



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

LISA BONNETT, DIRECTOR

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

RECEIVED
CLERK'S OFFICE

OCT 31 2013

STATE OF ILLINOIS
Pollution Control Board

October 25, 2013

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

AC 14-21



ORIGINAL

Re: Illinois Environmental Protection Agency v Gwendolyn Sutton & Milton "Rusty" Sutton
IEPA File No. 308-13-AC; 0838005004—Jersey 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

RECEIVED
CLERK'S OFFICE

OCT 31 2013

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
GWENDOLYN SUTTON & MILTON RUSTY)
SUTTON,)
))
Respondents.)

AC 14-24
(IEPA No. 308-13-AC)

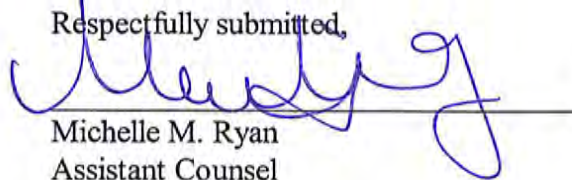
NOTICE OF FILING

To: Gwendolyn Sutton
309 East Main Street
Grafton, IL 62037

Milton "Rusty" Sutton
14398 Legate Drive
Godfrey, IL 62035

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: October 25, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
OCT 31 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 14-24
)	
v.)	(IEPA No. 308-13-AC)
)	
GWENDOLYN SUTTON & MILTON "RUSTY" SUTTON,)	
)	
)	
)	
Respondents.)	

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 Gwendolyn Sutton is the current owner and Milton "Rusty" Sutton is the operator ("collectively Respondents") of a facility located ½ mile southeast of the intersection of Illinois Route 3 West and Illinois Route 109, in a rural area of Elsah Township, near the City of Godfrey, Jersey County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Elsah Township/Sutton.
2. That said facility is designated with Site Code No. 0838005004.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on September 11, 2013, Charlie King of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 10-25-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2973 8975 Gwendolyn Sutton
7012 0470 0001 2973 9002 Milton Sutton
VIOLATIONS

Based upon direct observations made by Charlie King during the course of the September 11, 2013 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 open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 21(p)(3) (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 November 29, 2013, 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, Respondents 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.

Lisa Bonnett by SOP

Date:

10/24/31

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

RECEIVED
CLERK'S OFFICE

OCT 31 2013

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
GWENDOLYN SUTTON & MILTON)
"RUSTY" SUTTON,)
Respondents.)

AC 14-24
(IEPA No. 308-13-AC)

FACILITY: Elsah Township/Sutton
SITE CODE NO.: 0838005004
COUNTY: Pike
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: September 11, 2013

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.

OCT. 31 2013

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)

Illinois Environmental)
Protection Agency,)
Complainant)

vs.)

GWENDOLYN SUTTON, and)
MILTON "RUSTY" SUTTON,)
Respondents)

AC14-24

IEPA DOCKET NO.

Affiant, Charlie King, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On September 11, 2013, between 10:50 a.m. and 11:22 a.m., Affiant conducted an inspection of an open dump, located in Jersey County, Illinois and known as Elsayh Township/Sutton by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 0838005004 by the Agency.
3. Affiant inspected said 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 open dump.

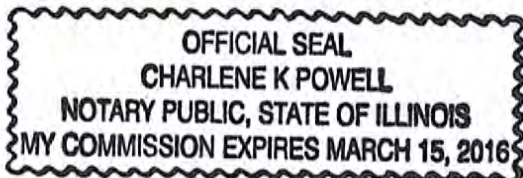
Charlie King

Charlie King

Subscribed and Sworn to Before Me
this 11th day of October, 2013

Charlene K. Powell

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Jersey LPC#: 0838005004 Region: 5 - Springfield
 Location/Site Name: Elsah Township/Sutton
 Date: 09/11/2013 Time: From 1050 To 1122 Previous Inspection Date: 01/22/2010
 Inspector(s): Charlie King Weather: Sunny, 88 Deg. F., Winds SW@5 mph
 No. of Photos Taken: # 5 Est. Amt. of Waste: 30 yds³ Samples Taken: Yes # No
 Interviewed: Milton "Rusty" Sutton and Cody Sutton Complaint #: C-14-025-C
 Latitude: 38.989874 Longitude: -90.302564 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation - Google Maps

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

Gwendlyon Sutton (sister of Rusty and
 owner of property where site is located)
 309 E. Main Street
 Grafton, IL 62037

Milton "Rusty" Sutton (Operator/Resident)
 14398 Legate Drive
 Godfrey, IL 62035
 (618) 946-2695

RECEIVED
OPERATOR'S OFFICE
OCT 31 2013
STATE OF ILLINOIS
Pollution Control Board

	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 type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>

LPC # 0838005004

Inspection Date: 09/11/2013

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: October 10, 2013
TO: DLPC/Division File
FROM: Charlie King, BOL/DLPC/FOS – Springfield Region
SUBJECT: LPC # 0838005004 – Jersey County
Elsah Township/Sutton
C-14-025-C
FOS File

NARRATIVE INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of an inspection conducted at the subject site on September 11, 2013, from approximately 10:50 a.m. until 11:22 a.m., by this author. No one accompanied me on the inspection. The inspection was conducted because of a complaint received at the BOL/DLPC/FOS –Springfield Regional Office. The complainant alleged that the respondent had been burning something that made a dense black smoke at night. The complainant further stated that it smelled like rubber, copper wire or shingles that had burned.

The complainant also talked about methamphetamine (meth) production. I asked if there were wastes from meth production on-site, and the complainant did not know of any. I told the complainant that we would look into the waste area(s) only, and if the complainant had concerns unrelated to the Illinois EPA, then the complainant should consult the proper officials or agencies, such as the Jersey County Sheriff's Department, the Jersey County Health Department, etc.

As discussed herein, the inspection revealed that open dumping and open burning had been taking place on-site. The respondent has a history with the Illinois EPA for open dumping and open burning (discussed herein), and was made fully aware in the past that open dumping and open burning are illegal activities in the State of Illinois (reference end of this report, and the Open Dump Inspection Checklist, included with this report, for violations of the Illinois Environmental Protection Act (Act), alleged).

The site is located at 14398 Legate Drive, Godfrey, IL 62035 (see attached the aerial photo for location, submitted with the February 11, 2010 Narrative Re-Inspection Report Document Memorandum to the Land Division File, from this inspector). The owner of the site is Gwendlyon Sutton, 309 Main Street, Grafton, IL 62037 (reference Quit Claim Deed submitted with the October 14, 2009 Narrative Inspection Report Document Memorandum to the Land Division File, from this inspector). No telephone number for her has ever been provided or

located. The operator and resident of the property where the site is located is Milton "Rusty" Sutton. His address was provided above at the site location. Three telephone numbers have been obtained in the past for Mr. Sutton. They are: (618) 946-2695; (618) 786-2195, and; (618) 781-7647. Other specific and legal information regarding the Deed, is included in this inspector's October 14, 2009 report, previously referenced.

As mentioned, the Suttons' have had a history of open dumping and open burning. The first complaint against Rusty Sutton was received by the Illinois EPA on September 1, 2009, and was assigned complaint number: C-10-037-C. That complaint resulted in an inspection conducted on September 2, 2009. That inspection resulted in the finding and alleging of open dumping and open burning. As a result, an Open Dump Administrative Citation Warning Notice (ACWN) was issued, dated October 15, 2009. Respondent Rusty Sutton responded in an unsigned, undated letter, which was received by the BOL/DLPC/FOS – Springfield Regional Office on October 27, 2009. The Illinois EPA responded to the respondent in a letter dated December 18, 2009. The Illinois EPA then re-inspected the property on January 22, 2010. Based on that re-inspection and submitted receipts for removal of wastes, the Illinois EPA issued a Return to Compliance letter dated February 17, 2010.

Upon arrival at the site on the day of the inspection, the weather was sunny, with an air temperature of approximately 88° F. Winds were southwesterly at approximately five (5) mph. Surface soil conditions were dry.

Upon arrival at the site on the day of the inspection, this inspector initially went to the mobile home on the west side of the property and knocked on the door. An older teen or young man (hard to determine), answered the door. I identified myself and asked if Rusty Sutton was home, and he said he was not and wanted to know what this was about. I told him that we (the Illinois EPA) had received a complaint of open dumping and open burning. The young man became defensive and stated that a whole bunch of others in the area were open dumping and open burning, but they were not. He stated who some of the others were and pointed at their properties. I pointed to an apparent open dump in the distance and asked what that was. He stated that it was nothing but some old cabinets and brush they had been burning. I told him that it was illegal to burn the cabinets. I asked him his name and he said it was Cody Sutton, and that he was the son of Rusty Sutton. I gave him a business card and asked him to provide it to his father when he returned. I told him that so long as he had no problem with it, I was going to go ahead and investigate the complaint. He said he had no problem and to go ahead.

I walked over to the open dump area and observed evidence of open dumping and open burning in an area measuring approximately 20' x 10' x 4'. The wastes observed consisted of plastics, carpet, carpet pad, cardboard, glass, dimensional lumber, aerosol cans, landscape wastes, bottles, cans, and a 4' x 4' x 1 ½' rectangular black plastic container. An opening for the container was not observed, and it was estimated to be empty, from a hollow sound produced by my knocking on the plastic. Some of the wastes were burnt, and ashes were present. No shingles, wire or rubber tires were observed.

I walked the rest of the site, and other than observing clutter, such as metals and items used in construction, and possibly, but not definitely, a few inoperable vehicles, no other wastes were observed.

During the inspection on the most recent complaint, five (5) photographs were taken with a digital camera. They show the conditions at the site on the day of the inspection. From the inspection and the photographs, a computer generated sketch of the site was developed by this author. It shows the layout of the site, as well as the numbers, approximate locations and directions of the photographs. The digital camera provides a three-digit number to each photograph, i.e., 001, 002, etc. This is how the photographs are referenced in this narrative and on the Digital Photograph pages. Real numbers were used on the Site Sketch, i.e., 1, 2, etc. Copies of the Digital Photographs and the Site Sketch accompany this narrative.

All five of the Digital Photographs show the open dump/open burn pile from different angles. The contents of the wastes have already been discussed herein. Therefore, the photos will not be further discussed here.

During the inspection, apparent violations of the Illinois Environmental Protection Act (Act) were observed and are alleged. Those apparent violations of the Act are, Sections: 9 (a), 9 (c), 21(a), 21(p)(1) and 21(p)(3). Additional information is provided in the Open Dump Inspection Checklist, attached.

OTHER COMMENTS

Upon wrapping up the inspection and placing items back into the State vehicle, I heard Cody Sutton yelling, "Hey Bob!" Looking around, and not seeing anyone else, I asked if he was talking to me and he said yes. He stated that he had just gotten through to his father (on the telephone), and that he would be there shortly. I told Cody Sutton that I would be conducting inspections nearby, and Rusty could come talk with me if he wanted to. A short time later, Rusty arrived at another site in his small pick-up truck. I explained that I had conducted the inspection based on a complaint. Rusty claimed that what he did not know what he was doing was illegal. I reminded Rusty of his Open Dump Administrative Citation Warning Notice in 2009. He shrugged and talked about two other sites there that he wanted me to look at. Taking the conversation back to the inspection at his property, I explained that he might receive another ACWN, or he might receive an Administrative Citation with a \$3,000 fine. He appeared unconcerned and continued to talk about the other individuals nearby that were violating environmental regulations.

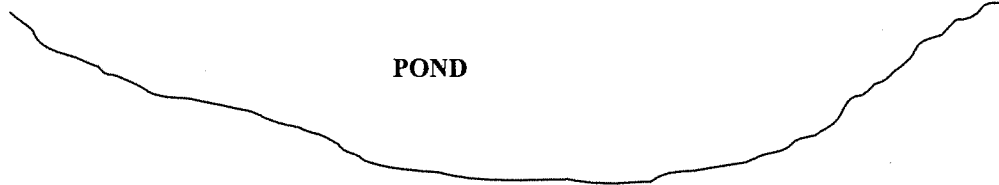
cc: DLPC/FOS - Springfield

SITE SKETCH

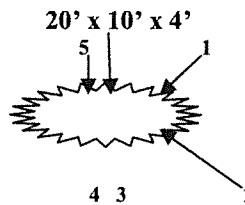
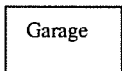
Site name: Elsayh Township/Sutton
LPC #: 0838005004
Inspector: Charlie King

County: Jersey County
Date: September 11, 2013
Time: 10:50 a.m. – 11:22 a.m.
FOS File

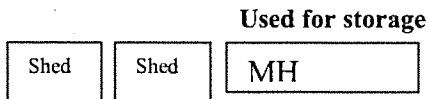
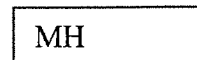
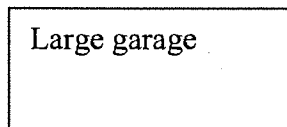
A digital camera was used for the Inspection photos. Distances are approximate – Not drawn to scale




Milton Sutton Residence



Used for storage



LEGEND

- 2 - Photo number, direction, location
-  - Open Dumping and Open Burning
- MH - Mobile Home



DIGITAL PHOTOGRAPHS



Date: September 11, 2013
Time: 11:08 a.m.
Direction: SW
Photo by: Charlie King
Exposure #: 001
Comments: An open dump and open burn area measuring approximately 20' x 10' x 4', and consisting of plastics, cardboard, glass, carpet, carpet pad, metals, bottles, cans, lumber and landscape wastes.



Date: September 11, 2013
Time: 11:09 a.m.
Direction: NW
Photo by: Charlie King
Exposure #: 002
Comments: The pile shown in Digital Photograph # 001, from another angle.

File Names: 0838005004~09112013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 11, 2013
Time: 11:11 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 003
Comments: The same open dump/open burn pile shown in Digital Photograph # 001 from another angle.



Date: September 11, 2013
Time: 11:12 a.m.
Direction: N
Photo by: Charlie King
Exposure #: 004
Comments: Same pile from a slightly different angle.

File Names: 0838005004~09112013-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: September 11,
2013
Time: 11:13 a.m.
Direction: S
Photo by: Charlie King
Exposure #: 005
Comments: The same
pile from another
angle.

**RECEIVED
CLERK'S OFFICE**

OCT 31 2013

PROOF OF SERVICE

**STATE OF ILLINOIS
Pollution Control Board**

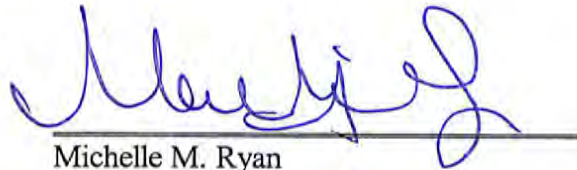
I hereby certify that I did on the 25th day of October 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Gwendolyn Sutton
309 East Main Street
Grafton, IL 62037

Milton "Rusty" Sutton
14398 Legate Drive
Godfrey, IL 62035

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