



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

John J. Kim, Interim Director

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STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL
RETURN TO CLERK'S OFFICE

A 12-39

April 4, 2012

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

Re: Illinois Environmental Protection Agency v. CMH Homes, Inc, and David R. Moser
IEPA File No. 78-12-AC; 0818105002—Jefferson 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

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STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 CMH HOMES INC., AND DAVID R. MOSER,)
)
 Respondents.)

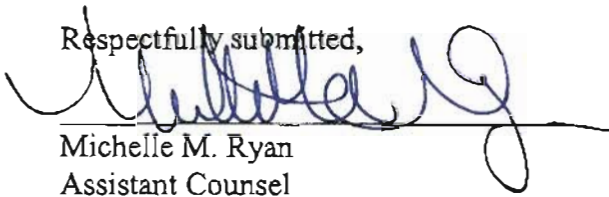
AC 12-39
 (IEPA No. 78-12-AC)

NOTICE OF FILING

To: CMH Homes, Inc. David R. Moser
 Attn: Allan W. Xanders 13546 North Harmony Lane
 11884 North Ryegrass Lane Opdyke, IL 62872
 Mt. Vernon, IL 62864

CMH Homes, Inc.
 C T Corporation System, Registered Agent
 208 South LaSalle Street, Suite 814
 Chicago, IL 60604

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: April 4, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CMH HOMES INC., AND DAVID R.)
MOSER,)
)
)
)
Respondents.)

AC 12-39
(IEPA No. 78-12-AC)

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 (2010).

FACTS

1. That CMH Homes, Inc. is the current owner and property operator and David R. Moser is the current operator ("Respondents") of a facility located at 1195 East Radio Tower Road, Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mt. Vernon/CMH Homes, Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0818105002.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on March 13, 2012, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 4-4-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0582
~~7009 2820 0001 7496 0599~~

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his March 13, 2012 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) (2010).

- (2) 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) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 30, 2012, 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 (2010), 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) (2010), 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 (2010). 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.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 4/2/2012

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

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

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APR 05 2012

STATE OF ILLINOIS
Pollution Control Board

AC12-39

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 13, 2012, between 9:50 a.m. and 10:10 a.m., Affiant conducted an inspection of the CMH Homes, Inc. in Jefferson County, Illinois, known as Mt. Vernon / CMH Homes, Inc., by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818105002 by the Agency.
3. Affiant inspected said Mt. Vernon / CMH Homes, Inc. site by an on-site inspection, which included walking and photographing the site.
4. As a result of the material actions 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. Vernon / CMH Homes, Inc.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 19th day of March 2012

Gail Stricklin
Notary Public



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APR 05 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
CMH HOMES INC., AND DAVID R.)
MOSER,))
))
))
Respondents.)

AC 12-39
(IEPA No. 78-12-AC)

FACILITY: Mt. Vernon/CMH Homes, Inc.
SITE CODE NO.: 0818105002
COUNTY: Jefferson
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: March 13, 2012

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Jefferson LPC#: 0818105002 Region: 7 - Marion
 Location/Site Name: Mt. Vernon / CMH Homes, Inc.
 Date: 03/13/2012 Time: From 9:50 a.m. To 10:10 a.m. Previous Inspection Date: 01/09/2012
 Inspector(s): Garrison Gross Weather: clear skies, 68°F, calm breeze
 No. of Photos Taken: # 13 Est. Amt. of Waste: 540 yds³ Samples Taken: Yes # _____ No
 Interviewed: no one at the site Complaint #: C-12-001 and C-12-003

Responsible Party Mailing Address(es) and Phone Number(s):	CMH Homes, Inc. Attn: Alan Wade Xanders 11884 North Ryegrass Lane Mt. Vernon, Illinois 62864	David Moser 13546 North Harmony Lane Opdyke, Illinois 62872
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	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 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 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 # 0818105002

Inspection Date: 03/13/2012

	(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"/>
10.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<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 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0818105002 – Jefferson County
Site Name: Mt. Vernon / CMH Homes, Inc.
Date of Inspection: March 13, 2012
Inspector: Garrison Gross

Subject: Open Dumping Site Inspection at CMH Homes, Inc.

General Remarks: An Open Dumping Site Inspection was conducted on Tuesday, March 13, 2012, at CMH Homes, Inc. (Jr's Mobile Home Sales-George Xanders, Jr.) property. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The property is located at ~1195 East Radio Tower Road, Mt. Vernon, Illinois 62864. The inspection was performed as a follow up to a previous inspection conducted on January 9, 2012. The inspection began at approximately 9:50 a.m. Weather conditions at the time of the inspection were clear skies, 68° F, with a calm breeze. Surface conditions at the site were damp.

Inspection Findings: The site was observed from East Radio Tower Road. The property is surrounded by a chain-link fence. Several mobile homes were observed at the site. General demolition debris was scattered over the west side of the property. I did not observe anyone working at the site and the gate was open. I entered the property and continued the inspection by walking and photographing the site.

Nine (9) intact mobile homes remained at the site. They appeared to be of various ages and conditions. During the previous inspection, it appeared that at least thirteen (13) mobile homes had been demolished at the site. Some of the demolition debris had been moved around on the property and it appeared that some waste had been removed from the site. General demolition debris including but not limited to: insulation, dimensional lumber, plywood, siding, glass, windows, paneling and carpeting were observed at the site, remained at the site (photos 001-003, 005, 008-010). Fifteen (15) piles of demolition debris were observed. Each pile contained approximately 20 cubic yards of waste. A double-wide mobile home appeared to be staged for demolition. It contained approximately 120 cubic yards of waste. Two (2) ~60 cubic yard dumpsters were observed at the site and both were full. Two (2) pieces of heavy equipment were observed at the site: a front end loader and a backhoe / front end loader.

Most of the used / waste tires had been removed from the site. Two (2) used / waste tires were observed (photos 006 and 007). Three vehicles were observed at the site: flat bed goose neck trailer, camper, and utility trailer (license plate # 6814 KF T/A). Some scrap metal was loaded on the utility trailer (photo 011). Several pieces of insulation and plastic were observed offsite in the adjacent ditch (photo 012). Numerous pieces of insulation had accumulated along the interior side of the fence (photo 013). Approximately 540 cubic yards of demolition waste remained at the site. The inspection ended at approximately 10:10 a.m.

Additional Remarks: Information available from the Illinois Secretary of State indicates that license plate # 6814 KF T/A is registered to David Moser, 13546 North Harmony Lane, Opdyke, Illinois 62872.

Summary of Apparent Violations:

21(a)	21(d)(2)	21(p)(1)	55(a)(1)
21(d)(1)	21(e)	21(p)(7)	812.101(a)



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

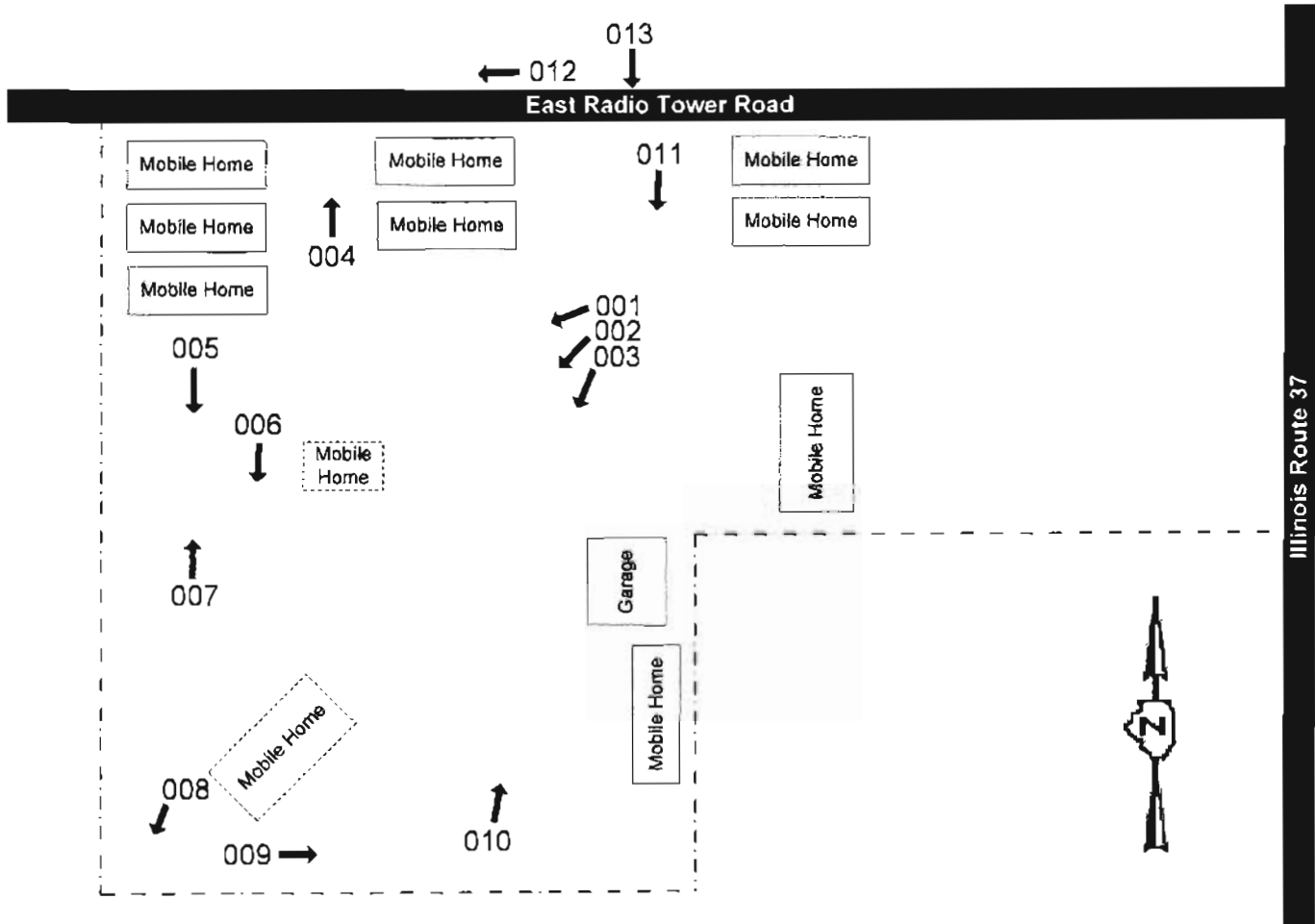
Date: March 13, 2012

BOL ID #: 0818105002 – Jefferson County

Site Name: Mt. Vernon / CMH Homes, Inc.

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 9:55 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 001
Comments: demolition debris



Date: 03/13/2012
Time: 9:55 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 002
Comments: demolition debris

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 9:55 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 003
Comments: demolition
debris



Date: 03/13/2012
Time: 9:57 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 004
Comments: scattered
debris

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 9:57 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 005
Comments: demolition
debris



Date: 03/13/2012
Time: 9:58 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 006
Comments: waste tire

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 9:59 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 007
Comments: waste tire



Date: 03/13/2012
Time: 10:00 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 008
Comments: demolition debris

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 10:01 a.m.
Direction: east
Photo by: Garrison Gross
Exposure #: 009
Comments: demolition
debris



Date: 03/13/2012
Time: 10:02 a.m.
Direction: north
Photo by: Garrison Gross
Exposure #: 010
Comments: demolition
debris

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 03/13/2012
Time: 10:04 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 011
Comments: scrap metal
on utility trailer



Date: 03/13/2012
Time: 10:08 a.m.
Direction: west
Photo by: Garrison Gross
Exposure #: 011
Comments: offsite
photograph; waste
blowing offsite

File Names: 0818105002~03132012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 01/09/2012
Time: 10:10 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 011
Comments: offsite
photograph; scattered
debris

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APR 05 2012

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 4th day of April 2012, 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

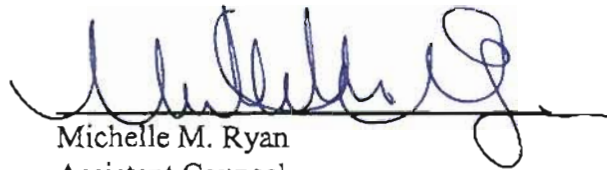
To: CMH Homes, Inc.
Attn: Allan W. Xanders
11884 North Ryegrass Lane
Mt. Vernon, IL 62864

David R. Moser
13546 North Harmony Lane
Opdyke, IL 62872

CMH Homes, Inc.
C T Corporation System, Registered Agent
208 South LaSalle Street, Suite 814
Chicago, IL 60604

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

THIS FILING SUBMITTED ON RECYCLED PAPER