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SEP 07 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-23

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

SEP 07 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
PHILLIP HAMANN,)
)
Respondent.)

AC 05-23

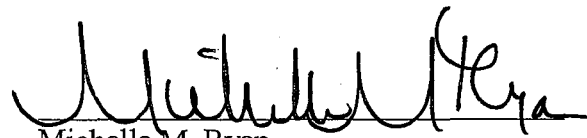
(IEPA No. 362-04-AC)

NOTICE OF FILING

To: Phillip Hamann
116 Corriell Street
P.O. Box 295
Green Valley, Illinois 61534

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: September 2, 2004

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SEP 07 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 05-23
)	
v.)	(IEPA No. 362-04-AC)
)	
PHILLIP HAMANN,)	
)	
)	
)	
Respondent.)	

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 Phillip Hamann ("Respondent") is the present operator of a facility located at 21974 Hickory Street, Goofy Ridge, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Goofy Ridge/Hamann.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1258105004.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on July 16, 2004, Jan Mier 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 Jan Mier during the course of her July 16, 2004 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) (2002).

CIVIL PENALTY

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 One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). 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, 2004, 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 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) (2002), 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 (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 me*
Illinois Environmental Protection Agency

Date: 9/2/04

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 362-04-AC)
)	
PHILLIP HAMANN,)	
)	
)	
)	
Respondent.)	

FACILITY:	Goofy Ridge/Hamann	SITE CODE NO.:	1258105004
COUNTY:	Mason	CIVIL PENALTY:	\$1,500.00
DATE OF INSPECTION:	July 16, 2004		

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

AFFIDAVIT

IN THE MATTER OF:

Illinois Environmental
Protection Agency

vs.

Phillip Hamann
Respondent

IEPA DOCKET NO.

Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

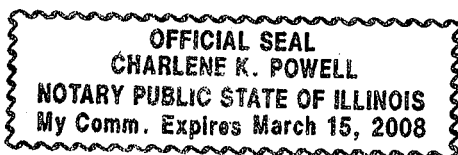
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On, July 16, 2004 between 10:30 a.m. and 10:50 a.m., Affiant conducted an inspection of an open dump, located in Mason County, Illinois and known as *Goofy Ridge/Hamann* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1258105004 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.

Jan Mier

Jan Mier

Subscribed and Sworn to Before Me
this 28th day of July, 2004

Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: MASON LPC#: 1258105004 Region: SPFLD
 Location/Site Name: GOOFY RIDGE/HAMANN
 Date: 7/16/04 Time: From 10:30 AM To 10:50 AM Previous Inspection Date: 5/6/04
 Inspector(s): JAN MIER Weather: 80 F, SUNNY
 No. of Photos Taken: # 4 Est. Amt. of Waste: 80 yds³ Samples Taken: Yes # No X
 Interviewed: NO ONE ON SITE Complaint #: C-04-076-C

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

PHILLIP HAMANN
 116 CORRIELL ST.
 P.O. BOX 295
 GREEN VALLEY, IL 61534

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 JUL 30 2004
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	
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	<input type="checkbox"/>
	(3)	Open Burning	
	(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 # 1258105004

Inspection Date: 7/16/04

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(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	
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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Jam Mier
Signature of Inspector(s)

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
Inspection Narrative**

**LPC#1258105004 – Mason County
Goofy Ridge/Hamann
FOS File**

**Inspection Date: 7/16/04
Inspector: Jan Mier**

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JUL 30 2004
IEPA-DLPC**

On July 16, 2004, I conducted a follow-up inspection at the above-referenced site. I was accompanied by Bill Zierath, DLPC/FOS –Springfield Region. The property owner, Phillip Hamann, was sent an Administrative Citation Warning Notice on 5/28/04. The certified green card was signed by Paul Minder on 6/4/04. Mr. Minder signed as an “agent” for Mr. Hamann. On the certified mail green card receipt signed by Mr. Minder, it was indicated that the delivery address for Mr. Hamann listed on the green card receipt was not different than the one shown on the receipt. No response was received by Mr. Hamann.

We arrived at 10:30 a.m. The house at 21974 Hickory Street was still not occupied. The used tires and pickup truck were no longer present. The owner of the pickup truck and the used tires lives across the street and he had taken the tires to a Mason County used tire collection on June 12, 2004, resolving a violation of 55(a)(1), and fixed the truck. Other than the tuck and used tires being gone, the site remained unchanged. An open dump and open burn pile was observed on the southeast corner of the property (see photo #001). A pile of household waste and furniture was still on site north of the house (see photo #002). Two overflowing garbage barrels were still on site next to the road (see photo #003). An air conditioner, landscape waste, a lawn chair and other waste were observed on the east side of the house (see photo #004). We departed at 10:50 a.m.

Continuing violations observed during the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region
Mason County Public Health – Becky Chaney

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

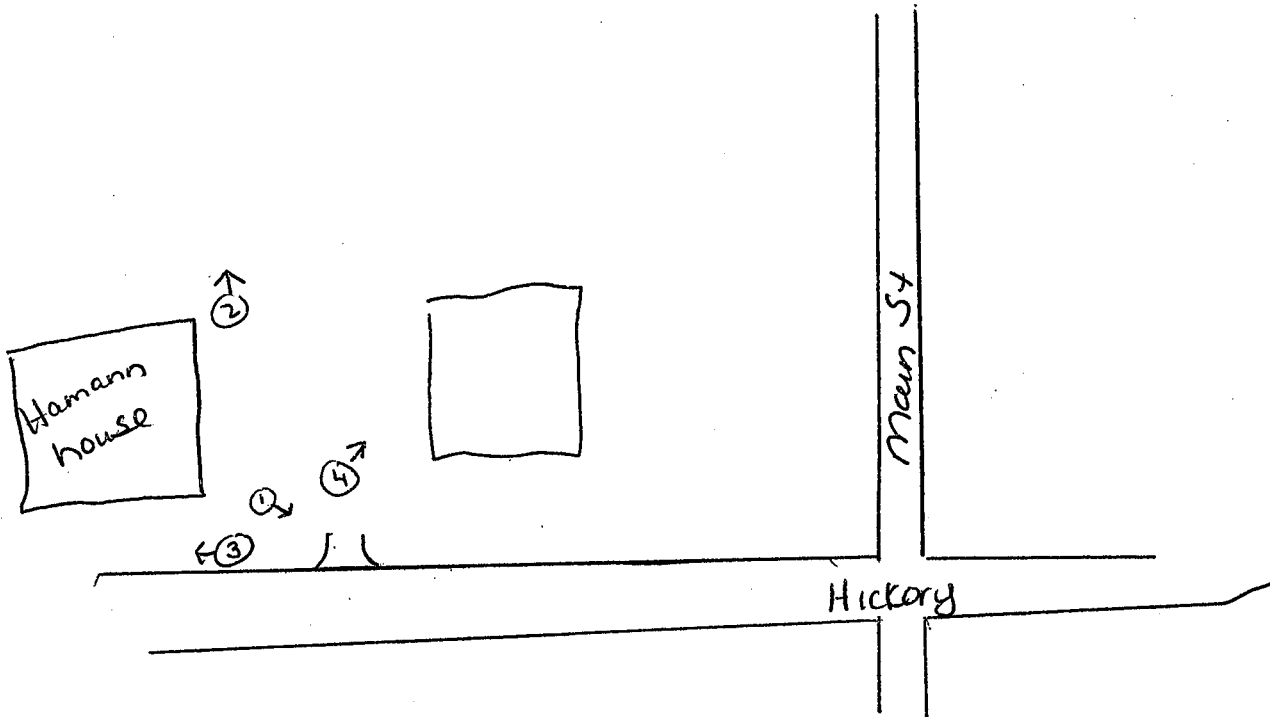
SITE SKETCH

Date of Inspection: 7/16/04
Site Code: LPC#1258105004
Site: Goofy Ridge/Hamann

Inspector: Jan Mier
County: Mason
Time: 10:30 P.M. - 10:50 P.M.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1258105004 — Mason County
Goofy Ridge/Hamann
FOS File

Date: 7/16/04
Time: 10:41 a.m.
Direction: SE
Photo by: Jan Mier
Photo File Name:
1258105004~07162004-001
Comments:



Household refuse

Date: 7/16/04
Time: 10:43 a.m.
Direction: N
Photo by: Jan Mier
Photo File Name:
1258105004~07162004-002
Comments:



Furniture and household refuse



DIGITAL PHOTOGRAPHS

LPC #1258105004 — Mason County
Goofy Ridge/Hamann
FOS File

Date: 7/16/04
Time: 10:44 a.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1258105004~07162004-003
Comments:

Household refuse



Date: 7/16/04
Time: 10:45 a.m.
Direction: NE
Photo by: Jan Mier
Photo File Name:
1258105004~07162004-004
Comments:

Air conditioner, landscape waste,
lawn chair



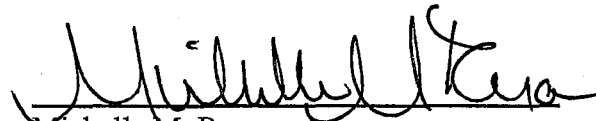
PROOF OF SERVICE

I hereby certify that I did on the 2nd day of September 2004, 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: Phillip Hamann
116 Corriell Street
P.O. Box 295
Green Valley, Illinois 61534

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: 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