



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

RECEIVED
CLERK'S OFFICE

MAY 29 2009

May 27, 2009

STATE OF ILLINOIS
Pollution Control Board

Ac09-48

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

ORIGINAL

Re: Illinois Environmental Protection Agency v. Montel & Aneita Metzger
IEPA File No.98-09-AC; 2038050003—Woodford County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
MONTEL and ANEITA METZGER,)
)
Respondents.)

AC 09-48
(IEPA No. 98-09-AC)

RECEIVED
CLERK'S OFFICE
MAY 29 2009
STATE OF ILLINOIS
Pollution Control Board

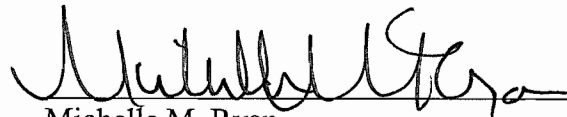
ORIGINAL

NOTICE OF FILING

To: Montel & Aneita Metzger
207 Douglas Street
P.O. Box 220
Carlock, IL 61725

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

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

Dated: May 27, 2009

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

5. That on 5-27-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 3541.

VIOLATIONS

Based upon direct observations made by Jason Thorp during the course of his April 29, 2009 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2006).

- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3)(2006).

- (3) That Respondents caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2009, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

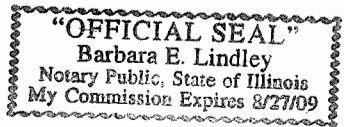
Date: 5/27/09

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

[Handwritten Signature]

Subscribed and Sworn to before
me this 5th day of May 2009

Barbara E Lindley
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
 CLERK'S OFFICE

MAY 29 2009

County: Woodford LPC#: 2038050003 Region: 3 - People's State of Illinois
 Location/Site Name: Metzger Montel & Aneita Pollution Control Board
 Date: 04/29/2009 Time: From 10:30 am To 11:00 am Previous Inspection Date: 11/25/2008
 Inspector(s): Jason Thorp Weather: 53F, E 5MPH, Overcast
 No. of Photos Taken: # 15 Est. Amt. of Waste: 150 yds³ Samples Taken: Yes # No
 Interviewed: No one available on site. Complaint #: C-2008-046-P
 Latitude: N40.63182 Longitude: W89.13187 Collection Point Description: Site Entrance -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS - Garmin GPSMap76S

Responsible Party: Montel & Aneita Metzger
 Mailing Address(es) and Phone Number(s): 207 Douglas St
P.O. Box 220
Carlock, IL 61725

ORIGINAL

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1.	9(a) CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c) CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a) CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD	<input checked="" type="checkbox"/>
5.	21(a) CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1) Without a Permit	<input checked="" type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e) DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<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"/>

LPC # 2038050003

Inspection Date: 04/29/2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Narrative

On April 29, 2009, I (Jason Thorp, BOL/FOS-Peoria) conducted a third re-inspection at a property owned by Montel and Aneita Metzger, referred to hereafter as the "Site." The Site is located approximately 3.4 miles north of Carlock at 292 Denman Road (N40.63182, W89.13187). The purpose of the re-inspection was to determine if violations observed during the initial complaint investigation C-2008-046-P conducted on April 24, 2008, had been resolved. The subject complaint investigation revealed the presence of open dumped and evidence of open burned solid waste in several locations, including areas along Vincent Run Creek, resulting in an ACWN, dated May 20, 2008.

I arrived at the Site Wednesday morning at approximately 10:30 a.m. The temperature was 53°F with overcast skies. The wind direction was east at approximately 5 mph.

No one was available on-Site for interview. I proceeded to walk the Site collecting digital photographs to document the volume of open dumped solid waste present as compared to the volume of solid waste observed during the previous complaint investigation C-20080-046-P, conducted on April 24, 2008, and subsequent re-inspections on August 6, 2008 and November 25, 2008. The Site appears to be in the same condition as previous inspections as no apparent solid waste removal activities have taken place. To date, the owners have not submitted a written response to the ACWN or receipts to document proper disposal or recycling of any solid waste.

During the complaint investigation I collected digital photographs 2038050003~04292009-001 through -015 with an Olympus D-580 digital camera to document the open dumped and evidence of open burned solid waste observed. Digital photograph #1 depicts a portion of the open dumped solid waste (bricks, metal debris, and rubber hose) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #2 depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #3 depicts an area where open dumped and open burned solid waste (metal debris and metal wire) was previously observed during complaint investigation C-2008-046-P. The subject waste appears to have been removed. No new open dumping and/or open burning have taken place at this location. Digital photograph #4 depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #5 depicts a portion of the open dumped solid waste (metal debris, white goods and general construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #6 depicts a portion of the open dumped solid waste (metal debris and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #7 depicts a portion of the open dumped solid waste (general construction/demolition debris) observed on-site. No solid waste removal activities

have taken place at this location. Digital photograph #8 depicts a portion of the open dumped solid waste (metal debris, used/waste tires, rail ties, construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location. Digital photograph #9 depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #10 depicts a portion of the open dumped solid waste (metal debris and white goods) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008. Digital photograph #11 depicts a portion of the open dumped and open burned solid waste observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #12 depicts a portion of the open dumped solid waste (metal debris) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #13 depicts a portion of the open dumped solid waste (metal pipe and bathtub) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location. Digital photograph #14 depicts the open dumped and open burned solid waste (construction/demolition debris and general household refuse) observed on-site along the south side of CR 355N. No solid waste removal activities have taken place at this location. Digital photograph #15 depicts the entrance to the Site. The digital photographs have been plotted on the attached Illinois EPA Site Map.

The re-inspection concluded at approximately 11:00 a.m.

Agency correspondence should be addressed to the owner(s) as follows:

Owner

Montel & Aneita Metzger
207 Douglas St.
P.O. Box 220
Carlock, IL 61725

An open dump checklist was completed as a result of the re-inspection findings and the following solid waste violations were again observed: Sections 9(a), 9(c), 12(a), 12(d), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), and 55(a)(1) of the Environmental Protection Act and Section 812.101(a) of the Illinois Administrative Code.

1. Pursuant to Section 9(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) is alleged for the following reason: **Evidence of open burning which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

2. Pursuant to Section 9(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: **Evidence of open burning was observed during the inspection.**

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with the matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) is alleged for the following reason: **The discharge of contaminants was caused, threatened, or allowed, so as to cause or tend to cause water pollution in Illinois.**

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) is alleged for the following reason: **Contaminants were deposited upon the land in such place and manner so as to create a water pollution hazard.**

5. 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.**

6. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS /21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Waste was disposed without a permit granted by the Illinois EPA.**

7. 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: **A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

8. 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: **Waste was disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

9. 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: **The open dumping of waste was caused or allowed in a manner which resulted in litter.**

10. Pursuant to Section 21(p)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(3)), 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 open burning.

A violation of Section 21(p)(3) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner which resulted in open burning.**

11. 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: **The open dumping of waste was caused or allowed in a manner which resulted in deposition of general or clean construction or demolition debris.**

12. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

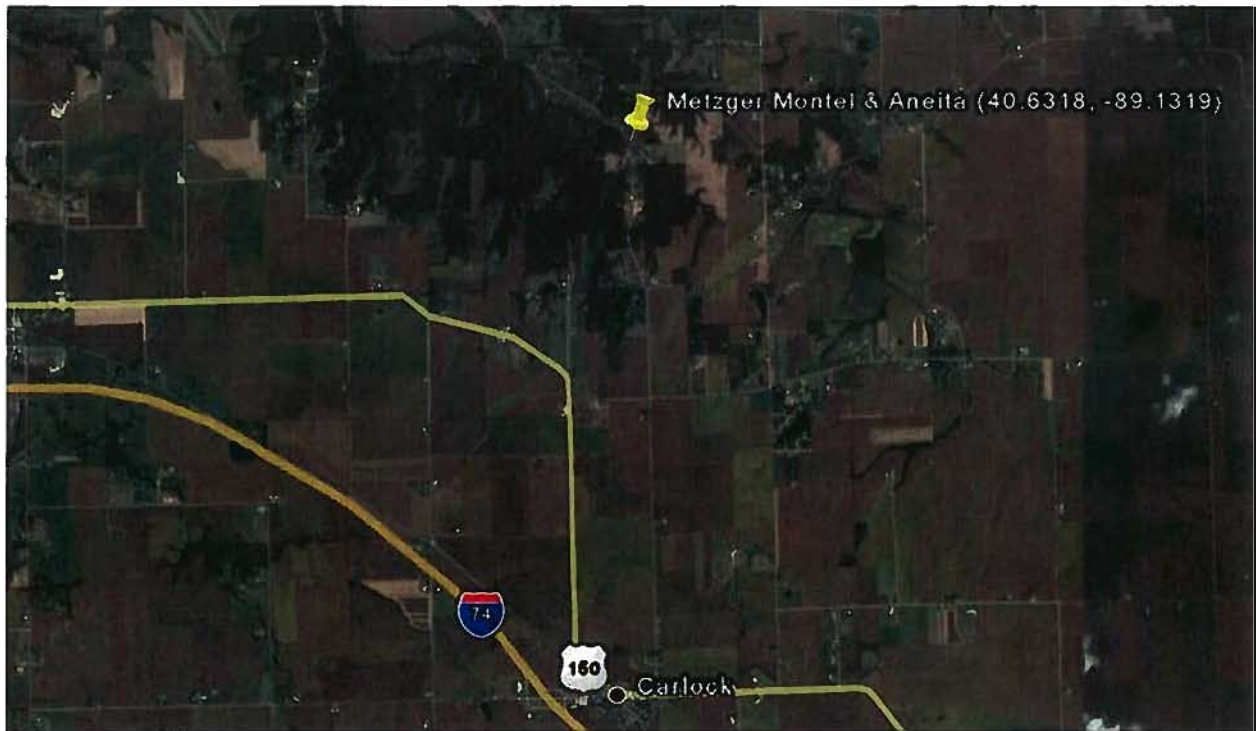
A violation of Section 55(a)(1) is alleged for the following reason: **Evidence of open dumping of used or waste tires was observed during the inspection.**

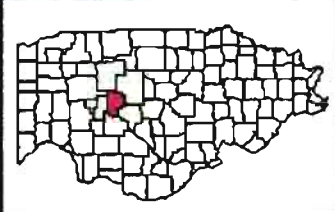
13. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **A waste disposal facility was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill.**

2038050003 – Woodford County
Metzger Montel & Aneita
FOS

Illinois EPA Location Map



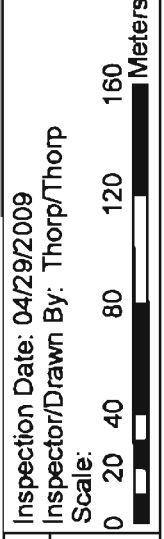


DOQ Boundary UTM
 Map Name USGS Code Quarter States Counties Image ID Image Date
 SECOR 40089F23 se IL Woodford 13267-134 Fri, 8 Apr 2005 00:00:00



Legend

- Site Entrance Waypoint
- ➔ # Digital Photograph Waypoint & Direction



Illinois EPA Site Map
 2038050003 – Woodford County
 Metzger Montel & Aneita
 FOS



DATE: 04/29/2009

TIME: 10:41a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
2038050003~04292009-001.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (bricks, metal debris, and rubber hose) observed on-site. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:42 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
2038050003~04292009-002.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.



DOCUMENT FILE NAME:
2038050003~04292009.doc



DATE: 04/29/2009

TIME: 10:42 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northwest.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
2038050003~04292009-003.jpg

COMMENTS: Digital photograph depicts an area where open dumped and open burned solid waste (metal debris and metal wire) was previously observed during the initial complaint investigation C-2008-046-P. The subject waste appears to have been removed. No new open dumping and/or open burning has taken place at this location.



DATE: 04/29/2009

TIME: 10:43 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northwest.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
2038050003~04292009-004.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (mostly metal debris) observed on-site along Vincent Run Creek. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.



DOCUMENT FILE NAME:
2038050003~04292009.doc



DATE: 04/29/2009

TIME: 10:44 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northwest.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
2038050003~04292009-005.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:44 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
2038050003~04292009-006.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.





DATE: 04/29/2009

TIME: 10:46 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
2038050003~04292009-007.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (general construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:46 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
2038050003~04292009-008.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, used/waste tires, rail ties, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.





DATE: 04/29/2009

TIME: 10:47 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
2038050003~04292009-009.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris, white goods, and construction/demolition debris) observed on-site. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:48 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
2038050003~04292009-010.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris and white goods) observed on-site. It appears that no solid waste removal activities have taken place at this location since the previous inspection on 11/25/2008.



DOCUMENT FILE NAME:
2038050003~04292009.doc



DATE: 04/29/2009

TIME: 10:48 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northwest.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
2038050003~04292009-011.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped and open burned solid waste observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:49 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
2038050003~04292009-012.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal debris) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location.



DOCUMENT FILE NAME:
2038050003~04292009.doc



DATE: 04/29/2009

TIME: 10:50 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
2038050003~04292009-013.jpg

COMMENTS: Digital photograph depicts a portion of the open dumped solid waste (metal pipe and bath tub) observed on-site along Vincent Run Creek. No solid waste removal activities have taken place at this location.



DATE: 04/29/2009

TIME: 10:51 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
2038050003~04292009-014.jpg

COMMENTS: Digital photograph depicts the open burned and open dumped solid waste (construction/demolition debris and general household refuse) observed on-site along the south side of CR 355N. No solid waste removal activities have taken place at this location.



DOCUMENT FILE NAME:
2038050003~04292009.doc



DATE: 04/29/2009

TIME: 10:53 a.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
2038050003~04292009-015.jpg

COMMENTS: Digital photograph
depicts the entrance to the site.



Document No. 225650 filed for Record in Recorder's office of Woodford County, Illinois
MARCH 6th 1963 at 9:32 o'clock A.M.

WARRANTY DEED *[Signature]* Recorder of Deeds

This Indenture Witnesseth, That the Grantors, Hubert Fuller and Helen Fuller, husband and wife, each in their own right and as spouse of the other,

of the Town of Kansas in the County of Woodford and State of Illinois for and in consideration of the sum of One Dollar and other good and valuable considerations in hand paid, CONVEY and WARRANT to Montel Metzger and Anetta L. Metzger, husband and wife, not in tenancy in common, but in joint tenancy, of the Town of Kansas County of Woodford and State of Illinois the following described real estate, to-wit:

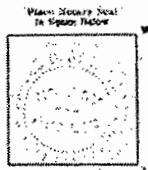
The Southeast Quarter (¼) of the Northwest Quarter (¼) of the Northeast Quarter (¼) of Section Seventeen (17), and the Southwest Quarter (¼) of the Northwest Quarter (¼) of the Northeast Quarter (¼) of Section Seventeen (17), all in Township Twenty-five (25) North, Range One (1) East of the Third Principal Meridian;

ALSO: Lots One (1) and Two (2) in John Thario's Subdivision of part of the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Seventeen (17) in said Township and Range above described, EXCEPTING therefrom the following described premises: Commencing at the NW Cor. of said Lot 2, thence S. 8°-20' East 300 feet, thence S. 17°-50' West 36 feet, thence South 57°-40' East 150 feet, thence North 29°-20' East 206 feet, thence North 47°-40' West 347 feet to the place of beginning containing 1.28 acres, more or less, as shown by a plat prepared by Carl O. Miller, Illinois Land Surveyor No. 85 on September 27, 1961, and which plat was filed in the Recorder's Office of Woodford County, Illinois, on October 2, 1961, and recorded in Plat Book "11", page 26.

situated in the County of Woodford, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this Twenty-seventh day of February, A. D. 1963.
(Seal) *[Signature]* (Seal)
Hubert Fuller (Seal)
(Seal) *[Signature]* (Seal)
Helen Fuller (Seal)

STATE OF ILLINOIS
Notary Public
McLean



I, the undersigned, Notary Public, in and for said county and State aforesaid, DO HEREBY CERTIFY THAT Hubert Fuller and Helen Fuller, husband and wife, each in their own right and as spouse of the other, personally known to me to be the same persons whose names were subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as theirs free and voluntary act, and the same and purposes therein set forth, including the release and waiver of the right of homestead.
Witnessed my hand and Notarial Seal this 27th day of February, A. D. 1963.
[Signature]
Notary Public.

TRUST DEED

Elisabeth M. M... Trust, MARY E. M... and ARLITA L. M... husband and wife.

County of McLean and State of Illinois, for and in favor of, ROBERT CONVEY AND WARRANT TO FRED W. WOLLMAN, Trustee of the said trust, for the use of the legal holder of the within described note or notes, hereby certified, the following described real estate...

Tract No. 1: A part of Lot 3 in Block 1 in George Sherman's First Addition to the Town of Carlock described as follows: Commencing at the Northwest corner of said Lot 3, thence West along the North line of said Lot 125 feet, thence South parallel to the East line of said Lot 132 feet, thence East parallel to the North line of said Lot to a point which is 1/2 feet East of the West line of said Lot 3, thence South parallel to the East line of said Lot to the South line of Lot 3, thence East to the Southeast corner of Lot 3, thence North to the place of beginning.

Tract No. 2: The Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 17, and the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 17, all in Township 25, North, Range 1 East of the Third Principal Meridian;

Also: Lots 1 and 2 in John Thario's subdivision of part of the Northeast 1/4 of the Northwest 1/4 of Section 17 in said Township and Range above described, excepting therefrom the following described premises. Commencing at the Northwest corner of said Lot 2, thence South 0° 20' East 300 feet, thence South 17° 50' West 36 feet, thence South 57° 40' East 150 feet, thence North 29° 20' East 206 feet, thence North 47° 40' West 317 feet to the place of beginning and containing 1.28 acres more or less, as shown by a plat prepared by Carl O. Miller, Illinois Land Surveyor No. 65 on September 27, 1961, and which plat was filed in the Recorder's Office of Woodford County, Illinois, on October 2, 1961, and recorded in Plat Book "11" page 26, County of Woodford and State of Illinois.

It is the intention of the parties to this deed that the same shall be held in trust for the use of the legal holder of the within described note or notes, and in case of the death or disability of said FRED W. WOLLMAN to wit, from death or removal from Illinois, or any other cause, then JAMES C. WOLLMAN of the county of McLean and State of Illinois, and perform all acts necessary in the execution of these trusts.

And the said parties of the first part hereby covenant and agree with the said party of the second part, his heirs, executors, administrators, and assigns, that they will pay said principal and interest notes at the time, place and in the manner herein specified, and that they will pay the taxes and all assessments each year on said premises before the same shall be offered for sale for delinquent taxes and that they will cause the buildings on said premises to be insured and kept insured in some reliable insurance company, the company to be approved by and the policy endorsed by the Trustee herein with proper loss clauses attached for his benefit as his interest may appear, and that upon a failure to pay any part of all or any one of said principal or interest notes, when due, or upon failure to pay the taxes or assessments in any year as herein stipulated, or to insure and keep insured the buildings on said premises as herein provided, then and in that case, or in either case to the extent of the legal holder of said notes or Trustee herein, the entire indebtedness secured hereby may be declared due and payable at once and the said Trustee or legal holder of any of said notes may prevent such insurance or pay the amount of said taxes, or assessments, or redeem from tax sales, and any sums so paid shall become a part of the debt hereby secured and bear the same rate of interest, and in default in any event, at the option of the Trustee or legal holder of any of said notes, the entire indebtedness hereby secured may be declared due and payable at once, and the proceeds of said deed of Trust may be commuted as though all of said notes had fully matured; and in case of foreclosure of this deed of Trust being commenced, or sold hereafter at law upon any of all of said principal and interest notes, the Court shall see to it that the same be commuted 10% of the balance due on the obligation herein secured as an attorney's fee to be collected as a part of the debt hereby secured, hereby remaining and vesting all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois, in case of proceedings being instituted for a foreclosure of this deed of Trust, upon application, the Court shall appoint a receiver to collect all rents and profits of said premises and apply the same to the payment of said indebtedness, and the party of the first part hereby agrees to surrender immediate and peaceful possession of said premises to any such receiver.

This Trust Deed may be released by the Trustee at any time after date and such release shall be binding on all of the note-holders whose obligations are secured by said Trust Deed and the legal effect thereof shall be the same as if released subsequent to maturity date.

Dated this 3rd day of August, A.D. 1965. MARY E. M... (SEAL) ARLITA L. M... (SEAL)

TRUST DEED

This Instrument Sheweth, that MORDEKAI B. METZGER and ANITA L. METZGER, husband and wife,

parties of the first part, of Carlock County of Illinois and State of Illinois, for value received, HEREBY CONVEY AND WARRANT TO FRED W. WOLLMAN Trustee, of Shawanigan, Illinois, party of the second part, for the use of the LEGAL HOLDERS of the bonds described hereinafter, the following described REAL ESTATE with all the rights and appurtenances thereto in anywise in anywise, situated in the COUNTY OF ILLINOIS and STATE OF ILLINOIS, to-wit:

Tract No. 1: A part of Lot 3 in Block 1 in George Sherman's First Addition to the Town of Carlock described as follows: COMMENCING at the Northwest corner of said Lot 3; thence West along the North line of said Lot 125 feet; thence South parallel to the East line of said Lot 152 feet; thence East parallel to the North line of said Lot to a point which is the East East of the West line of said Lot 3; thence South parallel to the East line of said Lot to the South line of Lot 3; thence East to the Southeast corner of Lot 3; thence North to the place of beginning.

to secure the payment of TEN THOUSAND and NO/100 DOLLARS, as provided by 7 percent promissory notes dated APRIL 3, 1965 for \$1000 due Aug. 3, 1966; 8 1/2% notes for \$1000 due Aug. 3, 1967; 8 1/2% notes for \$1000 due Aug. 3, 1968; 8 1/2% notes for \$1000 due Aug. 3, 1969; and 8 1/2% notes for \$2000 each due Aug. 3, 1970.

bearing FIVE percent interest per annum until due, interest being payable semi-annually thereafter per FIVE percent promissory notes attached.

Said notes are all executed by Mordecai B. Metzger and Anita L. Metzger themselves, and the interest coupons are payable to bearer; said notes are all payable at the office of CONTEGAN, WOLLMAN & YODER, Notary Public, Illinois, and are in full seven per cent interest per annum after due. Privilege is given to pay \$500.00 or any multiple thereof of the principal amount, at any interest paying date by first giving thirty days written notice of such intention to the Trustee.

It is specifically agreed that the Trustee shall be allowed by the Court a reasonable attorney or solicitor's fee to be taxed as costs in any suit or proceedings in which he may be called on or have any party, by reason of this deed; and the amount of such fee shall also be secured by the lien herein.

If the indebtedness herein is evidenced by more than one note, then neither of said notes shall have priority, but all shall share pro rata in the security.

In case of the refusal or inability of said FRED W. WOLLMAN to act, from death or removal from Illinois, or any other cause, then JAMES E. WOLLEMAN or the acting sheriff of said Illinois County is hereby appointed his successor to trust, and shall thereafter have like power as the Trustee, and perform all acts necessary in the execution of these trusts.

And the said parties of the first part hereby assent and agree with the said party of the second part, his heirs, executors, administrators, and assigns, that they will pay said principal and interest notes at the time, place and in the manner herein specified, and that they will pay the taxes and all assessments each year on said premises before the same shall be allowed for sale for delinquent taxes and that they will cause the buildings on said premises to be insured and kept insured in some reliable insurance company, the company to be approved by and the policy delivered to the Trustee herein with proper loss clauses attached for his benefit as his interest may appear; and that upon a failure to pay any part or all or any part of said principal or interest notes, when due, or upon failure to pay the taxes or assessments in any year as herein stipulated, or to insure and keep insured the buildings on said premises as herein provided, then and in that case, or in either case in the opinion of the legal holder of said notes or Trustee herein, the entire indebtedness secured hereby may be declared due and payable at once and the said Trustee or legal holder of any of said notes may prepare such instrument or pay the amount of said notes, or assessments, or taxes from his moneys, and any sums so paid shall become a part of the debt hereby secured and bear the same rate of interest, and in default in any event, at the option of the Trustee or legal holder of any of said notes, the entire indebtedness hereby secured may be declared due and payable at once, and the proceeds of this Deed of Trust may be reconveyed as though all of said notes had fully matured; and in case of foreclosure of this Deed of Trust being commenced, or suit brought at law upon any or all of said principal and interest notes, the Court shall take up with the same a sum not to exceed 10% of the balance due on the obligation herein secured as an attorney's fee to be collected as a part of the debt hereby secured, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois in case of proceedings being instituted for a foreclosure of this Deed of Trust, upon application the Court shall appoint a receiver to collect all rents and profits of said premises and apply the same to the payment of said indebtedness and the party of the first part hereby agrees to surrender immediate and peaceful possession of said premises to any such receiver.

This Trust Deed may be released by the Trustee at any time after date and such release shall be binding on all of the noteholders whose obligations are secured by said Trust Deed and the legal effect thereof shall be the same as if released independent to maturity date.

Dated this 3rd day of AUGUST A.D. 1965.
Mordecai B. Metzger
Anita L. Metzger
SEALS

STATE OF ILLINOIS
County of McLean

Arday Evers

A Notary Public in and for the said County, in the State aforesaid, do hereby certify that
Montel E. Metzger and Annita L. Metzger, husband and wife

personally known to me to be the same persons whose names subscribed to
the foregoing instrument, appeared before me this day in person and acknowledged
that they signed, sealed and delivered said instrument as their free
and voluntary act, for the uses and purposes therein set forth, including the release
and waiver of the right of homestead.

Given under my hand and Notarial seal this 3rd day
of August, A.D. 1955

Arday Evers
Notary Public

452

232850

TRUST DEED

MONTSEL E. METZGER, et al.

TO

FRED W. WOLLEBAR, Trustee

STATE OF ILLINOIS

County of McLean

This day of August, 1955

at McLean, Illinois

in Book

Notary Public

Arday Evers

Notary Public

Notary Public
Walter E. Evans
Chicago, Illinois

E.R. 478

KNOW ALL MEN BY THESE PRESENTS, that James C. McLeary, Successor in Trust to Fred W. Wollrab, Trustee, now deceased, of the County of McLean and the State of Illinois do hereby certify that a certain Indenture of TRUST DEED bearing date the 28th day of August A. D. 1965 made and executed by Montel B. Metzger and Anetta L. Metzger, husband and wife, of the first part to Fred W. Wollrab, Trustee, of the second part, and recorded in the Recorder's office of Woodford County, in the State of Illinois in Book 4 of Mortgages, on Page 451 on the 28th day of October A. D. 1965 as Document No. 232950

notes
to wit the said indenture is fully paid, satisfied, released and discharged.
Witness my hand and seal this 28th day of February A. D. 1976
James C. McLeary (REAL)
Successor in Trust to Fred W. Wollrab, Trustee, now deceased. (NONE)

STATE OF Illinois)
McLean County) Annamay Soers
Notary Public



In and for the said County in the State aforesaid, DO HEREBY CERTIFY, that James C. McLeary, Successor in Trust to Fred W. Wollrab, Trustee, now deceased, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and seal this 28th day of February A. D. 1976
Annamay Soers
Notary Public

**Trust Deed
Release of Mortgage**

James C. McLeary, Successor in Trust to Fred W. Wollrab, Trustee, now deceased,
TO
Montel B. Metzger, et ux

STATE OF Illinois)
Woodford County)
This instrument was filed for record in the Recorder's office of Woodford

Copy furnished on the 5th day of February A. D. 1976 to Montel B. Metzger and retained in book 4 of Mortgages, on page 451 of the same office of Woodford

Annamay Soers
Notary

Mailed to:
Montel B. Metzger
Carleton, Illinois 61725

RECEIVED
CLERK'S OFFICE

MAY 29 2009

PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

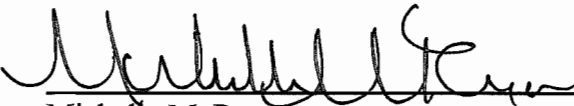
I hereby certify that I did on the 27th day of May 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Montel & Aneita Metzger
207 Douglas Street
P.O. Box 220
Carlock, IL 61725

ORIGINAL

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

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


Michelle M. Ryan
Assistant Counsel

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