

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
ROGER R. HUTCHINSON, JR. and )  
TAMMY HUTCHINSON )  
) )  
Respondents. )  
) )

AC 2023-  
(IEPA No. 149-22-AC)

**NOTICE OF FILING**

To: Roger R. Hutchinson, Jr. and  
Tammy O. Hutchinson  
1087 CR 1800 E  
Fairfield, IL 62837

PLEASE TAKE NOTICE that on this date I electronically filed 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,



e-signature valid for IPCC e-filings ONLY

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: September 28, 2022

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2023-
	)	
v.	)	(IEPA No. 149-22-AC)
	)	
ROGER R. HUTCHINSON, JR. and	)	
TAMMY HUTCHINSON	)	
	)	
Respondents.	)	

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 (2022).

FACTS

1. That Roger Hutchinson and Tammy Hutchinson are the present owners and operators of a property located at 1087 CR 1800 E, Fairfield, Wayne County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Fairfield/Hutchinson, Roger & Tammy.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1918135009.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on August 11, 2022, Garrison Gross of the Illinois Environmental Protection Agency's Marion 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 September 28, 2022, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7906.

#### VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his August 11, 2022 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) (2022).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2022), Respondents are jointly and severally subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If

Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than **November 14, 2022**, 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 (2022), 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) (2022), 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, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed

against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

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 (2022). If Respondents elect to contest this Administrative Citation, then Respondents shall file a 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 Respondents.

  
\_\_\_\_\_  
John J. Kim, Director  
Illinois Environmental Protection Agency

Date: 9/23/22

Prepared by: Dawn A. Hollis, 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 2023-
	)	
v.	)	
	)	(IEPA No. 149-22-AC)
ROGER R. HUTCHINSON, JR. and	)	
TAMMY HUTCHINSON	)	
	)	
Respondents.	)	

FACILITY:	Fairfield/Hutchinson, Roger & Tammy	SITE CODE NO.:	1918135009
COUNTY:	Wayne	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	August 11, 2022		

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

Bureau of Land – Field Operations Section

**Inspection Report****General Facility Information**

<b>BOL ID</b>	1918135009	<b>Evaluation Date</b>	8/11/2022
<b>USEPA Id</b>	N/A	<b>Region</b>	Marion
<b>Site Name</b>	Hutchinson Roger & Tammy	<b>County</b>	Wayne
<b>Address</b>	1087 CR 1800 E	<b>Phone</b>	618-919-1011
<b>City/State/Zip</b>	Fairfield, IL 62837	<b>EJ Status</b>	No Environmental Justice
<b>Limited English</b>	<input type="checkbox"/>	<b>Primary Language</b>	English

**Observations**

<b>Time</b>	12:47 - 13:00
<b>Weather Conditions</b>	clear skies, light breeze, dry surface
<b>Temperature</b>	86° Fahrenheit
<b>Photos Taken</b>	yes (7)
<b>Amount of Waste</b>	~40 cubic yards
<b>Number of Tires</b>	~13 tires

**Evaluation Type**

Solid Waste Program - Open Dump Inspection

**Owner**

Roger Hutchinson  
1087 CR 1800 E  
Fairfield, IL 62837

**Operator**

Tammy Hutchinson  
1087 CR 1800 E  
Fairfield, IL 62837

**Inspection Participants**

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Garrison Gross	IEPA FOS Primary Inspector	(618) 993-7254
Gage Shepard	IEPA FOS Secondary Inspector	(618) 993-7256

**Persons Interviewed**

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Hutchinson, Ashley	N/A	N/A
Tatum, Christina	N/A	N/A

**Executive Summary**

A follow-up open dump site inspection was conducted on Thursday, August 11, 2022, at the Roger and Tammy Hutchinson site located at 1087 County Road 1800 East, Fairfield, Illinois 62837. The last inspection was conducted on September 27, 2021. Gage Shepard accompanied me during the inspection. The property contained a brick home on a 1.25-acre rural lot. Seven (7) photographs were taken. Apparent violations were found and are discussed below.

## **Evaluation Narrative**

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**Respondent(s) History and Site History:** Roger Hutchinson was issued an Administrative Citation Warning Notice on November 12, 2019 by Wayne County Health Department (WCHD) for the alleged violations of open dumping and open burning at the Fairfield site. A Continuing Violations Letter was sent on January 9, 2020. The site was inspected by WCHD on June 9, 2021 and was issued a Return to Compliance letter. Tammy Hutchinson was issued similar letters by WCHD in 2017 and 2018 for a site located in Keenes, Illinois. The Illinois Environmental Protection Agency (Illinois EPA) received a complaint (#2370) and the Fairfield site was inspected by Illinois EPA on September 27, 2021 based on complaint #2370. An Administrative Citation Warning Notice was issued to Roger and Tammy Hutchinson on November 3, 2021 for the alleged violations of open dumping, open burning, water in tires, and vectors. The Respondents did not submit a written response.

**General Remarks:** We called the telephone number for Mrs. Hutchinson. Her daughter, Christina Tatum, answered the phone. She said Tammy was in St. Louis for the day. Mrs. Tatum said she wasn't at the house either. We asked about entering the site with the aggressive dogs. She agreed to call her sister-in-law who also lived at the house. She told us the dogs would be put up.

We entered the site and pulled around to the back of the house. Several dogs approached the vehicle. They appeared to be Pitbulls. We stayed in the vehicle. We rolled the window down and spoke with Ashley Hutchinson when she approached the vehicle. We identified ourselves and explained the reason for the inspection. We told her we had spoken to Mrs. Tatum about the dogs.

Ashley and her husband Roger Hutchinson started rounding up the dogs and took them to the front of the house. We observed several small children playing in the back yard. After several seconds of the Hutchinson's being gone with the dogs, we exited the vehicle and walked directly to the open dump / open burn area. I photographed the area.

Mr. Shepard said he found tires several yards from the burn area. I started to walk back out of the burn area and noticed a gray brindled dog lying in the grass south of the burn area. The dog saw me and got up and started growling and walking toward me. I retreated toward the car and the dog attempted to bite me. I extended my foot in his direction and kicked as he tried to bite my boot. At that point the Hutchinson's returned and another dog came running toward me from the west side of the property. They yelled at the dogs, and I was able to reenter the car without incident. Inspector Shepard was also able to get back in the car without incident.

Ashley Hutchinson said we should have stayed in the car. She said the gray dog was hard to catch. We apologized and said we thought all the dogs had followed them to the front of the house. After a few minutes, they returned and said the dogs were put up. We continued the inspection by walking and photographing the site.

**Open Dumping and Open Burning:** The open dump and open burn area was appropriately 6-feet wide by 20 feet long (photos 1 and 2). The area continued to be used to dump and burn household trash, furniture, and other household wastes. Waste items observed included but were not limited to bags of household trash, furniture springs, wooden furniture, plastic buckets, metal cans, and household trash. Metal items (metal bedframe, furniture springs, and unidentified items) appeared to have been pulled out the burn area to be recycled (photo 3).

Demolition debris (siding and lumber) and other waste items were observed behind a shed located in the horse pasture (photo 6). At least two (2) waste / derelict vehicles were observed at the site (burgundy Jeep and white Chevrolet Avalanche) (photos 3 and 7).

**Used / Waste Tires:** At least thirteen (13) used / waste tires were observed northwest of the burn area (photo 4). Some of the tires were off the rim and water had accumulated in them (photo 5). Mosquito larvae were observed in one of the tires (photo 5).

**Burning in a Restricted Area:** The home is located 0.86 miles from the Fairfield city limits. The site is located within a "restricted area" (defined as any city, village, or incorporated township plus a zone extending one mile beyond the

boundaries when there is a population of 1,000 or more). The residence is not allowed to use burn barrels and is not allowed to burn any household waste at the site.

**Closing Conference with Ashley Hutchinson:** We informed Ashley Hutchinson of our findings and explained that the open dumping and open burning should have ceased. We told her that waste should be collected in a dumpster and taken to the local landfill or transfer station. She said some of the tires were still useable. When we mentioned the waste /derelict vehicles, she said the Jeep was supposed to be repaired. She said the white Avalanche was junk but it belonged to her brother-in-law. We told her to limit the number of tires to twelve (12) or less for a residential site and store the useable tires in a building. We told her the waste tires could be taken to a local tire shop for disposal. We told her receipts should be kept for any waste disposal. She said the information would be passed along to Tammy Hutchinson.

**Additional Remarks:** Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment's Office (SOA) in Wayne County. The tax bill listed the owners as Roger R. Hutchinson, Jr. and Tammy Hutchinson. The mailing address was listed as 1087 CR 1800 E, Fairfield, IL 62837.

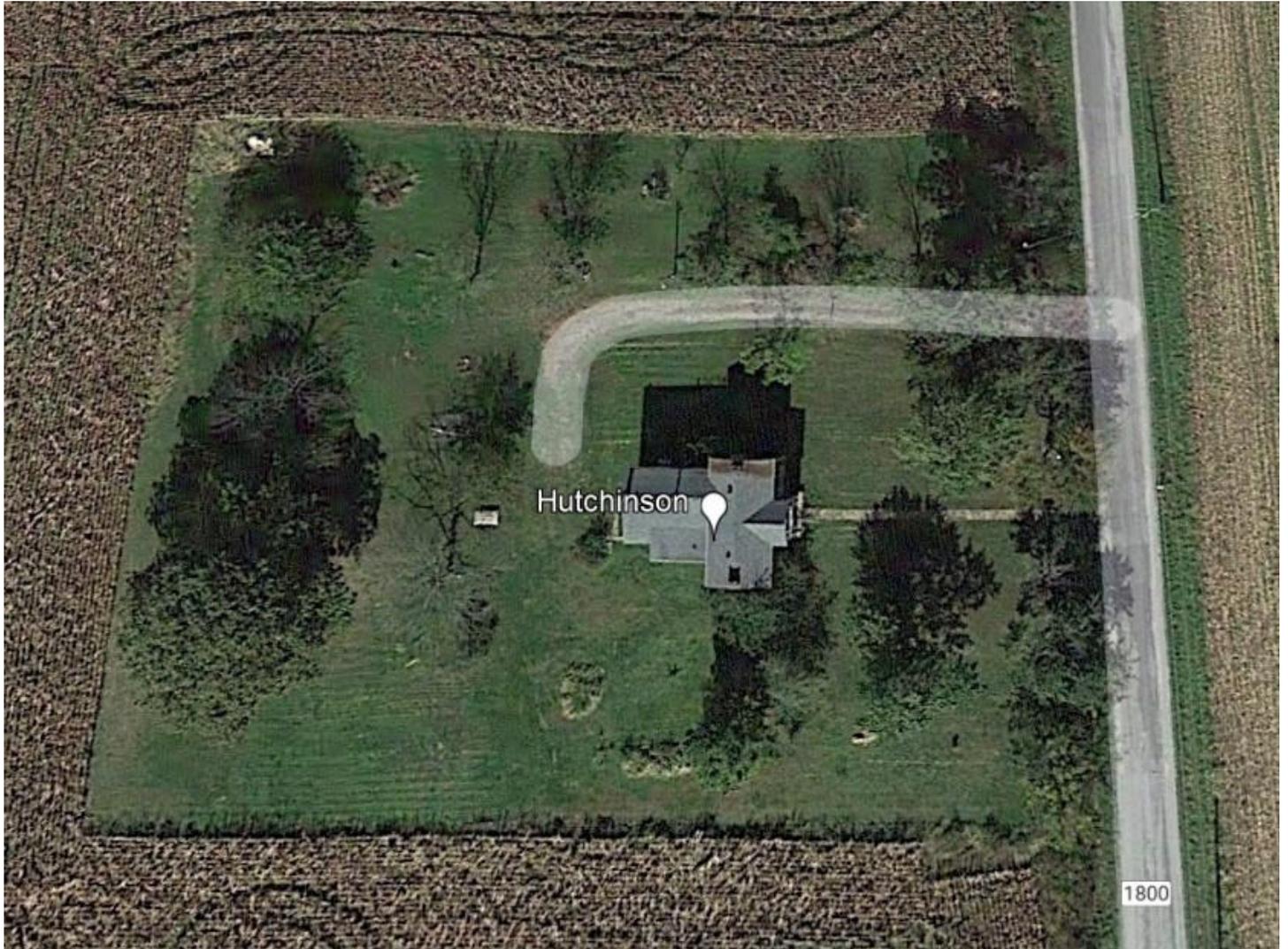
**Telephone Conversation with Christina Tatum:** Later that afternoon, Christina Tatum called to check about the situation. She was under the impression that I had been bitten by one of the dogs. I told her that I had not been bitten, but the gray dog had tried to bite me. I told her I kicked my foot out which prevented him from biting me on the leg. I told her I thought I may have kicked the dog. She said the gray dog was the most aggressive around people. I spoke to her briefly about the dumping issues. She said the Avalanche belonged to her husband. She said they were unable to obtain the title because the mortgage company had gone out of business. They did not have a building to put it in and she mentioned a vehicle tarp. She said she would pass on the other issues to her mother, Tammy Hutchinson.

<b>Summary of Apparent Violation(s)</b>			
<b>Status</b>	<b>Date</b>	<b>Violation</b>	<b>Narrative</b>
Continuing	9/27/2021	9(a)	Cause, threaten or allow air pollution in Illinois
Continuing	9/27/2021	9(c)	Cause or allow open burning
Continuing	9/27/2021	21(a)	Cause or allow open dumping
Continuing	9/27/2021	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
Continuing	9/27/2021	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	9/27/2021	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
Continuing	9/27/2021	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
Continuing	9/27/2021	21(p)(5)	Cause or allow open dumping of any waste in a manner which results in proliferation of disease vectors
Continuing	9/27/2021	55(a)(1)	Cause or allow open dumping of any used or waste tire
Continuing	9/27/2021	55(k)(1)	Cause or allow water to accumulate in used or waste tires

Site Diagram



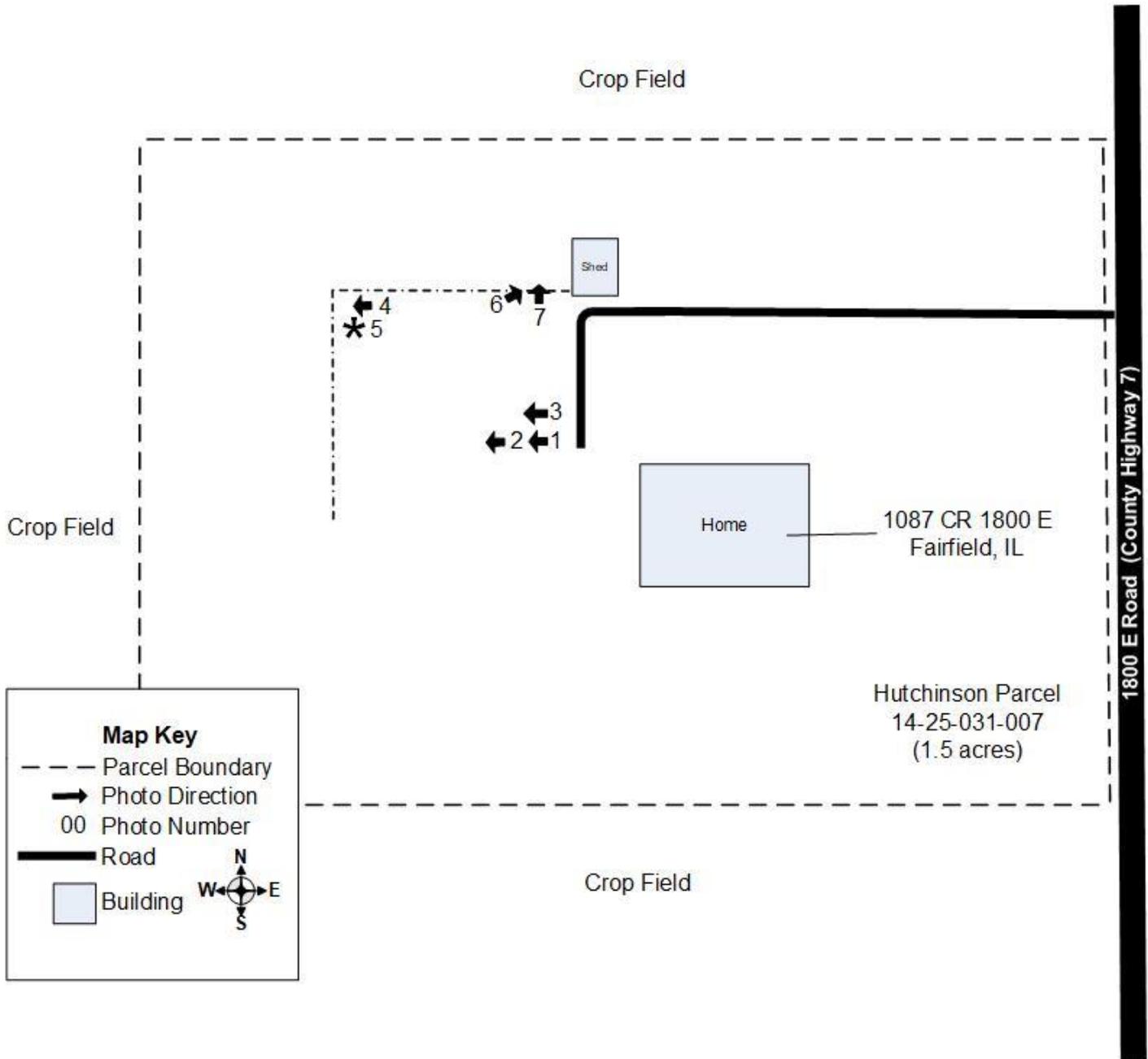
1918135009



Site Diagram



1918135009

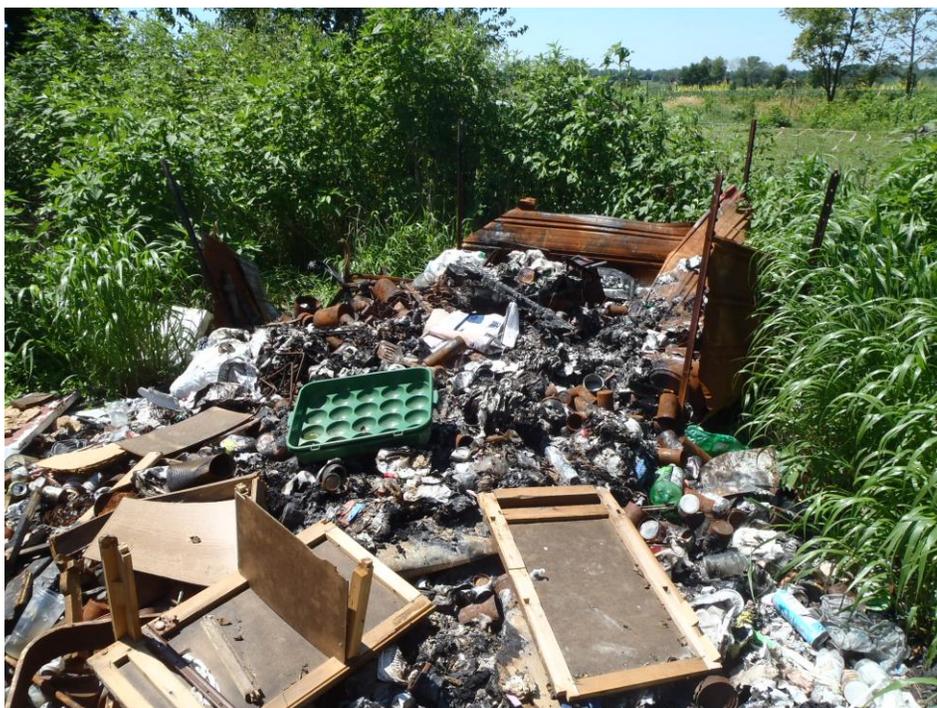


Digital Photographs



Bureau Id: 1918135009  
Photo No.: 1  
Photo Date: 8/11/2022  
Photo Time: 12:51:16 PM  
Direction: west  
Taken By: Garrison Gross

Open dumping of household waste and evidence of open burning.



Bureau Id: 1918135009  
Photo No.: 2  
Photo Date: 8/11/2022  
Photo Time: 12:51:26 PM  
Direction: west  
Taken By: Garrison Gross

Open dumping of household waste and evidence of open burning.



Bureau Id: 1918135009  
Photo No.: 3  
Photo Date: 8/11/2022  
Photo Time: 12:57:03 PM  
Direction: west  
Taken By: Garrison Gross

Open dumped / open burned metal items pulled to the side of the burn area. Waste / derelict Jeep in background.



Bureau Id: 1918135009  
Photo No.: 4  
Photo Date: 8/11/2022  
Photo Time: 12:57:15 PM  
Direction: west  
Taken By: Garrison Gross

Used / waste tires. Some were off the rim.



Bureau Id: 1918135009  
Photo No.: 5  
Photo Date: 8/11/2022  
Photo Time: 12:57:26 PM  
Direction: down  
Taken By: Garrison Gross

Water in tire. Mosquito larvae were present.



Bureau Id: 1918135009  
Photo No.: 6  
Photo Date: 8/11/2022  
Photo Time: 12:57:45 PM  
Direction: northeast  
Taken By: Garrison Gross

Construction / demolition debris on north side of shed.



Bureau Id: 1918135009  
Photo No.: 7  
Photo Date: 8/11/2022  
Photo Time: 12:57:51 PM  
Direction: north  
Taken By: Garrison Gross

Waste / derelict vehicle (Avalanche).



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant

vs.

Roger R. Hutchinson, Jr. (DOB 11/22/1965),  
Respondent

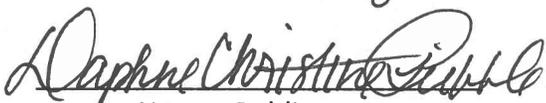
### AFFIDAVIT

Affiant, Garrison Gross, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 11, 2022, between 12:47 PM and 1:00 PM, Affiant conducted an inspection of the site in Wayne County, Illinois, known as Hutchinson, Roger and Tammy, located at 1087 CR 1800 E, Fairfield, Illinois, 62837 and designated Bureau of Land Site # 1918135009.
3. Affiant inspected said site by an on-site inspection, which included walking the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the 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 site.

Subscribed and Sworn to before me  
this 24 day of August, 2022

  
Garrison Gross

  
Notary Public



2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

vs.

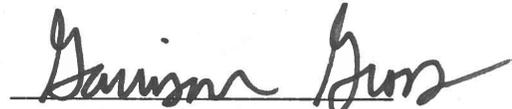
Tammy O. Hutchinson,  
Respondent

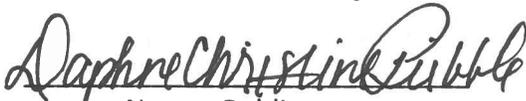
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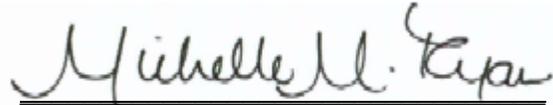
**PROOF OF SERVICE**

I hereby certify that I did on the 28<sup>th</sup> day of September, 2022, serve by Certified Mail, Return Receipt Requested, with postage thereon 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: Roger R. Hutchinson, Jr. and  
Tammy O. Hutchinson  
1087 CR 1800 E  
Fairfield, IL 62837

and the original via electronic filing on September 28, 2022

To: Don Brown, Clerk  
Pollution Control Board  
60 E. Van Buren St., Ste. 630  
Chicago, IL 60605



Michelle M. Ryan  
e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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