



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

2011 JUN -8 AM 11:13

JUN 08 2011

REPLY TO THE ATTENTION OF:

C-14J

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

Re: Misch Excavating, LLC, d/b/a Rooterman
Docket No. CWA-05-2011-0003

Dear Chief Administrative Law Judge Biro:

Pursuant to your March 16, 2011, Prehearing Order, I am enclosing a Complainant's Rebuttal Pre-Hearing Exchange for the above-referenced matter.

Respectfully submitted,

Maria Gonzalez
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604
(312) 886-6630

Enclosures

cc w/ enclosures: Thomas W. Daggett
Regional Hearing Clerk

RECEIVED
GENERAL HEARING CLERK
U.S. EPA REGION 5
2011 JUN -8 AM 11:1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

)	
)	Docket No. CWA-05-2011-0003
IN THE MATTER OF:)	
)	Proceeding to Assess a
MISCH EXCAVATING, LLC)	Class II Civil Penalty
d/b/a ROOTERMAN)	Pursuant to Section
DOWNNS, ILLINOIS 61736)	309(g) of the Clean
)	Water Act, 33 U.S.C.
RESPONDENT.)	§ 1319(g)
<hr/>		

COMPLAINANT'S REBUTTAL PREHEARING EXCHANGE

COMPLAINANT, the Director of the Water Division, through one of its attorneys, in accordance with the March 16, 2011, Prehearing Order ("Prehearing Order") issued by the Presiding Officer, Chief Judge Biro, respectfully submits the following Complainant's Rebuttal Prehearing Exchange pursuant to Section 22.19 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits, codified at 40 C.F.R. § 22.19.

At paragraph 4, the prehearing order requests Complainant to submit as part of its Rebuttal Prehearing Exchange a statement and/or any documents in response to Respondent's Initial Prehearing Exchange as to provisions (3)(A) through (3)(C).

(3)(A)

At 3(A) of Respondent's Prehearing Exchange, Respondent relies upon the occurrence of a fire in 2009 and submits a copy of a newspaper article on the fire. According to the December 26, 2009 Article at RX-1, the fire occurred on Christmas day. As discussed in the Complaint, and as Valdis Aistars may testify, Respondent was required to submit the information requested in the November 7, 2008 Order by March 6, 2009. See also CX-1, CX-4, and CX-6. U.S. EPA sent Respondent a letter on April 24, 2009, reminding Respondent that the Order required the information to be submitted on March 6, 2009. See CX-6. The records requested by the Order were long overdue by the time of the fire referenced in the article. Respondent has only identified the newspaper article and the testimony of Jeff and Kathy Misch as to the destruction and location of its records during the fire at their home.

Please note that the proper caption for CX-1 should be "November 7, 2008 Order."

(3)(B)

At 3(B), Respondent takes the position that it is unable to pay the proposed \$157,500 penalty. This is the first time Respondent has submitted documentation to support a claim of inability to pay. Moreover, Respondent has only provided tax returns for years 2007 and 2008 and a list of loan amounts provided by Jeff Misch. Respondent has not indicated whether it filed tax returns, after the fire, for calendar years 2009 and 2010, or provided any documentation from the lenders on the amounts listed. Complainant has provided the financial information to a financial analyst and is requesting additional information, including the execution of IRS form 4506T (so that Complainant can obtain a transcript of Respondent's IRS filings).

This request has been included in this exchange as CX-15.

In addition, Respondent reserves the right to call an employee from Industrial Economics, Inc. to testify, as an expert, on Respondent's ability to pay and to provide the expert's curriculum vitae.

(3)(C)

With respect to the amount of the penalty, Respondent maintains that the penalty should be substantially reduced citing its licenses to apply residential septage on a farm. This does not address the separate requirements of 40 C.F.R. Part 503, including record keeping requirements. The employees from the Health Department and Mr. Aistars may testify about Respondent's record keeping, and Mr. Aistars may testify about the federal recordkeeping requirements and the requirements of the November 7, 2008 Order. Respondent has not indicated where or what records were kept, or why it was unable to provide information on its activities as required by the Order when it was due or at least prior to the fire at the Misch home, though Respondent does admit that the federal record keeping requirements for the land application activity was beyond it. Respondent does not explain how EPA's guidance supports its allegation that the penalty is high for the violation charged. Respondent mentions that there were complaints to the local health department but does not address the septage observed by Health Department inspectors at the farm. See CX-3. The Health Department witnesses may also testify as to the evidence of Respondent's land application. See CX-3, CX-5, CX-12.

Complainant is also adding a September 3, 2008 facsimile from the McLean County Health Department, containing July 18, 2008 applications from Jeff Misch and Casey Misch, as CX-16.

REVISED DOCUMENT AND EXHIBIT LISTING

As revised, Complainant's current Documents and Exhibit listing is as follows:

CX-1: November 7, 2008, Order.

CX-2: Valdis Aistar's Explanation of the CWA Class II Administrative Penalty.

CX-3: August 4, 2008, Correspondence from McLean County Health Department and attachments, including:

- Attachment A: plat showing farm where Respondent applied sewage sludge. (CX-3-4)
- Attachment B: an aerial photograph of the farm. (CX-3-5)
- Attachment C: dates and times neighbors observed Respondent land applying without incorporating the waste into the soil. (CX-3-6)
- A disc of pictures of the farm where Respondent applied sewage sludge. (CX-3-7 – CX-3-38)

CX-4: Letters and pictures submitted by Respondent during the February 9, 2009, informal conference.

CX-5: March 25, 2009, Email from John Hendershot to Valdis Aistars on licenses for pumping septic tanks issued to Respondent.

CX-6: April 24, 2009, letter to Respondent, following up on the lack of response to the Order.

CX-7: January 27, 2010, Notice of Intent issued to Respondent.

CX-8: February 11, 2010, Fax to Respondent of the Order, enclosing the January 27, 2010, Notice of Intent and a Questionnaire on ability to pay.

CX-9: March 1, 2010, request for extension to respond to the January 27, 2010, Notice of Intent.

CX-10: Extension until March 10, 2010, to respond to the January 27, 2010, Notice of Intent.

CX-11: March 15, 2010, Response to the January 27, 2010, Notice of Intent.

CX-12: Correspondence mailed August 24, 2010 from McLean County Health Department containing their files on Misch Excavating, LLC, including the following:

- Cover list of items in CX12 (CX-12-1)
- 2009 files: application for private sewer disposal system pumper's license, pumper truck inspection form, 3/2/09 letter reminder on documentation requirements, and certification. (CX-12-2 – CX-12-8)
- 2008 files: application for private sewer disposal system pumper's license, pumper truck inspection form, septage land disposal site form, certification, pictures, plat, 9/16/08 letter on lack of documentation, land application records (invoices) submitted in response. (CX-12-9 - CX-12-39)
- 2007 files: application for private sewer disposal system pumper's license, pumper truck inspection form, pictures, certification, aerial photograph. (CX-12-40 – CX-12-49)
- 2006 IEPA permit, 2007 photographs. (CX-12-50 – CX-12-58)

-2006 files: application for private sewer disposal system pumper's license, pumper truck inspection form, septage land disposal site form, certification, pictures, plat. (CX-12-59 – CX-12-72)

-2005 files: application for private sewer disposal system pumper's license, pumper truck inspection form, memo to file, pumper's license renewal, certification, plat, pictures. (CX-12-73- CX-12-86)

-Reported land application records for 2004 submitted in 2005. (CX-12-87)

-Report of Complaint. (CX-12-89)

-2004 files: modified application for private sewer disposal system pumper's license, pumper truck inspection forms, septage land disposal site forms, plat, example record keeping, certification, table on productivity of Illinois soils, map, cover of August 2000 bulleting on optimum crop productivity ratings for Illinois soils, pictures. (CX-12-90 – CX-12-105)

CX-13: September 8, 2010, correspondence to Respondent following up on the need for information.

CX-14: Interim Clean Water Act Settlement Penalty Policy, dated March 1, 1995.

CX-15: June 7, 2011, correspondence requesting additional financial information.

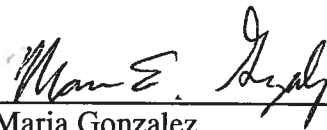
CX-16: September 3, 2008 facsimile from McLean County Health Department.

Only the newly added exhibits, CX-15 and CX-16, are enclosed with Complainant's Rebuttal Prehearing Exchange.

RESERVATION OF RIGHTS

Complainant respectfully reserves the right to call all witnesses called by the Respondent, to recall any of their witnesses in rebuttal, and to modify or supplement the names of witnesses and exhibits prior to the Adjudicatory Hearing, pursuant to 40 C.F.R. Part 22, and upon adequate notice to the Respondent and the Presiding Officer.

Respectfully submitted,
U.S. Environmental Protection Agency



Maria Gonzalez
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Blvd.
Chicago, IL 60604
Telephone: (312) 886-6630
Facsimile: (312) 692-2964



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 07 2011

REPLY TO THE ATTENTION OF:

C-14J

Thomas W. Daggett
Daggett Law Firm
161 N. Clark Street, Suite 4950
Chicago, Illinois 60601

Dear Mr. Daggett:

I received Respondent's Prehearing Exchange in the above referenced matter on May 31, 2011, and forwarded the financial information included therein to a financial analyst for review. At this time, our financial analyst needs the following additional information to conduct an ability to pay determination:

- A complete 2009 tax return (with all the schedules)
- A complete 2010 tax return (with all the schedules)
- A completed and executed Request for Transcript of Tax Return, IRS Form 4506-T, which we are enclosing for Mr. Misch to complete.
- Documentation of the loan, amounts and payment provisions from the lenders
- A statement of Misch Excavating, LLC's current status as an LLC

Please submit this information to me at the following address by June 20, 2011:

Maria Gonzalez (Mail Code C-14J)
Associate Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

This information is necessary to determine Misch Excavating LLC's ability to pay. Once we receive it, we will have a financial analyst review it. Please note that further information may be required based on that review.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

Please note that we may use any information you submit in support of an administrative, civil, or criminal action.

Please do not hesitate to call me at (312) 886-6630, if you have any questions or comments.

Sincerely,



Maria González
Associate Regional Counsel

Enclosure

Request for Transcript of Tax Return

▶ Request may be rejected if the form is incomplete or illegible.

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return**. There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (See instructions)

4 Previous address shown on the last return filed if different from line 3 (See instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax information.

*Maria Gonzalez (Mail Code C-14J) (312) 886-6630
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604*

Caution. If the transcript is being mailed to a third party, ensure that you have filled in line 6 and line 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy.

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1065

a **Return Transcript**, which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days

b **Account Transcript**, which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days.

c **Record of Account**, which is a combination of line item information and later adjustments to the account. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days

7 **Verification of Nonfiling**, which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2007, filed in 2008, will not be available from the IRS until 2009. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days

Caution. If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately.

12/31/2010 12/31/2009 12/31/2008 12/31/2007

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** For transcripts being sent to a third party, this form must be received within 120 days of signature date.

Sign Here	Signature (see instructions)	Date	Telephone number of taxpayer on line 1a or 2a
	Title (if line 1a above is a corporation, partnership, estate, or trust)		
	Spouse's signature	Date	

General Instructions

Purpose of form. Use Form 4506-T to request tax return information. You can also designate a third party to receive the information. See line 5.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different RAVS teams, send your request to the team based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self help-service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Florida, Georgia (After June 30, 2011, send your transcript requests to Kansas City, MO)	RAIVS Team P.O. Box 47-421 Stop 91 Doraville, GA 30362 770-455-2335
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922

Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592
--	--

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on Lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See Internal Revenue Code section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the Letters Testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form**, 10 min.; **Preparing the form**, 12 min.; and **Copying, assembling, and sending the form to the IRS**, 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send the form to this address. Instead, see *Where to file* on this page.

TRANSMITTAL FORM

***McLEAN COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
200 W. FRONT STREET, ROOM 204
BLOOMINGTON, IL 61701***

TELEPHONE: (309) 888-5482

FAX: (309) 888-5506

***SENT BY: John Hendershott
DATE: 09-03-08***

***SENT TO: Valdis Aistars
FIRM: USEPA
FAX NO.: 1-312-886-0168
CLIENT NO. (If necessary):
NUMBER OF PAGES INCLUDING COVER PAGE: 5***

MESSAGE: Copies of the applications for Rooterman per your request. Live Well! Be Well!

***IF THIS FAXCOPY IS NOT COMPLETE AND LEGIBLE, PLEASE CALL US AND REQUEST A
RETRANSMISSION. ASK FOR: John***

CONFIDENTIALITY NOTICE: The documents accompanying this transmission may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone to arrange for the return of the documents.

APPLICATION FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM PUMPER'S LICENSE

MCLEAN COUNTY HEALTH DEPARTMENT
200 W. Front Street, Room 204
Bloomington, IL 61701
Website: www.mclean.gov
Ph.: (309) 888-5482
Fax: (309) 888-5506

(Please Print)

I. Name of Applicant: Jeff Misch
Mailing Address: PO Box 108
City, State and Zip: Downs IL 61734
Driver's License Number: M200 4325-9327

II. Name of Business: Misch Ex - Rooter Man
Mailing Address: PO Box 181
City, State and Zip: Downs IL 61736
Business Telephone Number: (309) 829-0003
Mobile Telephone Number: (309) 275-3793
Fax Number: (309) 378-4697
E-mail Address: RootermanJeff@yahoo.com

III. List your septage disposal sites:

A. Municipal Treatment Plants --

1. BNWRO
2. Peoria
3. Colfax, Girdler
4. LeRoy

B. Farm Locations --

	(Owner's Name)	(County)	(Legal Description)
EXAMPLE:	John Doe	McLean	NW¼, SW¼, Sec. 5, Dale Twp.

1. Leonard & Jeff Misch Dawson (12) 23-19 300.009
2. _____
3. _____
4. _____

IV. The applicant hereby agrees and acknowledges that he/she fully understands that the pumper's license issued hereunder can be suspended or revoked in accordance with the McLean County Private Sewage Disposal System Ordinance.

Jeff Misch
Signature of Applicant

7-16-08
Date

Fee: \$220.00 - Make check payable to the McLean County Health Department. All first time applicants are required to pay a 40% administrative surcharge. All licenses expire on December 31 of the year of issue and must be renewed annually.

FOR OFFICE USE ONLY

1. Date received fee: _____
2. Fee received by: _____
3. Date application approved: _____
4. Application approved by: _____

**APPLICATION FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM
PUMPER'S LICENSE**

MCLEAN COUNTY HEALTH DEPARTMENT
200 W. Front Street, Room 204
Bloomington, IL 61701
Website: *www.mclean.gov*
Ph.: (309) 888-5482
Fax: (309) 888-5506

(Please Print)

I. Name of Applicant: Casey Misch
Mailing Address: ~~P.O. Box 181~~ 8224 Pine St.
City, State and Zip: Downs IL 61736
Driver's License Number: M200 - 1127-9306

II. Name of Business: Misch Excavating - Roeterman
Mailing Address: P.O. Box 181
City, State and Zip: Downs IL 61736
Business Telephone Number: (309) 829-0003
Mobile Telephone Number: (309) 261-2381
Fax Number: (309) 378-4697
E-mail Address: WOLEN79@HOTMAIL.COM

III. List your septage disposal sites:

A. Municipal Treatment Plants --

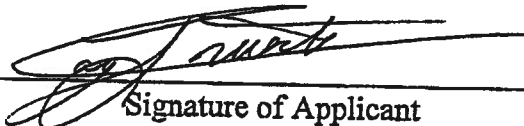
1. BNWRD
2. P.D.C
3. COLFAX Girdley
4. LeRoy

B. Farm Locations --

	(Owner's Name)	(County)	(Legal Description)
EXAMPLE:	John Doe	McLean	NW¼, SW¼, Sec. 5, Dale Twp.

1. LEONARD & JEFF MISCH DAWSON (12) 23-19-300-009
2. _____
3. _____
4. _____

IV. The applicant hereby agrees and acknowledges that he/she fully understands that the pumper's license issued hereunder can be suspended or revoked in accordance with the McLean County Private Sewage Disposal System Ordinance.



 Signature of Applicant

7-18-08

 Date

Fee: \$220.00 - Make check payable to the McLean County Health Department. All first time applicants are required to pay a 40% administrative surcharge. All licenses expire on December 31 of the year of issue and must be renewed annually.

FOR OFFICE USE ONLY

1. Date received fee: _____

2. Fee received by: _____

3. Date application approved: _____

4. Application approved by: _____

*In the Matter of: Misch Excavating LLC,
d/b/a Rooterman
Docket No. CWA-05-2011-0003*

REGIONAL HEARING CLERK
U.S. EPA REGION 5

2011 JUN -8 AM 11:13

CERTIFICATE OF SERVICE


I hereby certify that today I filed the original and one copy of COMPLAINANT'S REBUTTAL PRE-HEARING EXCHANGE in the office of the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590.

I also mailed today a true and accurate copy, by first class mail, to each of the following:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, D.C. 20460

Thomas W. Daggett
Daggett Law Firm
161 N. Clark Street, Suite 4950
Chicago, IL 60601

dated: June 8, 2011



Donald E. Ayres,
Paralegal Specialist, MM2-4
Office of Regional Counsel
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590
(312) 353-6719