



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

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APR 30 2010

STATE OF ILLINOIS
Pollution Control Board

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

April 20, 2010

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

AC10-23

ORIGINAL

Re: Illinois Environmental Protection Agency v. John H. and Kathy D. Still
IEPA File No. 132-10-AC; 0098050005—Brown 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

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APR 30 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHN H. and KATHY D. STILL,)
)
Respondents.)

AC 10-23
(IEPA No. 132-10-AC)

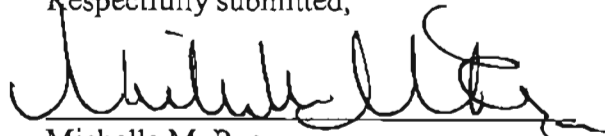
NOTICE OF FILING

ORIGINAL

To: John H. and Kathy D. Still
RR 1, Box 134A
Versailles, IL 62378

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

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: April 20, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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CLERK'S OFFICE
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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JOHN H. and KATHY D. STILL)
Respondents.)

AC 10-23
(IEPA No. 132-10-AC)

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2008).

FACTS

1. That John H. and Kathy D. Still are the current owners ("Respondent's") of a facility located in the SE ¼ of the SW ¼ of SEC 23, T1S, R3W, 4th Prime Meridian. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Sterling/Still.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0098050005.
3. That Respondent's have owned said facility at all times pertinent hereto.
4. That on March 18, 2010, William E. Zierath of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 4/20/10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 7875.

VIOLATIONS

Based upon direct observations made by William E. Zierath during the course of his March 18, 2010 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent's have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent's 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) (2008).

- (2) That Respondent's 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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondent's are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent's elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 1, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent's 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 (2008), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent's 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.

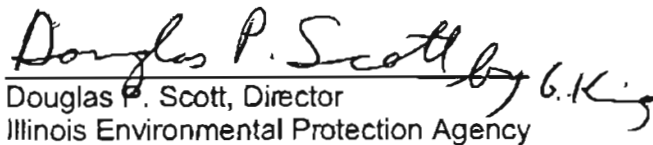
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent's fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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, Respondent's 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 Respondent's 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 Respondent's in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent's 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 (2008). If Respondent's elect to contest this Administrative Citation, then Respondent's shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent's.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 4/20/10

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
CLERK'S OFFICE

APR 30 2010

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT


IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency)
)
vs.)
)
John H. and Kathy D Still,)
Respondents)
)

IEPA DOCKET NO.

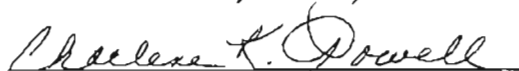
ORIGINAL

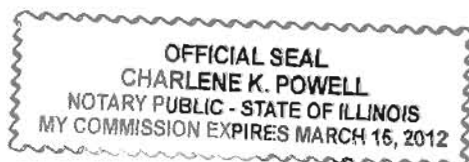
Affiant, William E. Zierath, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 18, 2010 between 12:15 PM and 12:45 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Brown County, Illinois, and known as Mt. Sterling/Still by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0098050005 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Mt. Sterling/Still open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Mt. Sterling/Still open dump.


William E. Zierath

Subscribed and Sworn To before me
This 8th day of April, 2010


Notary Public



LPC #

Inspection Date:

	(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"/>
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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	OTHER:		<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 and subsection (k) of Section 55 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.

MEMORANDUM

Date: March 18, 2010

To: BOL File

From: William E. Zierath, BOL/FOS - Springfield Region

Subject: LPC# 0098050005 – Brown County
Mt. Sterling/Still
Complaints C-10-048-C and C-10-063-C
FOS File

A complaint re-investigation was conducted at this property located southeast of Mt. Sterling, Illinois on March 18, 2010. No one else was present during the investigation. The weather was sunny and 60°F. The ground was muddy.

This site was previously investigated on October 16, 2009 following the receipt of two complaints. It was found that a demolition waste, including wood, metal and asbestos siding waste, had been dumped at this site. An Administrative Citation Warning Notice (ACWN) was sent to John H. and Kathy D. Still, who own the property per a quit claim deed filed February 21, 1996. No response was received to the ACWN. The clean up deadline in the ACWN was January 4, 2010. The purpose of this re-investigation was to determine if the previously observed apparent violations had been corrected.

The deed and several other sources listed 308 NW Cross, Mt. Sterling, Illinois 62353 as the Still's address. After the original ACWN dated November 17, 2009 was mailed to the Still's, we received a forwarding notice from the United States Postal Service that the Still's current address is RR 1, Box 134A, Versailles, Illinois 62378. The December 1, 2009 ACWN was sent to this address.

The large pile of demolition waste observed and photographed on October 16, 2009 was essentially unchanged. The following is a list of photographs taken on March 18, 2010 and the similar photographs from October 16, 2009.

March 18 photograph 001 shows demolition waste including wood, aluminum siding, carpet, shingles and asbestos siding that is shown in October 16 photograph 004.

March 18 photograph 002 shows demolition waste including wood, aluminum siding, carpet, shingles and asbestos siding that is shown in October 16 photograph 005.

March 18 photograph 003 shows demolition waste including wood and aluminum siding that is shown in October 16 photograph 006.

March 18 photograph 004 shows asbestos siding demolition waste that is shown in October 16 photographs 007 and 008.

March 18 photograph 013 shows wood demolition waste, asbestos siding and shingles that are shown in October 16 photograph 009.

March 18 photograph 014 shows wood demolition waste, asbestos siding and shingles that are shown in October 16 photograph 010.

March 18 photograph 018 shows wood demolition waste, asbestos siding and shingles that are shown in October 16 photograph 015.

March 18 photograph 019 shows wood demolition waste and used shingles that are shown in October 16 photograph 016.

March 18 photograph 016 shows wood demolition waste and shingles, along with two used tires that are shown in October 16 photograph 014.

Wood demolition waste at the site is shown in March 18 photographs 001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 013, 014, 015, 016, 018, 019, 021, and 026.

Waste aluminum siding is shown in March 18 photographs 001, 002, 003, 007, 008, and 009.

Asbestos siding demolition waste is shown in March 18 photographs 001, 002, 004, 007, 008, and 014.

Waste shingles are shown in March 18 photographs 001, 002, 007, 008, 013, 014, 015, 016, 017, 018, and 019.

Waste carpet is shown in March 18 photographs 001, 002, 007, and 008.

Plastic waste is shown in March 18 photographs 005, 007, 008, and 009.

Broken concrete is shown in March 18 photograph 006.

An old burn barrel is shown in March 18 photograph 012.

Used tires are shown in March 18 photographs 015, 016, 020, and 021.

There were fewer than 10 used tires at this site. Used tires are shown in March 18 photographs 015, 016, 020, and 021. One of the tires shown in photograph 020 contained water.

Scrap metal is shown in March 18 photograph 022.

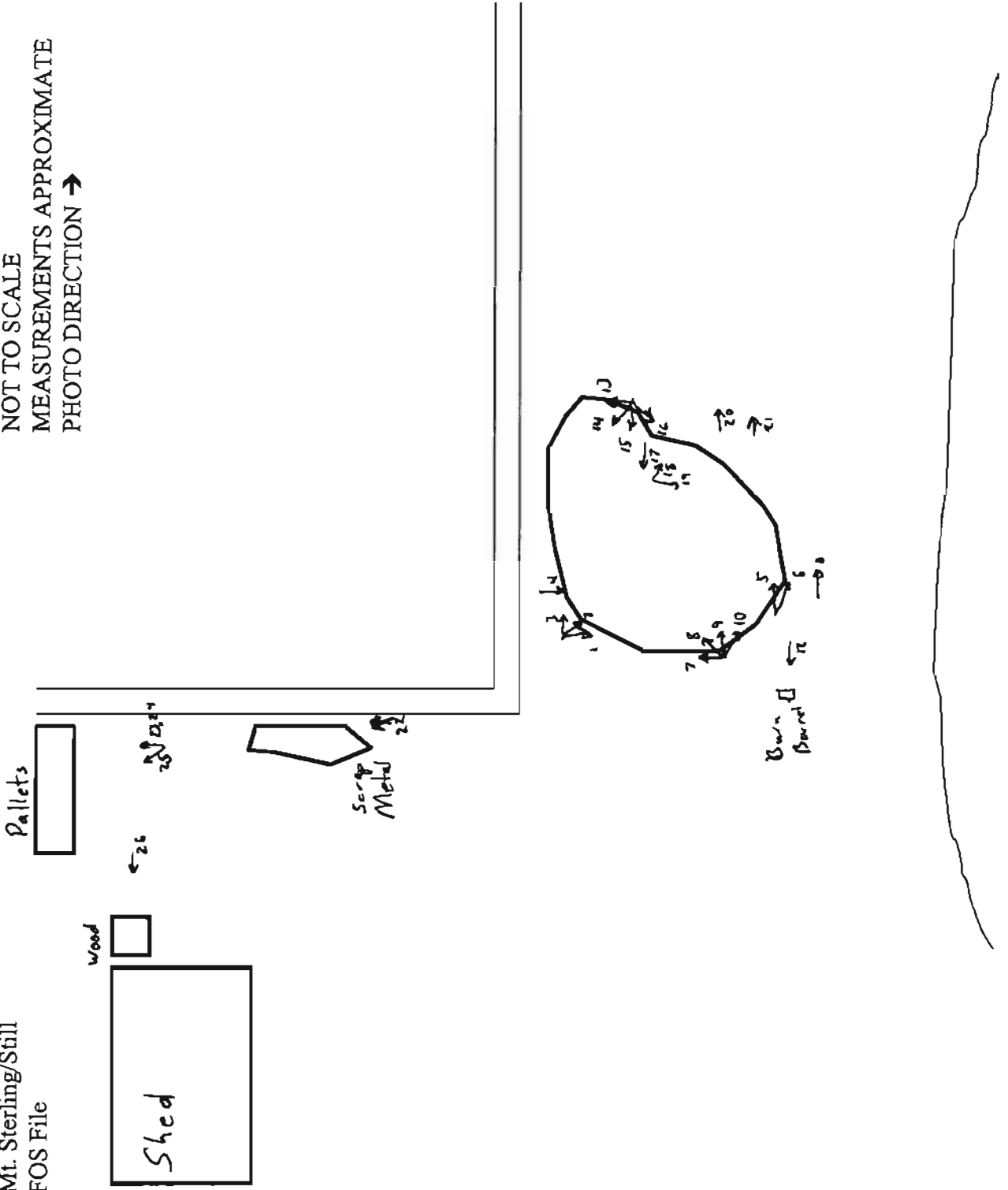
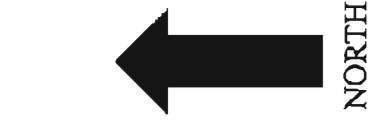
Used pallets are shown in March 18 photographs 023, 024, 025, and 026.

Apparent violations are listed on the attached checklist.

cc: BOL/FOS – Springfield Regional File

LPC # 0098050005 - Brown County
Mt. Sterling/Still
FOS File

SITE SKETCH
NOT TO SCALE
MEASUREMENTS APPROXIMATE
PHOTO DIRECTION →





DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:31 PM
Direction: South
Photo by: W Zierath
Exposure #: 001
Comments: The west part of the site showing demolition waste including wood, aluminum siding, carpet, shingles and asbestos siding.



Date: March 18, 2010
Time: 12:32 PM
Direction: Southeast
Photo by: W Zierath
Exposure #: 002
Comments: The central part of the site showing demolition waste including wood, aluminum siding, carpet, shingles and asbestos siding.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:32 PM
Direction: East
Photo by: W Zlerath
Exposure #: 003
Comments: The north edge of the site showing demolition waste including wood and aluminum siding.



Date: March 18, 2010
Time: 12:32 PM
Direction: South
Photo by: W Zlerath
Exposure #: 004
Comments: The northern part of the site showing asbestos siding demolition waste.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:32 PM
Direction: East
Photo by: W Zierath
Exposure #: 005
Comments: The west part of the site showing wood demolition waste and pieces of plastic.



Date: March 18, 2010
Time: 12:32 PM
Direction: Southeast
Photo by: W Zierath
Exposure #: 006
Comments: The west part of the site showing wood demolition waste, scrap metal and broken concrete.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:33 PM
Direction: North
Photo by: W Zierath
Exposure #: 007
Comments: The west part of the site showing demolition waste including wood, aluminum siding, carpet, shingles, plastic and asbestos siding.



Date: March 18, 2010
Time: 12:33 PM
Direction: Northeast
Photo by: W Zierath
Exposure #: 008
Comments: The central part of the site showing demolition waste including wood, aluminum siding, carpet, shingles, plastic and asbestos siding.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:33 PM
Direction: East
Photo by: W Zierath
Exposure #: 009
Comments: The central part of the site showing demolition waste including wood, aluminum siding and plastic.



Date: March 18, 2010
Time: 12:33 PM
Direction: Southeast
Photo by: W Zierath
Exposure #: 010
Comments: The southwest part of the site showing wood demolition waste.

File Names: 0098050005-03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:34 PM
Direction: East
Photo by: W Zierath
Exposure #: 011
Comments: The south area of the site showing wood demolition waste.



Date: March 18, 2010
Time: 12:34 PM
Direction: West
Photo by: W Zierath
Exposure #: 012
Comments: The west part of the site showing a former burn barrel.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:35 PM
Direction: North
Photo by: W Zierath
Exposure #: 013
Comments: The north area of the site showing wood demolition waste, asbestos siding and shingles.



Date: March 18, 2010
Time: 12:35 PM
Direction: Northwest
Photo by: W Zierath
Exposure #: 014
Comments: The central area of the site showing wood demolition waste, asbestos siding and shingles.

File Names: 0098060006~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:35 PM
Direction: West
Photo by: W Zierath
Exposure #: 015
Comments: The central area of the site showing wood demolition waste and shingles, along with two used tires.



Date: March 18, 2010
Time: 12:36 PM
Direction: Southwest
Photo by: W Zierath
Exposure #: 016
Comments: The east area of the site showing wood demolition waste and shingles, along with two used tires.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:36 PM
Direction: West
Photo by: W Zierath
Exposure #: 017
Comments: The central part of the site showing waste shingles.



Date: March 18, 2010
Time: 12:36 PM
Direction: Southeast
Photo by: W Zierath
Exposure #: 018
Comments: The central area of the site showing wood demolition waste and used shingles.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:36 PM
Direction: Southeast
Photo by: W Zlerath
Exposure #: 019
Comments: The south area of the site showing wood demolition waste and used shingles.



Date: March 18, 2010
Time: 12:37 PM
Direction: East
Photo by: W Zlerath
Exposure #: 020
Comments: The east area of the site showing four used tires.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:37 PM
Direction: East
Photo by: W Zierath
Exposure #: 021
Comments: The area east of the site showing wood demolition waste and a used tire.



Date: March 18, 2010
Time: 12:41 PM
Direction: Northwest
Photo by: W Zierath
Exposure #: 022
Comments: The area north of the site showing a pile of scrap metal.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:42 PM
Direction: North
Photo by: W Zlerath
Exposure #: 023
Comments: North of the site showing a pile of used pallets.



Date: March 18, 2010
Time: 12:42 PM
Direction: North
Photo by: W Zlerath
Exposure #: 024
Comments: North of the site showing a pile of used pallets.

File Names: 0098050005~03182010-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 18, 2010
Time: 12:42 PM
Direction: Northwest
Photo by: W Zlerath
Exposure #: 025
Comments: North of the site showing a pile of used pallets.



Date: March 18, 2010
Time: 12:42 PM
Direction: West
Photo by: W Zlerath
Exposure #: 026
Comments: North of the site showing a pile of used pallets and scrap lumber.

File Names: 0098050006~03182010-[Exp. #].jpg

RECEIVED
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APR 30 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

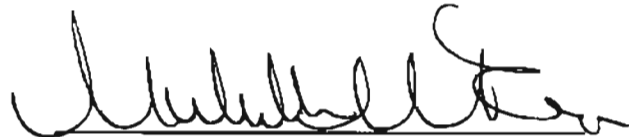
I hereby certify that I did on the 20th day of April, 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: John H. and Kathy D. Still
RR 1, Box 134A
Versailles, IL 62378

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
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Springfield, Illinois 62794-9276
(217) 782-5544