

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

AUG 5 2003

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
EDWARD SAPP, )  
 )  
Respondent. )

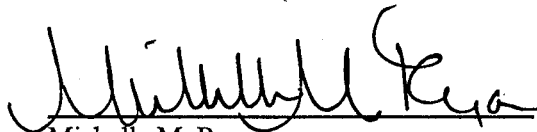
AC 04-04  
(IEPA No. 390-03-AC)

**NOTICE OF FILING**

To: Edward Sapp  
460 100<sup>th</sup> Avenue  
Athens, Illinois 62613

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

Respectfully submitted,

  
Michelle M. Ryan  
Special Assistant Attorney General

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

Dated: August 1, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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Respondent. )

AC 04-04

(IEPA No. 390-03-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 (2002).

FACTS

1. That Edward Sapp is the present owner and operator of a facility located in Hurlbut Township, Logan County, which has a mailing address of 460 100<sup>th</sup> Avenue, Athens, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hurlbut Township/Sapp.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1078085003.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on June 3, 2003, Michelle Allen of the Illinois Environmental Protection Agency's Springfield 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 Michelle Allen during the course of her June 3, 2003 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) (2000).
  
- (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) (2000).

## CIVIL PENALTY

On October 3, 2002, the Board found Edward Sapp in violation of Section 21(p)(1) and 21(p)(3) of the Act in AC 03-6. Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). 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 August 31, 2003, 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 (2002), 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 Three Thousand Dollar (\$3,000.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent 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 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 (2002). 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.

Renee Cipriano  
Renee Cipriano, Director *by wee*  
Illinois Environmental Protection Agency

Date: 8/1/03

Prepared by: Michelle M. Ryan, Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

v. )

EDWARD SAPP, )

Respondent. )

AC

(IEPA No. 390-03-AC)

FACILITY: Hurlbut Township/Sapp

SITE CODE NO.: 1078085003

COUNTY: Logan

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: June 3, 2003

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.



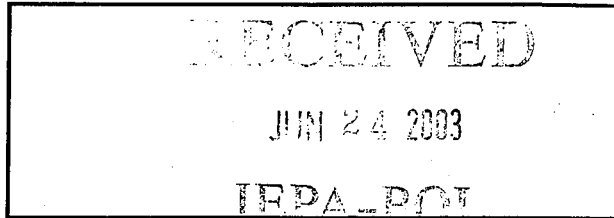
# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Logan LPC#: 1078085003 Region: 5 - Springfield  
 Location/Site Name: Hurlbut Township/Sapp  
 Date: 06.03.03 Time: From 10:05 am To 10:30 am Previous Inspection Date: 05.20.03  
 Inspector(s): Michelle Allen & Dave Jansen Weather: 55°F and cloudy  
 No. of Photos Taken: # 21 Est. Amt. of Waste: 200 yds<sup>3</sup> Samples Taken: Yes #      No X  
 Interviewed: Mr. Edward Sapp Complaint #: C-02-108-C & C-03-003-C

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

Mr. Edward Sapp  
 460 100<sup>th</sup> Avenue  
 Athens, IL 62613  
 217.622.4481



SECTION	DESCRIPTION	VIO
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	X
3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4. 12(d)	CREATE A WATER POLLUTION HAZARD	
5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6. 21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1) Without a Permit	X
	(2) In Violation of Any Regulations or Standards Adopted by the Board	X
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	X
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	X
	(2) Scavenging	
	(3) Open Burning	X
	(4) Deposition of Waste in Standing or Flowing Waters	
	(5) Proliferation of Disease Vectors	
	(6) Standing or Flowing Liquid Discharge from the Dump Site	



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
MEMORANDUM

DATE: June 16, 2003

TO: DLPC/Division File

FROM: Michelle Allen, and David C. Jansen, DLPC/FOS Springfield Region

SUBJECT: LPC #1078085003 – Logan County  
Hurlbut Township/Sapp  
FOS File

The purpose of this memorandum is to serve as the narrative for a re-inspection conducted by Michelle Allen and Dave Jansen on June 3, 2003 from about 10:05 am to 10:30 am at the Ed Sapp farm residence. Weather was cloudy and about 55°F, and the ground was wet. Twenty-one digital photographs were taken. Mr. Ed Sapp was interviewed at the time of the inspection. Mr. Sapp is a trash hauler licensed by the Sangamon County Department of Public Health.

The area on the east side of the large barn was inspected first. The attached photos #1, #2, #7, #8 and #11 show the scrap metal and debris in this area. There were no changes in the amount or type of debris observed in this area since the previous inspection on May 20, 2003. The used tires observed in a pile during the previous inspection were now stacked along the back wall of the shed as shown in the attached photo #9.

The debris and the burn barrels located on the north side of the large barn are shown in the attached photos #3 and #4. The attached photo #5 shows four plastic trash barrels filled with debris located just inside the large shed. The attached photo #6 shows the trailer with the construction or demolition debris that was also observed at the site during the May 20, 2003 inspection. The trailer appears to contain the same type and amount of construction or demolition debris as observed during the May 20, 2003 inspection.

The attached photos #12 through #15 show the southeast corner of the site. The burn pile is shown in the attached photos #12 and #13. The burn pile contained a wood pallet, a log, and ashes and charred debris. The white GMC truck in the attached photos #12 and #13 was observed in the same location during the previous inspection, i.e., immediately adjacent to the burn pile. The truck had caught fire and burned at some time between the inspections of May 20, 2003 and June 3, 2003. So complete was the burn that all 4 tires on the truck's rims, and the tire that was on the roof, were burned away. Mr. Sapp claimed that the truck had caught fire when he was heating water in a metal pot nearby, which is noticeably free of scorch marks. Household waste and debris were observed piled north of the burn pile during the May 20, 2003 inspection. The household waste and debris have been removed from this location as shown in the attached photo #14. Debris was also observed in trash barrels in this area during the May 20, 2003 inspection. The debris has been removed from the trash barrels as shown in the attached photo #15. Whether this household waste and debris have been properly disposed could not be determined.

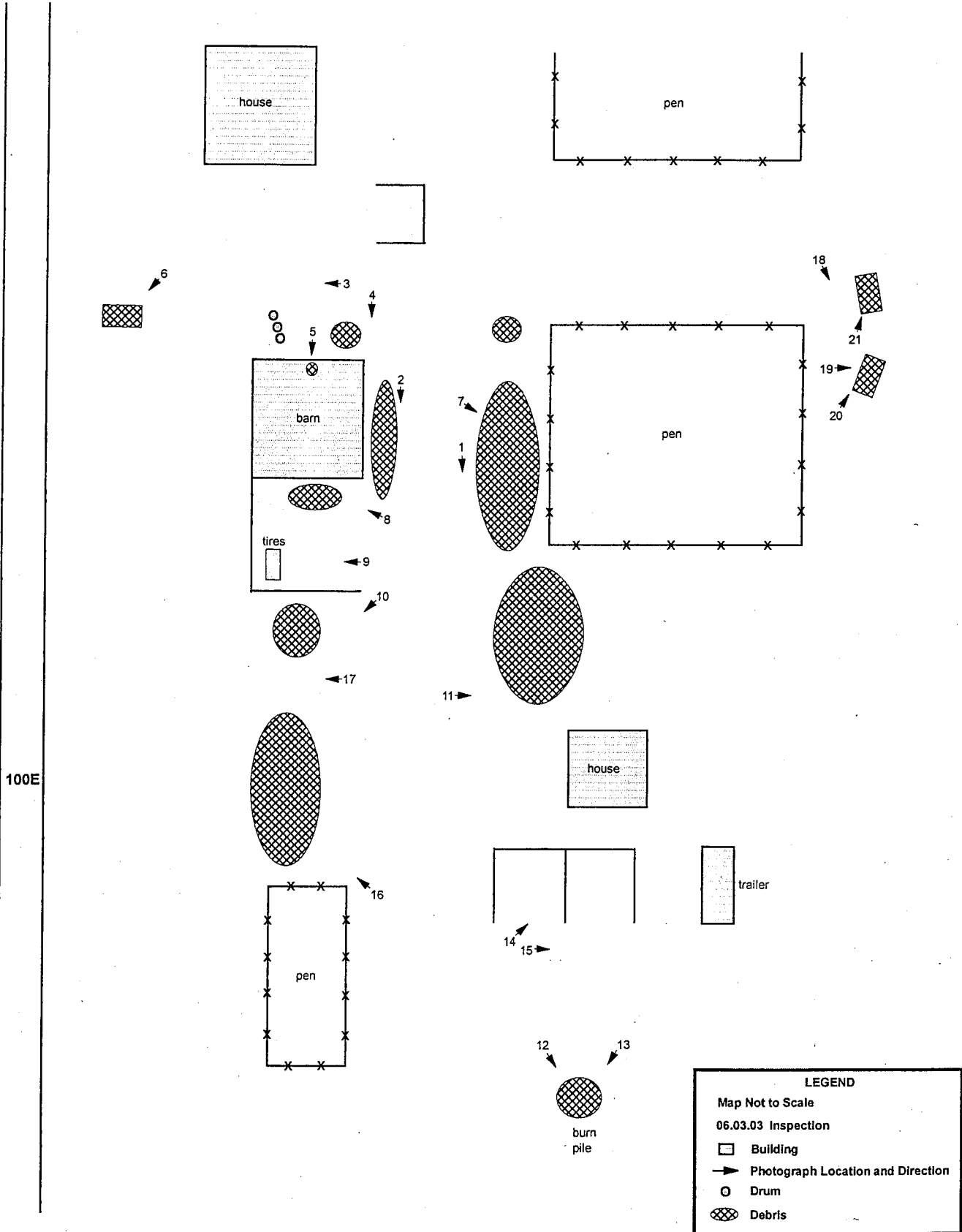
*vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.*

*Nothing in this Section shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-480) or regulations adopted under it.*

cc: DLPC/FOS - Springfield Region  
SCDPH - Allen Alexander  
LCHD - Kathy Waldo



### SITE SKETCH





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:14 am

**Direction:** S

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-001

**Comments:**

Scrap metal, miscellaneous debris and items Mr. Sapp claimed he was taking to flea market



**Date:** June 3, 2003

**Time:** 10:14 am

**Direction:** S

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-002

**Comments:**

Miscellaneous debris





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:15 am

**Direction:** W

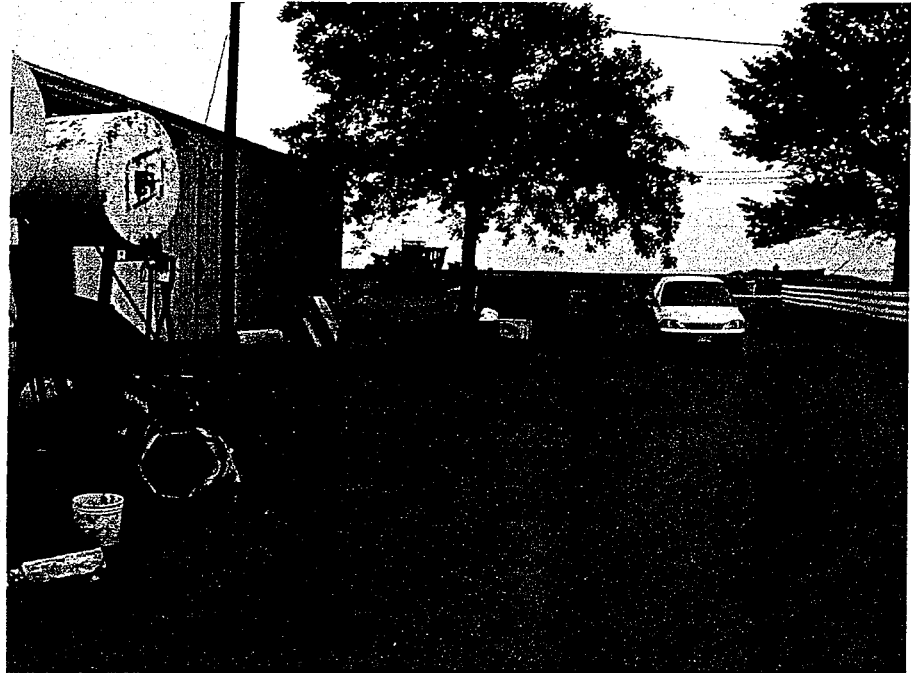
**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-003

**Comments:**

Debris and burn barrels on  
north side of large barn



**Date:** June 3, 2003

**Time:** 10:15 am

**Direction:** S

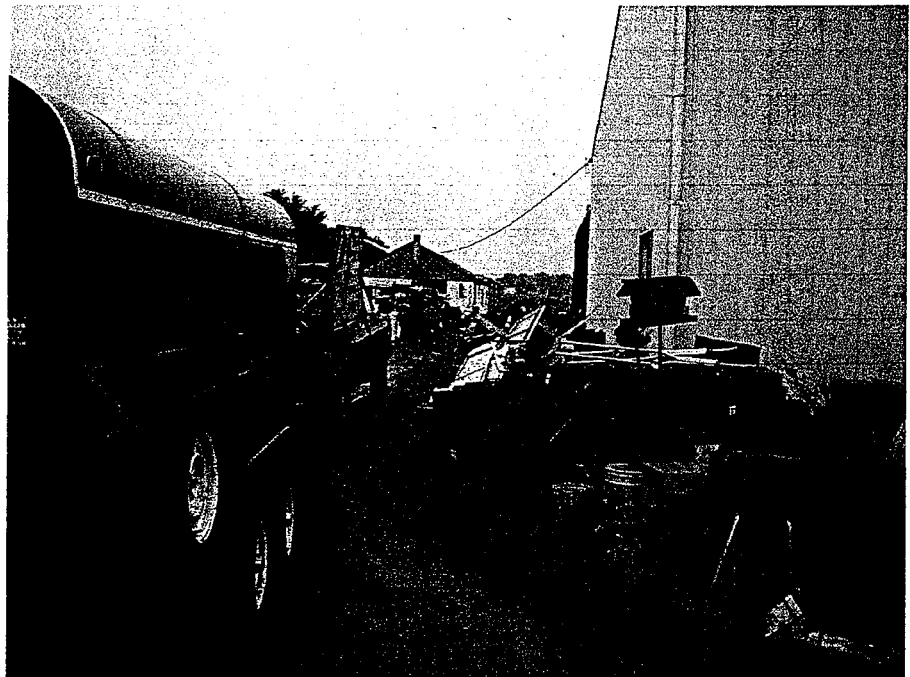
**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-004

**Comments:**

Debris on northeast corner of  
large barn





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:15 am

**Direction:** S

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-005

**Comments:**

Trash barrels with debris in  
large barn



**Date:** June 3, 2003

**Time:** 10:15 am

**Direction:** SW

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-006

**Comments:**

Trailer with construction or  
demolition debris that was  
also observed at the site  
during the May 20, 2003  
inspection





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:16 am

**Direction:** SE

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003-06032003-007

**Comments:**

Dimensional lumber and miscellaneous debris which was also observed during the May 20, 2003 inspection



**Date:** June 3, 2003

**Time:** 10:16 am

**Direction:** NW

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003-06032003-008

**Comments:**

Miscellaneous debris on the southeast corner of the large barn which was also present during the May 20, 2003 inspection





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:16 am

**Direction:** W

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-009

**Comments:**

Tires stacked inside shed



**Date:** June 3, 2003

**Time:** 10:16 am

**Direction:** SW

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-010

**Comments:**

Dimensional lumber, air  
conditioners and  
miscellaneous debris







## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:16 am

**Direction:** E

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-011

**Comments:**

Items Mr. Sapp said he saved to take to flea market, and lumber he said he was going to burn in his house



**Date:** June 3, 2003

**Time:** 10:17 am

**Direction:** SE

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-012

**Comments:**

Burn pile and truck that had caught on fire





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:17 am

**Direction:** SW

**Photo by:** Michelle Allen

**Photo File Name:**  
1078085003~06032003-013

**Comments:**

Burn pile and truck that had  
caught on fire



**Date:** June 3, 2003

**Time:** 10:18 am

**Direction:** NE

**Photo by:** Michelle Allen

**Photo File Name:**  
1078085003~06032003-014

**Comments:**

Household waste and debris  
observed during the May 20,  
2003 inspection have been  
removed from this location





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:19 am

**Direction:** E

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-015

**Comments:**

Debris observed in the trash barrels during the May 20, 2003 inspection has been removed



**Date:** June 3, 2003

**Time:** 10:19 am

**Direction:** NW

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-016

**Comments:**

Dimensional lumber and miscellaneous debris





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:20 am

**Direction:** W

**Photo by:** Michelle Allen

**Photo File Name:**  
1078085003~06032003-017

**Comments:**

Area from where Mr. Sapp said he took some air conditioners to a scrap metal facility



**Date:** June 3, 2003

**Time:** 10:21 am

**Direction:** SE

**Photo by:** Michelle Allen

**Photo File Name:**  
1078085003~06032003-018

**Comments:**

Trailer with scrap metal, white goods and debris that was also observed at the site during the May 20, 2003 inspection





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:22 am

**Direction:** E

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-019

**Comments:**

Trailer with scrap metal and debris that was also observed at the site during the May 20, 2003 inspection



**Date:** June 3, 2003

**Time:** 10:22 am

**Direction:** NE

**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-020

**Comments:**

Trailer with scrap metal and debris that was also observed at the site during the May 20, 2003 inspection





## DIGITAL PHOTOGRAPHS

**Date:** June 3, 2003

**Time:** 10:22 am

**Direction:** NE

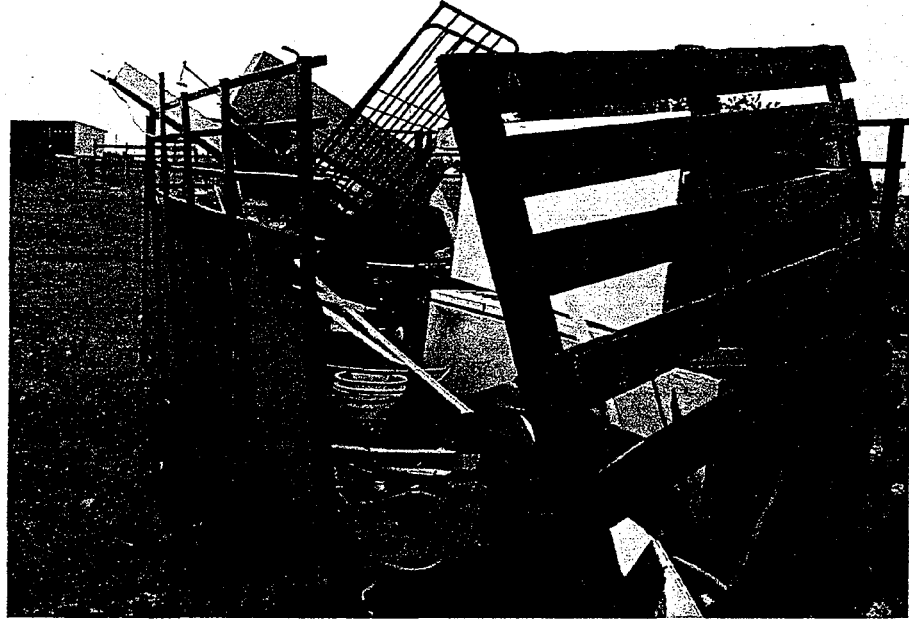
**Photo by:** Michelle Allen

**Photo File Name:**

1078085003~06032003-021

**Comments:**

Trailer with scrap metal,  
white goods and debris that  
was also observed at the site  
during the May 20, 2003  
inspection



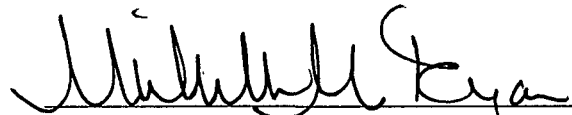
**PROOF OF SERVICE**

I hereby certify that I did on the 1<sup>st</sup> day of August, 2003, 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: Edward Sapp  
460 100<sup>th</sup> Avenue  
Athens, Illinois 62613

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid.

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Special Assistant Attorney General

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