



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

ORIGINAL

(217) 782-5544  
TDD: (217) 782-9143

July 17, 2001

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

**RECEIVED**  
CLERK'S OFFICE

JUL 20 2001

STATE OF ILLINOIS  
Pollution Control Board

AC 02 - 03

Re: Illinois Environmental Protection Agency v. Marvin Hammack, et al.  
IEPA File No. 290-01-AC; ID No. 1698035001

Dear Clerk Gunn:

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

GEORGE H. RYAN, GOVERNOR



ADMINISTRATIVE CITATION

JUL 20 2001

STATE OF ILLINOIS  
*Pollution Control Board*

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
MARVIN HAMMACK and )  
DORIS BAKER )  
 )  
Respondents. )

AC 02-03  
(IEPA No. 290-01-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 (2000).

FACTS

1. That Marvin Hammack and Doris Baker (" Respondents" ) are the present operator and owner, respectively, of a facility located off Kinderhook Road, Rushville, Schuyler County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rushville/Hammack.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1698035001.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on May 21, 2001, 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 May 21, 2001 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) (2000).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2000), 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 One Thousand Five Hundred Dollars (\$1,500.00). 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 July 31, 2001, 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 (2000), 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) (2000), 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.

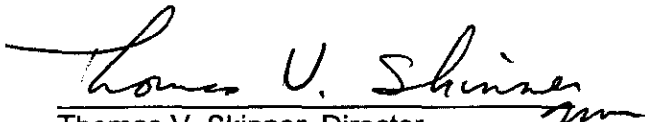
When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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 (2000). If Respondents elect to contest this Administrative Citation, then Respondents shall file a Petition for Review, 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.

  
Thomas V. Skinner, Director  
Illinois Environmental Protection Agency

Date: 7-16-01

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.

MARVIN HAMMACK and  
DORIS BAKER

Respondents.

AC 02-03  
(IEPA No. 290-01-AC)

FACILITY: Rushville/Hammack

SITE CODE NO.: 1698035001

COUNTY: Schuyler

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: May 21, 2001

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.





**INFORMATIONAL NOTICE !!!**

**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 62794-9276.**

**IF YOU ELECT TO CONTEST THE ENCLOSED ADMINISTRATIVE CITATION, YOU MUST FILE A PETITION FOR REVIEW WITHIN THIRTY-FIVE 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 OF DIVISION OF LEGAL COUNSEL.**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

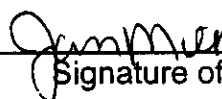
County: SCHUYLER      LPC#: 1698035001      Region: 5 - Springfield  
 Location/Site Name: RUSHVILLE/HAMMACK  
 Date: 5/21/01      Time: From 12:15 To 1:00      Previous Inspection Date: NONE  
 Inspector(s): JAN MIER      Weather: 60 F, SUNNY  
 No. of Photos Taken: # 9      Est. Amt. of Waste: 200 yds<sup>3</sup>      Samples Taken:      Yes # \_\_\_\_\_ No   
 Interviewed: NO ONE ON SITE      Complaint #: C-01-082-C

Responsible Party Mailing Address(es) and Phone Number(s):	DORIS BAKER 3301/2 W. AVENUE B RUSHVILLE, IL 62681 217/322-3505	MARVIN HAMMACK R.R. 3 BOX 166A RUSHVILLE, IL 62681 217/322-3505
	RECEIVED JUN 11 2001 IEPA-DLPC	

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" 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"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>

LPC #:  
 Inspection Date:

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

  
 \_\_\_\_\_  
 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#1698035001 – Schuyler County  
Rushville/Hammack  
Inspection Date – 5/21/01  
Inspector - Jan Hopper, DLPC/FOS Springfield  
FOS File

On May 21, 2001, a re-inspection was conducted at the above-referenced site. I was accompanied by Charlie King, DLPC/FOS inspector. I previously inspected the site on May 1, 2001, but due to time constraints I was unable to walk the property thoroughly. The 5/1/01 inspection noted a large amount of household waste, two abandoned trailers, several junk vehicles and tires.

We arrived at 12:15 p.m. I knocked on the door but no one answered. The door was padlocked from the outside. Two bulldozers were on site and grading had been done west of the house (see photo #2). The dismantled trailer was no longer observed. There was still approximately 30 cu. yards of household refuse (see photo #9), about 30 scattered tires, car parts and eight vehicles. I began to walk behind the house and observed lumber, shingles and other miscellaneous debris in standing water. Tires were scattered throughout the field southwest of the house (see photo #'s 3-5). An abandoned mobile home was in the field as well (see photo #^). I continued to walk along the ravine west of the house and discovered two accumulations of tires amounting to about 400 tires each (see photo #'s 7-8). We departed at 1:00 p.m.

cc: DLPC Division File  
DLPC FOS – Springfield Region

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JUN 7 2001  
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JUN 11 2001  
IEPA-DLPC

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

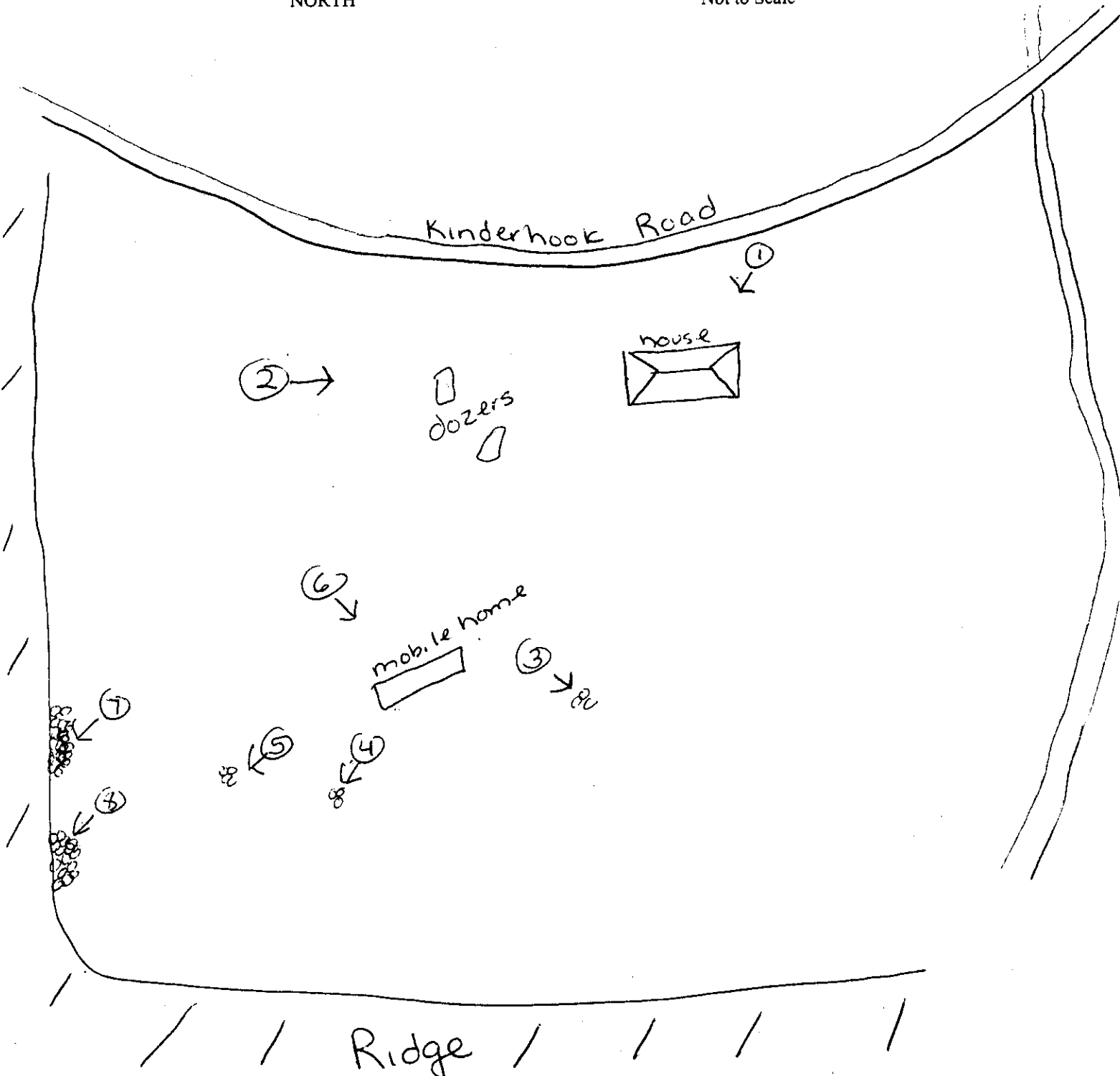
SITE SKETCH

Date of Inspection: 05/21/01  
Site Code: 1678035001  
Site: Rushville/Hammack

Inspector: Jan Mier  
County: Schuyler  
Time: 12:15 p.m. - 1:00 p.m.

Measurements Approximate  
Direction of Photo ↗  
Not to Scale

NORTH

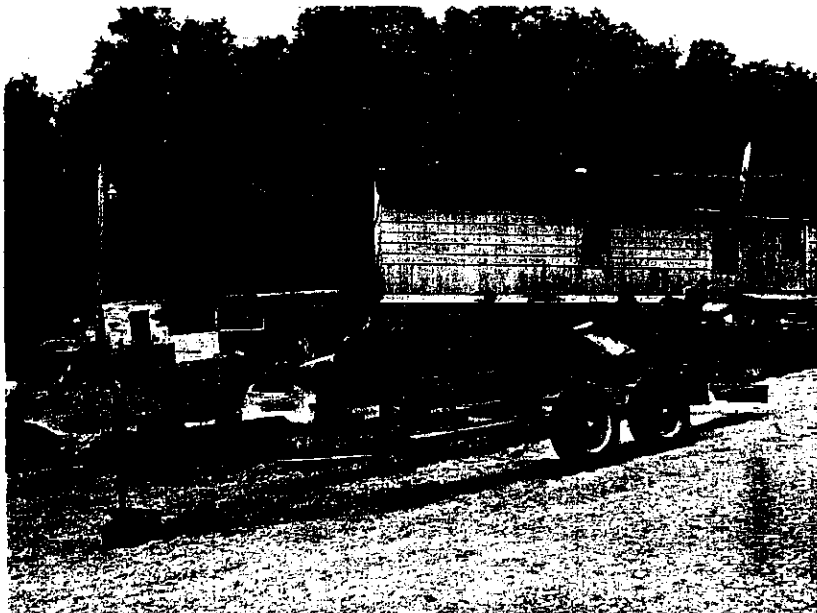


LPC #1698035001 – Schuyler County  
Rushville/Hammack  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 05/21/01  
**TIME:** 12:19 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-001  
**COMMENTS:**

**Front of house with debris in front and  
trailer in back**



**DATE:** 05/21/01  
**TIME:** 12:25 p.m.  
**DIRECTION:** East  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-002  
**COMMENTS:**



LPC #1698035001 – Schuyler County  
Rushville/Hammack  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 05/21/01  
**TIME:** 12:34 p.m.  
**DIRECTION:** Southeast  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-003  
**COMMENTS:**

**Tires in weeds behind house**



**DATE:** 05/21/01  
**TIME:** 12:34 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-004  
**COMMENTS:**

**Tires in weeds**



LPC #1698035001 – Schuyler County  
Rushville/Hammack  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

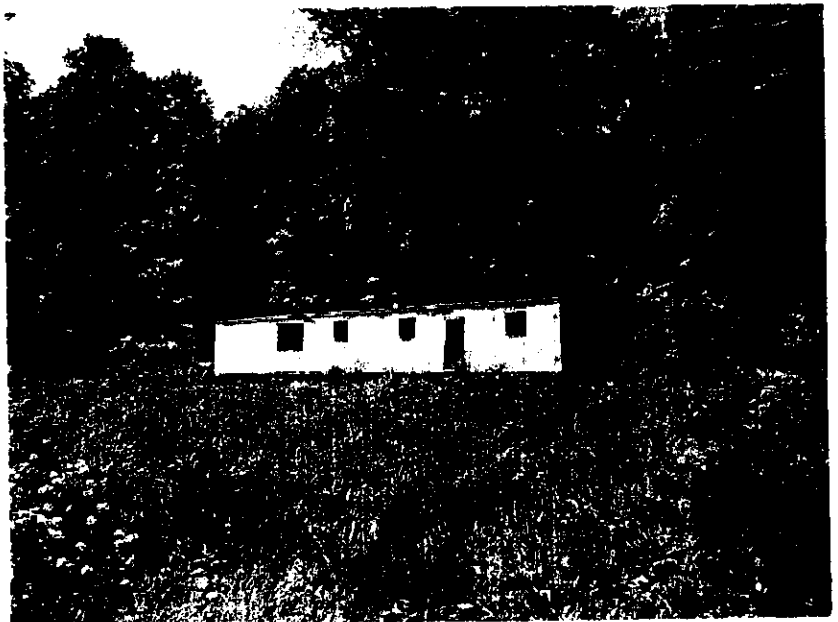
**DATE:** 05/21/01  
**TIME:** 12:35 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-005  
**COMMENTS:**

~300 tires in ravine



**DATE:** 05/21/01  
**TIME:** 12:37 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-006  
**COMMENTS:**

Abandoned mobile home behind house





LPC #1698035001 – Schuyler County  
Rushville/Hammack  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 05/21/01  
**TIME:** 12:40 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-007  
**COMMENTS:**

~400 tires in ravine



**DATE:** 05/21/01  
**TIME:** 12:41 p.m.  
**DIRECTION:** Southwest  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-008  
**COMMENTS:**

~400 tires uphill from photo #7

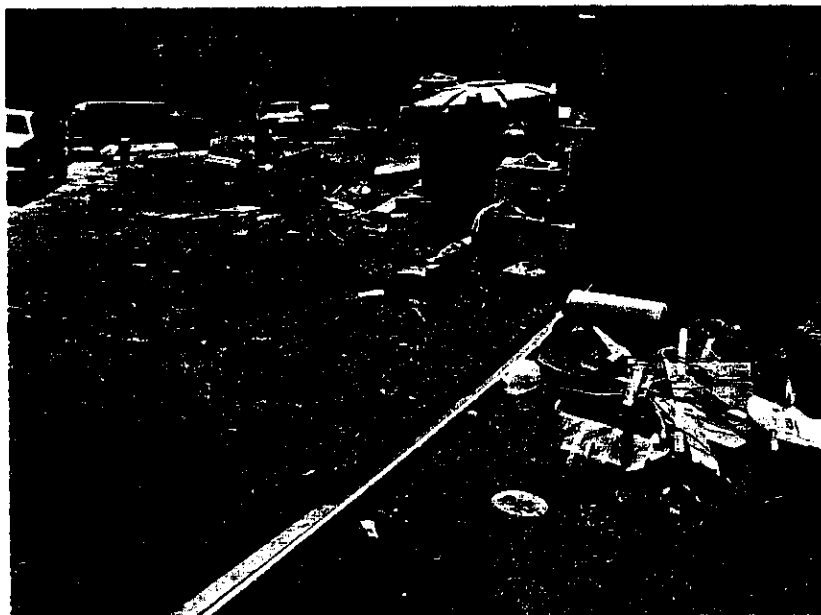


LPC #1698035001 – Schuyler County  
Rushville/Hammack  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE:** 05/21/01  
**TIME:** 12:48 p.m.  
**DIRECTION:** East  
**PHOTO by:** Jan Mier  
**PHOTO FILE NAME:**  
1698035001~05212001-009  
**COMMENTS:**

**Household waste next to house-  
cardboard, lumber, plastic, tires**



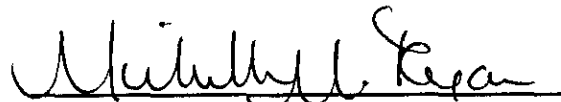
**PROOF OF SERVICE**

I hereby certify that I did on the 17<sup>th</sup> day of July, 2001, 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:	Marvin Hammack	Doris Baker
	R.R. 3, Box 166A	330½ West Avenue B
	Rushville, Illinois 62681	Rushville Illinois 62681

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  
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