



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

PAT QUINN, GOVERNOR

John J. Kim, Interim Director

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APR 16 2012

STATE OF ILLINOIS
Pollution Control Board

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

April 10, 2012

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

AC12-44

ORIGINAL
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. William C. Hagerman
IEPA File No. 90-12-AC; 1078040006—Logan 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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

WILLIAM C. HAGERMAN,

Respondent.

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AC 12-44

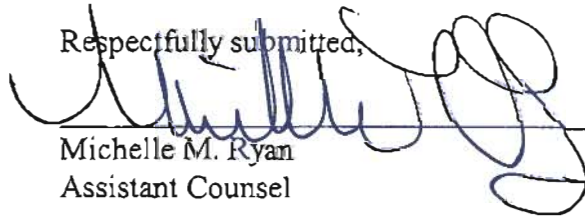
(IEPA No. 90-12-AC)

NOTICE OF FILING

To: William C. Hagerman
105 7th Street
Lincoln, IL 62656

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: April 10, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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APR 16 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 WILLIAM C. HAGERMAN,)
)
)
)
)
)
 Respondent.)

AC 12-44
 (IEPA No. 90-12-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 (2010).

FACTS

1. That William C. Hagerman is the current owner and operator ("Respondent") of a facility located about 2 miles east of Middletown, Logan County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Middletown/Hagerman.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1078040006.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on March 6, 2012, William E. Zierath 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 4-10-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0797.

VIOLATIONS

Based upon direct observations made by William E. Zierath during the course of his March 6, 2012 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) (2010).

- (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) (2010).

- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 May 31, 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 (2010), 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) (2010), 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 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 (2010). 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.


John J. Kim *SOP*
John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 4/6/12

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

REMITTANCE FORM



ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
WILLIAM C. HAGERMAN,)
Respondent.)

AC 12-44
(IEPA No. 90-12-AC)

FACILITY: Middletown/Hagerman
SITE CODE NO.: 1078040006
COUNTY: Logan
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: March 6, 2012

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

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APR 16 2012

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)
)
Illinois Environmental)
Protection Agency,)
)
Complainant)
)
vs.)
)
William C. Hagerman)
)
Respondent)

AC12-44

IEPA DOCKET NO.

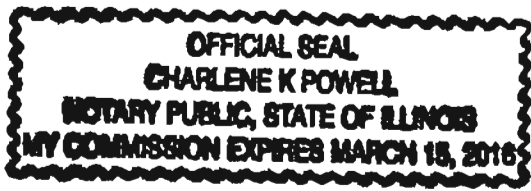
Affiant, William E. Zierath, being first duly sworn, voluntarily deposes and states as follows:

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 March 6, 2012 between 2:00 PM and 2:15 PM, Affiant conducted an inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Logan County, Illinois, and known as Middletown/Hagerman by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1078040006 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Middletown/Hagerman 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 Middletown/Hagerman open dump.

W. E. Zierath
William E. Zierath

Subscribed and Sworn To before me
This 28 day of March 2012
Charlene K. Powell

Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Logan LPC#: 1078040006 Region: 5 - Springfield
 Location/Site Name: Middletown/Hagerman
 Date: 03/06/2016 Time: From 14:00 To 14:15 Previous Inspection Date: 11/01/2011
 Inspector(s): W Zierath Weather: 70F, sunny, very windy
 No. of Photos Taken: # 14 Est. Amt. of Waste: 48 yds³ Samples Taken: Yes # _____ No
 Interviewed: No one Complaint #: C-12-058-C
 Latitude: 40.096479 Longitude: -89.561003 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation -

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 William C Hagerman
 105 7th St
 Lincoln, Illinois 62656

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 STATE OF ILLINOIS
 Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" 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 # 1078040006

Inspection Date: 03/06/2016

	(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 checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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 checked="" 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"/>
OTHER REQUIREMENTS			
15.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
16.	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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

MEMORANDUM

Date: March 6, 2012

To: BOL File

From: William E. Zierath, BOL/FOS - Springfield Region

Subject: LPC# 1078040006 – Logan County
Middletown/Hagerman
Complaint C-12-058-C
FOS File

A complaint re-investigation was conducted at this residential property (presently unoccupied) east of Middletown, Illinois on March 6, 2012. No one else was present. The weather was an unseasonable 70°F, mostly sunny and very windy.

This complaint was initially investigated on November 1, 2011. It was alleged that William C. Hagerman, the owner of the property was bringing construction waste and household trash to this site and occasionally burning the waste. The waste was reportedly lit on fire as recently as October 26 or 27. The local fire department was called to extinguish the fire.

On November 1, 2011 there was a waste pile west of the house. Wastes observed included wood, metal and asbestos demolition waste, plastic, metal, paper and cardboard household waste and scrap metal. Also observed in the waste pile was ash from previous burning.

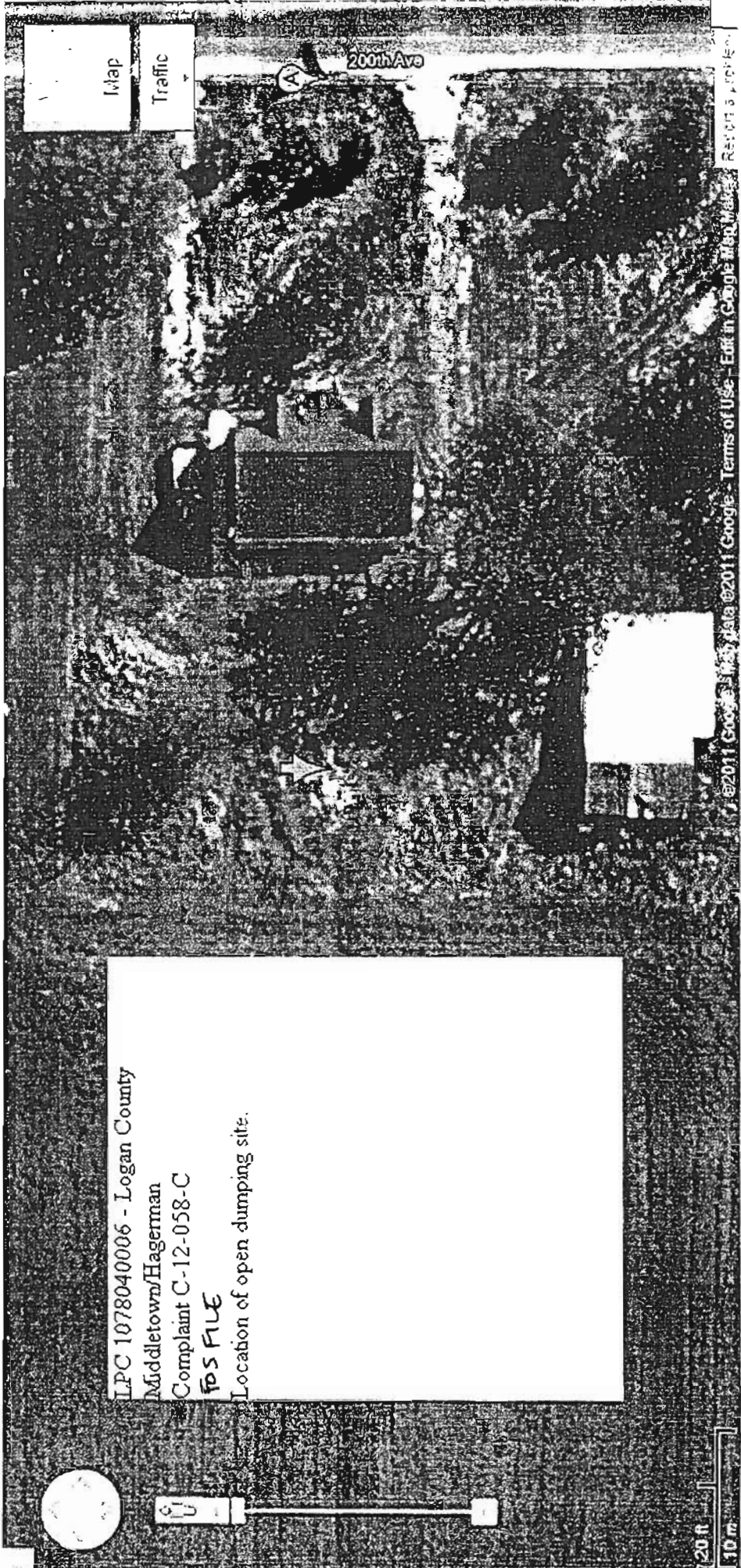
An Administrative Citation Warning Notice was sent to Mr. Hagerman on November 30, 2011 at this address and at 105 7th Street in Lincoln, Illinois. No response was received from Mr. Hagerman.

During the March 6, 2012 investigation it was found that there was a pile of waste west of the house. The waste pile measured approximately 6 yards x 8 yards and up to a yard high. The waste pile is shown in photographs 002, 003, 004, 005, 006, 007, 008, 009, 010, 011 and 012. Wastes observed included wood demolition waste, drywall demolition waste, old cabinets, an old pallet, an old bathtub and pieces of plastic. There was ash at the north end of the waste pile from previous burning. The unburned waste is shown in photographs 002, 003, 004, 005, 006, 007, 008, 009, 010, 011 and 012. The ash is shown in photographs 002, 004, 005, 007, 008, 009 and 012. No flames or smoke was observed during this investigation.

During the November 1, 2011 investigation it was observed that the house on this property had been previously heavily damaged by fire. During the March 6, 2012 inspection it was observed that much of the previously observed fire damage had been repaired. The rear of the house is shown in photograph 013. The front of the house is shown in photograph 014.

Apparent violations are marked on the attached checklist.

cc: BOL/FOS – Springfield Regional File





DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:08 PM
Direction: Northwest
Photo by: W Zierath
Exposure #: 001
Comments: The northwest area of the backyard of the site.



Date: March 6, 2012
Time: 2:08 PM
Direction: West
Photo by: W Zierath
Exposure #: 002
Comments: The central area of the backyard of the site, showing the demolition waste dump.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:08 PM
Direction: Southwest
Photo by: W Zierath
Exposure #: 003
Comments: The southwest area of the backyard of the site showing the south end of the demolition waste dump.



Date: March 6, 2012
Time: 2:08 PM
Direction: Northwest
Photo by: W Zierath
Exposure #: 004
Comments: The north end of the demolition dump showing burned and unburned wood demolition waste, drywall demolition waste and a pallet.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:08 PM
Direction: West
Photo by: W Zierath
Exposure #: 005
Comments: The central end of the demolition dump showing burned and unburned wood demolition waste, drywall demolition waste, old kitchen cabinets and a pallet.



Date: March 6, 2012
Time: 2:08 PM
Direction: Southwest
Photo by: W Zierath
Exposure #: 006
Comments: The central end of the demolition dump showing unburned wood demolition waste, drywall demolition waste, and old kitchen cabinets.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:09 PM
Direction: Northwest
Photo by: W Zierath
Exposure #: 007
Comments: Close up of the north end of the demolition dump showing burned and unburned wood demolition waste, drywall demolition waste and a pallet.



Date: March 6, 2012
Time: 2:09 PM
Direction: West
Photo by: W Zierath
Exposure #: 008
Comments: Close up of burned demolition waste at the north end of the dump.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:09 PM
Direction: Southwest
Photo by: W Zierath
Exposure #: 009
Comments: Close up of
burned demolition
waste at the north end
of the dump.



Date: March 6, 2012
Time: 2:10 PM
Direction: South
Photo by: W Zierath
Exposure #: 010
Comments: The west
edge of the dump
showing unburned
demolition waste and
an old bathtub.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:10 PM
Direction: South
Photo by: W Zierath
Exposure #: 011
Comments: The central part of the dump showing unburned demolition waste.



Date: March 6, 2012
Time: 2:10 PM
Direction: Southeast
Photo by: W Zierath
Exposure #: 012
Comments: The northwest part of the dump showing burned and unburned demolition waste.

File Names: 1078040006~03062012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 6, 2012
Time: 2:11 PM
Direction: East
Photo by: W Zierath
Exposure #: 013
Comments: The back of the substantially repaired house.



Date: March 6, 2012
Time: 2:11 PM
Direction: Southwest
Photo by: W Zierath
Exposure #: 014
Comments: The front of the substantially repaired house.

File Names: 1078040006~03062012-[Exp. #].jpg

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STATE OF ILLINOIS
Pollution Control Board

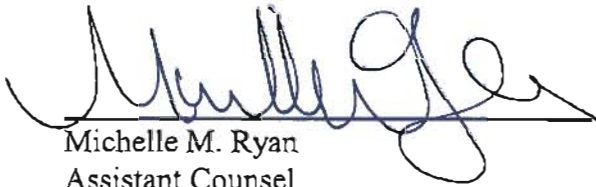
PROOF OF SERVICE

I hereby certify that I did on the 10th day of April 2012, 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: William C. Hagerman
105 7th Street
Lincoln, IL 62656

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

THIS FILING SUBMITTED ON RECYCLED PAPER