



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

SEP 03 2008

STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL

A 209-13

August 22, 2008

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. Billy Hammond, Sr.
IEPA File No. 155-08-AC: 0550055072—Franklin 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

RECEIVED
CLERK'S OFFICE
SEP 03 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
BILLY HAMMOND, SR.,)
)
Respondent.)

ORIGINAL

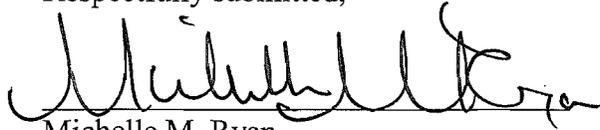
AC 09-13
(IEPA No. 156-08-AC)

NOTICE OF FILING

To: Billy Hammond, Sr.
308 E. Plum Street
P.O. Box 263
Benton, IL 62812

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: August 22, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

SEP 03 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 ORIGINAL)
)
 v.)
)
 BILLY HAMMOND, SR.,)
)
)
)
)
)
 Respondent.)

AC 09-13
 (IEPA No. 155-08-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 (2006).

FACTS

1. That Billy Hammond, Sr. ("Respondent") is the present owner and operator of a facility located at 308 E. Plum Street, Benton, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Benton/Hammond, Billy Sr.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0550055072.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on July 16, 2008, Maggie Stevenson of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Maggie Stevenson during the course of her July 16, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

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

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

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

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than September 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution

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

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails to petition or elects 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 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 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 in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondent elects to contest this Administrative Citation, then Respondent 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.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 8/22/08

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

SEP 03 2008

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 BILLY HAMMOND, SR.,)
)
)
)
 Respondent.)

AC 09-13
 (IEPA No. 155-08-AC)

ORIGINAL

FACILITY: Benton/Hammond, Billy Sr.

SITE CODE NO.: 0550055072

COUNTY: Franklin

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: July 16, 2008

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.

RECEIVED
CLERK'S OFFICE

SEP 03 2008

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
)
 v.)
)
 Billy Hammond, Sr.)
)
)
 Respondent.)

AC09-13

IEPA DOCKET NO.

CP 16

AFFIDAVIT

Affiant, Maggie Stevenson, being first duly sworn, voluntarily deposes and states 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 July 16, 2008, between 2:10 PM and 2:20 PM, Affiant conducted an inspection of a disposal site operated by Billy Hammond, Sr., located in Franklin County, Illinois, and known as Benton/Hammond, Billy, Sr. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0550055072 by the Agency.

3. Affiant inspected said Benton/Hammond, Billy, Sr. 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 Benton/Hammond, Billy, Sr.

Maggi Stevenson

Subscribed and Sworn to before me

this 7th day of August, 2008

Ronald E. Morse
Notary Public

INITIAL BLOCK



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
CLERY'S OFFICE

SEP 03 2008

STATE OF ILLINOIS
 Region 7 Pollution Control Board

County: Franklin LPC#: 0550055072

Location/Site Name: Benton/Hammond, Billy Sr.

Date: 07/16/2008 Time: From 12:10 PM To 12:20 PM Previous Inspection Date: 12/27/2007

Inspector(s): M. Stevenson Weather: 86 F, Clear

No. of Photos Taken: # 3 Est. Amt. of Waste: ~10 yds³ Samples Taken: Yes # No

Interviewed: Billy Hammond, Sr. Complaint #:

Latitude: 37.99700 Longitude: -88.91880 Collection Point Description: Site Entrance - on roadway

(Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: GPS -

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

Billy Hammond, Sr.
 308 E. Plum Street
 P.O. Box 263
 Benton, IL 62812

ORIGINAL

RECEIVED
 AUG 08 2008

IEPA/DOL

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 checked="" type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e) DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1) Litter	<input checked="" type="checkbox"/>
	(2) Scavenging	<input type="checkbox"/>
	(3) Open Burning	<input checked="" type="checkbox"/>
	(4) Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5) Proliferation of Disease Vectors	<input type="checkbox"/>
	(6) Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0550055072

Inspection Date: 07/16/2008

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

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.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 0550055072

Date: July 16, 2008

County: Franklin

Inspector: Maggie Stevenson

Subject: Benton/Hammond, Billy Sr.

General Remarks

G.P.S.: 37.99700/-88.91880

Time: 12:10 – 12:20 PM

Volume of waste found at site: 10 CY

Owner of Property: Billy Hammond, Sr.

Weather: 86 F, Clear

RECEIVED
AUG 08 2008
IEPA/BOL

This inspection was made as a follow-up to a December 27, 2007 inspection. The site is located at 308 E. Plum Street (dead end) in Benton, Illinois. The site was easily accessed by Plum Street. I knocked on Mr. Hammond's front door but there was no answer. There were also no vehicles at the home. Three pictures were taken of the waste, which consisted of charred miscellaneous debris. Open burning had occurred at the site since the previous inspection.

I arrived at the site and went directly to Mr. Hammond's home. When there was no answer at the door and no vehicles noted in or around the drive I proceeded to the area of open dumping noted in the previous inspection. As I drove up to the area I noted a new burn pile measuring approximately 10' X 4' X 1' (picture 001). The pile consisted of wire, rope, melted plastic containers, paper, wooden spindles from furniture, what appeared to be some type of felt paper or tar paper, miscellaneous debris, and at least two Weather Duty Lamps (picture 001). The Weather Duty Lamps were identified from debris in photo 0550055072~12272007-001 which indicates that the open burning took place after the December 27, 2007 inspection where Mr. Hammond was told not to burn any waste. Also noted in Photo 002 were at least two tires off rims, one of which had vegetation growing through the inner opening of the tire.

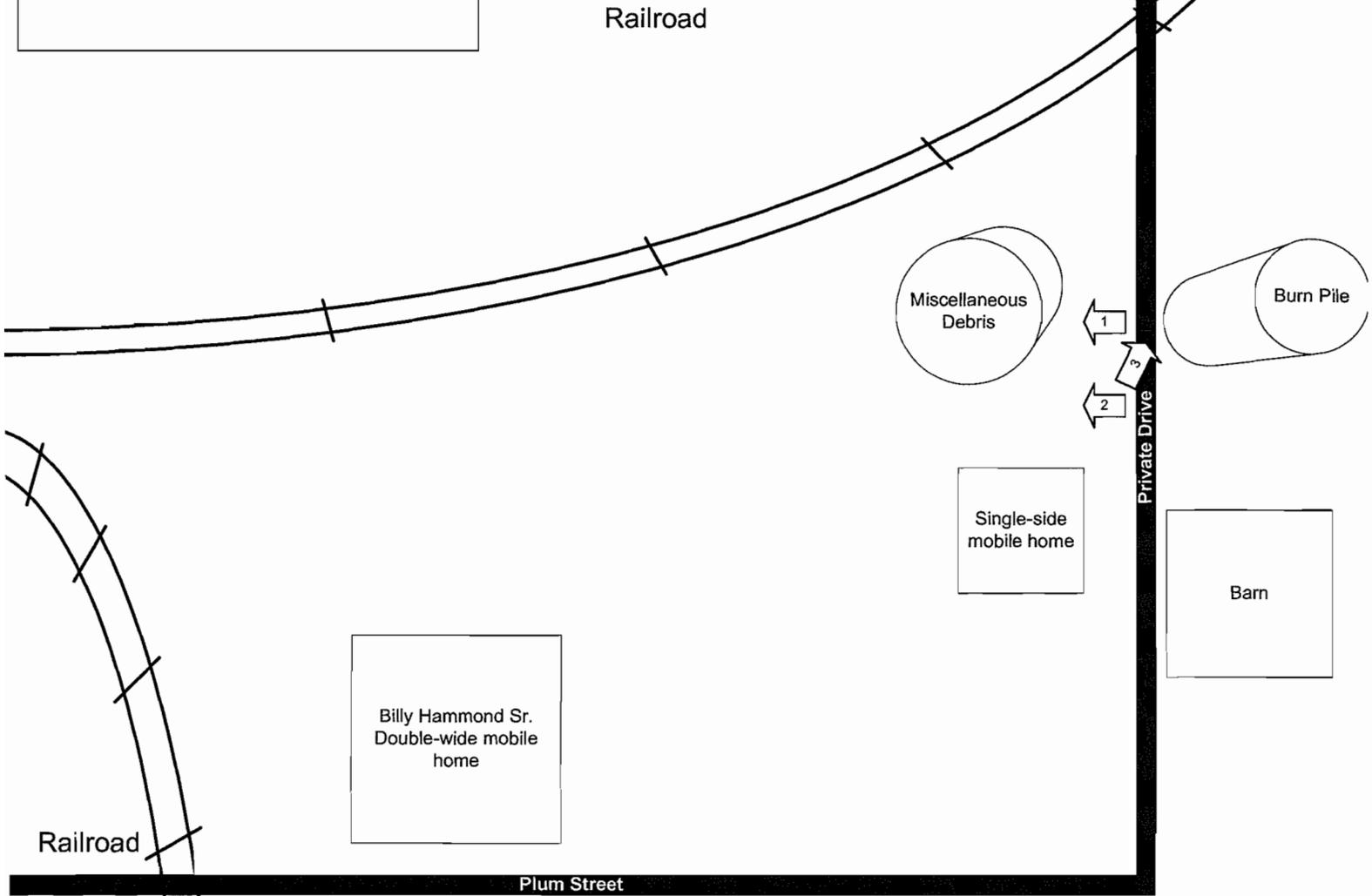
The area noted in photo 0550055072~12272007-001 and 0550055072!12272007-002 still had miscellaneous debris as noted in photo (002). Photo 003 showed an area next to the waste area that was clean of debris. No receipts have been received for the proper disposal of waste and no response was received from Mr. Hammond.

FILENAME
Hammond, Billy Sr. AC Site Map

DESCRIPTION
LPC # 0550055071- Franklin County
Benton/Hammond, Billy Sr.
07/16/2008
12:10 - 12:20 PM



Railroad



Billy Hammond Sr.
Double-wide mobile
home

Miscellaneous
Debris

Burn Pile

Single-side
mobile home

Barn

Railroad

Plum Street

Private Drive

Cement
block
bldg.

Betty Jo Hammond
Double-wide mobile
home

Map Key
All locations are approximate/Not drawn to scale
Photo/Direction.....



DIGITAL PHOTOGRAPHS



**Date: 07/16/2008
Time: 12:10 – 12:20 PM
Direction: Northeast
Photo by: M. Stevenson
Exposure #: 001
Comments: New burn pile
since 12/27/2007.**



**Date: 07/16/2008
Time: 12:10 – 12:20 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 002
Comments: Miscellaneous
Debris and tires off rim.**

File Names: 0550055072 ~07172008-001 thru 003.jpg



DIGITAL PHOTOGRAPHS



**Date: 07/16/2008
Time: 12:10 – 12:20 PM
Direction: West
Photo by: M. Stevenson
Exposure #: 003
Comments: Area free of
debris**

File Names: 0550055072 ~07172008-001 thru 003.jpg

ORIGINAL

PROOF OF SERVICE

**RECEIVED
CLERK'S OFFICE**

SEP 03 2008

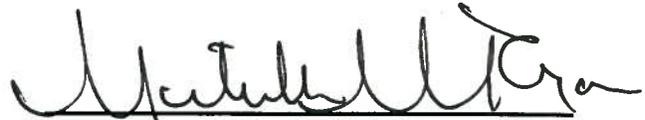
**STATE OF ILLINOIS
Pollution Control Board**

I hereby certify that I did on the 22nd day of August 2008, 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: Billy Hammond, Sr.
308 E. Plum Street
P.O. Box 263
Benton, IL 62812

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