



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

RECEIVED
CLERK'S OFFICE
SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817

TDD: (217) 782-9143

September 25, 2012

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

Ac 13-16

ORIGINAL

RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Frank Lamchick
IEPA File No. 218-12-AC; 0110300004—Bureau 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

FRANK LAMCHICK,

Respondent.

)
)
)
)
)
)
)
)
)
)
)
)

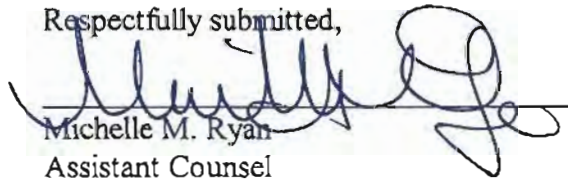
AC 13-16
(IEPA No. 218-12-AC)

NOTICE OF FILING

To: Frank Lamchick
615 10th Street
Peru, IL 61354

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: September 25, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
FRANK LAMCHICK,)
)
)
)
)
Respondent.)

AC 13-16
(IEPA No. 218-12-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 Frank Lamchick is the current owner and operator ("Respondent") of a facility located adjacent to the east of the old Railroad right of way on the north side of Marquette Street, adjacent to the west of the wetland in DePue, Shelby Township, Bureau County, Illinois: Pin #17-36-276-00. The property is commonly known to the Illinois Environmental Protection Agency as DePue/Frank Lamchick.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0110300004.

3. That Respondent has owned/operated said facility at all times pertinent hereto.

4. That on August 10, 2012, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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.

5. That on 9-25-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 4822.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of her August 10, 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 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 Three Thousand Dollars (\$3,000.00). 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 October 15, 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.

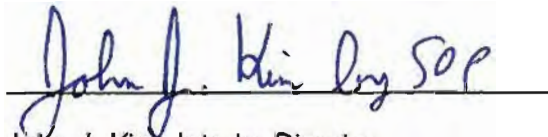
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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, Interim Director
Illinois Environmental Protection Agency

Date:

9/21/12

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

RECEIVED
CLERK'S OFFICE

SEP 28 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
FRANK LAMCHICK,)
)
)
)
)
)
Respondent.)

AC 13-16
(IEPA No. 218-12-AC)

FACILITY: DePue/Frank Lamchick
SITE CODE NO.: 0110300004
COUNTY: Bureau
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: August 10, 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

AFFIDAVIT

IN THE MATTER OF:)
)
 Frank Lamchick)
)
 Respondent)

IEPA DOCKET NO.

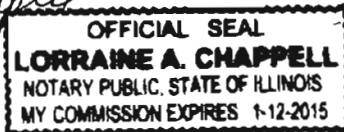
Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 10, 2012 between 10:15 am and 10:35 am, Affiant conducted an inspection of the Frank Lamchick property located in Bureau County, Illinois. Said site has been assigned site code number BOL# 0110300004 by the Agency.
3. Affiant inspected said 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 facility.

Donna Shehane
Donna Shehane EPS III

Subscribed and Sworn to Before Me
this 6th day of September, 2012

Lorraine A. Chappell
Notary Public



LPC # 0110300004

Inspection Date: 08/10/2012

	(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 checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	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 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.

**0110300004 – Bureau County
DePue/Frank Lamchick**

NARRATIVE INSPECTION REPORT DOCUMENT

On August 10, 2012, I (Donna Shehane) conducted a follow-up inspection at the Frank Lamchick property, located in DePue, Illinois 61322. The weather at the time of this inspection was 70 °F with NNE winds at 12 mph and cloudy skies.

The previous inspection conducted on January 11, 2012 had resulted in an Administrative Citation Warning Notice for open dumping. Prior to this, a Non-Compliance Advisory letter for apparent violations related to open dumping and litter had been issued for a March 16, 2011 inspection. Mr. Lamchick forwarded several disposal receipts to me over the spring and summer of 2012, including those for tire disposal, and metal recycling. However, the property still contains a substantial amount of open dumped waste.

I pulled to the side of Marquette Street and parked the vehicle at approximately 10:15 am. I walked the “main” trail through the property, taking photographs along the way. Photo # 1, taken toward the northeast, shows a dumped vehicle cap. Photo # 2 was taken of strewn litter and debris, including lumber, siding, and metal. Photo # 3 depicts more litter on the ground, including lumber, plastic, metal, and miscellaneous debris. Photo # 4 shows additional lumber and metal waste. Photo # 5 shows strewn lumber, a hose, and shingles on the ground. Photo # 6 shows more litter in the overgrown vegetation.

Photo # 7 was taken of a dilapidated shed with waste scattered around, including a chair, drums, lumber, and plastic. An old dumped washing machine, lumber, and miscellaneous litter can be seen in photo # 8.

Several garbage cans/containers were photographed in photo # 9. Some of these contained various metal parts. Two metal buckets on the ground were taken in photo # 10. Photo # 11 shows a piece of plywood, metal washing machine, and dumped plastic. Photo # 12, taken toward the west, reveals window and door frames on the ground. Photo # 13 shows a pile of waste lumber.

Photo # 14 reveals additional dumped furniture including a dresser and desk, as well as strewn lumber and plastic. Many containers were taken in photo # 15, some observed to be holding glass and metal, and others containing unknowns. Photo # 16 depicts dumped metal, lumber, and plastic. Photo # 17 shows more metal washing machines and lumber on the ground. Photo # 18 captures dumped metal parts and plastic on the ground. Photo # 19 was taken toward the north and shows plastic, metal, hoses, and a drum on the ground. Photo # 20, taken toward the west, shows scattered lumber, plastic, and containers.

Photo # 21 was taken of a drum containing chemicals covered with a metal container. During the last inspection, a strong odor was observed emanating from this drum. Photo # 22 reveals a dumped door frame, metal, rubber, and miscellaneous debris.

Photo # 23 was taken toward the north. A large pile of dumped waste was observed in a 3-sided ramshackle shed, including lumber, plastic, metal, containers, etc. A red container of unknown contents was taken in photo # 24. Photo # 25 shows additional strewn litter.

I left the property at about 10:40 am.

The Frank Lamchick property was found to remain out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Act.
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.
4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 55(a)(1) of the Act.
8. Section 812.102(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 8/10/2012

Site Code: 0110300004 08/10/2012

Site Name: Fresh
Lamchick

County: Bureau

Inspector: Shelome

Time: 10:15 - 10:40
am am

NOT TO SCALE
 0110300004 2081012-001-025
 LOCATIONS ARE APPROXIMATE



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:17 am
Direction: NE
Photo by: Shehane
Exposure #: 001
Comments: vehicle
truck cap



Date: 08/10/2012
Time: 10:17 am
Direction: NE
Photo by: Shehane
Exposure #: 002
Comments: open
dumped debris
including lumber,
metal, siding, and
miscellaneous



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:18 am
Direction: NW
Photo by: Shehane
Exposure #: 003
Comments: open
dumped waste
including lumber,
plastic, metal, etc.



Date: 08/10/2012
Time: 10:18 am
Direction: NE
Photo by: Shehane
Exposure #: 004
Comments: open
dumped debris
including lumber,
metal, and
miscellaneous



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:18 am
Direction: NE
Photo by: Shehane
Exposure #: 005
Comments: litter
strewn on the site
including roofing
shingles, lumber,
hoses



Date: 08/10/2012
Time: 10:18 am
Direction: E
Photo by: Shehane
Exposure #: 006
Comments: litter
strewn on the ground



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:19 am
Direction: NE
Photo by: Shehane
Exposure #: 007
Comments:
furniture, drums,
metal, debris,
plastic waste



Date: 08/10/2012
Time: 10:19 am
Direction: NE
Photo by: Shehane
Exposure #: 008
Comments: dumped
plastic, metal,
lumber, etc.



DIGITAL PHOTOGRAPHS

File Names: 0110300004-081012



Date: 08/10/2012
Time: 10:20 am
Direction: E
Photo by: Shehane
Exposure #: 009
Comments: garbage
cans, waste wood,
debris



Date: 08/10/2012
Time: 10:20 am
Direction: E
Photo by: Shehane
Exposure #: 010
Comments: metal
buckets



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:21 am
Direction: NE
Photo by: Shehane
Exposure #: 011
Comments: dumped
plywood, plastic,
metal



Date: 08/10/2012
Time: 10:21 am
Direction: W
Photo by: Shehane
Exposure #: 012
Comments: dumped
windows, door
frames, plastic, metal



DIGITAL PHOTOGRAPHS

File Names: 0110300004-081012



Date: 08/10/2012
Time: 10:21 am
Direction: E
Photo By: Shehane
Exposure #: 013
Comments: pile of
waste lumber



Date: 08/10/2012
Time: 10:22 am
Direction: E
Photo by: Shehane
Exposure #: 014
Comments: dumped
wood, furniture,
plastic



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:22 am
Direction: NW
Photo By: Shehane
Exposure #: 015
Comments: various
dumped
containers holding
glass, metal, and
unknowns



Date: 08/10/2012
Time: 10:23 am
Direction: E
Photo by: Shehane
Exposure #: 016
Comments: dumped
debris including
metal, lumber,
plastic



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:23 am
Direction: E
Photo By: Shehane
Exposure #: 017
Comments: waste
pile of lumber,
metal



Date: 08/10/2012
Time: 10:29 am
Direction: NW
Photo by: Shehane
Exposure #: 018
Comments: strewn
litter, including
metal, plastic



DIGITAL PHOTOGRAPHS

File Names: 0110300004-081012



Date: 08/10/2012
Time: 10:30 am
Direction: NE
Photo By: Shehane
Exposure #: 019
Comments: dumped waste including plastic, metal, hoses



Date: 08/10/2012
Time: 10:30 am
Direction: W
Photo by: Shehane
Exposure #: 020
Comments: strewn litter and debris



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



**Date: 08/10/2012
Time: 10:31 am
Direction: SE
Photo By: Shehane
Exposure #: 021
Comments: drum
containing unknown
chemicals**



**Date: 08/10/2012
Time: 10:31 am
Direction: E
Photo by: Shehane
Exposure #: 022
Comments: open
dumped waste
including plastic,
metal, rubber, wood**



DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:32 am
Direction: N
Photo By: Shehane
Exposure #: 023
**Comments: open
dumped door frame,
lumber, plastic, metal,
containers, etc.**



Date: 08/10/2012
Time: 10:32 am
Direction: NW
Photo by: Shehane
Exposure #: 024
**Comments: red
container of unknown
contents**



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

0110300004 — Bureau County
DePue/Frank Lamcbick
FOS File

DIGITAL PHOTOGRAPHS

File Names: 0110300004~081012



Date: 08/10/2012
Time: 10:32 am
Direction: S
Photo By: Shehane
Exposure #: 025
Comments: strewn
litter and debris on the
ground including metal
drum, plastic, etc.

PROOF OF SERVICE

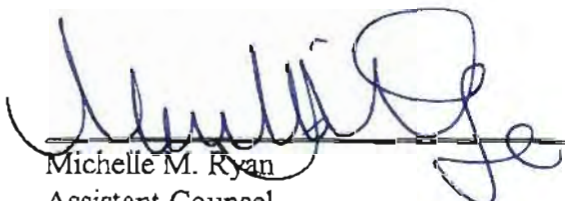
RECEIVED
CLERK'S OFFICE
SEP 28 2012
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 25th day of September 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: Frank Lamchick
615 10th Street
Peru, IL 61354

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