

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

AUG 5 2003

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

EDWARD SAPP,

Respondent.

AC 04-04

(IEPA No. 390-03-AC)

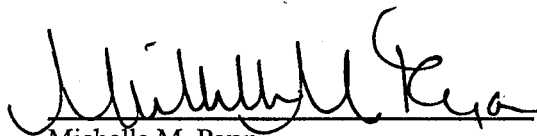
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Edward Sapp
460 100th Avenue
Athens, Illinois 62613

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: August 1, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

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Respondent.

AC 04-04

(IEPA No. 390-03-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 (2002).

FACTS

1. That Edward Sapp is the present owner and operator of a facility located in Hurlbut Township, Logan County, which has a mailing address of 460 100th Avenue, Athens, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hurlbut Township/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. 1078085003.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on June 3, 2003, Michelle Allen 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 Michelle Allen during the course of her June 3, 2003 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) (2000).
- (2) That Respondent 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) (2000).

CIVIL PENALTY

On October 3, 2002, the Board found Edward Sapp in violation of Section 21(p)(1) and 21(p)(3) of the Act in AC 03-6. Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). 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 August 31, 2003, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the Three Thousand Dollar (\$3,000.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or 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 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

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Renee Cipriano
Renee Cipriano, Director 
Illinois Environmental Protection Agency

Date: 8/1/03

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.

EDWARD SAPP,

Respondent.

AC

(IEPA No. 390-03-AC)

FACILITY: Hurlbut Township/Sapp

SITE CODE NO.: 1078085003

COUNTY: Logan

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: June 3, 2003

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

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

IEPA DOCKET NO. 390-03

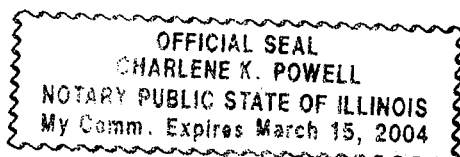
Affiant, Michelle E. Allen, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On June 3, 2003 between 10:05 AM and 10:30 AM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Logan County, Illinois, and known as Hurlbut Township/Sapp by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1078085003 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Hurlbut Township/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 Hurlbut Township/Sapp open dump.

Michelle E. Allen
Michelle E. Allen

Subscribed and Sworn To before me
This 30 day of June, 2003

Charlene K. Powell



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Logan LPC#: 1078085003 Region: 5 - Springfield

Location/Site Name: Hurlbut Township/Sapp

Date: 06.03.03 Time: From 10:05 am To 10:30 am Previous Inspection Date: 05.20.03

Inspector(s): Michelle Allen & Dave Jansen Weather: 55°F and cloudy

No. of Photos Taken: # 21 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # No X

Interviewed: Mr. Edward Sapp Complaint #: C-02-108-C & C-03-003-C

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

Mr. Edward Sapp
460 100th Avenue
Athens, IL 62613
217.622.4481

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JUN 24 2003

IEDA-POI

	SECTION	DESCRIPTION	VIO
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	X
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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	X
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	X
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
MEMORANDUM

DATE: June 16, 2003

TO: DLPC/Division File

FROM: Michelle Allen, and David C. Jansen, DLPC/FOS Springfield Region

SUBJECT: LPC #1078085003 – Logan County
Hurlbut Township/Sapp
FOS File

The purpose of this memorandum is to serve as the narrative for a re-inspection conducted by Michelle Allen and Dave Jansen on June 3, 2003 from about 10:05 am to 10:30 am at the Ed Sapp farm residence. Weather was cloudy and about 55°F, and the ground was wet. Twenty-one digital photographs were taken. Mr. Ed Sapp was interviewed at the time of the inspection. Mr. Sapp is a trash hauler licensed by the Sangamon County Department of Public Health.

The area on the east side of the large barn was inspected first. The attached photos #1, #2, #7, #8 and #11 show the scrap metal and debris in this area. There were no changes in the amount or type of debris observed in this area since the previous inspection on May 20, 2003. The used tires observed in a pile during the previous inspection were now stacked along the back wall of the shed as shown in the attached photo #9.

The debris and the burn barrels located on the north side of the large barn are shown in the attached photos #3 and #4. The attached photo #5 shows four plastic trash barrels filled with debris located just inside the large shed. The attached photo #6 shows the trailer with the construction or demolition debris that was also observed at the site during the May 20, 2003 inspection. The trailer appears to contain the same type and amount of construction or demolition debris as observed during the May 20, 2003 inspection.

The attached photos #12 through #15 show the southeast corner of the site. The burn pile is shown in the attached photos #12 and #13. The burn pile contained a wood pallet, a log, and ashes and charred debris. The white GMC truck in the attached photos #12 and #13 was observed in the same location during the previous inspection, i.e., immediately adjacent to the burn pile. The truck had caught fire and burned at some time between the inspections of May 20, 2003 and June 3, 2003. So complete was the burn that all 4 tires on the truck's rims, and the tire that was on the roof, were burned away. Mr. Sapp claimed that the truck had caught fire when he was heating water in a metal pot nearby, which is noticeably free of scorch marks. Household waste and debris were observed piled north of the burn pile during the May 20, 2003 inspection. The household waste and debris have been removed from this location as shown in the attached photo #14. Debris was also observed in trash barrels in this area during the May 20, 2003 inspection. The debris has been removed from the trash barrels as shown in the attached photo #15. Whether this household waste and debris have been properly disposed could not be determined.

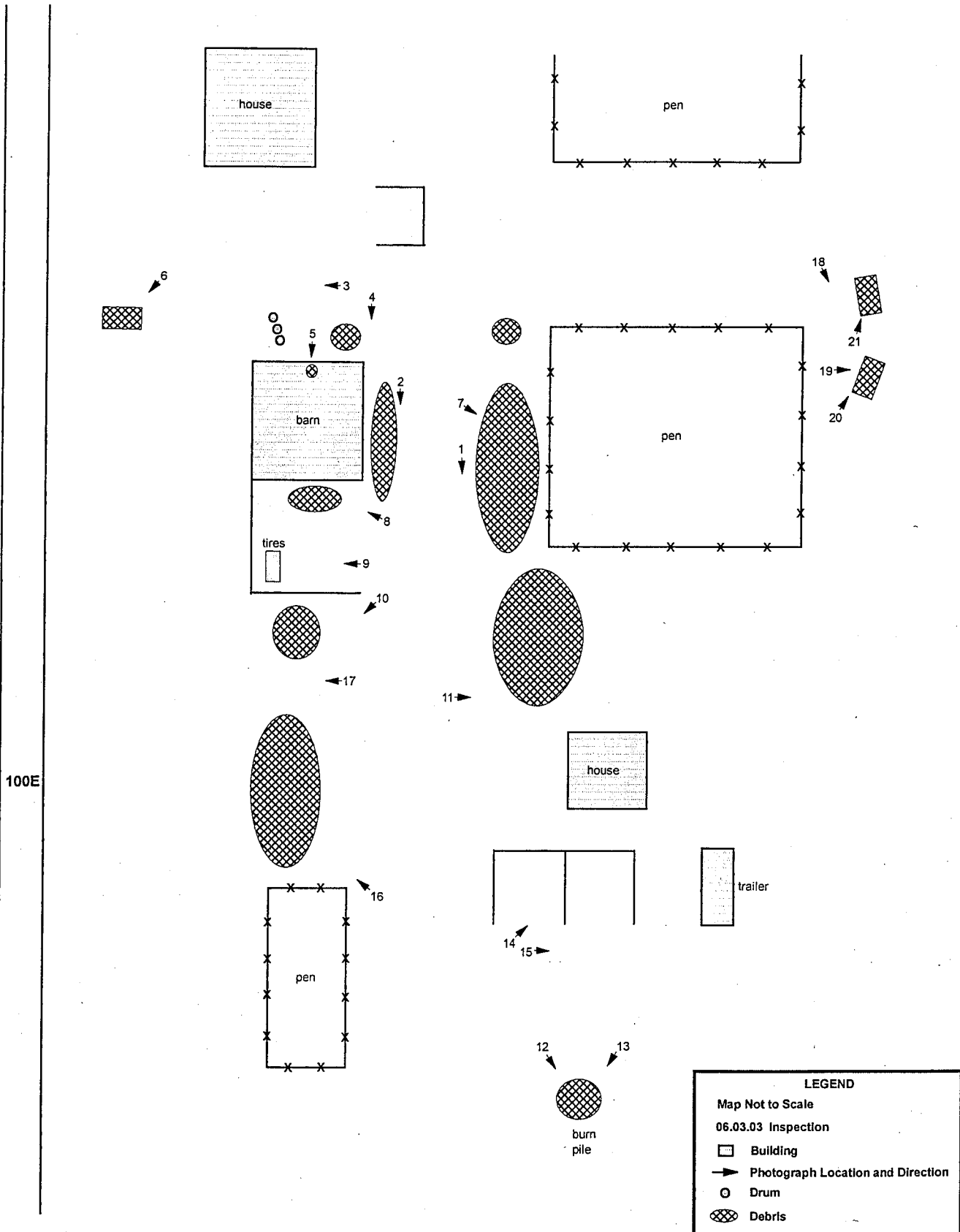
vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Nothing in this Section shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-480) or regulations adopted under it.

cc: DLPC/FOS - Springfield Region
SCDPH – Allen Alexander
LCHD – Kathy Waldo

SITE SKETCH

N↑





Illinois Environmental Protection Agency
Bureau of Land

LPC #1078085003-Logan County
Hurlbut Township/Sapp
FOS File

DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:14 am

Direction: S

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-001

Comments:

Scrap metal, miscellaneous debris and items Mr. Sapp claimed he was taking to flea market



Date: June 3, 2003

Time: 10:14 am

Direction: S

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-002

Comments:

Miscellaneous debris





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:15 am

Direction: W

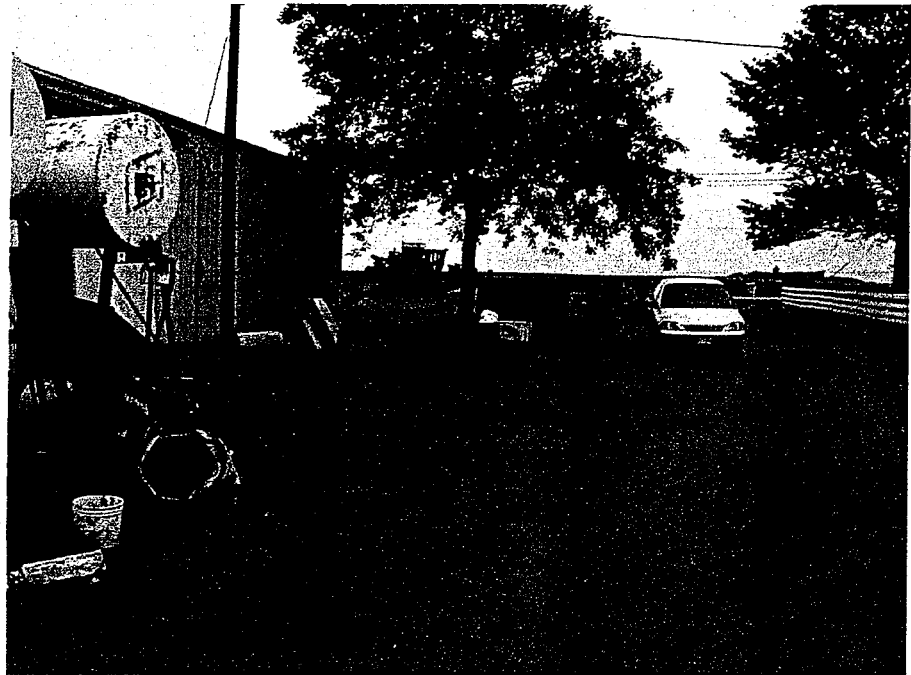
Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-003

Comments:

Debris and burn barrels on
north side of large barn



Date: June 3, 2003

Time: 10:15 am

Direction: S

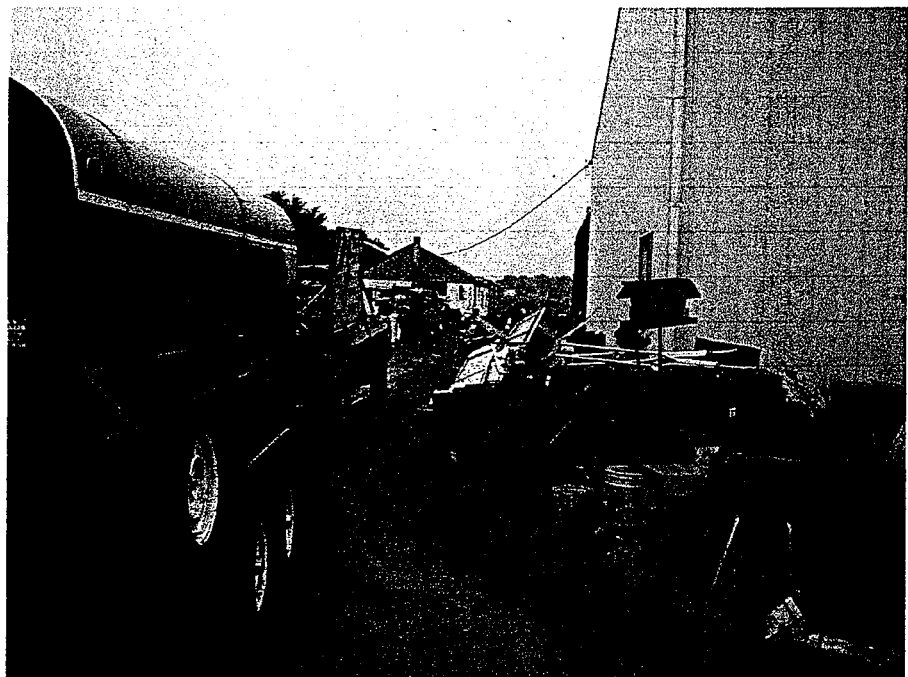
Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-004

Comments:

Debris on northeast corner of
large barn





Illinois Environmental Protection Agency
Bureau of Land

LPC #1078085003-Logan County
Hurlbut Township/Sapp
FOS File

DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:15 am

Direction: S

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-005

Comments:

Trash barrels with debris in
large barn



Date: June 3, 2003

Time: 10:15 am

Direction: SW

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-006

Comments:

Trailer with construction or
demolition debris that was
also observed at the site
during the May 20, 2003
inspection





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:16 am

Direction: SE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-007

Comments:

Dimensional lumber and miscellaneous debris which was also observed during the May 20, 2003 inspection



Date: June 3, 2003

Time: 10:16 am

Direction: NW

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-008

Comments:

Miscellaneous debris on the southeast corner of the large barn which was also present during the May 20, 2003 inspection





Illinois Environmental Protection Agency
Bureau of Land

LPC #1078085003-Logan County
Hurlbut Township/Sapp
FOS File

DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:16 am

Direction: W

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-009

Comments:

Tires stacked inside shed



Date: June 3, 2003

Time: 10:16 am

Direction: SW

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-010

Comments:

Dimensional lumber, air
conditioners and
miscellaneous debris





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:16 am

Direction: E

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-011

Comments:

Items Mr. Sapp said he saved
to take to flea market, and
lumber he said he was going
to burn in his house



Date: June 3, 2003

Time: 10:17 am

Direction: SE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-012

Comments:

Burn pile and truck that had
caught on fire





Illinois Environmental Protection Agency
Bureau of Land

LPC #1078085003-Logan County
Hurlbut Township/Sapp
FOS File

DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:17 am

Direction: SW

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-013

Comments:

Burn pile and truck that had
caught on fire



Date: June 3, 2003

Time: 10:18 am

Direction: NE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-014

Comments:

Household waste and debris
observed during the May 20,
2003 inspection have been
removed from this location





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:19 am

Direction: E

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-015

Comments:

Debris observed in the trash barrels during the May 20, 2003 inspection has been removed



Date: June 3, 2003

Time: 10:19 am

Direction: NW

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-016

Comments:

Dimensional lumber and miscellaneous debris





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:20 am

Direction: W

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-017

Comments:

Area from where Mr. Sapp
said he took some air
conditioners to a scrap metal
facility



Date: June 3, 2003

Time: 10:21 am

Direction: SE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-018

Comments:

Trailer with scrap metal,
white goods and debris that
was also observed at the site
during the May 20, 2003
inspection





DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:22 am

Direction: E

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-019

Comments:

Trailer with scrap metal and debris that was also observed at the site during the May 20, 2003 inspection



Date: June 3, 2003

Time: 10:22 am

Direction: NE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-020

Comments:

Trailer with scrap metal and debris that was also observed at the site during the May 20, 2003 inspection





Illinois Environmental Protection Agency
Bureau of Land

LPC #1078085003-Logan County
Hurlbut Township/Sapp
FOS File

DIGITAL PHOTOGRAPHS

Date: June 3, 2003

Time: 10:22 am

Direction: NE

Photo by: Michelle Allen

Photo File Name:

1078085003~06032003-021

Comments:

Trailer with scrap metal,
white goods and debris that
was also observed at the site
during the May 20, 2003
inspection



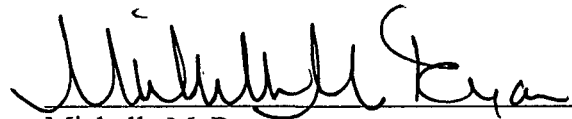
PROOF OF SERVICE

I hereby certify that I did on the 1st day of August, 2003, 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: Edward Sapp
460 100th Avenue
Athens, Illinois 62613

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
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544