects of all of its projects, including demolition activities at the Site. (Ex. B, Answer, Count I, at ¶8; Ex. C, Interrogatory Response, at ¶¶3 and 9). Respondent Edward Fisher was an unpaid consultant for Respondent DEG and assisted Respondent Rhonda Fisher in all aspects of the demolition project at the Site. (Ex. B, Answer, Count I, at ¶¶6 and 39; Ex. C, Interrogatory Response, at ¶¶3 and 10).

Respondent DEG was hired to demolish the now-razed former Pekin High School located at 207, 209, and 211 North Ninth Street in Pekin, Tazewell County, Illinois. (Ex. B, Answer, Count I, at ¶9). On a date prior to August 15, 2013, better known to Respondents, Respondent DEG commenced demolition activities at the Site (Ex. B, Answer, Count I, at ¶21). Respondent Edward Fisher participated in backfilling the excavation areas of the Site and managing materials on the Site. (Ex. B, Answer, Count I, at ¶¶13, 36). Respondent Rhonda Fisher personally managed environmental compliance at the Site. (Ex. C, Interrogatory Response, at ¶7). Respondent “DEG through either Rhonda Fisher or Edward Fisher worked closely with . . . IEPA as to all environmental decisions.” (Ex. C, Interrogatory Response, at ¶8).

From November 16, 1998, until October 30, 2013, the Site was owned by West Campus Corporation (“West Campus”). (Ex. B, Answer, Count I, at ¶18). By claim of lien on November 6, 2012, Respondent DEG took a partial interest in the Site, which was subsequently released back to West Campus upon payment on October 30, 2013. *Id.* Also on October 30, 2013, West Campus conveyed the Site through a series of transfers to Chicago Title Land Trust Company. (Ex. B, Answer, Count I, at ¶19). The Site has never been permitted by Illinois EPA for the storage or disposal of waste. (Ex. B, Answer, Count I, at ¶20).

Illinois EPA inspected the Site and recorded observations relevant to this case on the following dates: August 15, 2013, August 28, 2013, March 4, 2014, March 20, 2014, March 27, 2014, and May 7, 2014 (Exhibit D, Affidavit of Devon Miller). During Illinois EPA's August 15, 2013 inspection, approximately 4,000 cubic yards of demolition debris had accumulated in piles on the Site. (Ex. D1, August 15, 2013 Inspection Report, at 3). The piles present on the site on August 15, 2013 included, but were not limited to, brick, chunks of brick and mortar, broken concrete, wood, and other miscellaneous items. *Id.* at 6-9. Many of the piles were covered with substantial vegetation and appeared to have remained undisturbed for at least a year. *Id.* at 3, 8-9.

On August 28, 2013, Illinois EPA inspected the Site during demolition activities. (Ex. D2, August 28, 2013 Inspection Report, at 1-3). The Site contained piles including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood, and metal. *Id.* at 2-3. On August 29, 2013, Respondent Edward Fisher notified Illinois EPA that Respondent DEG intended to crush the brick and concrete on site to make aggregate and send the resulting waste to Peoria City/Council Landfill. (Ex. B, Answer, Count I, at ¶27).

During Illinois EPA's March 4, 2014 inspection of the Site, Illinois EPA observed that the material that was being used to fill in the former basement of the Site contained wood. (Ex. D3, March 4, 2014 Inspection Report, at 3, 14-15). The Site contained demolition waste including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood, and metal adjacent to the pit, as well as accumulated aggregate near the crusher. (Ex. B, Answer, Count I, at ¶29).

During Illinois EPA's March 20, 2014 inspection, Illinois EPA observed that waste from the demolition was being processed through a crusher, and aggregate material produced from the crushing operation was being used to grade the Site, and that waste was being run through the crusher in an attempt to make the aggregate. (Ex. D4, March 20, 2014 Inspection Report, at 3, 9-

12). Fill containing waste had been excavated from the basement. *Id.* at 3, 6-9. The Site contained materials, including but not limited to, brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal. (*Id.* at 3, 9-11; Ex. B, Answer, Count I, at ¶32). Respondent Edward Fisher accompanied Illinois EPA during the March 20, 2014 inspection of the Site and identified demolition waste piles that were to be transported to Peoria City/County Landfill for disposal. (Ex. B, Answer, Count I, at ¶33).

During Illinois EPA's March 27, 2014 inspection, the Site again contained materials, including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood, and metal. (Ex. B, Answer, Count I, at ¶34; Ex. D5, March 27, 2014 Inspection Report, at 3, 6-14). Metal and wood were commingled with soil in a graded area adjacent to the pit. (Ex. D5, March 27, 2014 Inspection Report, at 3, 10-11). During Illinois EPA's March 27, 2014 inspection, Respondents Edward Fisher and Rhonda Fisher accompanied Illinois EPA, and Respondent Edward Fisher identified demolition waste piles that were to be transported to Peoria City/County Landfill and aggregate accumulations that were to be used as fill onsite. (Ex. B, Answer, Count I, at ¶35).

On May 7, 2014, Illinois observed that all waste had been removed from the Site and that the Site had been graded. (Ex. B, Answer, Count I, at ¶38; Ex. D6, May 7, 2014 Inspection Report, at 5-8).

IV. ARGUMENT FOR SUMMARY JUDGMENT AS TO RESPONDENTS RHONDA FISHER AND EDWARD FISHER

There is no doubt that Respondents Rhonda Fisher and Edward Fisher are legally responsible for all the violations of the Act at the Site. The Act is *malum prohibitum* and does not require proof of intent, guilty knowledge, or *mens rea* to support the finding of a violation. *Meadowlark Farms, Inc. v. Ill. Pollution Control Bd.*, 17 Ill. App. 3d 851,861 (5th Dist. 1974) (“The Environmental Protection Act is *Malum prohibitum*, no proof of guilty knowledge or *Mens*

rea is necessary to a finding of guilt.”); *People v. Lincoln, Ltd.*, 2016 IL App (1st) 143487, ¶24 (“knowledge, awareness, or intent are not elements of a violation of section 21(a) and (p) of the Act”). To prove a violation of the Act or the Board’s regulations, Complainant “must show that the alleged polluter has the capability of control over the pollution or that the alleged polluter was in control of the premises where the pollution occurred.” *Gonzalez v. Pollution Control Board*, 2011 IL App (1st) 093021, ¶33 (quoting *People v. A.J. Davinroy Contractors*, 249 Ill. App. 3d 788, 793 (5th Dist. 1993)).

Respondent Rhonda Fisher’s status as a corporate officer of Respondent DEG does not shield her from individual liability under the Act. “To impose individual liability on a corporate officer . . . it must be shown that the corporate officer was personally involved and actively participated in the violation of the Act, not simply that the individual had personal involvement or active participation in the company's management. *People v. J.T. Einoder, Inc.*, 2015 IL 117193, ¶ 40; *see also People v. C.J.R. Processing*, 269 Ill. App. 3d 1013, 1018 (1995). Moreover, “a corporate officer, to be personally liable, does not have to perform the physical acts constituting a violation.” *Id.* at ¶ 41. Thus, in *J.T. Einoder*, the Illinois Supreme Court held that personal liability of a corporate officer “was sufficiently demonstrated by her authorization of contracts for dumping at the site.” *J.T. Einoder*, at ¶ 42; *see also People v. Agpro, Inc.*, 345 Ill. App. 3d 1011, 1028 (2004).

It is undisputed that Respondent Rhonda Fisher was the sole owner, officer, and director of Respondent DEG, and oversaw all aspects of all of its projects. (Ex. C, Interrogatory Response, at ¶¶3 and 9). It is undisputed that Respondent Rhonda Fisher was the president and authorized agent of Respondent DEG. (Ex. B, Answer, Count I, at ¶7). It is undisputed that Respondent Edward Fisher was an unpaid consultant for Respondent DEG, and he assisted Respondent Rhonda

Fisher in all aspects of the demolition project. (Ex. C, Interrogatory Response, at ¶¶3 and 10). It is undisputed that Respondent Rhonda Fisher controlled the operations of Respondent DEG. (Ex. B, Answer, Count I, at ¶8; Ex. C, Interrogatory Response, at ¶¶3 and 9). It is undisputed that Respondent Rhonda Fisher personally managed environmental compliance at the Site. (Ex. C, Interrogatory Response, at ¶7). It is undisputed that Respondent Edward Fisher was responsible for managing the materials at the Site. (Ex. B, Answer, Count I, at ¶¶13 and 36). Therefore, Respondents Rhonda Fisher and Edward Fisher, as the operators of the Site, directly exercised control over both the Site and the pollution source, and therefore are liable for violations of the Act which occurred at the Site. Furthermore, the degree of Respondent Rhonda Fisher's involvement in and oversight of the demolition project support her individual liability in accord with the precedent cited above.

A. Count I: Respondents Caused or Allowed Open Dumping

Count I of the Complaint alleges that Respondents caused or allowed open dumping of waste in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024).

Section 21(a) of the Act provides that “[n]o person shall: . . . [c]ause or allow the open dumping of any waste.” *Id.* Respondents Rhonda Fisher and Edward Fisher are both individuals, and therefore each are a “person” as that term is defined in the Act. *See* 415 ILCS 5/3.315 (2024) (defining “person” to include “any individual”).

The Act defines “open dumping” as “the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.” 415 ILCS 5/3.305 (2024). Materials on the Site at the time of the Illinois EPA inspections satisfy the elements of “open dumping.”

First, materials on the Site constitute “refuse” under the Act. The Act defines “refuse” as “waste,” 415 ILCS 5/3.385 (2024), and defines “waste” as “any garbage . . . or other discarded material,” 415 ILCS 5/3.535 (2024). The Illinois Supreme Court has interpreted the term “discarded” to mean materials that are not “returned to the economic mainstream.” *Alternate Fuels, Inc. v. Director of Illinois EPA*, 215 Ill. at 240 (2005).

At the time of the Illinois EPA inspections on August 15, 2013, August 28, 2013, March 4, 2014, March 20, 2014, and March 27, 2014, brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal were discarded at the Site. (Ex. D1, August 15, 2013 Inspection Report, at 3, 7-9; Ex. D2, August 28, 2013 Inspection Report, at 2-3; Ex. D3, March 4, 2014 Inspection Report, at 3, 16-17; Ex. D4, March 20, 2024 Inspection Report, at 9-12; Ex. D5, March 27, 2014 Inspection Report, at 3, 6-14). These materials formerly on the Site, including, but not limited to, brick, chunks of brick, and mortar, broken concrete with and without protruding rebar, wood, and metal were undisturbed for at least a year. (Ex. D1, August 15, 2013 Inspection Report, at 3, 8-9). Such materials were not being returned into the economic mainstream, have been “discarded,” and therefore constitute “waste” and “refuse” under the Act.

Second, the Site is a “disposal site” that does not meet the requirements of a “sanitary landfill.” Section 3.540 of the Act, 415 ILCS 5/3.540 (2024), defines “waste disposal site” as “a site on which solid waste is disposed.”¹ The Site is a “site” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2024) (“any location, place, tract of land, and facilities, . . . and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.”). Section 3.185 of the Act, 415 ILCS 5/3.185 (2024), defines “disposal” as:

¹ The Act defines “solid waste” as “waste,” and therefore waste on the Site is “solid waste.” See 415 ILCS 5/3.470 (2024).

the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Wastes on the Site have been placed on the land in a manner that such wastes—or any constituents thereof—may enter the environment or be emitted into the air or discharged into any waters, and therefore “disposal” of wastes has occurred on the Site as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2024). The Site is therefore a “waste disposal site,” as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2024). The site is not permitted by Illinois EPA for the disposal of waste on land, and is therefore not a “sanitary landfill,” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2024) (defining “sanitary landfill” as “a facility permitted by [Illinois EPA] for the disposal of waste on land”). (Ex. B, Answer, Count I, at ¶20).

In summary, refuse—in the form of the discarded materials listed above—has been consolidated on a disposal site that is not a sanitary landfill, and therefore “open dumping” of waste occurred on the Site.

The analysis which Illinois courts apply for determining whether an alleged polluter has violated the Act is whether the alleged polluter exercised sufficient control over the source of pollution. *People v. Fiorini*, 143 Ill 2d 318 at 346 (1991). It is undisputed that Respondent Rhonda Fisher personally managed environmental compliance at the Site. (Ex. C, Interrogatory Response, at ¶7). It is undisputed that Respondent Edward Fisher was responsible for managing the materials at the Site. (Ex. B, Answer, Count I, at ¶36). Both Respondents Rhonda Fisher and Edward Fisher had sufficient control over the source of pollution and thereby caused or allowed brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal to be deposited on the ground at the Site, which is not permitted for the disposal of waste, and left it

there where it could enter the environment.

Therefore, Respondents Rhonda Fisher and Edward Fisher caused or allowed the open dumping of waste at the Site in violation of Section 21(a) of the Act. There are no genuine issues of material fact regarding Respondents' liability, and the Board should find as a matter of law that Respondents Rhonda Fisher and Edward Fisher violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2024).

B. Count II: Respondents' Open Dumping Resulted in Litter

Count II of the Complaint alleges that Respondents caused or allowed open dumping of waste resulting in litter in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024),

Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024), provides that “[n]o person shall: . . . cause or allow the open dumping of any waste in a manner which results in litter” in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024). As discussed above, Respondents Rhonda Fisher and Edward Fisher are each a “person” as that term is defined in the Act, and Respondents Rhonda Fisher and Edward Fisher caused or allowed the open dumping of waste in violation of Section 21(a) of the Act.

Litter is described in Section 3 of the Litter Control Act, 415 ILCS 105/3 (2024), as follows:

- (a) “Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, cigarettes, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.]), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste (as defined in Section 3.360 of the Environmental Protection Act [415 ILCS 5/3.360]), or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

As explained above, the brick, chunks of brick and mortar, broken concrete with and

without protruding rebar, wood, and metal observed at the Site by Illinois EPA were wastes that were disposed of. Such materials are also “litter” as defined in Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2024), because they are “any discarded, used or unconsumed substance or waste,” including “metal” and “construction material.” Moreover, the materials were not covered or otherwise protected from the weather, and no present or future use for the material was apparent. (Ex. D1, August 15, 2013 Inspection Report, at 3, 8-9). See *N. Ill. Serv. Co. v. Ill. EPA*, 2016 IL App (2d) 150172, ¶46 (holding the Board’s finding that the material at issue constituted litter was not against the manifest weight of evidence where supported by testimony that the pile of material was not protected from the elements and had no apparent use).

Therefore, Respondents Rhonda Fisher and Edward Fisher caused or allowed the open dumping of waste at the Site in a manner that resulted in litter in violation of Section 21(p)(1) of the Act. There are no genuine issues of material fact regarding Respondents’ liability, and the Board should find as a matter of law that Respondents Rhonda Fisher and Edward Fisher violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024).

C. Count III: Respondents Caused and Allowed the Open Dumping of Demolition Debris

Count III of the Complaint alleges that Respondents caused or allowed open dumping of waste resulting in the deposition of general construction or demolition debris and clean construction or demolition debris in violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2024).

Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2024), provides that “[n]o person shall: . . . cause or allow the open dumping of any waste in a manner which results in . . . deposition of (i) general construction or demolition debris” or “(ii) clean construction or demolition debris” in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024). As discussed above, Respondents

Rhonda Fisher and Edward Fisher are each a “person” as that term is defined in the Act, and Respondents Rhonda Fisher and Edward Fisher caused or allowed the open dumping of waste in violation of Section 21(a) of the Act.

Section 3.160(a) and (b) of the Act, 415 ILCS 5/3.160(a) and (b) (2024), provide, in pertinent part, as follows:

- (a) “General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered “waste” if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

* * *

- (b) “Clean construction or demolition debris” means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

* * *

Materials discarded on the Site included piles containing concrete, brick, wood, and metal; soil comingled with wood, metal, concrete, and/or brick; and concrete with protruding rebar. (Ex. B, Answer, Count I, at ¶¶29, 32, 34; Ex. Ex. D1, August 15, 2013 Inspection Report, at 8-9; Ex. D2, August 28, 2013 Inspection Report, at 2-3; Ex. D3, March 4, 2014 Inspection Report, at 14-17; Ex. D4, March 20, 2024 Inspection Report, at 9-11; Ex. D5, March 27, 2014 Inspection Report, at 7-14). Such discarded materials constitute “general construction or demolition debris” as that term is defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2024).

Materials discarded on the Site also included broken concrete without protruding rebar. (Ex. B, Answer, Count I, at ¶32). Broken concrete without protruding rebar constitutes “clean construction or demolition debris” as that term is defined in Section 3.160(b) of the Act, 415 ILCS 5/3.160(b) (2024).

Therefore, Respondents Rhonda Fisher and Edward Fisher caused or allowed the open dumping of waste at the Site in a manner that resulted in the deposition of general construction or demolition debris and clean construction or demolition debris in violation of Section 21(p)(7) of the Act. There are no genuine issues of material fact regarding Respondents’ liability, and the Board should find as a matter of law that Respondents Rhonda Fisher and Edward Fisher violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2024).

D. Count IV: Respondents Failed to File an Initial Facility Report for the Site

Count IV of the Complaint alleges, *inter alia*, that Respondents disposed of waste at a Site that does not meet the requirements of the Act or Board regulations in violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

Section 21(e) of the Act provides that “[n]o person shall . . . “[d]ispose, treat, store, or abandon any waste . . . except at a site or facility which meets the requirements” of the Act and

the Board's regulations. 415 ILCS 5/21(e) (2024). As discussed above, Respondents Rhonda Fisher and Edward Fisher are each a "person" as that term is defined under the Act, the Site is not a "facility permitted . . . for the disposal of waste on land," and Respondents Rhonda Fisher and Edward Fisher disposed of waste on the Site.

Therefore, Respondents Rhonda Fisher and Edward Fisher disposed of waste at a site not fulfilling the requirements of the Act and the Board's regulations in violation of Section 21(e) of the Act. There are no genuine issues of material fact regarding Respondents' liability, and the Board should find as a matter of law that Respondents Rhonda Fisher and Edward Fisher violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

V. MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT AS TO RESPONDENT DEG

On March 15, 2017, Complainant filed its Proof of Service of the Complaint to Respondents Rhonda Fisher, Edward Fisher, and DEG with the Board. The Proof of Service indicated that Respondent Edward Fisher and DEG had been served with the Complaint on February 18, 2017. Rhonda Fisher signed the Return Receipts of Service of Complaint. The Return Receipt of Service of Complaint for Rhonda Fisher was unsigned and undated. A true and correct copy of the Proof of Service is attached hereto as Exhibit E.

As of the date of the filing of this Motion, Respondent DEG has not filed an Answer, nor otherwise pled to the Complaint. Section 103.204(d) and (e) of the Board's Procedural Rules, 35 Ill. Adm. Code 103.204(d) and (e), provides as follows:

- (d) Except as provided in subsection (e), the respondent must file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless

the affirmative defense could not have been known before hearing.

- (e) If the respondent timely files a motion under Section 103.212(b) or 35 Ill. Adm. Code 101.506, the 60-day period to file an answer described in subsection (d) will be stayed. The stay will begin when the motion is filed and end when the Board disposes of the motion.

By failing to answer the Complaint on or before April 20, 2017, and by failing to file a motion staying the 60-day period in which to file an Answer as required by Section 103.204(d) and (e) of the Board's Procedural Rules, 35 Ill. Adm. Code 103.204(d) and (e), Respondent DEG has admitted the material allegations asserted in the Complaint.

Complainant's Complaint sufficiently states facts establishing the following violations of the Act and Board Regulations against Respondent DEG:

- Count I: Open Dumping of Waste
415 ILCS 5/21(a) (2024)
- Count II: Open Dumping Resulting in Litter
415 ILCS 5/21(p)(1) (2024)
- Count III: Open Dumping of Demolition Debris
415 ILCS 5/21(p)(7) (2024)
- Count IV: Failure to File an Initial Facility Report
415 ILCS 5/21(e) (2024)

Section 101.516(b) of the Board's Procedural Regulations, 35 Ill. Adm. Code 101.516(b), provides as follows:

- (b) If the record, including pleadings, depositions and admission on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgement as a matter of law, the Board will enter summary judgment.

If the Board finds that Respondent DEG has admitted all material allegations in Complainant's Complaint, then the record shows that there is no issue of material fact remaining for review. Therefore, pursuant to Section 101.516(b) of the Board's Procedural Regulations, 35 Ill. Adm. Code 101.516(b), Complainant is entitled to summary judgment in its favor as a matter

of law. Accordingly, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, respectfully request that the Board issue an order admitting all material allegations in the Complaint against Respondent DEG and granting summary judgment in favor of Complainant.

VI. REQUEST FOR RELIEF

Complainant seeks an order against Respondents that imposes a civil penalty, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024); and that requires Respondents to cease and desist from future violations of the Act and the Board's regulations.

A. Civil Penalty

Complainant is requesting a civil penalty be ordered by this Court in the amount of SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00) for the violations of the Act and regulations cited in the Complaint, payable by the Respondents jointly and severally. Section 42(a) of the Act, 415 ILCS 5/42(a) (2024),² provides as follows:

- (a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

² On June 16, 2025, the State of Illinois enacted Public Act 104-006, "which amended Section 42(a) of the Act, 415 ILCS 5/42(a), to change the maximum penalty amounts under that section to \$100,000 per violation and \$25,000 per day each violation continues." Pub. Act 104-006 (eff. June 16, 2025), § 5-35. The amendment provides for these amounts to be increased annually based on the consumer price index. *Id.* The amendment took effect immediately. Pub. Act 104-006, § 99-99. The change does not apply to those violations which occurred prior to June 16, 2025. All of the violations in this case occurred before that date. Therefore, the maximum civil penalty for the violations in the case at bar is \$50,000.00.

The primary purpose of civil penalties is to aid in the enforcement of the Act. *People v. McHenry Shores Water Co.*, 295 Ill. App. 3d 628, 638 (2d Dist. 1998). “[T]hrough penalties upon those who blatantly disregard applicable rules and regulations, others, who might consider cutting corners at the expense of the environment, are deterred.” *Wasteland, Inc. v. Illinois Pollution Control Bd.*, 118 Ill. App. 3d 1041, 1055 (3d Dist. 1983). The Act authorizes civil penalties regardless of whether violations resulted in actual pollution. *ESG Watts, Inc. v. Illinois Pollution Control Bd.*, 282 Ill. App. 3d 43, 52 (4th Dist. 1996).

The statutory maximums provided in Section 42 of the Act, 415 ILCS 5/42 (2024), have been used as “a natural or logical benchmark from which to begin considering factors in aggravation and mitigation of the penalty amounts.” *Illinois EPA v. Barry*, PCB 88-71, at 72 (May 10, 1990).

In addition to a statutory maximum, the Act provides factors that the Court may consider concerning the mitigation or aggravation of penalty, specifically the factors enumerated in Section 42(h) of the Act, 415 ILCS 5/42(h) (2024). Under Section 42(h) of the Act, the Court may examine, among others, the following factors when making a determination of an appropriate civil penalty: (1) duration and gravity of violations; (2) the presence or absence of due diligence of the violator to address violations, and (3) compliance history.

1. Gravity and Duration of Violations, and Diligence in Resolving the Violations

A civil penalty imposed under the Act must be “commensurate with the seriousness of the infraction” of the violator. *ESG Watts, Inc. v. Illinois Pollution Control Bd.*, 282 Ill. App. 3d 43, 51 (4th Dist. 1996) (quoting *Trilla Steel Drum Corp. v. Pollution Control Bd.*, 180 Ill. App. 3d 1010, 1013 (1st Dist. 1989)). In this case, approximately nine months passed between when Illinois EPA conducted the initial inspection that led to the commencement of this action (August 15,

2013) and when Illinois EPA determined during its May 7, 2014 inspection that the Site had returned to compliance.

2. Due Diligence

The Respondents remedied the violations at the Site only after multiple inspections and after Illinois EPA repeatedly informed them of the violations, even though Respondents were experienced in the demolition business and knew or should have known what the Act requires from those performing demolition activities. Thus, it was Illinois EPA's diligence and not the Respondents' diligence, which resulted in the Site's return to compliance.

3. Compliance History

On July 2, 2013, the Attorney General's Office filed a Complaint before the Board against Respondents DEG, Rhonda Fisher, and Edward Fisher alleging violations arising from material originating from the Site but open dumped at a different site. When the Respondents did not respond to the Complainant's summary judgment motion, the Board entered summary judgment against them in the amount of \$75,000. *People v. Demolition Excavating Group et al.*, PCB No. 14-2 (June 4, 2015).

On July 13, 2012, the Attorney General's Office filed a Complaint before the Board against Respondents Rhonda Fisher, Edward Fisher, and DEM/EX Group, Inc. alleging violations of Sections 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 55(a)(1), and 55(k)(1) of the Act related to Respondents' unlawful disposal of demolition debris. When Respondents did not respond to the Complainant's summary judgment motion, the Board entered summary judgment against each Respondent in the amount of \$16,000. *People v. Edward W. Fisher et al.*, PCB No. 13-3 (May 16, 2013).

On June 5, 2008, the Board found that Respondents Rhonda Fisher, Edward Fisher, and DEM/EX Group, Inc. violated sections 21(p)(1) and (p)(7) of the Act by causing or allowing the open dumping of waste in a manner resulting in litter and in the deposition of general or clean construction or demolition debris. *See Illinois EPA v. Edward W. Fisher et al.*, PCB No. AC 08-26 (June 5, 2008). The open dumping occurred at Manito in Mason County. The Board ordered the Respondents to pay a \$3,000.00 civil penalty. *Id.* at 2.

4. The Statutory Maximum Penalty

Illinois courts and the Illinois Pollution Control Board have typically looked to an estimation of the statutory maximum penalty as a logical benchmark to begin considering matters in aggravation and mitigation of penalties. *People v. ESG Watts, Inc.*, PCB No. 96-233, at 8 (Feb. 5, 1998) (attached hereto as Ex. F). As alleged in this Motion, Respondents Rhonda Fisher, Edward Fisher, and DEG are responsible for violations of four subsections sections of the Act. Their violations lasted at least 265 days. Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), authorizes the Court to impose penalties up to \$50,000.00 for each violation of the Act and the Board's regulations, and an additional \$10,000.00 penalty for each day that each violation continues. Therefore, their violations are punishable by \$10,760,000.00 in maximum civil penalties.

The statutory maximum penalty for Respondents Rhonda Fisher and Edward Fisher's four (4) violations of the Act is \$10,760,000.00.

In light of the factors discussed above, including the gravity of the violations, Respondents' lack of due diligence, and Respondents' past compliance history, and the statutory maximum penalties for Respondents' four separate violations, Complainant's requested penalty of \$50,000, payable jointly and severally, is reasonably calculated to deter future violations by Respondents and other similarly situated parties.

B. Order to Cease and Desist from Future Violations of the Act and Board Regulations

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

- i. The character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
- ii. The social and economic value of the pollution source;
- iii. The suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
- iv. The technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
- v. any subsequent compliance.

In response to these factors, the Complainant states the following:

1. Human health and the environment were threatened by the improper open dumping of waste by Respondents RHONDA FISHER, EDWARD FISHER, and DEG at the Site.
2. There is social and economic benefit to the proper disposal of waste, if conducted in a manner compliant with the Act and Board's Regulations.
3. The subject site was not suitable for use as a waste disposal location.
4. Proper disposal of waste is technically practicable and economically reasonable as part of a commercial demolition project.
5. Respondents RHONDA FISHER, EDWARD FISHER, and DEG subsequently brought the site into compliance by May 7, 2014.

Complainant has demonstrated that Respondents Rhonda Fisher, Edward Fisher, and DEG

violated the Act. Complainant therefore requests that the Board enter an order pursuant to Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), requiring Respondents to cease and desist from future violations of the Act that were the subject matter of the Complaint.

VII. CONCLUSION

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondents RHONDA FISHER, EDWARD FISHER, and DEG as follows:

A. Ordering all material allegations in the Complaint admitted against Respondent DEG;

B. Granting summary judgment in favor of Complainant and against Respondents Rhonda Fisher, Edward Fisher, and DEG on Counts I through III of the Complaint, and granting partial summary judgment in favor of Complainant and against Respondents Rhonda Fisher, Edward Fisher, and DEG on Count IV as to violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024);

C. Finding that Respondents Rhonda Fisher, Edward Fisher, and DEG have violated Sections 21(a), 21(e), 21(p)(1), and 21(p)(7), of the Act, 415 ILCS 5/21(a), 21(e), 21(p)(1), and 21(p)(7);

D. Ordering Respondents Rhonda Fisher, Edward Fisher, and DEG to cease and desist from any further violations Sections 21(a), 21(e), 21(p)(1), and 21(p)(7) of the Act, 415 ILCS 5/21(a), 21(e), 21(p)(1), and 21(p)(7);

E. Assessing against Respondents Rhonda Fisher, Edward Fisher, and DEG a civil penalty of Six Thousand Five Hundred Dollars (\$6,500), payable jointly and severally, within 30 days of entry of judgment, to the Environmental Protection Trust Fund; and

- F. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: /s/ Bridget Flynn
Bridget Flynn
Assistant Attorney General
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Fax: (217) 524-7740
Bridget.Flynn@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No.
-vs-)	Enforcement
)	
DEMOLITION EXCAVATING GROUP,)	
INC., a dissolved Illinois corporation,)	
RHONDA FISHER, and EDWARD)	
FISHER,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on February 16, 2017, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Notice of Filing and Complaint, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

By: s/Matthew Walker

Matthew Walker, #6324810
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
mwalker@atg.state.il.us
ebs@atg.state.il.us

Dated: February 16, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No.
)	(Enforcement-Land)
DEMOLITION EXCAVATING GROUP, INC.,)	
a dissolved Illinois corporation,)	
RHONDA FISHER, and EDWARD FISHER,)	
)	
Respondents.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondents, DEMOLITION EXCAVATING GROUP, INC., RHONDA FISHER and EDWARD FISHER as follows:

COUNT I
OPEN DUMPING

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2014).

2. The Illinois EPA is an administrative agency of the State of Illinois, created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2014), and is charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board ("Board") is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2014), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent Demolition Excavating Group, Inc. ("DEG") operated a demolition contracting business until it was involuntarily dissolved on January 13, 2017.

5. At the time of the violations alleged in this Complaint, Respondent DEG was an active Illinois corporation.

6. Respondent DEG was closely held by Respondents Rhonda Fisher and Edward Fisher, and had a principal place of business at 805 Adams, Manito, Mason County, Illinois.

7. At all times relevant to this Complaint, Respondent Rhonda Fisher was the President and authorized agent of Respondent DEG. Respondent Edward Fisher was a manager of Respondent DEG.

8. At all times relevant to this Complaint, Respondents Edward Fisher and Rhonda Fisher controlled the operations of Respondent DEG.

9. On a date better known to Respondents, Respondent DEG was hired to demolish the now-raised former Pekin High School located at 207, 209, and 211 North Ninth Street in Pekin, Tazewell County, Illinois ("Site").

10. At all times relevant to this Complaint, Respondents were the operators of demolition activities at the Site.

11. Respondents Edward Fisher and Rhonda Fisher arranged for any contractors whose services were needed at the Site.

12. Respondents Edward Fisher and Rhonda Fisher personally supervised and managed demolition activities at the Site.

13. Respondent Edward Fisher personally performed some of the demolition work at the Site.

14. Respondents Edward Fisher and Rhonda Fisher personally supervised the disposal of demolition waste originating at the Site.

15. Respondents Edward Fisher and Rhonda Fisher personally managed environmental compliance at the Site.

16. Respondent Rhonda Fisher maintained all records for demolition activities and waste disposal at the Site, which included receipts, permits, and other documentation relating to the demolition waste.

17. Respondent Rhonda Fisher is the individual who acted as the contact for the Illinois EPA and other state, local, and federal agencies.

18. From November 16, 1998 until October 30, 2013, the Site was owned by West Campus Corporation ("West Campus"). By claim of lien on November 6, 2012, Respondent DEG took a partial interest in the Site, which was subsequently released back to West Campus upon payment on October 30, 2013.

19. Also on October 30, 2013, West Campus conveyed the Site through a series of transfers to the current owner, Chicago Title Land Trust Company.

20. The Site has never been permitted by Illinois EPA for the storage or disposal of waste.

21. On a date prior to August 15, 2013, better known to Respondents, Respondent DEG commenced demolition activities at the Site.

22. Illinois EPA inspected the Site on six occasions relevant to this Complaint, which took place on the following dates: August 15, 2013, August 28, 2013, March 4, 2014, March 20, 2014, March 27, 2014, and May 7, 2014.

23. On August 15, 2013, Illinois EPA first inspected the Site. There was approximately 4,000 cubic yards of demolition debris accumulated in piles on the Site.

24. The piles on the Site during the August 15, 2013 inspection included, but were not limited to, brick, chunks of brick and mortar, broken concrete, wood, and other miscellaneous items. Many of the piles were covered with substantial vegetation and appeared to have remained undisturbed for a least a year.

25. On August 27, 2013, Illinois EPA issued a Violation Notice to West Campus.

26. On August 28, 2013, Illinois EPA inspected the Site during demolition activities. The Site contained piles including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood and metal.

27. The next day, on August 29, 2013, Respondent Edward Fisher notified Illinois EPA that Respondent DEG intended to crush the brick and concrete on site to make aggregate and send the resulting waste to Peoria City/County Landfill.

28. On December 5, 2013, West Campus entered into a Compliance Commitment Agreement with Illinois EPA to address open dumping violations at the Site.

29. On March 4, 2014, Illinois EPA conducted an inspection of the Site. Demolition waste containing brick, broken concrete, and wood was being used to fill an excavation pit on Site. The Site also contained piles of material, including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood, and metal adjacent to the pit, as well as accumulated aggregate near the crusher.

30. On March 10, 2014, Illinois EPA issued a Violation Notice to Respondent DEG.

31. Illinois EPA did not receive a response from Respondent DEG to the Violation Notice.

32. On March 20, 2014, Illinois EPA conducted an inspection of the Site. The Site contained materials, including, but not limited to, brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal.

33. Respondent Edward Fisher accompanied Illinois EPA during the March 20, 2014 inspection of the Site. Respondent Edward Fisher identified demolition waste piles that were to be transported to Peoria City/County Landfill for disposal.

34. On March 27, 2014, Illinois EPA conducted an inspection of the Site. The Site again contained materials, including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood, and metal. Metal and wood were commingled with soil in a graded area adjacent to the pit.

35. Respondents Edward Fisher and Rhonda Fisher accompanied Illinois EPA during the March 27, 2014 inspection of the Site. Edward Fisher identified demolition waste piles that were to be transported to Peoria City/County Landfill and aggregate accumulations that were to be used as fill onsite.

36. On April 14, 2014, Illinois EPA received a letter from Respondent DEG and signed by Respondent DEG. The letter stated that Edward Fisher was responsible for backfilling the excavation areas and managing the material on Site.

37. On May 2, 2014, Illinois EPA received a letter from Respondent Rhonda Fisher on behalf of Respondent DEG, requesting a meeting to discuss violations at the Site.

38. On May 7, 2014, Illinois EPA conducted an inspection of the Site. The inspector noted that the waste had been removed from the Site and that the Site had been graded.

39. On May 16, 2014, Respondents Edward Fisher and Rhonda Fisher on behalf of Respondent DEG met with Illinois EPA to discuss violations at the Site.

40. On July 15, 2014, Illinois EPA sent a Notice of Intent to Pursue Legal Action (“NIPLA”) to Respondent DEG.

41. Respondent DEG did not respond to the NIPLA from Illinois EPA.

42. On March 19, 2015, the Board issued an order in PCB 14-2 against Respondents for open dumping violations involving materials originated at the Site, but dumped at a different property.

43. Section 21(a) of the Act, 415 ILCS 5/21(a) (2014), provides as follows:

No person shall:

(a) Cause or allow the open dumping of any waste.

44. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), provides as follows:

“Person” is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

45. Section 3.535 of the Act, 415 ILCS 5/3.535 (2014), provides as follows:

“Waste” means any garbage...or any other discarded material, including any solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities....

46. Section 3.385 of the Act, 415 ILCS 5/3.385 (2014), provides as follows:

“Refuse” means waste.

47. Respondents are “persons” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2014).

48. The materials formerly on the Site, including, but not limited to, brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal constituted "discarded material" and "waste" as that term is defined by Section 3.535 of the Act, 415 ILCS 5/3.535 (2014), and therefore also "refuse" as defined by Section 3.385 of the Act, 415 ILCS 5/3.385 (2014).

49. Section 3.185 of the Act, 415 ILCS 5/3.185 (2014), provides as follows:

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

50. Section 3.460 of the Act, 415 ILCS 5/3.460 (2014), provides as follows:

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

51. Waste was deposited and dumped at the Site in a manner such that the waste had entered the environment and could be emitted into the air or groundwater. The Site was therefore a "disposal site" as that term is defined and used in the Act.

52. Section 3.305 of the Act, 415 ILCS 5/3.305 (2014), provides as follows:

"Open Dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

53. Section 3.445 of the Act, 415 ILCS 5/3.445 (2014), provides, in pertinent part, as follows:

"Sanitary Landfill" means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L 94-580,....

54. At all times relevant to this Complaint, the Site was not permitted by the Illinois EPA as a sanitary landfill.

55. Respondents caused or allowed open dumping of waste at the Site by causing or allowing consolidation of waste, which does not fulfill the requirements of a sanitary landfill.

56. By causing and allowing the open dumping of waste, Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, DEMOLITION EXCAVATING GROUP, INC., RHONDA FISHER and EDWARD FISHER:

A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2014);

C. Ordering Respondents to cease and desist from any further violations of the Act;

D. Assessing against Respondents a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Ordering Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the Complainant in pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2014); and,

F. Granting such other relief as the Board may deem appropriate.

COUNT II
OPEN DUMPING RESULTING IN LITTER

1-52. Complainant adopts and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count II.

53. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014), provides as follows:

No person shall:

* * *

(p) In violation of subdivision (a) of this Section, 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

* * *

54. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2014), contains the following definition:

(a) "Litter" means any discarded, used or unconsumed substance or waste. "Litter" may include, but is not limited to, any garbage, trash, refuse, . . . debris, rubbish, . . . glass, metal, plastic or paper containers or other packaging construction material, . . . or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

55. Improperly discarded materials at the Site, including, but not limited to, brick, chunks of brick and mortar, broken concrete with and without protruding rebar, wood, and metal remained in a disordered and unsightly manner, and thereby constituted "litter" as defined by Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2014).

56. Respondents, by their actions as alleged herein, caused or allowed the open dumping of waste at the Site, resulting in litter.

57. By causing or allowing the open dumping of waste resulting in litter, Respondents violated Section 21(p)(1) of the Act, 415 ILCS 21(p)(1) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, DEMOLITION EXCAVATING GROUP, INC., RHONDA FISHER and EDWARD FISHER:

A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(p) of the Act, 415 ILCS 5/21(p) (2014);

C. Ordering Respondents to cease and desist from any further violations of the Act;

D. Assessing against Respondents a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Ordering Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the Complainant in pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2014); and,

F. Granting such other relief as the Board may deem appropriate.

COUNT III
OPEN DUMPING OF DEMOLITION DEBRIS

1-52. Complainant adopts and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count III.

53. Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014), provides as follows:

No person shall:

* * *

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

* * *

(7) Deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act;

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

54. Section 3.160 of the Act, 415 ILCS 5/3.160 (2014), provides, in pertinent part, as follows:

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

- (b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

* * *

55. The materials formerly on the Site, including brick, chunks of brick and mortar, broken concrete, concrete with protruding rebar, wood, and metal that were dumped at the Site constituted "general construction or demolition debris" as that term is defined by Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2014).

56. The materials formerly on the Site, including but not limited to, concrete without protruding metal bars and unpainted brick constituted "clean construction or demolition debris" as that term is defined by Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2014).

57. Respondents by their actions as alleged herein, caused or allowed the open dumping of waste in a manner resulting in the deposition of general construction and demolition debris and clean construction or demolition debris at the Site.

58. By causing or allowing the open dumping of waste in a manner resulting in the deposition of general construction or demolition debris and clean construction or demolition debris at the Site, Respondents violated Section 21(p)(7) of the Act, 415 ILCS 21(p)(7) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, DEMOLITION EXCAVATING GROUP, INC., RHONDA FISHER and EDWARD FISHER:

A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014);

C. Ordering Respondents to cease and desist from any further violations of the Act;

D. Assessing against Respondents a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Ordering Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the Complainant in pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2014); and,

F. Granting such other relief as the Board may deem appropriate.

COUNT IV
FAILURE TO FILE AN INITIAL FACILITY REPORT

1-52. Complainant adopts and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count IV.

53. Respondents failed to file an initial facility report for the Site with Illinois EPA.

54. Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014), provide, in pertinent part, as follows:

No person shall:

* * *

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

* * *

(2) In violation of any regulations or standards adopted by the Board under this Act;

* * *

(e) 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.

55. Section 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 815.201, provides as follows:

All landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

56. Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103, provides, in pertinent part, as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

* * *

“Inert waste” means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

* * *

“Landfill” means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

* * *

“Solid Waste” means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

* * *

“Waste pile” means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration must include photographs, records, or other observable or discernible information, maintained on a yearly

basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

57. The demolition waste formerly at the Site including, but not limited to, brick, chunks of brick and mortar, broken concrete, wood and metal was "inert waste" as that term is defined in Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103, and thus "solid waste" as that term is defined in Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

58. The solid waste at the Site was unconfined such that it could enter the environment by being emitted into the air or groundwater. Respondents deposited and accumulated solid waste at the Site, which constituted "disposal" as that term is defined in Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

59. Respondents placed and accumulated solid waste at the Site for disposal. Accordingly, the Site was a "landfill" as that term is defined in Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

60. The accumulation of waste at the Site also constituted a "waste pile" as that term is defined in Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103. As a "waste pile," the Site was also a "landfill."

61. Respondents developed and operated a landfill at the Site, without first filing an initial facility report with Illinois EPA to provide information concerning location and disposal practices of the facility.

62. By operating a landfill without first filing an initial facility report, Respondents violated Section 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 815.201, and thereby also violated Sections 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2014).

63. Respondents disposed of solid waste at the Site having failed to file an initial facility report, thus not meeting the requirements of the Act and the Board's Waste Disposal Regulations promulgated thereunder.

64. By disposing of solid waste at a site not fulfilling the requirements of the Act and the Board's Waste Disposal Regulations, Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, DEMOLITION EXCAVATING GROUP, INC., RHONDA FISHER and EDWARD FISHER:

A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

B. Finding that Respondents have violated Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014), and Section 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 815.201;

C. Ordering Respondents to cease and desist from any further violations of the Act;


D. Assessing against Respondents a civil penalty of \$50,000.00 for each violation of the Act and associated regulations, and an additional civil penalty of \$10,000.00 for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Ordering Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the Complainant in pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2014); and,

F. Granting such other relief as the Board may deem appropriate.

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

MATTHEW A. WALKER
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
mwalker@atg.state.il.us
ebs@atg.state.il.us


CERTIFICATE OF SERVICE

I hereby certify that I did on February 16, 2017, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the document entitled Notice of Filing and Complaint to:

Demolition Excavating Group, Inc.
c/o Rhonda Fisher, President
7841 Warner Road
Manito, IL 61546-8150

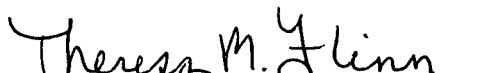
Rhonda Fisher
7841 Warner Road
Manito, IL 61546-8150

Edward W. Fisher
7841 Warner Road
Manito, IL 61546-8150



Theresa M. Flinn
Administrative Secretary
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Theresa M. Flinn
Administrative Secretary
Environmental Bureau

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

COMPLAINANT)

VERSUS)

PCB #2017-046

DEMOLITION EXCAVATING
GROUP, INC., A DISSOLVED
ILLINOIS CORPORATION,
EDWARD FISHER, AND
RHONDA FISHER,

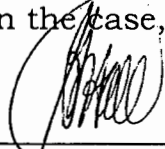
COPY

RESPONDENTS)

NOTICE OF FILING

TO: ALL INDIVIDUALS LISTED ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 12, 2017, I mailed the original of the attached copy of Edward and Rhonda Fisher's ANSWER to the plaintiff's COMPLAINT together with the attached NOTICE OF FILING and the attached PROOF OF SERVICE to the Clerk of the Illinois Pollution Control Board for filing in the case, copies of which herewith are served upon you.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER
524 COURT STREET
PEKIN, ILLINOIS 61554
FAX: 309-347-1113
PHONE: 309-347-1113
E MAIL: ATTORNEYGERALDHALL
@GMAILCOM

SERVICE LIST

Illinois Pollution Control Board
Carol Webb, Hearing Officer
POB 19274
Springfield, IL 62794-9274

Illinois Environmental Protection Agency
Division of Legal Counsel
POB 19276
Springfield, IL 62794-9276

Office of the Attorney General
Division Chief of Environmental Enforcement
100 West Randolph (1260)
Chicago, IL 61601

Office of the Illinois Attorney General
Matthew Walker, Esq., Assistant Attorney General
500 South Second Street
Springfield, IL 62706

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

COMPLAINANT)

VERSUS)

PCB #2017-046

DEMOLITION EXCAVATING)
GROUP, INC., A DISSOLVED)
ILLINOIS CORPORATION,)
EDWARD FISHER, AND)
RHONDA FISHER,)

COPY

RESPONDENTS)

ANSWER

NOW COME Edward Fisher (Ed) and Rhonda Fisher (Rhonda), two of the respondents, by Gerald L. Hall, their attorney, and for answer to the various counts of the plaintiff's complaint, he states as follows...

COUNT I: OPEN DUMPING

1. That they admit the allegations of paragraphs #1 through #5.
6. That they deny that Edward Fisher ever was a shareholder of DEG and admit the remainder of the allegations of paragraph #6, stating further for purposes of this entire answer that Edward Fisher was an unpaid consultant to DEG and Rhonda Fisher was DEG's sole shareholder and director and an employee.

7. That they deny that Edward Fisher ever was a manager of DEG and admit the remainder of the allegations of paragraph #7.

8. That they deny that Edward Fisher ever controlled the operations of DEG and admit the remainder of the allegations of paragraph #8, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

9. That they admit the allegations of paragraph #9.

10. That they deny that Edward Fisher or Rhonda Fisher ever were the operators of demolition activities at the site and admit the remainder of the allegations of paragraph #10, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

11. That they deny the allegations of paragraph #11, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

12. That they deny the allegations of paragraph #12, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

13. That they deny the allegations of paragraph #13, but state further that Edward Fisher did participate in backfilling an excavation site with proper material.

14. That they deny the allegations of paragraph #14, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

15. That they deny the allegations of paragraph #15, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

16. That they deny the allegations of paragraph #16, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

17. That they admit the allegations of paragraph #17, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

18. That they admit the allegations of paragraph #18, stating further that from November 6, 2012 through October 30, 2013, DEG was barred by the owner from conducting demolition activities on the site.

19 through 21. That they admit the allegations of paragraphs #19 through #21.

22 through 26. That they lack sufficient knowledge to admit or deny the allegations of paragraph #22 through #26 and demand strict proof thereof, stating further that from November 6, 2012 through October 30, 2013, DEG was barred by the owner from conducting demolition activities on the site.

27. That they admit the allegations of paragraph #27.

28. That they lack sufficient knowledge to admit or deny the allegations of paragraphs #28 and demand strict proof thereof.

29. That they admit the allegations of paragraph #29 except for the allegation as to what material was being used to fill an excavation pit on the site.

30. That they admit the allegations of paragraph #30.

31. That they deny the allegations of paragraph #31.

32 and 33. That they admit the allegations of paragraphs #32 and #33.

34. That they admit the allegations of paragraph #34, stating further for clarification that to the extent that wood and metal were commingled with dirt,

such was not for the purpose of burial of the debris but occurred from the dozer operator piling the material for removal.

35 through 38. That they admit the allegations of paragraphs #35 through #38.

39. That they admit the allegations of paragraph #39 except for Edward Fisher being present on behalf of DEG, which they deny since he was an unpaid consultant to the job and not a DEG employee.

40. That they admit the allegations of paragraph #40.

41. That they deny the allegations of paragraph #41.

42 through 46. That they admit the allegations of paragraphs #42 through #46.

47. That they deny the allegations of paragraph #47, noting further that to try to bootstrap Edward Fisher or Rhonda Fisher personally on the basis of the language of Section 3.315 is a far stretch of the intent of the statute and is about as foolhardy as saying that an employee or consultant of the state of Illinois personally is responsible for the state's financial problems just because the person happens to be an employee or a consultant of the state of Illinois.

48. That they deny the allegations of paragraph #48.

49 and 50. That they admit the allegations of paragraphs #49 and #50.

51. That they deny the allegations of paragraph #51.

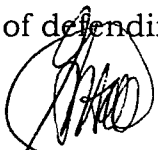
52 and 53. That they admit the allegations of paragraphs #52 and #53.

54. That they deny the allegations of paragraph #54.

55 and 56. That they deny the allegations of paragraphs #55 and #56.

57. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER

COUNT II: OPEN DUMPING RESULTING IN LITTER

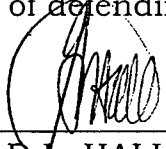
1 through 52. That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 54. That they admit the allegations of paragraphs #53 and #54.

55 through 57. That they deny the allegations of paragraphs #55 through #57.

58. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER

COUNT III: OPEN DUMPING OF DEMOLITION DEBRIS

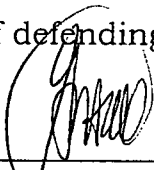
1 through 52. That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 54. That they admit the allegations of paragraphs #53 and #54.

55 through 58. That they deny the allegations of paragraphs #55 through #58.

59. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER

COUNT IV: FAILURE TO FILE AN INITIAL FACILITY REPORT

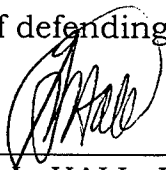
1 through 52: That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 56. That they admit the allegations of paragraphs #53 and #56.

57 through 64. That they deny the allegations of paragraphs #57 through #64.

65. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

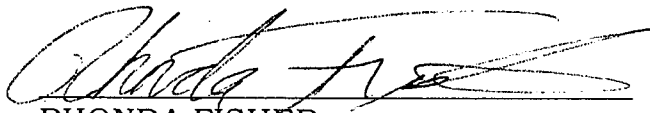
WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER

VERIFICATION BY CERTIFICATION

I, Rhonda Fisher, one of the respondents, certify under the pains and penalties of perjury that the matters and things set forth in the foregoing answer, including statements as to lack of knowledge, are true to the best of our information, knowledge, and belief.



RHONDA FISHER



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER
524 COURT STREET
PEKIN, ILLINOIS 61554
FAX: 309-347-1112
PHONE: 309-347-1113
E MAIL: ATTORNEYGERALDHALL
@GMAILCOM

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

COMPLAINANT)

VERSUS)

DEMOLITION EXCAVATING
GROUP, INC., A DISSOLVED
ILLINOIS CORPORATION,
EDWARD FISHER, AND
RHONDA FISHER,


RESPONDENTS)

PCB #2017-046

COPY

PROOF OF SERVICE

I, Gerald L. Hall, attorney for Edward Fisher and Rhonda Fisher, two of the respondents, certify that I served their ANSWER to the plaintiff's COMPLAINT and the attached NOTICE OF FILING and the attached PROOF OF SERVICE upon the individuals listed on the attached service list by mailing copies thereof in an envelope plainly addressed to each at their respective addresses as are shown on the attached service list, which said envelopes were deposited for mailing with proper postage prepaid in a United States Post Office box in Pekin, Illinois on June 12, 2017 at about 5:00 p.m.



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER
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E MAIL: ATTORNEYGERALDHALL
@GMAILCOM

SERVICE LIST

Illinois Pollution Control Board
Carol Webb, Hearing Officer
POB 19274
Springfield, IL 62794-9274

Illinois Environmental Protection Agency
Division of Legal Counsel
POB 19276
Springfield, IL 62794-9276

Office of the Attorney General
Division Chief of Environmental Enforcement
100 West Randolph (1260)
Chicago, IL 61601

Office of the Illinois Attorney General
Matthew Walker, Esq., Assistant Attorney General
500 South Second Street
Springfield, IL 62706

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
COMPLAINANT)
)
VERSUS) PCB #2017-046
)
DEMOLITION EXCAVATING)
GROUP, INC., A DISSOLVED)
ILLINOIS CORPORATION,)
EDWARD FISHER, AND)
RHONDA FISHER,)
)
RESPONDENTS)

RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES TO
RESPONDENTS RHONDA FISHER AND EDWARD FISHER

NOW COMES Rhonda Fisher, one of the respondents, attended by Gerald L. Hall, her attorney, and for the respondents' answers to the complainant's first set of interrogatories, she states as follows...

1. Information on person providing answers: Rhonda Fisher, one of the respondents, 7841 Warner Road, Manito, IL 61546, 734-755-4658, DemolitionExGroup@Yahoo.com, is providing all of the answers contained herein with some assistance from Edward Fisher.

2. Information on other persons with information: Edward Fisher, one of the respondents, 7841 Warner Road, Manito, IL 61546, 734-755-3017, DemolitionExGroup@Yahoo.com has knowledge of the facts and allegations of

the complaint.

3. Identity of corporate officers of DEG: Rhonda Fisher, 7841 Warner Road, Manito, IL 61546, 734-755-4658, was the sole owner, officer, and director of the corporation and oversaw all aspects of all projects. She was assisted in all aspects by Edward Fisher as an unpaid consultant.

4. Identity of persons who supervised, etc.: See #3 above.

5. Contracts, etc.: See response #5 to the complainant's request to produce.

6. Employees, contractors, etc.: See #1 above and responses #1 and #5 to the complainant's request to produce. In addition to the companies listed in response #1, the deponent now recalls that DEG also utilized Ken Trimble Trucking, 14675 Dee-Mac Road, Mackinaw, IL 61755, 309-359-3911. As to response #5, except for Rhonda Fisher and Edward Fisher, the individuals listed all were laborers on the project and the deponent does not have updated contact information on the individuals anymore except for Tyler Dawe, who is her son, and is moving back home to live with her at her address listed above. His phone number is 309-840-2105.

7. Persons responsible for compliance: Rhonda Fisher was responsible for compliance and her information is listed in answer #1 above.

8. Persons who authorized or oversaw compliance: In addition to Rhonda Fisher, DEG through either Rhonda Fisher or Edward Fisher worked closely with Gene Figge from the IEPA as to all environmental decisions.

9. Rhonda Fisher's control: Rhonda Fisher was the sole owner, officer, and director of the corporation and oversaw all aspects of all projects including environmental compliance.

10. Edward Fisher's control: Edward Fisher acted as an unpaid consultant in the project, and, as such, he assisted Rhonda Fisher in all aspects.

11. Rhonda Fisher's work: See answers to #3, #4, #6, #8, and #9 above. Relevant documents either were produced previously with the request to produce or are stored in the former business property that is located at 805 South Adams, Manito, IL 61546, which said property was foreclosed and has been sold.

12. Edward Fisher's work: See answers to #3 and #10 above. Deponent is not aware of any documentation with respect to Edward Fisher.

13. Respondent's sales of property: DEG sold a few items for scrap through Iron Planet in Chicago, Illinois, but other than that, everything that the respondents owned (including the corporation and Edward Fisher and Rhonda Fisher individually) and used in the DEG business was secured by loans with Heartland Bank and either foreclosed or repossessed or is subject to repossession.

14. Banking information: Rhonda Fisher has a personal savings account at CEFCU in Pekin, Illinois and a checking account with Manito Community Bank in Manito, Illinois. Edward Fisher has no known bank accounts, and all DEG accounts were closed long ago.

15. Others with knowledge: Rhonda Fisher believes that the foregoing answers have covered this question except for Merle Huff who was involved with the ownership of the high school property, but he since has died, Doug Huff, who was Merle Huff's son and may have acquired a beneficial interest in the property prior to Merle Huff's passing, and Josh Haffliger, who is believed to have worked for Merle Huff, but the deponent has no information on either of them.

16. Rule 213(f): Edward Fisher and Rhonda Fisher (contact information above) both will testify as to the entire project and Gene Figge (with IEPA) will be called for his participation and interaction with the respondents as to environmental issues.

17. Opinion witnesses: None at this time.

18. Records and reports for trial: The respondents will rely upon documents previously produced to the IEPA.


19. Denial of access: DEG was told by Josh Haffliger by letter on behalf of Merle

Huff or his business entity that owned the property that it had to vacate the property, and then DEG was allowed back on the property about a year later.

20 and 21. Answers to Count I, paragraphs 54 and 41: Gene Figge from the IEPA came on site and noted certain violations. Edward Fisher and Rhonda Fisher had a meeting with him in Peoria, and it was agreed that DEG was to remove certain debris and notify Gene Figge when it was done, all of which was accomplished, and then Gene Figge told them that they were in compliance and all was good.


STATE OF ILLINOIS)
COUNTY OF TAZWELL) SS

I, Rhonda Fisher, one of the respondents, affirm that the foregoing answers are true to the best of my information, knowledge, and belief.



RHONDA FISHER

SUBSCRIBED AND AFFIRMED BEFORE THE UNDERSIGNED NOTARY PUBLIC ON THIS 17TH DAY OF APRIL, A.D. 2018.



NOTARY, PUBLIC (seal)



GERALD L. HALL, ESQ.
ATTORNEY FOR EDWARD FISHER
AND RHONDA FISHER
524 COURT STREET
PEKIN, ILLINOIS 61554
FAX: 309-347-1112
PHONE: 309-347-1113
E MAIL: ATTORNEYGERALDHALL
@GMAILCOM

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
-vs-)	PCB No. 2017-046
)	
DEMOLITION EXCAVATING GROUP, INC.,)	
a dissolved Illinois corporation, RHONDA)	
FISHER, and EDWARD FISHER,)	
)	
Respondents.)	

AFFIDAVIT OF DEVON MILLER

Upon penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct:

1. I, Devon Miller, am employed by the Illinois Environmental Protection Agency (“Illinois EPA”) as Agency Records Section Manager and Records Officer. My business address is 2520 W. Iles Avenue, Springfield, Illinois 62704.

2. As part of my job duties, I administer Illinois EPA’s digital imaging process, oversee the administration of the Illinois EPA’s document management systems, and manage, maintain, protect, retain, retrieve, and dispose of Illinois EPA’s records. Additionally, I coordinate with the State Records Commission for the disposal and retrieval of Illinois EPA records in accordance with applicable laws, rules, and regulations.

3. I reviewed the attached records related to the property located at 207, 209, and 211 North Ninth Street, Pekin, Tazewell County, Illinois, ("the Site"), designated with Bureau of Land file identification number 1794735150:

- a. Inspection Report dated August 15, 2013 (Exhibit D1);
- b. Inspection Memo dated August 29, 2013 (Exhibit D2);
- c. Inspection Report dated March 4, 2014 (Exhibit D3);
- d. Inspection Report dated March 20, 2014 (Exhibit D4);
- e. Inspection Report dated March 27, 2014 (Exhibit D5); and
- f. Inspection Report dated May 7, 2014 (Exhibit D6).

4. To the best of my knowledge, the attached documents are true and accurate copies of the same documents contained within the above-noted file.



DEVON MILLER

May 5th, 2026

Date

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Tazewell LPC#: 1794735150 Region: 3 - Peoria
 Location/Site Name: Pekin/West Campus Corporation
 Date: 08/15/2013 Time: From 1:30 pm To 2:15 pm Previous Inspection Date: _____
 Inspector(s): Gene Figge Weather: 80 F Clear
 No. of Photos Taken: # 11 Est. Amt. of Waste: 4000 yds³ Samples Taken: Yes # _____ No
 Interviewed: No One On Site Complaint #: C-2013-056-P
 Latitude: 40.569148 Longitude: -89.640096 Collection Point Description: Center of Site - Between Buildings
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation - Google Maps

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

West Campus Corporation
 Registered Agent Carol R. Huff
 4118 North Keenland Avenue
 Peoria, IL 61614

RECEIVED

AUG 29 2013

IEPA/BOL

SECTION	DESCRIPTION	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 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 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 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: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

LPC # 1794735150

Inspection Date: 08/15/2013

9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE.	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products-Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Narrative

On August 15, 2013, I conducted an inspection from 1:30 p.m. until 2:15 p.m. at West Campus Corporation. The inspection was conducted in response to citizen complaint C-2013-056-P alleging that demolition waste from the old Pekin High School has been abandoned on the demolition site. The following person participated in the inspection:

Gene Figge - IEPA (author)

The old Pekin High School was partially demolished by Demolition Excavating Group, Inc. in March of 2012. The school is owned by West Campus Corporation. Some of the waste was removed from the site and open dumped at LPC# 1798015070, Joyce Hilst DBA Lost Creek Storage. After I cited this site for open dumping all removal of waste from the West Campus site ceased. Approximately 4000 cubic yards of General Construction and Demolition Debris have remained at the facility since.

At the facility I observed that a chain link fence with locked gates encircled the property. Inside of the fence one building remained standing and several accumulations of waste from demolition of the other buildings were observed. See photographs 1 through 11. It did not appear that any work had taken place at the facility in over a year.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated that West Campus Corporation caused or allowed open dumping.**

2. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **West Campus Corporation conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

3. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

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AUG 29 2013
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A violation of Section 21(e) is alleged for the following reason: **West Campus Corporation allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

4. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **West Campus Corporation caused or allowed the open dumping of waste in a manner which resulted in litter.**

5. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **West Campus Corporation caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

6. Pursuant to 35 Ill. Adm. Code 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

A violation of 35 Ill. Adm. Code 815.201 is alleged for the following reason: **West Campus Corporation failed to file an initial facility report.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge

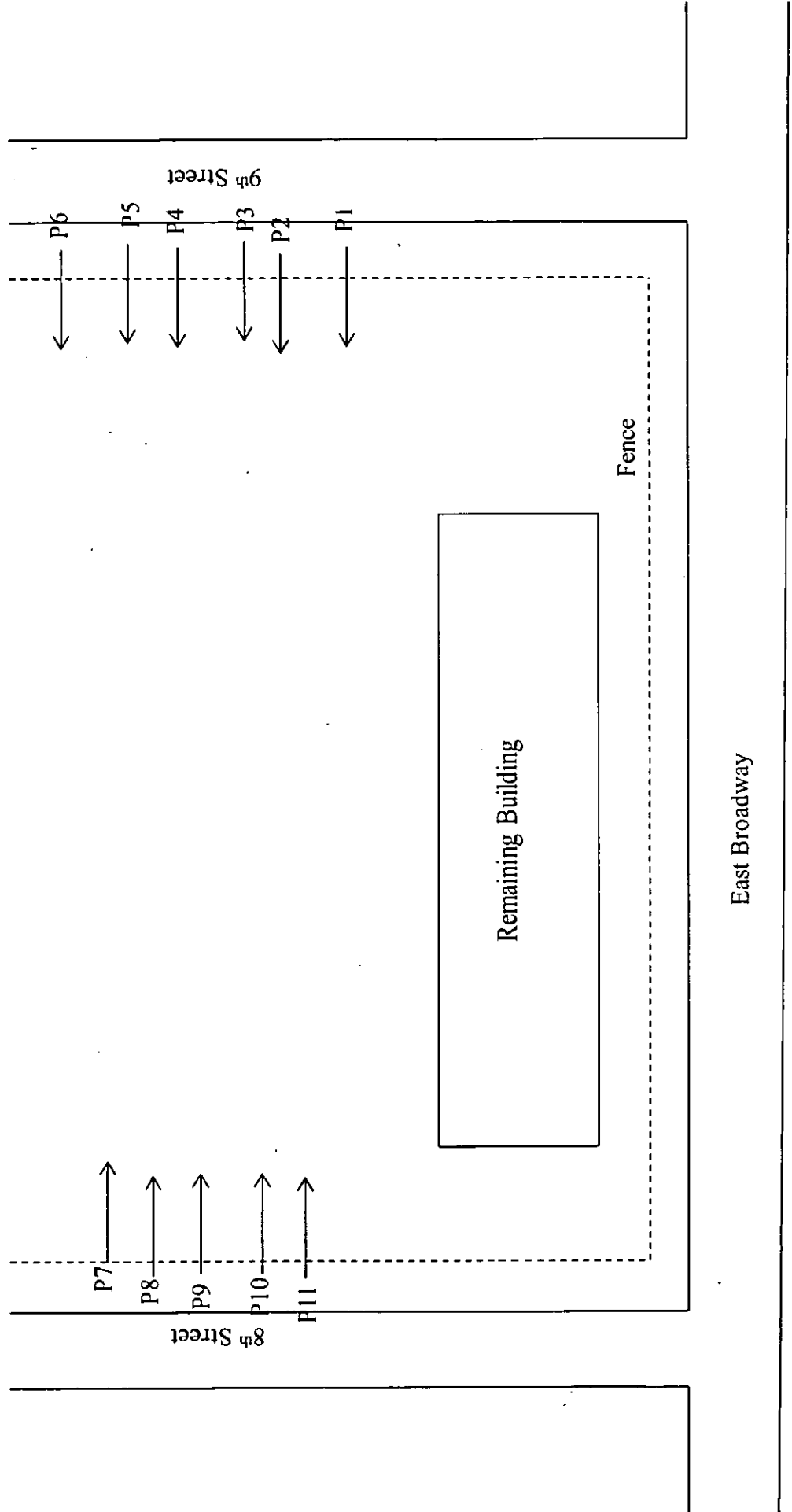
Date of Inspection: August 15, 2013

Site Name: West Campus Corporation

LPC #: 1794735150

County: Tazewell

Time: 1:30 pm - 2:15 pm





DATE: August 15, 2013

TIME: 1:52 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~08152013-001.jpg

COMMENTS: Posted sign
general construction and demolition
debris.



DATE: August 15, 2013

TIME: 1:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~08152013-002.jpg

COMMENTS: General
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~08152013.doc



DATE: August 15, 2013

TIME: 1:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~08152013-003.jpg

COMMENTS: General
construction and demolition debris.



DATE: August 15, 2013

TIME: 1:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~08152013-004.jpg

COMMENTS: General
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~08152013.doc



DATE: August 15, 2013

TIME: 1:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1794735150~08152013-005.jpg

COMMENTS: General
construction and demolition debris.



DATE: August 15, 2013

TIME: 1:54 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1794735150~08152013-006.jpg

COMMENTS: General
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~08152013.doc



DATE: August 15, 2013

TIME: 1:57 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1794735150~08152013-007.jpg

COMMENTS: General
construction and demolition debris.



DATE: August 15, 2013

TIME: 1:57 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1794735150~08152013-008.jpg

COMMENTS: Sign and general
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~08152013.doc



DATE: August 15, 2013

TIME: 1:57 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1794735150~08152013-009.jpg

COMMENTS: General
construction and demolition debris.



DATE: August 15, 2013

TIME: 1:58 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1794735150~08152013-010.jpg

COMMENTS: General
construction and demolition debris
containing wood waste.



DOCUMENT FILE NAME:
1794735150~08152013.doc



DATE: August 15, 2013

TIME: 1:58 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1794735150~08152013-011.jpg

COMMENTS: General
construction and demolition debris
containing wood waste.



9829930 11/18/1998 02:04P 1 of 2
Robert A. Lutz - Tazewell County Recorder

2

WARRANTY DEED
Tazewell County

1794735150 - Tazewell Co,
West Campus Corporation
FOS

THIS DOCUMENT PREPARED BY:

JAY E. GREENING
1125 Commerce Bank Building
416 Main Street
Peoria, Illinois 61602

AFTER RECORDING MAIL TO:

// Merle Huff
4118 N. Keenland
Peoria, IL 61614

This Indenture Witnesseth, That the Grantor, **PEKIN COMMUNITY HIGH SCHOOL DISTRICT NO. 303**, formerly known as **The Board of School Inspectors of the City of Pekin**, a body corporate and politic, of the County of Tazewell and State of Illinois, for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other good and valuable consideration in hand paid, and pursuant to authority given by the Board of Education of said School District, **CONVEYS and WARRANTS** unto **WEST CAMPUS CORPORATION**, an Illinois corporation, of the County of Peoria and State of Illinois the following described real estate situated in the County of Tazewell and State of Illinois, to-wit:

PARCEL 1:

All of Blocks 24, 25 and 30 in Campbell, Durley & Newhall's Addition to the original town, now City of Pekin; ALSO, the vacated portions of Margaret Street, Ann Eliza Street, and the alley located in Block 24, all being situated between the east line of North Eighth Street and the west line of North Ninth Street; ALSO the south half of the vacated portion of Market Street lying east of Eighth Street, and south of the right of way of C.C.C. & St. L. Railway Company, and west of the west line of Lot 4 extended in Block 24 in Campbell, Durley and Newhall's Addition to the City of Pekin, all being situated in the County of Tazewell and State of Illinois.

PARCEL 2:

All that part of Lots Five (5), Six (6) and Seven (7) in Block Twenty-three (23) in Campbell, Durley & Newhall's Addition to the Original Town, now City of Pekin, which lies south of the right of way of the C.C.C. & St. L. Railroad, except the south Forty (40) feet of said Lots Six (6) and Seven (7), in the County of Tazewell and State of Illinois

PIN: 04-04-35-363-001, 04-04-35-363-002 and 04-04-35-364-001

Commonly known as 207, 209 and 211 N. 9th Street, Pekin, Illinois

bing Maps

209 S 9th St, Pekin, IL 61554

1794735150 -- Tazewell County
West Campus Corporation
FOS

On the go? Use m.bing.com to find maps, directions, businesses, and more

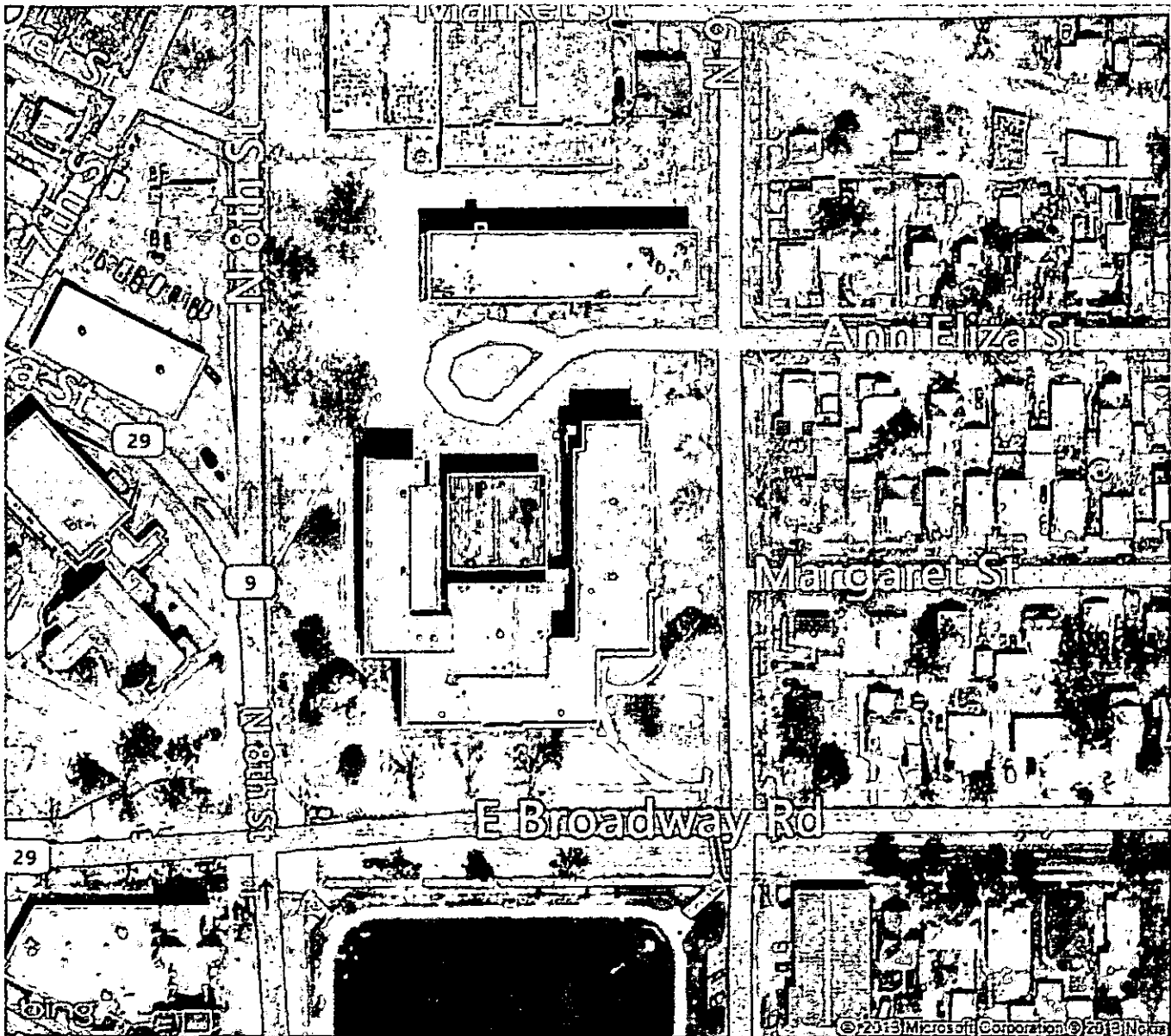
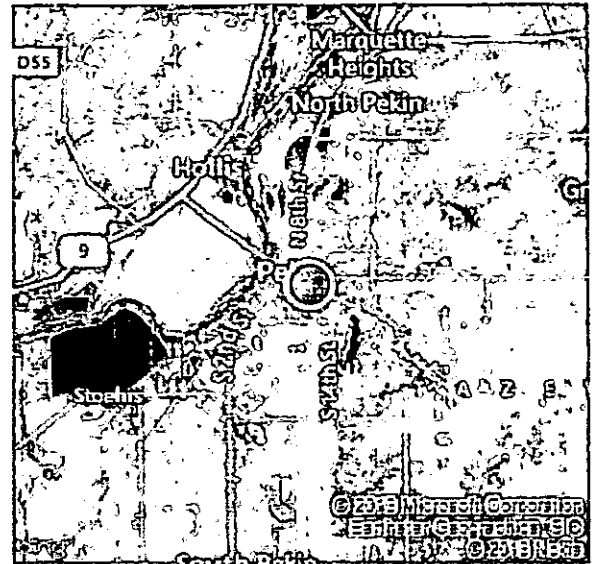


EXHIBIT D1

bcc: BOL Records Unit #24 ✓
BOL/FOS-Peoria Files



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

DATE: August 29, 2013
TO: BOL Records Unit ✓
FROM: Gene Figge, DLPC/FOS - Peoria
SUBJECT: 1794735150 -- Tazewell County
West Campus Corporation
FOS

On August 28, 2013, I went to West Campus Corporation. There I observed an accumulation of general construction and demolition debris that was being moved by an excavator. I spoke with the excavator operator JT Smith. Mr. Smith told me that DemEx was in the process of removing scrap metal and that the waste was to be transported to Waste Management. Mr. Smith could not tell me which Waste Management facility.

On August 29, 2013, Ed Fisher of DemEx contacted me by phone. Mr. Fisher told me that the waste was being transported to Peoria City County Landfill. Mr. Fisher said that they also planned to crush the brick and concrete on site and make aggregate. The waste from that operation would also be transported to Peoria City County Landfill.

Attachments: Photographs

cc: Peoria Regional File

ENVIRONMENTAL RECORDS MANAGEMENT
RELEASABLE
OCT 08 2013
REVIEWER JRM

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SEP 13 2013
IEPA/BOL



DATE: August 28, 2013

TIME: 1:29 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~08282013-001.jpg

COMMENTS: Scrap metal,
general construction and demolition
debris, excavator.



DATE: August 28, 2013

TIME: 1:30 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~08282013-002.jpg

COMMENTS: General
construction and demolition debris,
excavator.



DOCUMENT FILE NAME:
1794735150~08282013.doc



DATE: August 28, 2013

TIME: 1:30 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~08282013-003.jpg

COMMENTS: General
construction and demolition debris,
excavator.



DATE: August 28, 2013

TIME: 1:30 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~08282013-004.jpg

COMMENTS: General
construction and demolition debris,
excavator.



DOCUMENT FILE NAME:
1794735150~08282013.doc

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

APR 23 2014

County: Tazewell LPC#: 1794735150 Region: 3 - Peoria
 Location/Site Name: Pekin/207 209 and 211 North 9th Street
 Date: 03/04/2014 Time: From 2:15 pm To 3:00 pm Previous Inspection Date: 08/15/2013
 Inspector(s): Gene Figge Weather: 30 F Clear
 No. of Photos Taken: # 10 Est. Amt. of Waste: 4000 yds³ Samples Taken: Yes # _____ No
 Interviewed: Justin Mallery Complaint #: C-2014-007-P & C-2014-008-P
 Latitude: 40.569148 Longitude: -89.640096 Collection Point Description: Center of Site - driveway
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation - Google Maps

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

Chicago Title Land Trust Co.
 Trust No.8002363020 dtd 10.2.2013
 10 South LaSalle Street, Suite 2750
 Chicago, Illinois 60603
 Josh Haflinger Cell 309-208-0767

Demolition Excavating Group, Inc.
 Registered Agent: David L. Cover
 456 Fulton St., Suite 203
 Peoria, Illinois 61602
 309-968-6245 Cell: 734-755-3017

	SECTION	DESCRIPTION	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 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 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 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: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

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IEPA/BOL

LPC # 1794735150

Inspection Date: 03/14/2014

9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).

1794735150 -- Tazewell County
207 209 and 211 North 9th Street
FOS
Inspection Date: March 4, 2014
Prepared By: Gene Figge
Page 1

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MAR 12 2014

IEPA/BOL

Narrative

On March 4, 2014, I conducted an inspection from 2:15 p.m. until 3:00 p.m. at 207 209 and 211 North 9th Street. The inspection was conducted in response to citizen complaints C-2014-007-P and C-2014-008-P alleging that demolition waste from the old Pekin High School was being used to fill in the basement on the site. The following persons participated in the inspection:

Gene Figge - IEPA (author)
Justin Mallery - Demolition Excavating Group, Inc.

The old Pekin High School has now been completely demolished. The waste from the demolition is being processed through a crusher to remove the wood and metal. The metal is being sent off of the site for scrap and the wood is being sent to Peoria City County Landfill. The aggregate material that produced from the crushing operation is being used to grade the site.

The site is owned by Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 and the demolition work is being conducted by Demolition Excavating Group, Inc. Upon arrival I spoke with Justin Mallery an equipment operator for Demolition Excavating Group. Mr. Mallery pointed out which accumulations of material were aggregate and which was waste.

The aggregate material did not appear to contain any wood, metal, or other debris. See photographs 1 and 2. The material that was being used to fill in the old basement did contain wood and is therefore considered General Construction and Demolition Debris. See photographs 3 through 8. There was an accumulation of demolition waste that had not been processed located adjacent to the basement. See photograph 9. The crusher was not operating during the inspection but there was an accumulation of aggregate by it as well as an accumulation of scrap metal. See photograph 10.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated that Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed open dumping.**

2. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

3. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

4. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in litter.**

5. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

6. Pursuant to 35 Ill. Adm. Code 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

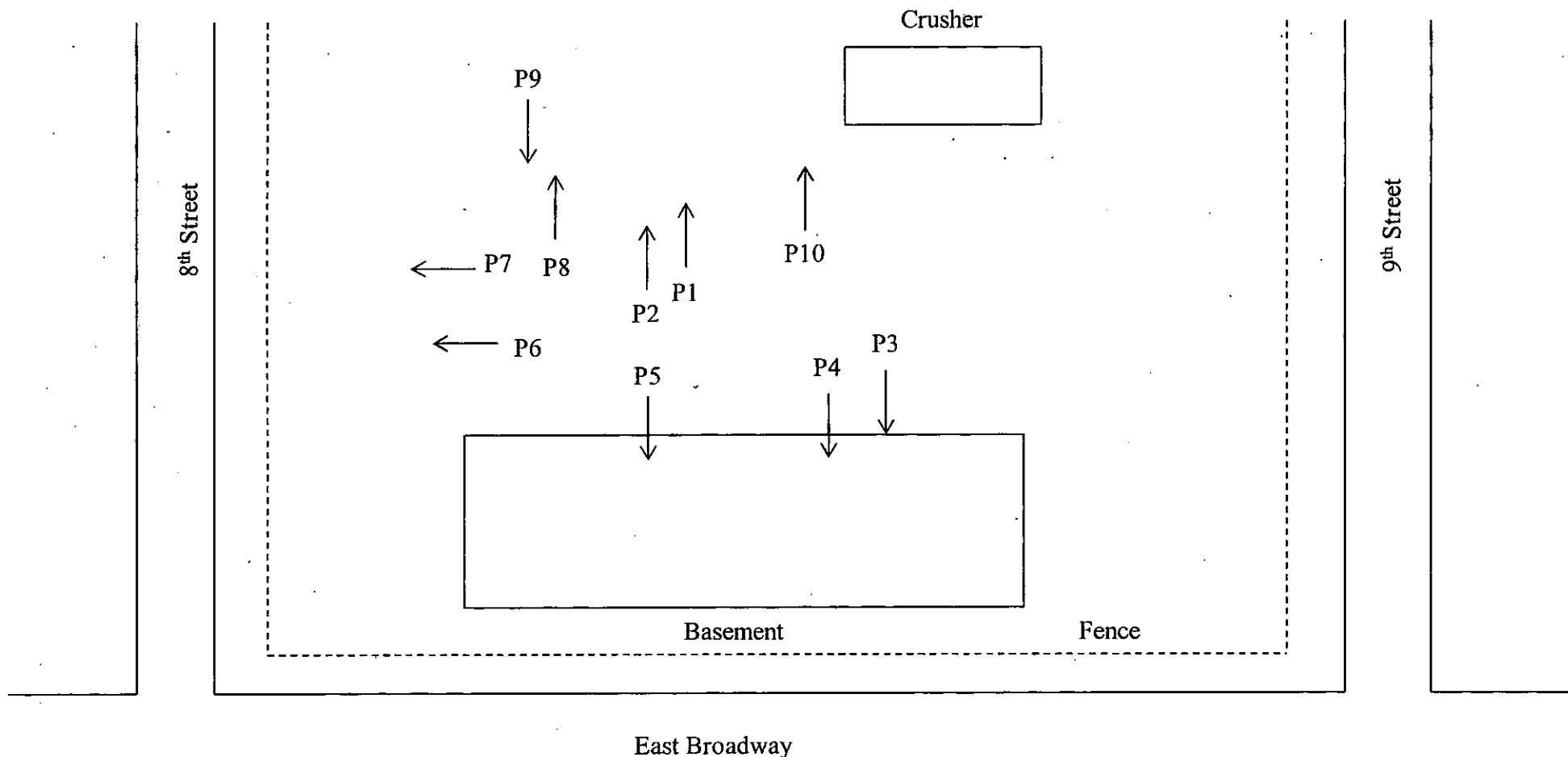
1794735150 -- Tazewell County
207 209 and 211 North 9th Street
FOS
Inspection Date: March 4, 2014
Prepared By: Gene Figge
Page 3

A violation of 35 Ill. Adm. Code 815.201 is alleged for the following reason: Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator failed to file an initial facility report.

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge
Date of Inspection: March 4, 2014
Site Name: 207 209 and 211 North 9th Street

LPC #: 1794735150
County: Tazewell
Time: 2:15 pm – 3:00 pm



Not to Scale

EXHIBIT D3

EXHIBIT A

Legal Description of Real Property

Parcel 1:

All of Blocks 24, 25 and 30 in Campbell, Durley & Newhall's Addition to the original town, now City of Pekin; ALSO, the vacated portions of Margaret Street, Ann Eliza Street, and the alley located in Block 24, all being situated between the east line of North Eighth Street and the west line of North Ninth Street; ALSO the south half of the vacated portion of Market Street lying east of Eighth Street, and south of the right of way of C.C.C. & St. L. Railway Company, and west of the west line of Lot 4 extended in Block 24 in Campbell, Durley and Newhall's Addition to the City of Pekin, all being situated in the County of Tazewell and State of Illinois.

Parcel 2:

All that part of Lots Five (5), Six (6) and Seven (7) in Block Twenty-three (23) in Campbell, Durley & Newhall's Addition to the Original Town, now City of Pekin, which lies south of the right of way of the C.C.C. & St. L. Railroad, except the south Forty (40) feet of said Lots Six (6) and Seven (7) in the County of Tazewell and State of Illinois.

PIN: 04-04-35-363-001, 04-04-35-363-002, 04-04-35-364-001

Commonly known as 207, 209 and 211 N. 9th Street, Pekin, Illinois

attention
John Tripses

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY (the "Agreement") is dated as of _____, 2013, between the City of Pekin, Illinois, an Illinois municipality, ("Seller"), and Chicago Title Land Trust Company, Trustee pursuant to Land Trust Number 8002363020, dated October 2, 2013 ("Purchaser").

1. Sale Agreement. Seller hereby agrees to sell to Purchaser and Purchaser hereby agrees to purchase from Seller, subject to all of the terms and conditions of this Agreement, the real property commonly known as 207, 209 and 211 N. 9th Street, Pekin, Illinois, (PINs: 04-04-35-364-001, 04-04-35-363-001, 04-04-35-363-002), which real property is more particularly described on Exhibit A attached hereto and incorporated herein, together with all privileges, rights, easements, hereditaments and appurtenances thereunto belonging (the "Real Property"). Seller shall convey merchantable title to the Real Property to Purchaser by special warranty deed.

2. Purchase Price. The purchase price of the Real Property ("Purchase Price") shall be equal to One and No/100 Dollar (\$1.00).

3. Conditions Precedent. Purchaser's obligations under this Agreement shall be subject to the following conditions precedent being satisfied to the satisfaction of the Purchaser (or waived by Purchaser in writing):

3.1 Merchantable Title. Purchaser shall be satisfied that Seller has, or will have at Closing, merchantable title to the Real Property and no liens or encumbrances exist against the Real Estate, or, alternatively, any existing liens or encumbrances shall be released at Closing.

3.2 Environmental Audit. Purchaser shall have access to and review and approve the existing plan for environmental cleanup of the Real Property. Alternatively, Purchaser shall be permitted to conduct an environmental audit of the Real Property with results satisfactory to Purchaser. Purchaser or its engineer or other agents shall be permitted to enter the Real Property in accordance with the provisions of Section 3.4 hereof to conduct such samplings and tests of the surface, subsurface and improvements as Purchaser, in its discretion, determines to be necessary.

3.3 Demolition. Purchaser shall have entered into an agreement with Demolition Excavating Group, Inc., acceptable to Purchaser for demolition of the remaining improvements located on the Real Estate, which agreement shall include any required environmental remediation.

3.4 Inspection. With prior notice to Seller, Purchaser, its employees, agents, representatives and independent contractors shall have the right to enter upon the Real Property at any reasonable time during normal business hours and make any tests or inspections of the Real Property that they desire to make at Purchaser's sole cost and expense. Purchaser shall indemnify and hold Seller harmless from and against any liability suffered by Seller arising out of Purchaser's inspection activities on the Real Property.

3.5 Seller Authority. Purchaser shall have satisfactory evidence of Seller's ability to take title to the Real Property together with its ability to sell it to Purchaser pursuant to the terms of this Agreement, including all necessary Pekin City Council action.

If all of the conditions set forth in this Section 3 are not satisfied (or expressly waived by Purchaser in writing) on or before Closing (the "Due Diligence Period"), then Purchaser may terminate this Agreement by delivering written notice of termination to Seller prior to the expiration of the Due Diligence Period. In the event of such termination, the parties shall have no further rights or liability under this Agreement.

4. Closing. In the event that Purchaser does not terminate this Agreement as provided in Section 3 above, the purchase of the Real Property shall be consummated as follows:

4.1 Closing Date. The closing (the "Closing") shall be within five (5) days following the earlier to occur of (i) the date Purchaser notifies Seller in writing that all conditions precedent set forth in Section 3 have been satisfied or are expressly waived by Purchaser, or (ii) _____, 2013, or such earlier date as may be agreed upon by Purchaser and Seller in advance (the "Closing Date").

4.2 Seller's Deliveries. At Closing, Seller shall deliver to Purchaser the following:

4.2.1 Deed. An executed special warranty deed to the Real Property (in the form required by Section 1 hereof) prepared by Seller and in a form reasonably acceptable to Purchaser.

4.2.2 Release(s). Release of any lien or encumbrance or Notice recorded against the Real Property together with a final lien waiver.

4.2.3 Other Documents. Such other documents, instruments, certifications and confirmations as may be reasonably required by Purchaser to fully effect and consummate the transactions contemplated hereby.

4.2.7 Evidence of Authorization. Evidence satisfactory to Purchaser that Seller is authorized to execute this Agreement and proceed with the transactions provided for herein.

4.3 Purchaser's Deliveries. At Closing, Purchaser shall deliver to Seller the following:

4.3.1 Purchase Price. The Purchase Price as set forth in Section 2 hereof.

4.3.2 Escrow Funds. Escrow Funds to be deposited pursuant to Section 5 herein.

4.3.3 Other Documents. Such other documents, instruments, certifications and confirmations as may reasonably be required by Seller to fully effect and consummate the transactions contemplated hereby.

4.3.4 Evidence of Authorization. Evidence satisfactory to Seller that Purchaser is authorized to execute this Agreement and proceed with the transactions provided for herein.

4.4 Joint Deliveries. At Closing, Seller and Purchaser shall jointly deliver to each other the following:

4.4.1 Closing Statement. An agreed upon closing statement.

4.4.2 Transfer Tax Filings. Executed documents complying with the provisions of all federal, state, county and local law applicable to the determination of transfer taxes.

4.5 Possession. Sole and exclusive possession of the Real Property shall be delivered to Purchaser on the Closing Date.

4.6 Property Taxes. Purchaser shall assume responsibility for payment of all real property taxes which are due and owing on the Real Property.

4.7 Closing Costs. Seller shall pay the following costs: Seller's attorneys fees and any state or local transfer taxes. Purchaser shall pay the following costs: Purchaser's attorneys fees and recording fees for recording the deed.

4.8 Brokerage/Transaction Coordination Fees. Seller represents to Purchaser that no transaction coordinator or real estate broker has been engaged by Seller with regard to this transaction. Purchaser represents to Seller that no transaction coordinator or real estate broker has been engaged by Purchaser with regard to this transaction. Each party (the "Indemnifying Party") agrees to indemnify and hold the other harmless against any fees due to any transaction coordinator, real estate broker or similar person or entity claiming to have been engaged by the Indemnifying Party with regard to this transaction.

4.9 Special Assessments. Seller knows of no proceeding for special assessments against the Real Property.

5. Escrow for Demolition.

5.1 Deposit of Funds. At Closing, Purchaser shall deposit funds in the amount of \$250,300.00 with Trademark Title Services, LLC, said funds to be held in escrow and paid out pursuant to the terms of an Assignment and Amendment to Demolition Agreement between Purchaser and Demolition Excavating Group, Inc., said agreement having been reviewed and approved by Seller ("Demolition Agreement").

5.2 Commencement and Completion. Purchaser shall commence demolition no later than 2013, and complete all required demolition no later than 20 weather permitting.

5.4 Default. In the event Purchaser fails to complete demolition as herein described and pursuant to the Demolition Agreement, Seller shall have the right, upon 15 days written notice to Purchaser and to Trademark Title Services, LLC, and Purchaser's opportunity to cure during said period, to take over the direction of any remaining escrowed funds to insure demolition is completed.

5.5 Seller Obligation. In the event Purchaser performs the demolition as herein described and pursuant to the Demolition Agreement, Seller agrees to use its best efforts in assisting Purchaser to include the Real Property in any available Tax Increment Financing District and to facilitate rezoning of the Real Property to the most lenient zoning class available for future development of same.

6. Default. If Seller wrongfully refuses to close the sale of the Real Property to Purchaser or is unable to close the sale of the Real Property under the terms of this Agreement, the same shall constitute a breach of this Agreement and Purchaser shall be entitled to all remedies under Illinois law at the time of the breach, including, without limitation, termination of this

Agreement; specific performance, with the rights, but not the obligation, to perform Seller's covenants and agreements hereunder and to deduct the cost and expense of such performance from the Purchase Price payable hereunder; and the right to recover as an element of its damages, reasonable attorneys fees and court costs and all other damages that Purchaser will suffer as a result of Seller's breach or default hereunder. If Purchaser wrongfully refuses to close the purchase of the Real Property and pay the Purchase Price and create the escrow required pursuant to Section 5 herein Seller shall be entitled to all remedies under Illinois law at the time of the breach and the right to recover as an element of its damages, reasonable attorneys fees and court costs and all other damages that Seller will suffer as a result of Purchaser's breach or default hereunder.

7. Assignment. Purchaser may not assign its rights under this Agreement without prior written notice from Seller.

8. Miscellaneous. It is further understood and agreed as follows:

8.1 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, and such counterparts together shall constitute one and the same instrument.

8.2 Survival. The representations, warranties, covenants and agreements contained in this Agreement shall survive the Closing and the delivery of the deed without limitation.

8.3 Severability. If any provision of this Agreement shall be held to be void or unenforceable for any reason, the remaining terms and provisions hereof shall not be affected thereby.

8.4 Time. Time is of the essence of this Agreement.

8.5 Binding Effect. The provisions of this Agreement shall inure to the benefit of and bind the successors and assigns of the parties hereto.

8.6 Amendment and Waiver. This Agreement may be amended at any time in any respect only by an instrument in writing executed by Seller and Purchaser. Either party may waive any requirement to be performed by the other hereunder, provided that said waiver shall be in writing and executed by the party waiving the requirement.

8.7 Integrated Agreement. This Agreement constitutes the entire agreement between Purchaser and Seller relating to the purchase of the Real Property, and there are no agreements, understandings, restrictions, warranties or representations between Purchaser and Seller other than those set forth herein.

8.8 Choice of Law. It is the intention of Seller and Purchaser that the laws of Illinois shall govern the validity of this Agreement, the construction of its terms and interpretation of the rights and duties of Purchaser and Seller.

8.9 Notices. All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing (including telex and telegraphic communication) and shall be (as elected by the person giving such notice) hand delivered by messenger or courier service, telecommunicated, or mailed (airmail if international) by registered or certified mail (postage prepaid), return receipt requested, addressed to:

If to the Seller:

City of Pekin
c/o Joe Wuellner
111 S. Capitol St.
Pekin, Illinois 61554

with a copy to:

Burt L. Dancy, Esq.
Eliff, Dancy & Bosich, P.C.
109 S. 4th Street
Pekin, Illinois 61554
Telefax: 309.346.0633

If to the Purchaser:

Chicago Title Land Trust Co.
Trust No. 8002363020 dtd 10.2.2013
10 S. LaSalle Street, Suite 2750
Chicago, Illinois 60603
Telefix: 312.223.4139

with a copy to:

Jane E. Ohaver, Esq.
Jane E. Ohaver, P.C.
245 NE Perry Avenue
Peoria, Illinois 61603
Telefax: 309.637-5433

637-5400

or to such other address as any party may designate by notice complying with the terms of this paragraph. Each such notice shall be deemed delivered (a) on the date delivered if by personal delivery; (b) on the date of transmission with confirmation if by telex, telefax or other telegraphic method; and (c) on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be, if mailed.

8.10 Waiver of Tender. Formal tender of an executed deed and the Purchase Price each is hereby waived.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed, as of the day and year first above written.

SELLER:

City of Pekin, Illinois

PURCHASER:

Chicago Title Land Trust Company,
Trustee of Trust No. 8002363020
Dated October 2, 2013

By: _____

Its Manager

By: _____

Trustee



DATE: March 4, 2014

TIME: 2:31 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~03042014-001.jpg

COMMENTS: Aggregate after
three passes through the crusher.



DATE: March 4, 2014

TIME: 2:32 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~03042014-002.jpg

COMMENTS: Aggregate after
two passes through the crusher.



DOCUMENT FILE NAME:
1794735150~03042014.doc



DATE: March 4, 2014

TIME: 2:36 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~03042014-003.jpg

COMMENTS: Waste containing
wood in the old basement.



DATE: March 4, 2014

TIME: 2:36 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~03042014-004.jpg

COMMENTS: Waste containing
wood in the old basement.



DOCUMENT FILE NAME:
1794735150~03042014.doc



DATE: March 4, 2014

TIME: 2:36 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1794735150~03042014-005.jpg

COMMENTS: Waste containing
wood in the old basement.



DATE: March 4, 2014

TIME: 2:36 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1794735150~03042014-006.jpg

COMMENTS: Accumulation of
waste containing wood.



DOCUMENT FILE NAME:
1794735150~03042014.doc



DATE: March 4, 2014

TIME: 2:36 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the West.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1794735150~03042014-007.jpg

COMMENTS: Accumulation of
waste containing wood.



DATE: March 4, 2014

TIME: 2:37 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1794735150~03042014-008.jpg

COMMENTS: Accumulation of
waste containing wood.



DOCUMENT FILE NAME:
1794735150~03042014.doc



DATE: March 4, 2014

TIME: 2:40 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1794735150~03042014-009.jpg

COMMENTS: Mixed waste.



DATE: March 4, 2014

TIME: 2:41 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1794735150~03042014-010.jpg

COMMENTS: Crusher with scrap
metal removed by the magnet.



DOCUMENT FILE NAME:
1794735150~03042014.doc

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Tazewell LPC#: 1794735150 Region: 3 - Peoria
 Location/Site Name: Pekin/207 209 and 211 North 9th Street
 Date: 03/20/2014 Time: From 8:20 am To 9:00 am Previous Inspection Date: 03/04/2014
 Inspector(s): Gene Figge Weather: 35 F Clear
 No. of Photos Taken: # 13 Est. Amt. of Waste: 4000 yds³ Samples Taken: Yes # No
 Interviewed: Ed Fisher, & Josh Hafliger Complaint #:
 Latitude: 40.569148 Longitude: -89.640096 Collection Point Description: Center of Site - Roadway
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation - Google Maps

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

Chicago Title Land Trust Co.
 Trust No.8002363020 dtd 10.2.2013
 10 South LaSalle Street, Suite 2750
 Chicago, Illinois 60603
 Josh Hafliger Cell 309-208-0767

Demolition Excavating Group, Inc.
 Registered Agent: David L. Cover
 456 Fulton St., Suite 203
 Peoria, Illinois 61602
 309-968-6245 Cell: 734-755-3017

	SECTION	DESCRIPTION	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 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 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: RECEIVED	
	(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 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: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

LPC # 1794735150

Inspection Date: 03/20/2014

9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- 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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).

RECEIVED

APR 07 2014

IEPA/BOL

Narrative

On March 20, 2014, I conducted an inspection from 8:20 a.m. until 9:00 a.m. at 207 209 and 211 North 9th Street. The inspection was conducted as a follow-up to an inspection that was done on March 4, 2014. The following persons participated in the inspection:

Gene Figge - IEPA (author)
Josh Hafliger - Chicago Title Land Trust Co.
Ed Fisher - Demolition Excavating Group, Inc.

The old Pekin High School has now been completely demolished. The waste from the demolition is being processed through a crusher to remove the wood and metal. The metal is being sent off of the site for scrap and the wood is being sent to Peoria City County Landfill. The aggregate material that produced from the crushing operation is being used to grade the site.

I observed that all of the waste had been excavated from where the basement of the old high school had been. See photographs 1 through 7. Around the site there were various accumulations of waste. See photographs 8 through 12. Waste is still being run through the crusher in an attempt to make aggregate. See photograph 13.

According to Mr. Fisher the remaining waste is going to be transported to Peoria City County Landfill for disposal. Mr. Fisher said he hopes to be done with the work on the site around the first week of April. The site will then be seeded with grass.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspection that indicated that Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed open dumping.**

2. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.**

3. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

4. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in litter.**

5. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

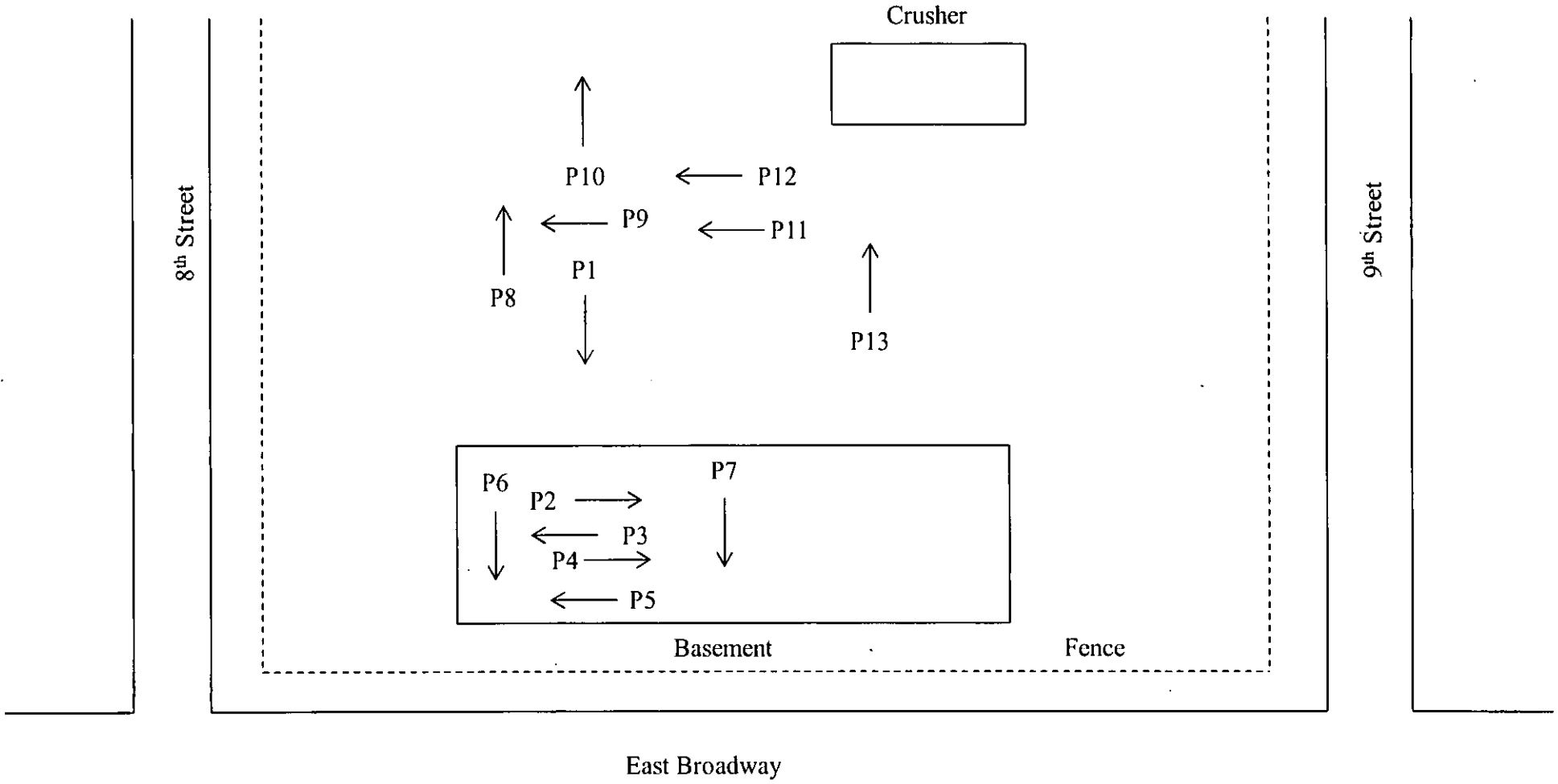
6. Pursuant to 35 Ill. Adm. Code 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

A violation of 35 Ill. Adm. Code 815.201 is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator failed to file an initial facility report.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge
Date of Inspection: March 20, 2014
Site Name: 207 209 and 211 North 9th Street

LPC #: 1794735150
County: Tazewell
Time: 8:20 a.m. – 9:00 a.m.



Not to Scale

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 1 of 7

DATE: March 20, 2014

TIME: 8:23 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~03202014-001.jpg

COMMENTS: Excavated
basement.



DATE: March 20, 2014

TIME: 8:23 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~03202014-002.jpg

COMMENTS: Edge of basement
excavation.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 2 of 7

DATE: March 20, 2014

TIME: 8:23 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~03202014-003.jpg

COMMENTS: Edge of basement
excavation. Saint Joseph's church
in the background.



DATE: March 20, 2014

TIME: 8:24 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~03202014-004.jpg

COMMENTS: Edge of
excavation.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 3 of 7

DATE: March 20, 2014

TIME: 8:24 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1794735150~03202014-005.jpg

COMMENTS: Edge of basement
excavation. Saint Joseph's church
in the background.



DATE: March 20, 2014

TIME: 8:24 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1794735150~03202014-006.jpg

COMMENTS: Edge of
excavation.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 4 of 7

DATE: March 20, 2014

TIME: 8:24 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1794735150~03202014-007.jpg

COMMENTS: Edge of
excavation.



DATE: March 20, 2014

TIME: 8:32 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1794735150~03202014-008.jpg

COMMENTS: Waste concrete
with protruding metal.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 5 of 7

DATE: March 20, 2014

TIME: 8:32 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1794735150~03202014-009.jpg

COMMENTS: General
construction and demolition debris.



DATE: March 20, 2014

TIME: 8:32 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1794735150~03202014-010.jpg

COMMENTS: General
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 6 of 7

DATE: March 20, 2014

TIME: 8:33 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1794735150~03202014-011.jpg

COMMENTS: General
construction and demolition debris.



DATE: March 20, 2014

TIME: 8:34 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1794735150~03202014-012.jpg

COMMENTS: General
construction and demolition debris.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
USEPA (delete if not needed)
FOS

Site Photographs
Page 7 of 7

DATE: March 20, 2014

TIME: 8:35 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1794735150~03202014-013.jpg

COMMENTS: Crusher.



DOCUMENT FILE NAME:
1794735150~03202014.doc

EXHIBIT D4

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Tazewell LPC#: 1794735150 Region: 3 - Peoria
 Location/Site Name: Pekin/207 209 and 211 North 9th Street
 Date: 03/27/2014 Time: From 3:30 pm To 5:00 pm Previous Inspection Date: 03/20/2014
 Inspector(s): Gene Figge Weather: Cloudy 40 F
 No. of Photos Taken: # 17 Est. Amt. of Waste: 120 yds³ Samples Taken: Yes # No
 Interviewed: Ed & Rhonda Fisher Complaint #:
 Latitude: 40.569148 Longitude: -89.640096 Collection Point Description: Center of Site - Roadway
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation - Google Maps

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

Chicago Title Land Trust Co.
 Trust No.8002363020 dtd 10.2.2013
 10 South LaSalle Street, Suite 2750
 Chicago, Illinois 60603
 Josh Hafliiger Cell 309-208-0767

Demolition Excavating Group, Inc.
 Registered Agent: David L. Cover
 456 Fulton St., Suite 203
 Peoria, Illinois 61602
 309-968-6245 Cell: 734-755-3017

	SECTION	DESCRIPTION	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 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 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 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: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

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 REVIEWER JR APR 07 2014
 IEPA/BOL

LPC # 1794735150

Inspection Date: 03/27/2014

9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>

ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS

11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>

**35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS
SUBTITLE G**

15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input checked="" type="checkbox"/>

OTHER REQUIREMENTS

20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).

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IEPA/BOL

Narrative

On March 27, 2014, I conducted an inspection from 3:30 p.m. until 5:00 p.m. at 207 209 and 211 North 9th Street. The inspection was conducted as a follow-up to an inspection that was done on March 20, 2014. The following persons participated in the inspection:

Gene Figge - IEPA (author)
Rhonda Fisher - Demolition Excavating Group, Inc.
Ed Fisher - Demolition Excavating Group, Inc.

The old Pekin High School has now been completely demolished. The waste from the demolition is being processed through a crusher to remove the wood and metal. The metal is being sent off of the site for scrap and the wood is being sent to Peoria City County Landfill. The aggregate material that produced from the crushing operation is being used to grade the site.

I observed that the old basement had been filled in. See photographs 1 through 9. The material used for fill appeared to be Clean Construction and Demolition Debris. Toward the middle of the site away from the basement there was wood and metal in the graded area. See photographs 10 and 11. The fill material appeared to be General Construction and Demolition Debris. I told the Fishers that this waste would need to be excavated.

There were two piles of waste. See photographs 12 through 16. Mr. Fisher said that these accumulations were to be transported to Peoria City County Landfill. Once work on the site was completed it is to be seeded with grass.

The following apparent violations were indicated on the inspection checklist:

1. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: Evidence of open dumping of waste was observed during the inspection that indicated that Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed open dumping.

2. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator conducted a waste disposal operation in violation of regulations adopted by the Illinois Pollution Control Board.

3. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

4. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in litter.**

5. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

A violation of Section 21(p)(7) is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris.**

6. Pursuant to 35 Ill. Adm. Code 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

A violation of 35 Ill. Adm. Code 815.201 is alleged for the following reason: **Chicago Title Land Trust Co. Trust No. 8002363020 dtd 10.2.2013 as owner and Demolition Excavating Group, Inc. as operator failed to file an initial facility report.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge

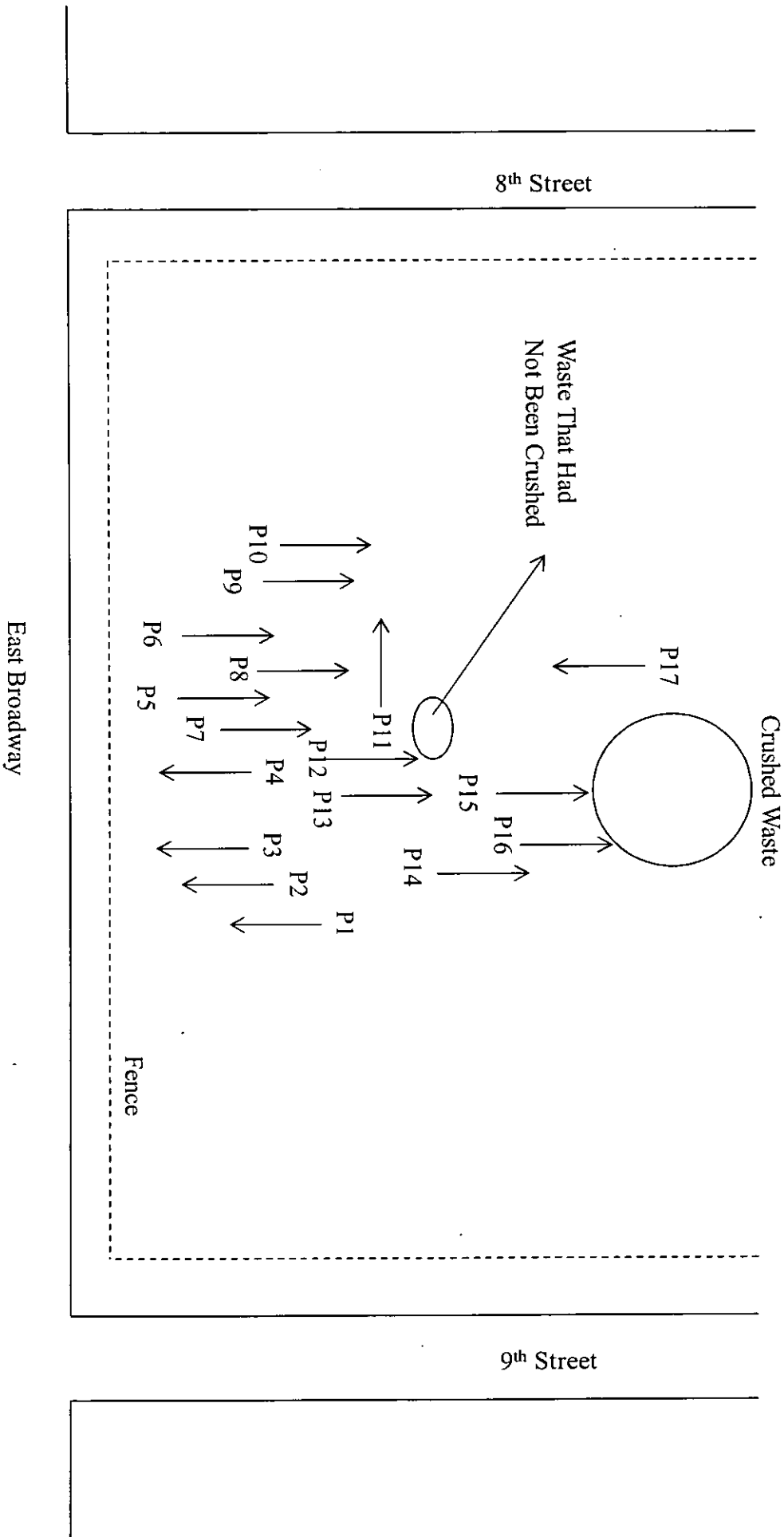
Date of Inspection: March 27, 2014

Site Name: 207 209 and 211 North 9th Street

LPC #: 1794735150

County: Tazewell

Time: 3:30 p.m. – 5:00 p.m.



Not to Scale



DATE: March 27, 2014

TIME: 3:45 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~03272014-001.jpg

COMMENTS: Graded area where
the basement was.



DATE: March 27, 2014

TIME: 3:46 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~03272014-002.jpg

COMMENTS: Graded area where
the basement was.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:47 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~03272014-003.jpg

COMMENTS: Graded area where
the basement was.



DATE: March 27, 2014

TIME: 3:47 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~03272014-004.jpg

COMMENTS: Close up of graded
area.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:48 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1794735150~03272014-005.jpg

COMMENTS: Close up of graded
area.



DATE: March 27, 2014

TIME: 3:48 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1794735150~03272014-006.jpg

COMMENTS: Close up of graded
area.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:50 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1794735150~03272014-007.jpg

COMMENTS: Over view of the
site with accumulations of waste
and equipment in the distance.



DATE: March 27, 2014

TIME: 3:50 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1794735150~03272014-008.jpg

COMMENTS: Close up of graded
area.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:51 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1794735150~03272014-009.jpg

COMMENTS: Close up of graded
area.



DATE: March 27, 2014

TIME: 3:51 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1794735150~03272014-010.jpg

COMMENTS: Close up of graded
area showing wood waste.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:52 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1794735150~03272014-011.jpg

COMMENTS: Close up of graded
area showing wood waste.



DATE: March 27, 2014

TIME: 3:52 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1794735150~03272014-012.jpg

COMMENTS: Accumulation of
waste.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1794735150~03272014-013.jpg

COMMENTS: Accumulation of
waste.



DATE: March 27, 2014

TIME: 3:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
1794735150~03272014-014.jpg

COMMENTS: Accumulation of
waste and a container of scrap
metal.



DOCUMENT FILE NAME:
1794735150~03272014.doc



DATE: March 27, 2014

TIME: 3:53 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
1794735150~03272014-015.jpg

COMMENTS: Accumulation of
waste.



DATE: March 27, 2014

TIME: 3:54 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
1794735150~03272014-016.jpg

COMMENTS: Accumulation of
waste.



DOCUMENT FILE NAME:
1794735150~03272014.doc



1794735150 -- Tazewell County
207 209 and 211 North 9th Street
FOS

Site Photographs
Page 9 of 9

DATE: March 27, 2014

TIME: 3:55 p.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
1794735150~03272014-017.jpg

COMMENTS: Container of scrap
metal, equipment, and accumulation
of waste.



DOCUMENT FILE NAME:
1794735150~03272014.doc

EXHIBIT D5

LPC # 1794735150

Inspection Date: 05/07/2014

9.	55(a)	NO PERSON SHALL:	
	(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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).

1794735150 -- Tazewell County
207 209 and 211 North 9th Street
FOS
Inspection Date: May 7, 2014
Prepared By: Gene Figge
Page 1

Narrative

On May 7, 2014, I conducted an inspection from 8:50 a.m. until 9:30 a.m. at 207 209 and 211 North 9th Street. The inspection was conducted as a follow-up to an inspection that was done on March 10, 2014. The following persons participated in the inspection:

Gene Figge - IEPA (author)
John Tripses -- IEPA
Josh Hafliger - Chicago Title Land Trust Co.

Upon arrival we met with Josh Hafliger the representative of the property owner. All of the waste had been removed from the site and the site had been graded. See photographs 1 through 8. The Agency had previously received copies of landfill receipts. The site has returned to compliance concerning the following apparent violations: Sections 21(a), 21(d)(2), 21(e), 21(p)(1), and 21(p)(7) of the Act and Section 815.201 of the Regulations.

IEPA-DIVISION OF RESOURCES MANAGEMENT
RECEIVED

JUN 26 2014

REVIEWER MED

RECEIVED

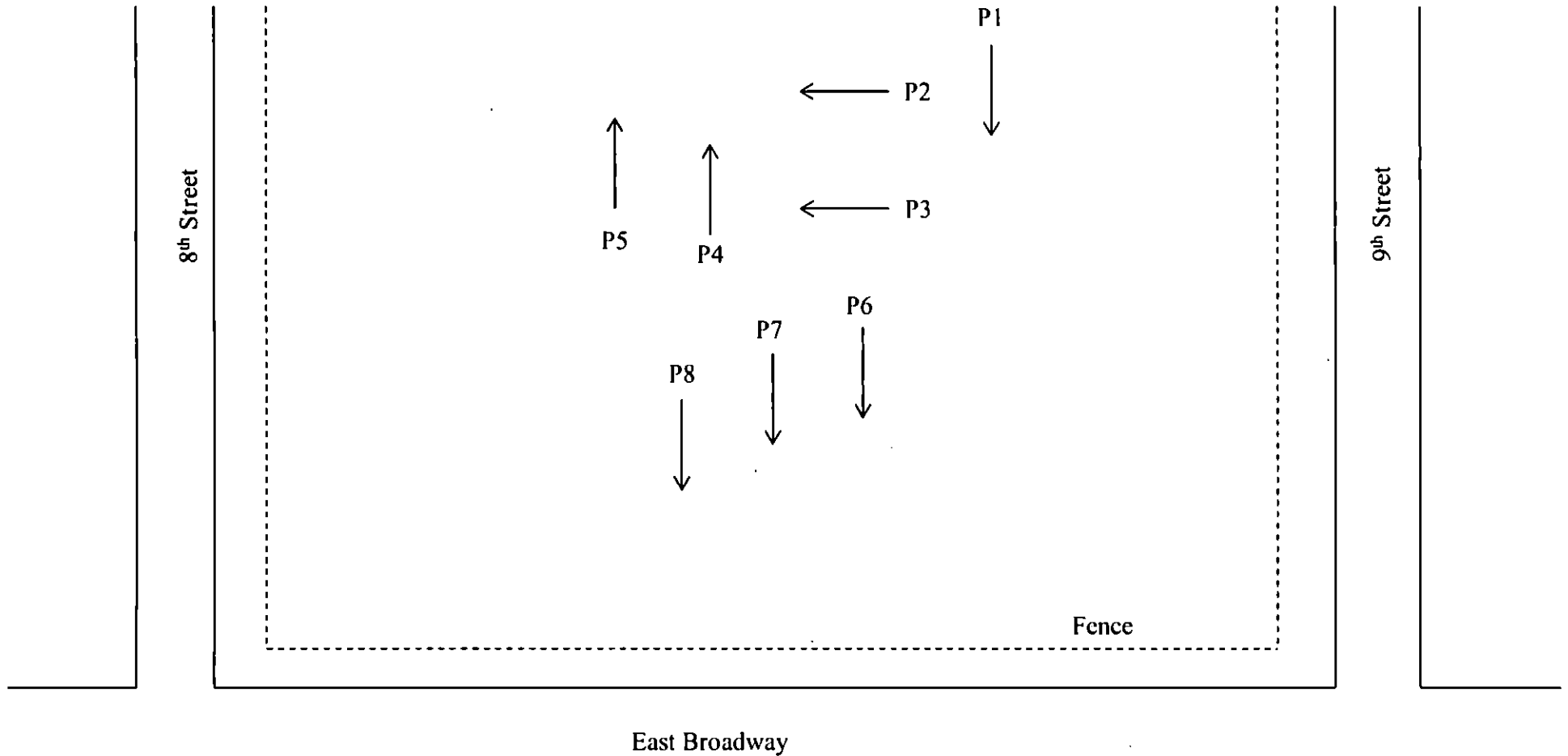
MAY 12 2014

IEPA/BOL

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Gene Figge
Date of Inspection: May 7, 2014
Site Name: 207 209 and 211 North 9th Street

LPC #: 1794735150
County: Tazewell
Time: 8:50 a.m. – 9:30 a.m.



Not to Scale

EXHIBIT D6



DATE: May 7, 2014

TIME: 8:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1794735150~05072014-001.jpg

COMMENTS: Graded area.



DATE: May 7, 2014

TIME: 8:54 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1794735150~05072014-002.jpg

COMMENTS: Graded area.



DOCUMENT FILE NAME:
1794735150~05072014.doc



DATE: May 7, 2014

TIME: 8:55 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1794735150~05072014-003.jpg

COMMENTS: Graded area.



DATE: May 7, 2014

TIME: 8:56 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1794735150~05072014-004.jpg

COMMENTS: Graded area.



DOCUMENT FILE NAME:
1794735150~05072014.doc



DATE: May 7, 2014

TIME: 8:56 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1794735150~05072014-005.jpg

COMMENTS: Close up of the
ground.



DATE: May 7, 2014

TIME: 8:58 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1794735150~05072014-006.jpg

COMMENTS: Graded area.



DOCUMENT FILE NAME:
1794735150~05072014.doc



DATE: May 7, 2014

TIME: 8:58 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1794735150~05072014-007.jpg

COMMENTS: Close up of the
ground.



DATE: May 7, 2014

TIME: 8:58 a.m.

PHOTOGRAPHED BY:
Gene Figge

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1794735150~05072014-008.jpg

COMMENTS: Graded area.



DOCUMENT FILE NAME:
1794735150~05072014.doc

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
-vs-)	PCB No. 2017-46
)	Enforcement
DEMOLITION EXCAVATING GROUP,)	
INC., a dissolved Illinois corporation,)	
RHONDA FISHER, and EDWARD)	
FISHER,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on March 15, 2017, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Notice of Filing copies of the Certified Mail, Returned Receipts of Service of Complaint, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

By: s/Matthew Walker

Matthew Walker, #6324810
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
mwalker@atg.state.il.us
ebs@atg.state.il.us

Dated: March 15, 2017

Electronic

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rhonda Fisher
 7841 Warner Road
 Manito, Illinois 61546-8150



9590 9402 2067 6132 2296 82

2. Article Number (Transfer from service label)

7016 0600 0000 9868 5473

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edward Fisher
 7841 Warner Road
 Manito, IL 61546-8150



9590 9402 2067 6132 2296 75

2. Article Number (Transfer from service label)

7016 0600 0000 9868 5480

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Demolition Excavating Group, Inc.
 c/o Rhonda Fisher, President
 7841 Warner Road
 Manito, Illinois 61546-8150



9590 9402 2067 6132 2296 99

2. Article Number (Transfer from service label)

7016 0600 0000 9868 5466

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

EXHIBIT E

Electronic Filing: Received Clerk's Office 3/15/2017

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2067 6132 2296 82

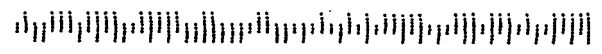
United States
Postal Service

RECEIVED
ATTORNEY GENERAL
FEB 22 2017

ENVIRONMENTAL

• Sender: Please print your name, address, and ZIP+4® in this box•

Matthew Walker
Assistant Attorney General
500 S. Second Street
Springfield, Illinois 62701



USPS TRACKING#



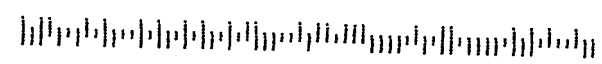
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2067 6132 2296 75

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Matthew Walker
Assistant Attorney General
500 S. State Street
Springfield, IL 62701



USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2067 6132 2296 99

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Matthew Walker
Assistant Attorney General
500 S. Second Street
Springfield, IL 62701

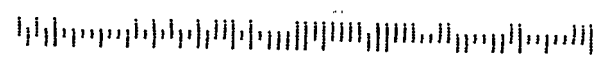


EXHIBIT E

CERTIFICATE OF SERVICE

I hereby certify that I did on March 15, 2017, send by the United States Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the document entitled Notice of Filing Certified Mail, Returned Receipts to:

Demolition Excavating Group, Inc.
c/o Rhonda Fisher, President
7841 Warner Road
Manito, IL 61546-8150

Rhonda Fisher
7841 Warner Road
Manito, IL 61546-8150

Edward W. Fisher
7841 Warner Road
Manito, IL 61546-8150

s/Theresa M. Flinn
Theresa M. Flinn
Administrative Secretary
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/Theresa M. Flinn
Theresa M. Flinn
Administrative Secretary
Environmental Bureau

CERTIFICATE OF SERVICE

I hereby certify that I did on May 18, 2026, caused to be served by electronic and U.S. mail, true and correct copies of the following instruments entitled NOTICE OF FILING, and MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT and attached AFFIDAVIT upon the persons listed in the Service List.

/s/ Michael Lehman
Michael Lehman
Administrative Clerk
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Michael Lehman
Michael Lehman
Administrative Clerk
Environmental Bureau