

# OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

RECEIVED CLERK'S OFFICE

NOV 2 6 2003

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan

November 24, 2003

The Honorable Dorothy Gunn Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601

Re: People v. Michel Grain Company, Inc.

PCB No. 96-143

Dear Clerk Gunn:

Enclosed for filing please find the original and five copies of a NOTICE OF FILING and SUBPOENA/SUBPOENA DUCES TECUM FOR CHRIS MICHEL, BRUCE ELLIS, MIKE BEAN, MARSHA BEAN and JEFF MOORE, in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Phillip McQuillan
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

(217) 782-9031

PM/pp Enclosures

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CI FRK'S OFFICE

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NUV 2 6 2003

PEOPLE OF THE STATE OF ILLINOIS,	)		
Complainant,	) )		STATE OF ILLINOIS Pollution Control Board
vs.	ý	PCB 96-143	
	)	(Enforcement-Water)	
MICHEL GRAIN COMPANY, INC., a/k/a	)		
MICHEL FERTILIZER, an Illinois	)		
corporation, CARYLE MICHEL, and	)		
RONNIE TODD,	)		
Respondents.	)		

#### NOTICE OF FILING

To:

Doug Antonik

Antonik Law Offices 1921 Broadway P.O. Box 594

Mt. Vernon, IL 62864

F. William Bonan

Bonan and Bonan and Rowland

P.O. Box 309

McLeansboro, IL 62859

PLEASE TAKE NOTICE that on this date, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois SUBPOENA/SUBPOENA DUCES TECUM FOR CHRIS MICHEL, BRUCE ELLIS, MIKE BEAN, MARSHA BEAN and JEFF MOORE, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief

Environmental Enforcement/Asbestos

Litigation Division

RY.

PHILLIP McQUILLAN
Assistant Attorney General
Environmental Bureau

500 South Second Street Springfield, Illinois 62706 217/782-9031

Dated: November 24, 2003

## **CERTIFICATE OF SERVICE**

I hereby certify that I did on November 24, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box true and correct copies of the following instruments entitled NOTICE OF FILING and SUBPOENA/SUBPOENA DUCES TECUM FOR CHRIS MICHEL, BRUCE ELLIS, MIKE BEAN, MARSHA BEAN and JEFF MOORE

To: Doug A

Doug Antonik

Antonik Law Offices 411 Main Street

Mt. Vernon, IL 62864

F. William Bonan

Bonan and Bonan and Rowland

P.O. Box 309

McLeansboro, IL 62859

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To:

Dorothy Gunn, Clerk

Illinois Pollution Control Board James R. Thompson Center

Suite 11-500

100 West Randolph Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To:

Carol Sudman

Hearing Officer

Pollution Control Board

1021 North Grand Avenue East

Springfield, Illinois 62702

Phillip McQrillan

Assistant Attorney General

This filing is submitted on recycled paper.

	Before the Illinois	Pollution Cont	rol Board	RECEIVED CLERK'S OFFICE
PEOPLE	OF THE STATE OF ILLINOIS,	)		NUV 2 6 2003
· · · · · · · · · · · · · · · · · · ·	<u> </u>	)		STATE OF ILLINOIS Pollution Control Board
	-Complainant/Petitioner,	) ) PCB	96-143	_
MICHEL CARYLE	GRAIN COMPANY, INC., d/b/a FERTILIZER, AN IL corp., MICHEL, RONNIE TODD and TODD LAND TRUST,	) ) ) ) )	- ·	
	Respondents,  SUBPOENA/SUBPO	) ) ) ENA DUCES	TECUM	
TO:	MARSHA BEAN			
	5370 N. Spring Garden Lane			
	Bonnie, IL 62816			
	(618) 242-1671			
Pι	ursuant to Section 5(e) of the Envi	ironmental Pro	etection Act (	415 ILCS 5/5(e)
(2000)) an	d 35 III. Adm. Code 101.622, yo	u are ordered	to attend and	give testimony at
he hearing	g/deposition in the above-captione	d matter at 1:	00	
<u> </u>	on December 1	20_ <u>03</u>	, at	
the Law (	Office of Douglas A. Antonik	, 1921 Broad	wav	
	on, IL 62864			
(618) 244-	-5739			

You are	also	ordered	to	bring	with	you	documents	relevant	to	the	matter	und	er

consideration and designated herein: any business records, accounting records, tax records, writings or tax returns related to or connected with Michel Grain Company, Inc.; Michel Fertilizer; Carlyle Michel; or Michel Cotter Plant Foods, Inc., and the grain elevator and/or fertilizer/agricultural chemical facility located in Ina, Illinois, and the facility located in Broughton, Illinois, for the time period from 1986 to 1996.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:

Dorothy M. Gunn, Clerk Pollution Control Board

Date: 11/17/03

I,	, certify th	at on this day
of 20	, I caused copies of the S	UBPOENA/SUBPOENA
DUCES TECUM to be served	l upon the following:	
by depositing same in United	States First Class Mail, postage p	prepaid.
	- · · · · · · · · · · · · · · · · · · ·	ı
		(Signature)
		` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `

(Or, alternatively)	
I, MICHAEL HUTHU	_, served this SUBPOENA/SUBPOENA
DUCES TECUM by hand delivering a copy t	O MARSHA BEAN
on //-/9 20 <sub>03</sub>	with a check in the amount
of \$27.60 as a witness fee.	Mecheul Conthis (Signature)
Subscribed and sworn to before me thing 20_03	s 244h day of November
_1.	Liggy J. Pouteward

OFFICIAL SEAL
PEGGY J. POITEVINT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-16-2006

Before the Illinois Pollution Control Board CLERK'S OFFICE NOV 2 6 2003 PEOPLE OF THE STATE OF ILLINOIS, STATE OF ILLINOIS Pollution Control Board Complainant/Petitioner, PCB 96-143 ٧. MICHEL GRAIN COMPANY, INC., d/b/a MICHEL FERTILIZER, an IL corp., CARYLE MICHEL, RONNIE TODD and RONNIE TODD LAND TRUST, Respondents. SUBPOENA/SUBPOENA DUCES TECUM MIKE BEAN TO: 5370 N. Spring Garden Lane Bonnie, IL 62816 (618) 242-1671 Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2000)) and 35 Ill. Adm. Code 101.622, you are ordered to attend and give testimony at the livering/deposition in the above-captioned matter at 2:30 P .m. on December 1 20 03 .at the Law Office of Douglas A. Antonik, 1921 Broadway Mt. Vernon, IL 62864 (618) 244-5739

RECEIVED

You are also ordered to bring with you documents relevant to the matter under

consideration and designated herein: any business records, accounting records, tax records, writings or tax returns related to or connected with Michel Grain Company, Inc.; Michel Fertilizer; Carlyle Michel; or Michel Cotter Plant Foods, Inc., and the grain elevator and/or fertilizer/agricultural chemical facility located in Ina, Illinois, and the facility located in Broughton, Illinois, for the time period from 1986 to 1996.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:

Dorothy M. Gunn, Clerk Pollution Control Board

Date: \_\_11 [17/0.3

	l,	, certify that on thi	is day
of	20	, I caused copies of the SUBPOE	NA/SUBPOENA
DUCES	TECUM to be served	upon the following:	
by depos	siting same in United S	tates First Class Mail, postage prepaid.	
			(Signature)

(Or, alternatively)

I, <u>/</u> /	MICHAEL A	VTHIS		SUBPOENA/SU	BPOENA	L.
DUCES TE	CUM by hand de	livering a copy to	MIKE	BEAN		
on	1-19	20 <sub>_03</sub>	5	with a check	in the	- amount
of \$27.60	for a witness	fee. 2	1.00			
			fullay,	(Sig	nature)	
Subs 20 <u>03</u> .	cribed and sworn	to before me this	s <u>2414</u> day	of <u>Dovemb</u>	W	
			Reggy S	2. Portunt otary Public	mst	

OFFICIAL SEAL
PEGGY J. POITEVINT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-16-2006

RECEIVED Before the Illinois Pollution Control Board CLERK'S OFFICE NOV 2 6 2003 PEOPLE OF THE STATE OF ILLINOIS, STATE OF ILLINOIS Pollution Control Board Complainant/Petitioner, PCB <u>96-143</u> ٧. MICHEL GRAIN COMPANY, INC., d/b/a MICHEL FERTILIZER, an IL corp., CARYLE MICHEL, RONNIE TODD and RONNIE TODD LAND TRUST, RespondentS. SUBPOENA/SUBPOENA DUCES TECUM TO: CHRIS MICHEL 13620 New Harmony Lane Opdyke, IL 62872 (618) 242-0304 Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2000)) and 35 III. Adm. Code 101.622, you are ordered to attend and give testimony at the bearing/deposition in the above-captioned matter at 9:00 a. .m. on December 9 20 <u>03</u> \_ \_ \_ , at the Law Office of Douglas A. Antonik, 1921 Broadway

Mt. Vernon, IL 62864

(618) 244-5739

Von	are alco	ordered to	hring	with	VOII	documents	relevant	to t	he	matter	under
ı Ou	are also	Officered to	o omig	willi	you	documents	terevant	iO i	.110	manci	unuci

consideration and designated herein: any business records, accounting records, tax records, writings or tax returns related to or connected with Michel Grain Company, Inc.; Michel Fertilizer; Carlyle Michel; or Michel Cotter Plant Foods, Inc., and the grain elevator and/or fertilizer/agricultural chemical facility located in Ina, Illinois, and the facility located in Broughton, Illinois, for the time period from 1986 to 1996.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:

Dorothy M. Gunn, Clerk Pollution Control Board

Date: 11/17/03

	I,, certify	that on this	day
of	20, I caused copies of the	SUBPOENA	A/SUBPOENA
DUCES	TECUM to be served upon the following:		
_			
-			
-			
by depos	iting same in United States First Class Mail, postag	e prepaid.	
			(Signature)

(Or, alternatively)

1, MICHAEL ANTHIS	_, served this SUBPOENA/SUBPOENA
DUCES TECUM by hand delivering a copy to	CHRIS MICHEL
on //-/9 20 <sub>03</sub>	with a check in the amount
of \$30.40 for a witness fee.	
	echal links
	(Signature)
Subscribed and sworn to before me this	24th day of DOMMIAN
20 03	(1/1/4) day of
	Leagy Corterral
	Motary Public

OFFICIAL SEAL
PEGGY J. POITEVINT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-16-2006

Before the Illinois Pollution Control Board	RECEIVED CLERK'S OFFICE
PEOPLE OF THE STATE OF ILLINOIS,	NUV 2 6 2003
) )	STATE OF ILLINOIS Pollution Control Board
Complainant/Petitioner, ) PCB 96-143	_
v. )	
MICHEL GRAIN COMPANY, INC., d/b/a	
MICHEL FERTILIZER, an IL corp., ) CARYLE MICHEL, RONNIE TODD and )	
RONNIE TODD LAND TRUST,	
KONNIE TODD LAND TRUST, )	
Respondents. )	
SUBPOENA/SUBPOENA DUCES TECUM	
10.	
16325 E. Saddle Club Road	
Bonnie, IL 62816	
(618) 242–5302	
Pursuant to Section 5(e) of the Environmental Protection Act (4	15 ILCS 5/5(e)
(2000)) and 35 III. Adm. Code 101.622, you are ordered to attend and g	give testimony at
he hearing/deposition in the above-captioned matter at 11:00	
a .m. on <u>December 9</u> 20 03 , at	
he Law Office of Douglas A. Antonik, 1921 Broadway	
it. Vernon, IL 62864	_
618)244~5739	

You	are	also	ordered	to	bring	with	you	documents	relevant	to	the	matter	under

consideration and designated herein: any business records, accounting records, tax records, writings or tax returns related to or connected with Michel Grain Company, Inc.; Michel Fertilizer; Carlyle Michel; or Michel Cotter Plant Foods, Inc., and the grain elevator and/or fertilizer/agricultural chemical facility located in Ina, Illinois, and the facility located in Broughton, Illinois, for the time period from 1986 to 1996.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:

Dorothy M. Gunn, Clerk Pollution Control Board

Date: 1/17/03

of	I,	, certify that on this , I caused copies of the SUBPOENA/SUBP	day
	TECUM to be served upo		OLNA
		·	
by depos	iting same in United State	es First Class Mail, postage prepaid.	
		(Signati	ure)

(Or, alternatively)

I, MICHAE	2 ANTHIS	, served this	s SUBPOENA/SU	JBPOEN A	<del>1</del>
DUCES TECUM by	hand delivering a co	opy to <u>JEFF</u>	MOORE	<u> </u>	
on //-19	20	03	_, with a check	in the	amount
of \$27.60 for a wa	itness fee.	Mukay	Menthy		
		<i>(</i>	(Sig	gnature)	
Subscribed and 20_03	i sworn to before m	ne this <u>24</u> /h da	y of <u>Novem</u>	lw	_
		Reggy	Notary Public	ingt	

CIAL SEAL
DO J. POITEVINT
CILIC, STATE OF ILLINOIS
EXPIRES 4-16-2006

	Before the Illinois	Pollution Control Board	RECEIVED
PEOP	LE OF THE STATE OF ILLINOIS,	1	CLERK'S OFFICE
	The state of the s	)	NOV 2 6 2003
·		)	STATE OF ILLINOIS Pollution Control Board
	· · · · · · · · · · · · · · · · · · ·	)	
	Complainant/Petitioner,	) PCB <u>96-143</u>	
	v.	) )	
MICHE	L GRAIN COMPANY, INC., d/b/a	<i>,</i> )	
MICHE	L FERTILIZER, AN IL corp.,	)	
CARYL	E MICHEL, RONNIE TODD AND	)	
RONNI	E TODD LAND TRUST,	)	
		)	
	Respondents.	)	
		ENA DUCES TECUM	
	P.		
TO:	BRUCE ELLIS		
	1 <b>789/</b> 18791 E. Marlow Road		
	Mt. Vernon, IL 62864		
	(618) 242-6169	· · · · · · · · · · · · · · · · · · ·	
	Pursuant to Section 5(e) of the Env	ironmental Protection Ac	t (415 ILCS 5/5(e)
(2000)).	and 35 III. Adm. Code 101.622, yo	u are ordered to attend ar	nd give testimony at
the hear	ing/deposition in the above-captione	ed matter at 4:00	
	n. on December 1	20_ <u>03</u> , a	t
the Law	v Office of Douglas A. Antonik	, 1921 Broadway	
Mt. Ver	rnon, IL 62864		
(618) 2	44–5739		

You are also ordered to bring with you documents relevant to the matter under

consideration and designated hereinany business records, accounting records, tax records, writings or tax returns related to or connected with Michel Grain Company, Inc.; Michel Fertilizer; Carlyle Michel; or Michel Cotter Plant Foods, Inc., and the grain elevator and/or fertilizer/agricultural chemical facility located in Ina, Illinois, and the facility located in Broughton, Illinois, for the time period from 1986 to 1996.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:

Dorothy M. Gunn, Clerk Pollution Control Board

Date: 11/17/03

# CERTIFICATE OF SERVICE

I, MICHAEL					
of <b>NOVEMBER</b> DUCES TECUM to be se		-	SUBPOENA	./SUBPOE	ENA
DOCES LECOM to be se	i ved upon me ton	owing.			
WILLIAM	ELLIS TR.	·			
17891 E.	MARLOW R	<b>න</b>			
MT. VERNOR	J. DL 62	864			

Muchael

by depositing same in United States First Class Mail, postage prepaid.

(Signature)

(Or, alternatively)			
I,		, served this SUBPOENA/SUBPOEN	A
DUCES TECUM by hand deliver			
on	20 <u>03</u>	. with a check in the	amoun
of \$22.00 for a witness fee.			
		(Signature)	<del>_</del>
Subscribed and sworn to be 20 03	efore me this	day of	-
20_03			
		Notary Public	