

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)

Complainant,)

vs.)

RONALD HAMMEL,)

Respondent.)

AC 11-112-7

RECEIVED
CLERK'S OFFICE

OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

To: Ronald Hammel, 7949 State Route 14, DuQuoin, IL 62832

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.

David Searby, Assistant State's Attorney
Perry County, Illinois

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274
(618) 357-6221

DATED: October 13, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)
)
 Complainant,)
)
 vs.)
)
 RONALD HAMMEL,)
)
 Respondent.)

AC 11

12-7

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Pollution Control Board

ORIGINAL

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Perry.



David Searby, Assistant State's Attorney
Perry County, Illinois

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274
(618) 357-6221

DATED: October 13, 2011

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This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. Seq.*, specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, Ronald Hammel, is the present owner; and is in control and possession of a facility located in the County of Perry, State of Illinois.
2. The facility is an open dump and designated with the Site Code #1450105087. The facility is known to the Agency as the DuQuoin/Ronald Hammel site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On August 23, 2011, Rebecca Tracy, Field Inspector, Perry County Solid Waste Department, inspected the facility. A true and correct copy of the inspection report, along with Ms. Tracy's affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, Rebecca Tracy's, direct observation, she has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on August 23, 2011, an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), 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 January 2, 2012, 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(s) 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 Fifteen Hundred Dollars (\$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), 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 a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) Perry County Solid Waste, c/o Perry County Treasurer, Perry County Government Building, 3764 State Route 13/127, Pinckneyville, Illinois 62274; and,

(2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, PO Box 19276, Springfield, Illinois 62794-9276.

Respondent shall complete and return the enclosed Remittance Forms with payments 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 Complainant may initiate proceedings against Respondent in Circuit Court or other debt collection actions 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 415 ILCS 5/31.1. If Respondent elects to contest this Administrative Citation, then Respondent shall file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall also be filed with David Searby, Assistant State's Attorney, Perry County Courthouse, Pinckneyville, Illinois 62274. **Your Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation. Your petition must state the reason(s) you believe the present matter should not be issued. If you fail to file your petition and state the reasons the present matter should not be issued, a default order against you will be entered by the Illinois Pollution Control Board.**

Your original Petition must be filed with the Clerk of the Board at:

Clerk, Pollution Control Board, 100 West Randolph, Suite 11-500, Chicago, IL 60601-3218

A copy must also be sent to:

Office of the State's Attorney, David Searby, Assistant State's Attorney, Perry County

Courthouse, Pinckneyville, IL 62274



David Searby, Assistant State's Attorney
Perry County, Illinois

DATE: _____

10-13-2011

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274
(618)357-6221

REMITTANCE FORM TO THE COUNTY OF PERRY

RECEIVED
CLERK'S OFFICE

OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)
)
 Complainant,)
)
 vs.)
)
 RONALD HAMMEL,)
)
 Respondent.)

AC # 12-7

ORIGINAL

FACILITY: DuQuoin/Ronald Hammel

COUNTY: Perry

DATE OF INSPECTION: August 23, 2011

SITE CODE: 1450105087

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Perry County Solid Waste
c/o Perry County Treasurer
Perry County Government Building
3764 State Route 13/127
Pinckneyville, IL 62274

REMITTANCE FORM TO THE ILLINOIS EPA

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

COUNTY OF PERRY)
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Complainant,)
)
vs.)
)
RONALD HAMMEL,)
)
Respondent.)

AC 11-127

ORIGINAL

FACILITY: DuQuoin/Ronald Hammel

COUNTY: Perry

DATE OF INSPECTION: August 23, 2011

SITE CODE: 1450105087

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Illinois Environmental Protection Agency
Attention: Fiscal Services
PO Box 19276
Springfield, IL 62794-9276

RECEIVED
CLERK'S OFFICE

OCT 19 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 13 day of October 2011, transmit to the Perry County Sheriff's Department, a true and correct copy of the following instruments(s) entitled ADMINISTRATIVE CITATION, AFFIDAVITS, OPEN DUMP INSPECTION CHECKLIST, OPEN DUMP NARRATIVE, SITE SKETCH AND PHOTO SHEETS, which will be served upon the following:

To: Ronald Hammel
7949 State Route 14
DuQuoin, IL 62832

2 ORIGINALS

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: Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218



David Searby, Assistant State's Attorney
Perry County, Illinois

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274
(618)357-6221

COUNTY OF PERRY
AFFIDAVIT

COUNTY OF PERRY)
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 Complainant,)
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 Respondent.)

AC 12-127

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Pollution Control Board

ORIGINAL

Affiant, Rebecca Tracy, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Perry county Solid Waste Management Department and has been so employed at all times pertinent hereto.
2. On August 23, 2011 between the hours of 1:02 p.m. and 1:28 p.m., Affiant conducted an inspection of the open dump site known as DuQuoin/Ronald Hammel, Perry County, Illinois. Said site has been assigned Site Code No. 1450105087.
3. Affiant inspected said open dump site by an on-site inspection.
4. As a result of the activities referred to in Paragraphs 2 and 3 above, Affiant completed the Open Dump Inspection Checklist and Narrative Inspection Report 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 the open dump site known as DuQuoin/Ronald Hammel.

Rebecca Tracy
REBECCA TRACY, Environmental Compliance Inspector

Subscribed and Sworn to before me this
11th day of October, 2011.

Debbie Waller
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

RECEIVED
CLERK'S OFFICE

OCT 19 2011

County: Perry LPC#: 1450105087 Region: Z - Marion
 Location/Site Name: DuQuoin/Hammel, Ronald
 Date: 08/23/2011 Time: From 1:02 pm To 1:28 pm Previous Inspection Date: 04/07/2011
 Inspector(s): R. Tracy Weather: 85 degrees and sunny
 No. of Photos Taken: # 12 Est. Amt. of Waste: 5000 yds³ Samples Taken: Yes # _____ No
 Interviewed: Ronald Hammel Complaint #: _____
 Latitude: 37.57808 Longitude: -89.14030 Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

STATE OF ILLINOIS
 Pollution Control Board

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 Ronald Hammel
 7949 State Route 14
 DuQuoin, IL 62832

ORIGINAL

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	<input type="checkbox"/>
3.	12(a) CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a) CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1) Without a Permit	<input checked="" type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e) DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<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 type="checkbox"/>
	(4) Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5) Proliferation of Disease Vectors	<input type="checkbox"/>
	(6) Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1450105087

Inspection Date: 08/23/2011

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 and subsection (k) of Section 55 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.

**Perry County Solid Waste Management Department
Narrative Inspection Report**

Date of Inspection: 08/23/2011	Time: 1:02 p.m. -- 1:28 p.m.
Site Code: 1450105087	Site Name: DuQuoin/Ronald Hammel
County: Perry	Inspector: Rebecca Tracy
Est. Waste Volume: 5000 cubic yards	Previous Inspection: 04/07/2011
Location: Lat 37.57808 Long -89.14030	
Subject: Ronald Hammel 7949 State Route 14 DuQuoin, IL 62832	Site Address: 457 State Route 51 DuQuoin, IL 62832

On August 23, 2011, an inspection was performed at the above-referenced location. This inspection was made as a follow up regarding open dumping occurring on this property. Weather conditions were approximately 85 degrees and sunny.

The property is owned by Ronald Hammel whose resides at 7949 State Route 14, DuQuoin, IL 62832; however, the property address is 457 State Route 51, DuQuoin, IL. This parcel is identified as parcel number 1-61-0490-230 containing 1.30 acres in Part of the NE WE of Section 32 of Township 6-1.

To arrive at the site, take Route 51 South of DuQuoin and the site is located approximately ¼ of a mile south of the intersection of Route 51 South and Route 14, on the west (right) side of the road. The GIS coordinates indicate 37°57.808N and 089°14.030W.

I arrived at the site at 1:02 p.m. I walked and photographed the site.

Photos 001 through 012 depict the property. From approximately the middle of property to the west property line, the property is covered with junk vehicles, vehicle parts, scrap, debris and used/waste tires. There are also several piles of scrap and debris located at the front half of the property. Almost all the scrap and debris is open dumped on the ground. The scrap and debris is not being in such a way as to protect it for any future use. It is estimated that there are in excess of 150 used/waste tires located on the property. Junk vehicles are being used to store scrap and debris.

Prior to ending the inspection Ronald Hammel arrived at the site and I conversed with him regarding the inspection.

I left the site at 1:28 p.m.

ENVIRONMENTAL PROTECTION ACT VIOLATIONS:

21(a) Cause or Allow Open Dumping

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

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

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

55(a) No Person Shall:

(1) Cause or Allow Open Dumping of Any Used or Waste Tire

During the inspection, the open dumping of waste that resulted in litter in the form of junk vehicles, scrap, debris and used/waste tires was observed.



DIGITAL PHOTOGRAPHS



Date: 08/23/2011
Time: 1:02 p.m.
Direction: East
Photo by: R. Tracy
Exposure #: 001
**Comments: debris,
scrap and refuse**



Date: 08/23/2011
Time: 1:02 p.m.
Direction: Northeast
Photo by: R. Tracy
Exposure #: 002
**Comments: used/waste
tire**



DIGITAL PHOTOGRAPHS



Date: 08/23/2011
Time: 1:04 p.m.
Direction: Southeast
Photo by: R. Tracy
Exposure #: 003
Comments: used/waste
tires, scrap and
refuse



Date: 08/23/2011
Time: 1:05 p.m.
Direction: West
Photo by: R. Tracy
Exposure #: 004
Comments: refuse,
scrap and debris



DIGITAL PHOTOGRAPHS



Date: 08/23/2011
Time: 1:06 p.m.
Direction: Northwest
Photo by: R. Tracy
Exposure #: 005
Comments: used/waste
tires, refuse, debris
and scrap



Date: 08/23/2011
Time: 1:07 p.m.
Direction: Northwest
Photo by: R. Tracy
Exposure #: 006
Comments: refuse,
debris and scrap



DIGITAL PHOTOGRAPHS



Date: 08/23/2011
Time: 1:08 p.m.
Direction: South
Photo by: R. Tracy
Exposure #: 007
Comments: scrap and debris



Date: 08/23/2011
Time: 1:09 p.m.
Direction: East
Photo by: R. Tracy
Exposure #: 008
Comments: scrap and debris



DIGITAL PHOTOGRAPHS



Date: 08/23/2011
Time: 1:12 p.m.
Direction: East
Photo by: R. Tracy
Exposure #: 011
Comments: scrap and
debris



Date: 08/23/2011
Time: 1:13 p.m.
Direction: East
Photo by: R. Tracy
Exposure #: 012
Comments: scrap and
debris

SITE SKETCH

Date of Inspection: 08/23//2011

Time: 1:02 p.m. – 1:28 p.m.

Site Code: 1450105087

Site Name: DuQuoin/Ronald Hammel

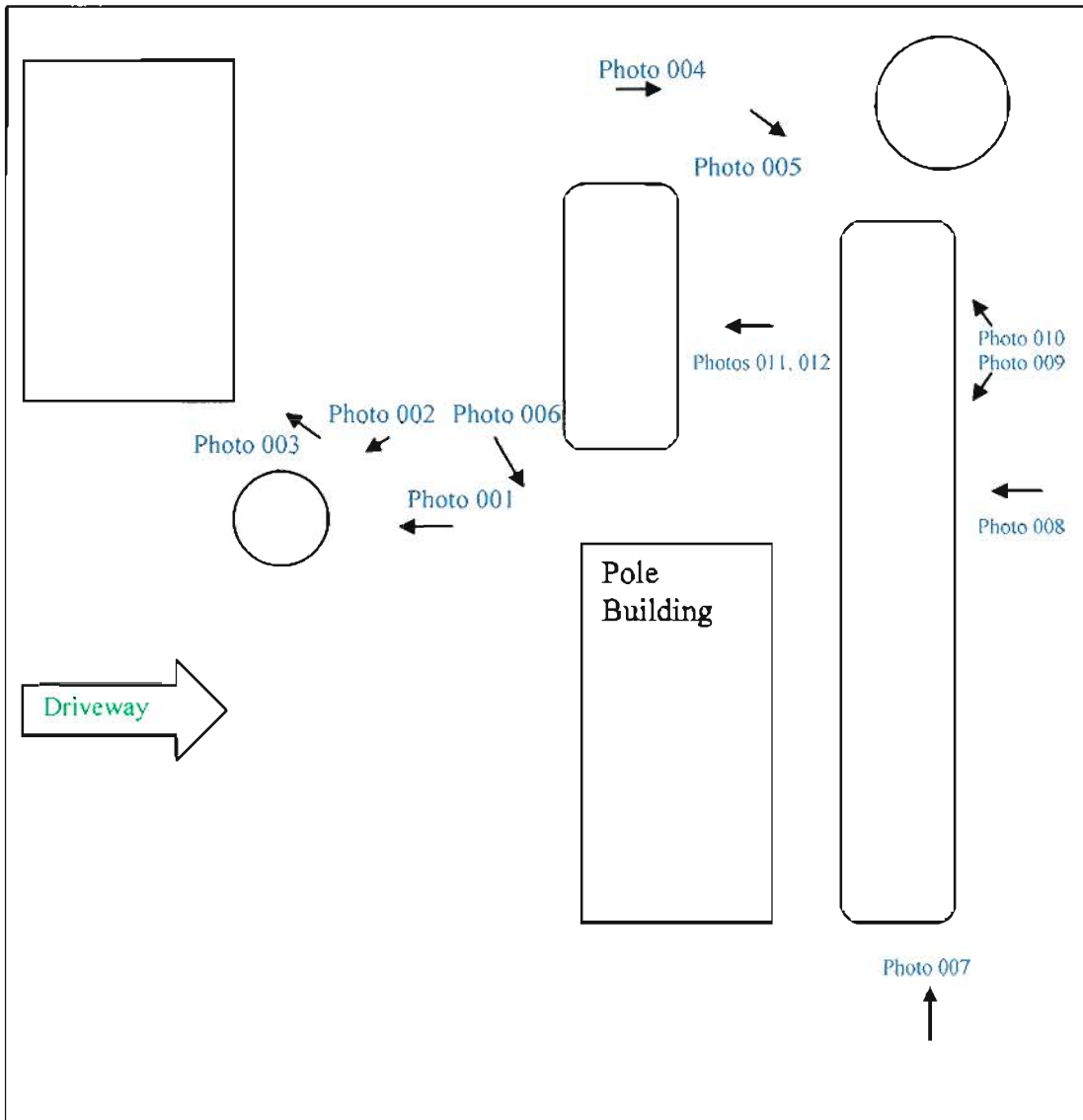
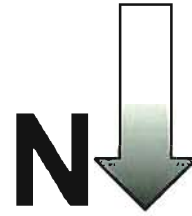
County: Perry

Inspector: Rebecca Tracy

Est. Waste Volume: 5000 cubic yards

Previous Inspection: 04/07/2011

Location: Lat 37.57808 Long -89.14030



Not Drawn to Scale / All Location Approx. / photo direction →

OFFICE OF
PERRY COUNTY STATE'S ATTORNEY

Perry County Courthouse • One Public Square
Pinckneyville, IL 62274

State's Attorney
David N. Stanton

Telephone (618) 357-6221
FAX (618) 357-3923

Assistant State's Attorneys
Martin M. Beltz
David H. Searby, Jr.

October 13, 2011

Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

RE: Administrative Citation – Perry County/Ronald Hammel
Site Code: 1450105087
Inspection Date: August 23, 2011

RECEIVED
CLERK'S OFFICE
OCT 19 2011
STATE OF ILLINOIS
Pollution Control Board

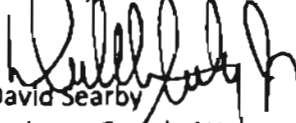
AC12-1
ORIGINAL

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Ronald Hammel of DuQuoin, Illinois. The Respondent's mailing address is 7949 State Route 14, DuQuoin, Illinois 62832.

I will file proof of service once that is obtained on Respondent. Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,


David Searby
Assistant State's Attorney
Perry County, Illinois

Enclosures

cc: Rebecca Tracy, Perry County Solid Waste w/enclosures
IEPA Springfield (Ellen Robinson w/enclosures)
IEPA Marion (Sheila Williams w/enclosures)