

June 8, 2009

Mr. John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Chicago, IL 60601

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CLERK'S OFFICE
JUN 11 2009
STATE OF ILLINOIS
Pollution Control Board

RE: AC 0939 IEPA No. 18-09-AC
Rockport/Sapp Site
29321 Dutch Creek Road
Rockport, Pike County

Dear Mr. Therriault,

There are several reasons that I requested a Hearing regarding the Administrative Citation identifying the Sapp/Dutch Creek location as being in violation of the Illinois Environmental Act.

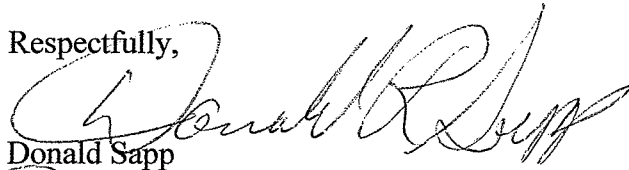
- All listed observations in the February 2005 inspection report have been abated.
- The Illinois Environment Protection Agency may reinspect the site for verification.
- There are no hazardous wastes, oil spills or releases involved at the site.
- Listed scrap items were repair parts or damaged parts to be taken to a scrap dealer.
- Copies of delivery tickets taken to a scrap dealer are available for review.
- The site has been divided into two segments: agriculture and industrial operations.
- The Agency did not inform or offer a Compliance Commitment Agreement.

As a business man I did not have knowledge or access to the Environmental Protection Act 415 ILCS 5/1 et seq. I did not know that I could request a meeting with the Agency to obtain compliance procedures and initiate a Compliance Commitment Agreement. If this information had been conveyed by the inspector or the Agency, there would have been no need for this Citation and Hearing.

Based on the size and number of vehicles required to operate two part time operations (farming and excavation) at the site, there is no way I can generate sufficient cash flow to erect enough buildings to enclose the multiplicity of equipment as the inspector suggests. I observe other local large equipment operations, a trucking firm and a paving firm, storing equipment outside. If enclosed equipment storage is required at the site, I will be forced into a financially non competitive position.

I trust that these reasons are sufficient to justify a Hearing. If not, I will pay the \$1,500 penalty, but request a meeting with the Agency to develop and implement a workable compliance plan that allows me to move forward with my operations in a competitive manner.

Respectfully,



Donald Sapp

