



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED  
CLERK'S OFFICE

MAR 12 2009

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

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

March 10, 2009

A09-39

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. Donald Sapp  
IEPA File No.18-09-AC: 1498005003—Pike 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

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MAR 12 2009

STATE OF ILLINOIS  
Pollution Control Board

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

AC 09-39  
(IEPA No. 18-09-AC)

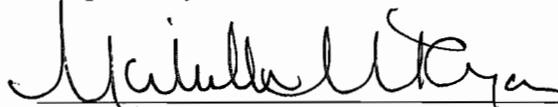
ORIGINAL

NOTICE OF FILING

To: Donald Sapp  
29321 Dutch Creek Road  
Rockport, IL 62370-3046

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: March 10, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

MAR 12 2009

STATE OF ILLINOIS  
Pollution Control Board

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

AC 09-39  
(IEPA No. 18-09-AC)

ORIGINAL

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 Donald Sapp is the current owner and operator ("Respondent") of a facility located at 29321 Dutch Creek Road, Rockport, Pike County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockport/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. 1498005003.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on January 22, 2009, Paul Eisenbrandt of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 3-10-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 3145.  
7007 3020 0002 3214 3138 - Board

VIOLATIONS

Based upon direct observations made by Paul Eisenbrandt during the course of his January 22, 2009 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).

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 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 April 1, 2009, 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.

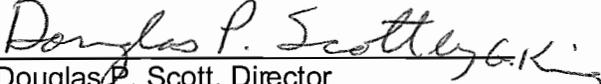
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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 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: 3/10/09

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

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MAR 12 2009

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

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

AC 09-39  
 (IEPA No.18-09-AC)

FACILITY: Rockport/Sapp

SITE CODE NO.: 1498005003

COUNTY: Pike

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: January 22, 2009

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.

ORIGINAL

RECEIVED  
CLERK'S OFFICE

MAR 12 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF: )  
)  
Illinois Environmental )  
Protection Agency )  
)  
vs. )  
)  
Donald Sapp )  
)  
Respondent. )

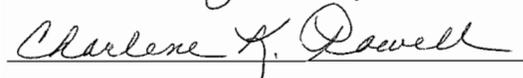
IEPA DOCKET NO.

Affiant, Paul Eisenbrandt, being first duly sworn, voluntarily deposes and states as follows:

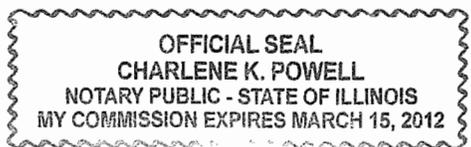
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 22, 2009 between 12:15 PM and 12:40 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Pike County, Illinois, and known as Rockport/Sapp by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1498005003 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Rockport/Sapp open dump 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 Rockport/Sapp open dump.



Subscribed and Sworn To before me  
This 30 day of January, 2009



Notary Public





Inspection Date: January 22, 2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
<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>	X
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	
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>	
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	

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 MEMORANDUM

**DATE:** January 30, 2009

**TO:** DLPC / Division File

**FROM:** Paul Eisenbrandt, DLPC/FOS Springfield Region

**SUBJECT:** LPC #1498005003 – Pike County  
Rockport/Sapp  
C-05-060-C  
FOS File

**INSPECTION DATE:** January 22, 2009

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of a January 22, 2009 complaint investigation of the above referenced site. A January 18, 2005 anonymous complaint alleged the owner had unlicensed vehicles without titles, oil and diesel spills, empty oil jugs, batteries, and used tires littering the property. The owner was also allegedly burning household garbage and pushing the waste into a tributary of the Big Dutch Creek. The site was first inspected on January 27, 2005. The second inspection was on August 22, 2005. The third inspection was on August 7, 2006. This fourth inspection took place from about 12:15 pm to 12:40 pm, and thirty-six (36) digital photographs were taken. The weather was sunny and approximately 45°F. No one was interviewed during the inspection.

This approximate 5-acre site is located at 29321 Dutch Creek Road in Rockport, Illinois. The entrance to the driveway is on the south side of the road and just west of the Dutch Creek Bridge.

Photograph 1 shows an area northwest of the structures and south of the access driveway. This area previously (January 2005) had numerous vehicles, farm implements, and construction equipment parked off the edge of the driveway. This area had a minor amount of scrap metal, but was mostly inoperable vehicle storage. In August 2005, a small amount of waste remained. The August 2006 inspection showed Mr. Sapp was again storing inoperable vehicles and accumulating farm equipment in this area. The inspector told Mr. Sapp to remove the inoperable pickup truck and store the remaining farm equipment in an organized manner that does not depict an open dump. As of the January 22, 2009 inspection, it appears that Mr. Sapp is continuing to collect farm equipment and miscellaneous debris and discarding or storing it in a haphazard manner. The inspector observed several grey farm bins (one on its side) rusty farm equipment, scrap metal, and odds and ends spread throughout this area. The photograph also shows heavy machinery, a pickup truck, a dump truck, a flat bed trailer, and miscellaneous equipment on the north side of the driveway.

Photograph 2 shows two dump trucks, gravel screening equipment, and several screened piles of gravel that were observed between the driveway and Dutch Creek Road. Further down the drive near Dutch Creek Road, there were numerous tire tracks leading into and out of the creek bed. It

appears if gravel and rock have been mined out of the creek bed. West on Dutch Creek Road there was another primitive dirt driveway leading into the creek. It appears as if rock and gravel has been removed from the creek bed at this location too. Also, west on Dutch Creek Road where it fords across Dutch Creek, it is apparent that gravel and rock have been removed. This area of the creek does not resemble the appearance of it from August 2006 or January 2007 (when the inspector last drove through this area). A permit is required from the Illinois EPA Bureau of Water for mining materials out of Illinois waterways.

Photograph 3 shows the area west of the pole building/shop. Several vehicles were removed from this area between the first three inspections. A Ford Probe, a blue van, a bank of kitchen base cabinets, a blue pickup truck with cap, and a brown pickup truck have been cleaned up. In the photograph a stack of railroad ties and a steel tank can be seen against the building. The dump truck appears operational.

Photograph 4 shows the front elevation of the house. There was one vehicle in front of the house that appeared to be operational during this fourth inspection. It appears other inoperable cars parked here during the previous inspections have been removed. During the first inspection four large fuel tanks were on the west side of the driveway, and were removed by the second inspection. Currently, a red farm tractor was observed to the west of the driveway near a pig pen. The rest of the area is still clear of debris.

Photograph 5 shows part of the area immediately south of the pole building/shop. Several vehicles were removed from this area between the three previous inspection inspections. Heavy equipment, a horse trailer, a dented up blue pickup truck, an aboveground storage tank of fuel, and two gasoline cans were observed. Miscellaneous debris were still observed near the pole building.

Photograph 6 shows two truck bed tool boxes, several coolers, cable, weathered dimensional lumber, processed lumber, duct work, a vehicle radiator, cinder block, a gasoline can, hand tools, and miscellaneous debris observed haphazardly against the house. The Illinois EPA inspector previously told Mr. Sapp not to store fuel containers in a careless fashion.

Previously Mr. Sapp had two inoperable Buicks parked on this east side of the house. Mr. Sapp has apparently repaired or junked the vehicles. During the previous inspections the Illinois EPA inspector requested the vehicles waiting service be organized in one location. Organized material is less likely to be confused with junk and open dumping. In the same manner, vehicles that Mr. Sapp is salvaging or removing parts from prior to disposal or recycling should be stored neatly and organized in one location. As of this January inspection several vehicles and heavy machinery are still scattered around the site

Photograph 7 shows a weedy area southeast of the rear corner of the home. A rusty metal cabinet, a piece of processed lumber, and a gasoline can were observed here.

Photograph 8 shows an area that has been cleaned up by Mr. Sapp. This area used to have a junk car and miscellaneous pipe strewn about.

Photograph 9 shows miscellaneous farm equipment, vehicle parts, and surplus pipe in this area. In the foreground of the picture miscellaneous equipment is spilling out of the lean-to structure. This area used to have two mobile farm fuel tanks and scrap metal in front of a lean-to. The Illinois EPA inspector previously stated the material in the lean-to was ok. The waste around the outside of the lean-to had to be cleaned up. All materials must be stacked and organized in a neat and orderly fashion not dispersed all over the site or they will be considered waste.

Photograph 10 shows a truck topper and a truck rack system that were not previously in this area. Since the last inspection Mr. Sapp has removed several body parts, and miscellaneous debris from this area.

Photograph 11 shows a view facing north towards the pole building/shop. A heavy equipment flat bed trailer with a truck topper, and an old red tractor were observed. A Winnebago frame has been removed from this location.

Photograph 12 shows a brown Area Disposal Services dumpster. The ground around the dumpster was littered with soda bottles, food wrappers, soda cans, household waste and weathered scrap lumber. Mr. Sapp previously claimed he has had weekly dumpster service since the first inspection.

Photograph 13 shows several sections of nylon rope, a cinder block, a Keystone Light beer carton, several aluminum soda cans, weathered dimensional lumber, plastic bottles, scrap metal, and some type of plastic liner observed beside the dumpster.

Photograph 14 shows rusty steel poles, an on-rim truck tire, and miscellaneous debris strewn on the ground near a shed. The dismantled remains of a truck were also observed. This area has continuously contained scrap metal, surplus vehicle parts, trailers, and other miscellaneous debris on the ground along the east edge of the property. The Illinois EPA inspector has told Mr. Sapp the surplus vehicle parts should be moved into the shop or another storage building. At the very least they must be consolidated to one area and organized off of the ground in a neat and orderly fashion. This has not been done.

Photograph 15 shows a partially cut up pickup truck, truck tires, a piece of a vehicle motor, an exhaust header, the hood of a truck, and scrap metal littering the ground east of the driveway. This area used to have two pickup trucks planned for restoration and a car that was used for parts. The inspector told Mr. Sapp, in the past, that the vehicles could not be scattered throughout the site making his property resemble an open dump. Any inoperable vehicle not being repaired or restored must be removed from the property. This includes all vehicles that Mr. Sapp and his son are finished removing useful parts from. Improper storage of lead acid batteries was not observed during this January 2009 inspection.

Photograph 16 shows a utility trailer housing acetylene and oxygen tanks and what appears to be a welding device or generator. A bent up truck rim, scrap metal, vehicle parts, and miscellaneous scrap metal were also observed.

Photograph 17 shows three partially dismantled pickup trucks and a camper top observed east of

the pole building/shop. Photograph 18 shows another partially dismantled vehicle. Other miscellaneous items are continually scattered throughout this area. Mr. Sapp complained the last time the inspector stopped by that he had to have an area where he could work. The inspector stated that it would be fine but that vehicle parts and scrap metal could not litter the ground.

Photograph 19 shows a ladder, PVC pipe, steel pipe, rusty cable and miscellaneous debris under a petroleum tank near Dutch Creek. This area north of the access drive and the pole building used to be used by Mr. Sapp to cut up scrap metal. It appears that most of the scrap metal and waste have been removed from this area over the past year or two.

Photograph 20 shows a plow and equipment on the north side of the pole building/shop.

Photograph 21 shows a view of debris on the northeast side of the shop. An old pallet, piping, and scrap steel were observed in the weeds.

Photograph 22 shows a truck drill, steel mesh, rope, sheet metal, a brake rotor, a hub cap, steel rods, a riding lawn mower, a cardboard box, vehicle parts, and miscellaneous debris in front of the shop.

Photograph 23 shows an on-rim used tire, plastic beverage bottles, leaf springs, a steel I-beam, a drive shaft, an engine (partially under a tarp), and miscellaneous debris observed in front of the shop. The Illinois EPA inspector has told Mr. Sapp all salvaged vehicle parts must be stored inside a structure and cannot be left to rest on the ground. During the August 2005 inspection, Robert Sapp discussed building a lean-to to store spare vehicle body, engine, and chassis parts, used tires for reuse, and barrel storage. The lean-to has not been built. Miscellaneous debris were observed throughout this area.

Photograph 24 shows aerosol cans, a McDonalds beverage cup, an exhaust header, metal scrap, a vehicle radiator, an engine (under the green plastic tote), and copious amounts of debris observed in the weeds in front of the shop.

Photograph 25 shows another vehicle radiator, an office chair, a propane tank, a truck fender and engine hood, and miscellaneous debris observed in front of the shop.

Photograph 26 shows an off-rim used tire, a tow strap, aluminum soda cans, and engine parts observed in front of the shop.

Photographs 21 through 28 show the area in front (west) of the shop/pole building. Vehicle parts, used tires (off and on rim) scrap metal, a lead acid batteries, gas cylinders, drums, and miscellaneous debris are continually scattered everywhere. Mr. Sapp always claims the used tires have just been dropped off or removed from a vehicle, yet he refuses to handle them correctly. Mr. Sapp previously claimed he was going to reuse some of the tires. The tires he could not reuse, he was going to cut off the rim, recycle the rim and dispose of the tire. The Illinois EPA inspector previously made it clear (verbally and in the prior inspection reports) that all off-rim used tires must be stored inside a building or covered with a tarp to prevent the accumulation of water. All of the other tires must be stored neatly and not in a haphazard pile.

The inspector has previously informed Mr. Sapp that all drums used to accumulate used oil must be clearly labeled. All useable empty drums must be stored in an organized manner. Vehicle parts worth saving must be stored inside the building. All scrap vehicle parts and scrap metal must be organized while awaiting a trip to the recycling center. When comparing photographs from the August 2005 inspection, August 2006 inspection, and January 2009 inspection, it appears to this inspector this area has continually been used for open dumping used tires and junk.

Photograph 27 shows a riding lawn mower, six on and off rim used tires, two wheel rims, an oil collection tray, a metal air filter cover, a yellow bucket of car items, and an empty blue barrel (on its side) were observed among other miscellaneous items and debris in front of the shop.

Photograph 28 shows weathered wood sheeting, off rim used tires, scrap metal and miscellaneous items and debris observed in front of the shop.

Photograph 29 shows a smashed plastic bucket open dumped near the edge of the driveway.

Photograph 30 shows two aboveground storage tanks of fuel, a fuel dispensing hose and filter, and plastic scrap, observed south of the shop.

Photograph 31 shows another rusty pickup truck, a rusty steel cabinet, and several damaged electrical service panels, observed south of the shop.

Photograph 32 shows the blue pickup truck bed full of scrap metal and debris. A kitchen sink was observed on the ground beside the truck, as was additional waste in the area.

Photograph 33 shows four gas cylinders, an upside down push mower, and miscellaneous debris observed near a pig pen off the north west side of the home

Photograph 34 shows a vehicle radiator, a diamond plate truck bed box, a pulley wheel, three wheel rims, a wagon wheel, and miscellaneous debris observed near the house.

Photograph 35 shows the open plastic lids of the dumpster. This may have contributed to some of the waste observed in the weeds around the dumpster.

Photograph 36 shows a broken white plastic bucket, a cinder block, bent up scrap metal, a shovel head, and debris observed near the driveway.

It appeared Mr. Sapp had made considerable improvements with cleaning up his property between the inspections. It is difficult to gauge how much work may have been done since more scrap metal and vehicles have been brought to the site and since it is so poorly organized. Approximately 50 percent of the waste has been removed since the first inspection. Considering the addition of several junk vehicles, the percent of waste removed is only approximately 20 percent since August 2006. There are at least 60 yards, if not more, of waste on site.

The apparent violations noted as a result of this inspection are checked on the attached checklist.

A site sketch and digital photographs accompany this narrative.

cc: DLPC/FOS Springfield Region  
Jane Johnson, Pike County Health Department  
Trooper Thomas Mavity, Illinois State Police  
Trooper Rich Avoletta, Illinois State Police  
Chief Deputy Steve Lehr, Pike County Sheriff's Department



# SITE SKETCH



## LEGEND

Measurements Approximate

- ← Direction of Photo
- Gravel/Rock Pile
- Materials & Debris
- Vehicle/Equipment
- Structure/Building

Not to Scale



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:18 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 001  
**Comments:** Several farm bins, rusty farm equipment, scrap metal, and odds and ends are haphazardly stored on the south side of the driveway. Heavy machinery, a pickup truck, a dump truck, a flat bed trailer and miscellaneous equipment are on the north side of the driveway.



**Date:** January 22, 2009  
**Time:** 12:18 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 002  
**Comments:** Two dump trucks, gravel screening equipment, and several screened piles of gravel were observed between the driveway and Dutch Creek.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:19 PM  
**Direction:** SE  
**Photo by:** Eisenbrandt  
**Exposure #:** 003  
**Comments:** A stack of railroad ties and a steel tank were observed against the west side of the pole building/shop. Another dump truck can be seen on the right side of the photograph.



**Date:** January 22, 2009  
**Time:** 12:19 PM  
**Direction:** S  
**Photo by:** Eisenbrandt  
**Exposure #:** 004  
**Comments:** View facing south towards the Sapp residence.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:19 PM  
**Direction:** NE  
**Photo by:** Eisenbrandt  
**Exposure #:** 005  
**Comments:** South of the pole building/shop heavy equipment, a horse trailer, a blue pickup truck, an aboveground storage tank of fuel, and gasoline cans were observed.



**Date:** January 22, 2009  
**Time:** 12:20 PM  
**Direction:** S  
**Photo by:** Eisenbrandt  
**Exposure #:** 006  
**Comments:** Two truck bed tool boxes, several coolers, cable, weathered dimensional lumber, processed lumber, duct work, a vehicle radiator, cinder block, a gasoline can, hand tools, and miscellaneous debris.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:20 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 007  
**Comments:** A rusty metal cabinet and processed lumber were observed in the weeds southeast of the residence.



**Date:** January 22, 2009  
**Time:** 12:21 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 008  
**Comments:** This area has been cleaned up and is clear of debris.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:22 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 009  
**Comments:** Miscellaneous farm equipment, vehicle parts, and surplus pipe are in this area. In the front of the picture miscellaneous equipment is spilling out of the lean-to structure.



**Date:** January 22, 2009  
**Time:** 12:23 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 010  
**Comments:** A truck topper and rack system were not previously observed in this area. Since the last inspection Mr. Sapp has removed several vehicle body parts, and miscellaneous debris.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:23 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 011  
**Comments:** View facing north towards the shop. A heavy equipment flat bed trailer with a truck topper, and an old red tractor were observed.



**Date:** January 22, 2009  
**Time:** 12:24 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 012  
**Comments:** Mr. Sapp has dumpster service provided by Area Disposal Services however, the ground around the dumpster was littered with soda bottles, food wrappers, household waste, and weathered scrap lumber.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:24 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 013  
**Comments:** Nylon rope, a cinder block, a Keystone Light beer carton, several aluminum soda cans, weathered dimensional lumber, plastic bottles, scrap metal, and some type of plastic liner, were observed beside the dumpster.



**Date:** January 22, 2009  
**Time:** 12:25 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 014  
**Comments:** Rusty steel poles, an on-rim truck tire, and miscellaneous debris were observed strewn on the ground near a shed. The dismantled remains of a truck were also observed in this area.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:25 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 015  
**Comments:** A partially cut up pickup truck, truck tires, a piece of a vehicle motor, an exhaust header, the hood of a truck, and scrap metal litter the ground east of the driveway.



**Date:** January 22, 2009  
**Time:** 12:25 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 016  
**Comments:** A utility trailer housing acetylene and oxygen tanks and what appears to be a welding device or generator. A bent up truck rim, scrap metal, vehicle parts, and miscellaneous scrap metal were also observed.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



**DIGITAL PHOTOGRAPHS**



**Date:** January 22, 2009  
**Time:** 12:25 PM  
**Direction:** NE  
**Photo by:** Eisenbrandt  
**Exposure #:** 017  
**Comments:** Three partially dismantled pickup trucks and a camper top were observed east of the pole building/shop.



**Date:** January 22, 2009  
**Time:** 12:26 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 018  
**Comments:** Another partially dismantled vehicle.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:26 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 019  
**Comments:** A ladder, PVC pipe, steel pipe, rusty cable, and miscellaneous debris under a petroleum tank near Dutch Creek.



**Date:** January 22, 2009  
**Time:** 12:26 PM  
**Direction:** SW  
**Photo by:** Eisenbrandt  
**Exposure #:** 020  
**Comments:** A plow and equipment on the north side of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:26 PM  
**Direction:** SE  
**Photo by:** Eisenbrandt  
**Exposure #:** 021  
**Comments:** View of debris on the east side of the shop. An old pallet, piping, and scrap steel were observed in the weeds.



**Date:** January 22, 2009  
**Time:** 12:27 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 022  
**Comments:** A truck grill, steel mesh, rope, sheet metal, a brake rotor, a hub cap, steel rods, a riding lawn mower, a cardboard box, vehicle parts, and miscellaneous debris were in front of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:27 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 023  
**Comments:** An on-rim used tire, plastic beverage bottles, leaf springs, a steel I-beam, a drive shaft, an engine (partially under a tarp), and miscellaneous debris were observed in front of shop.



**Date:** January 22, 2009  
**Time:** 12:27 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 024  
**Comments:** Aerosol cans, a McDonalds beverage cup, an exhaust header, metal scrap, a vehicle radiator, an engine (under the green plastic tote), and copious amounts of debris were observed in the weeds in front of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:27 PM  
**Direction:** SW  
**Photo by:** Eisenbrandt  
**Exposure #:** 025  
**Comments:** Another vehicle radiator, an office chair, a propane tank, a truck fender and engine hood, and miscellaneous debris were observed in front of the shop.



**Date:** January 22, 2009  
**Time:** 12:27 PM  
**Direction:** SE  
**Photo by:** Eisenbrandt  
**Exposure #:** 026  
**Comments:** An off-rim used tire, a tow strap, aluminum soda cans, and engine parts were observed in front of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 027  
**Comments:** A riding lawn mower, six on and off rim used tires, two wheel rims, an oil collection tray, a metal air filter cover, a yellow bucket of car items, and an empty blue barrel (on its side) were observed among other miscellaneous items and debris in front of the shop.



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 028  
**Comments:** Weathered wood sheeting, off rim used tires, scrap metal and miscellaneous items and debris were observed in front of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 029  
**Comments:** A smashed plastic bucket near the driveway.



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 030  
**Comments:** Two aboveground storage tanks of fuel, a fuel dispensing hose and filter, and plastic scrap, were observed south of the shop.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 031  
**Comments:** Another pickup truck, a rusty steel cabinet, and several damaged electrical service panels, were observed south of the shop.



**Date:** January 22, 2009  
**Time:** 12:28 PM  
**Direction:** N  
**Photo by:** Eisenbrandt  
**Exposure #:** 032  
**Comments:** The blue pickup truck bed was full of scrap metal and debris, a kitchen sink were observed on the ground beside the truck, as was additional waste in the area.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:29 PM  
**Direction:** W  
**Photo by:** Eisenbrandt  
**Exposure #:** 033  
**Comments:** Four gas cylinders, an upside down push mower, and miscellaneous debris were observed near a pig pen off the north west side of the home.



**Date:** January 22, 2009  
**Time:** 12:29 PM  
**Direction:** NW  
**Photo by:** Eisenbrandt  
**Exposure #:** 034  
**Comments:** A vehicle radiator, a diamond plate truck bed box, a pulley wheel, three wheel rims, a wagon wheel, and miscellaneous debris were observed near the house.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc



## DIGITAL PHOTOGRAPHS



**Date:** January 22, 2009  
**Time:** 12:29 PM  
**Direction:** E  
**Photo by:** Eisenbrandt  
**Exposure #:** 035  
**Comments:** The plastic lids were observed open. This may have contributed to some of the waste observed in the weeds nearby.



**Date:** January 22, 2009  
**Time:** 12:32 PM  
**Direction:** S  
**Photo by:** Eisenbrandt  
**Exposure #:** 036  
**Comments:** A broken white plastic bucket, a cinder block, bent up scrap metal, a shovel head, and debris were observed south of the drive.

Photograph File Names: 1498005003~01222009-[Exp. #].jpg

File Name: 1498005003~01222009.doc

**PROOF OF SERVICE**

ORIGINAL

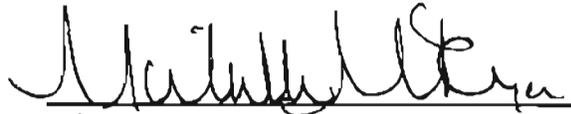
I hereby certify that I did on the 10th day of March 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Donald Sapp  
29321 Dutch Creek Road  
Rockport, IL 62370-3046

RECEIVED  
CLERK'S OFFICE  
MAR 12 2009  
STATE OF ILLINOIS  
Pollution Control Board

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