

LASALLE COUNTY STATE'S ATTORNEY

JOSEPH P. HETTEL

13th Judicial Circuit
707 East Etna Road, Room 251
Ottawa, Illinois 61350
Phone (815) 434-8340
Fax (815) 434-8357

RECEIVED

CLERK'S OFFICE

APR 02 2007

STATE OF ILLINOIS
Pollution Control Board

Name of Defendant MIKE JOHNSON
Name of Person SAME
Summons given to SAME
Sex M Race W Approx. Age 45
Place of Service 2891 E 22ND
MARSHFIELD IL
Date of Service 03/26/07 Time 1830
Date of Mailing _____
Thomas Templeton, Sheriff of LaSalle County
TC #672 Deputy

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)

Complainant)

v.)

MIKE JOHNSON)

Respondent)

AC NO. 0752

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

FACTS

1. That Respondent, Mike Johnson, is the present owner and/or operator of property located in Fall River Township, LaSalle County, Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and designated with Site Code No. 0998105009. Said facility is commonly known to the Agency as the Johnson Property.
3. That the Respondent has owned and/or operated said facility since May, 2004.
4. That on March 9, 2007, Christy Vargochik, Landfill Inspector, and Matthew Stafford, Supervisor of Field Operations, LaSalle County Department of Environmental Services and Land Use, under the authority of the Illinois Environmental Protection Agency, inspected the above described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)

Complainant)

v.)

MIKE JOHNSON)

Respondent)

AC NO. 07-52

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

FACTS

1. That Respondent, Mike Johnson, is the present owner and/or operator of property located in Fall River Township, LaSalle County, Illinois.
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4. That on March 9, 2007, Christy Vargochik, Landfill Inspector, and Matthew Stafford, Supervisor of Field Operations, LaSalle County Department of Environmental Services and Land Use, under the authority of the Illinois Environmental Protection Agency, inspected the above described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

VIOLATIONS

5. On the basis of direct observations of Christy Vargochik and Matthew Stafford of the LaSalle County Department of Environmental Services and Land Use, it has been determined that the Respondents have caused or allowed open dumping at the above described facility in a manner which results in the following occurrences:

That on March 9, 2007, an on-site inspection of said facility disclosed the following:

- | | |
|-----|---|
| x x | Causing or allowing litter -- 415 ILCS 5/21 (p) (1), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (1) [formerly par. 1021 (q) (1)]). |
| | Causing or allowing scavenging operations -- 415 ILCS 5/21 (p) (2), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 102 (p) (2) [formerly par. 1021 (q) (2)]). |
| | Causing or allowing open burning -- 415 ILCS 5/21 (p) (3), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (3) [formerly par. 1021 (q) (3)]). |
| | Causing or allowing the deposition of waste in standing or flowing waters -- 415 ILCS 5/21 (p) (4), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (4) [formerly par. 1021 (q) (4)]). |
| | Causing or allowing proliferation of disease vectors -- 415 ILCS 5/21 (p) (5), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (5) [formerly par. 1021 (q) (5)]). |
| | Causing or allowing the generation of standing or flowing liquid discharge from the open dump site -- 415 ILCS 5/21 (p) (6), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (6) [formerly par. 1021 (q) (6)]). |

CIVIL PENALTY

6. Pursuant to 415 ILCS 5/42 (b) (4), formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1042 (b) (4), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each violation specified above in Paragraph 5(b) for a total of Fifteen Hundred Dollars (\$1500.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation 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, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each finding of violation.
7. If you acknowledge the violations cited herein above, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service hereof. If you do not petition the Illinois Pollution Control Board of review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.
8. When payment is made, your check should be made payable to the **LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE** and mailed to:

**LaSalle County Department of Environmental Services and Land Use
119 West Madison Street
Room 105
Ottawa, Illinois 61350**

Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

9. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest from such penalty will be assessed for the period from the date payment is due until the date payment is received. If any civil penalty, by reason of acknowledgment, default or finding after the adjudicatory hearing is not paid when due, the LaSalle County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's Office will seek to recover their costs of litigation.

**PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION**

10. You have the right to contest this Administrative Citation. See: 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. Copies of the Petition for Review should also be filed with:

Troy D. Holland
LaSalle County Special Assistant State's Attorney
707 Etna Road
Ottawa, Illinois 61350

LaSalle County Department of Environmental Services and Land Use
119 West Madison Street
Room 105
Ottawa, Illinois 61350

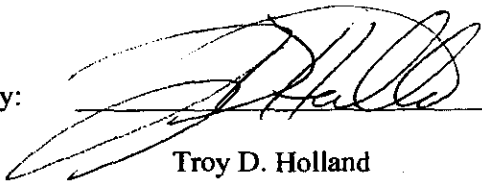
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Dated: 3-22-07

Brian Towne
LaSalle County State's Attorney

By: _____



Troy D. Holland
Special Assistant State's Attorney

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS

NOTE: This Administrative Citation Refers to One State Agency and Two County Entities

The One State Agency Is:

ILLINOIS POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 WEST RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

The Two County Entities Are:

LASALLE COUNTY STATE'S ATTORNEY OFFICE
ATTENTION: TROY D. HOLLAND
707 ETNA ROAD
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE
119 WEST MADISON STREET
ROOM 105
OTTAWA, ILLINOIS 61350

If you elect to contest the enclosed ADMINISTRATIVE CITATION, you must file a PETITION FOR REVIEW within thirty-five (35) days of the date the ADMINISTRATIVE CITATION was served upon you. Any such PETITION FOR REVIEW must be filed with the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD by either hand-delivering or mailing the PETITION FOR REVIEW to the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD at the address given above. A copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY STATE'S ATTORNEY'S OFFICE, ATTENTION: TROY D. HOLLAND at the address given above. Also, a copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND DEVELOPMENT at the address given above.

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
MIKE JOHNSON)	AC NO. _____
)	
Respondent(s))	

REMITTANCE FORM

FACILITY:	Mike Johnson 2541 E. 22 nd Rd. Marseilles, IL 61341	Site Code:	0998105009
		County:	LaSalle
		Township:	Fall River

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: March 9, 2007

DATE REMITTED: _____

SS/FEIN NUMBER _____

SIGNATURES _____

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:

**LaSalle County Department of Environmental Services and Land Use
119 West Madison Street, Room 105
Ottawa, IL 61350**

**STATE OF ILLINOIS
COUNTY OF LASALLE**

COUNTY OF LASALLE)

Complainant)

v.)

MIKE JOHNSON)

Respondent(s))

AC NO. _____

AFFIDAVIT

Affiant, Christy Vargochik, being first duly sworn, voluntarily deposes and states as follows:


1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On March 9, 2007 between 10:50 a.m. and 11:05 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Johnson Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998105009 by the Agency.
3. Affiant inspected the said Fall River Township / Johnson Property open dump site by an on-site inspection which included driving through and photographing the site.
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report Forms 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 Fall River Township / Johnson Property open dump.



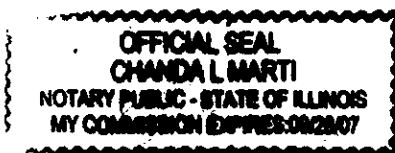
Christy Vargochik, LaSalle County

Subscribed and Sworn to Before Me

this 22nd day of March, A.D. 2007.



Notary Public



**STATE OF ILLINOIS
COUNTY OF LASALLE**

COUNTY OF LASALLE)

Complainant)

v.)

MIKE JOHNSON)

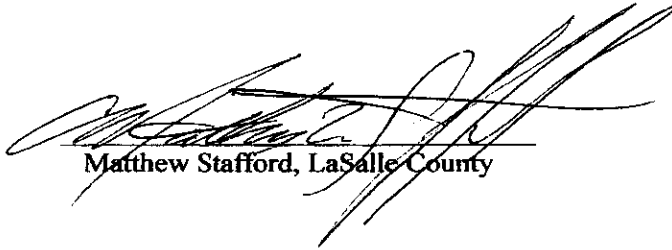
Respondent(s))

AC NO. _____

AFFIDAVIT

Affiant, Matthew Stafford, being first duly sworn, voluntarily deposes and states as follows:

5. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
6. On March 9, 2007 between 10:50 a.m. and 11:05 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Johnson Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998105009 by the Agency.
7. Affiant inspected the said Fall River Township / Johnson Property open dump site by an on-site inspection which included driving through and photographing the site.
8. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report Forms 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 Fall River Township / Johnson Property open dump.


Matthew Stafford, LaSalle County

Subscribed and Sworn to Before Me
this 22nd day of March, A.D. 2007.


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: LaSalle LPC#: 0998105009 Region: 1 - Rockford
Location/Site Name: Fall River Township / Mike Johnson Property
Date: Mar. 9, 2007 Time: From 10:50a To 11:05a Previous Inspection Date: Aug. 29, 2006
Inspector(s): Christy Vargochik, Matt Stafford Weather: Sunny and ~34°
No. of Photos Taken: # 6 Est. Amt. of Waste: 480 yds³ Samples Taken: Yes # No
Interviewed: _____ Complaint #: Co 02-018

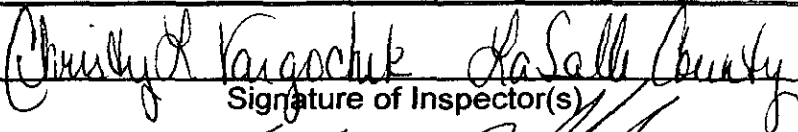
Responsible Party
Mailing Address(es)
and Phone Number(s):

Mike Johnson 2541 E. 22nd Road Marseilles, IL 61341

--

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input 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	<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 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"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input 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: () PCB; () 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"/>
			<input type="checkbox"/>


 Signature of Inspector(s)

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.

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Review: March 9, 2007
Site Code: 0998105009

Inspector(s):Christy Vargochik, Matt Stafford
Time: 10:50 a.m. – 11:05 a.m.

GENERAL REMARKS

Christy Vargochik and Matthew Stafford representing the LaSalle County Department of Environmental Services and Land Use under the delegated authority of the Illinois Environmental Protection Agency at the property of Mike Johnson performed a solid waste landfill inspection on March 9, 2007. The property is located in Section 26 of Fall River Township, and the mailing address is 2541 East 22nd Road, Marseilles, Illinois. During the inspection the following was noted: causing or allowing open dumping; disposing and storing of waste at a site not meeting requirements of the Act and Regulations; causing or allowing the open dumping in a manner which is resulting in litter at the dump site, causing or allowing the open dumping of waste tire, and; failure to submit an application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 34 degrees.

We arrived at the site at 10:50 a.m. We drove slowly along the driveway, and found a copious amount of lawn mower parts stored on the north side of the driveway (photo 1058.64). We continued to the west, and found two cars and a truck parked next to the shed (photo 1058.65). We then turned around in the neighboring driveway, and headed back through the property. After passing the small bridge, Mrs. Vargochik photographed a pile of pallets and a pick up truck in the back yard (photo 1058.66 and .67). Upon reaching the back corner of the house, we spotted a truck, a car, two RV's, and other material (photo 1058.68). A final photograph was taken of a car, a makeshift trailer filled with material, and other items near the house (photo 1058.69). This concluded the inspection, and we left the site at 11:05 a.m.

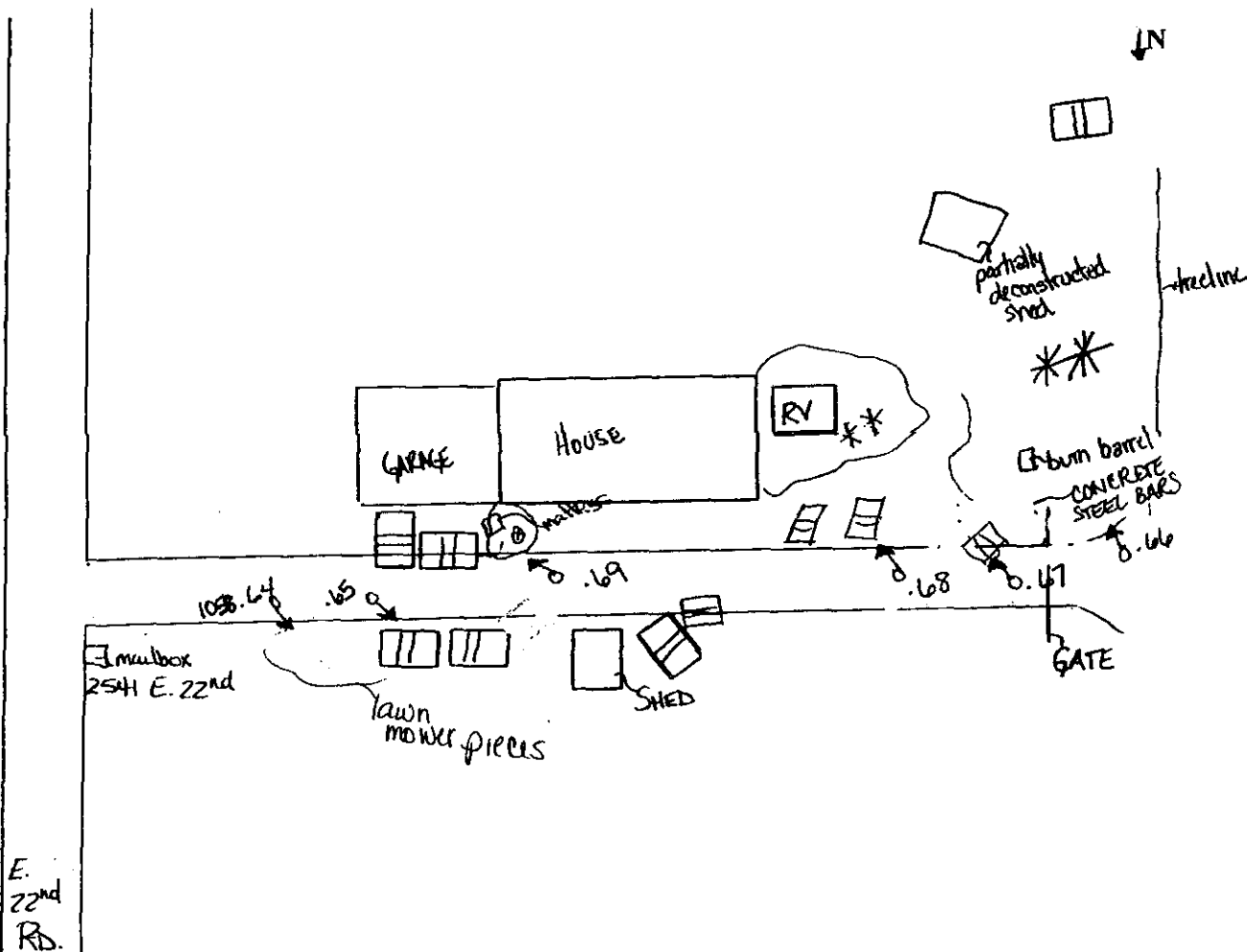
EXPLANATION OF PHOTOGRAPHS

- 1058.64 Shows a copious amount of lawn mower parts. Photo taken facing northwest.
- 1058.65 Shows two cars and a truck parked next to the shed. Photo taken facing northwest.
- 1058.66 Shows a large pile of pallets in the back yard. Photo taken facing southeast.
- 1058.67 Shows a pick up truck in the back yard. Photo taken facing southeast.
- 1058.68 Shows a truck, a car, two RV's, and other material. Photo taken facing southeast.
- 1058.69 Shows a car, a makeshift trailer filled with material, and other items. Photo taken facing southeast.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY


SITE SKETCH

Date of Inspection: March 9, 2007 Inspector: CHRISTY VARGOCHIK
Site Code: 0998105009 County: LASALLE
Site Name: MIKE JOHNSON PROPERTY Time: 10:50a.m. - 11:05a.m.



- ** = AREA W/ COPIOUS AMTS. OF DEBRIS - SEE NAR. + PICTURES.
- * = NOT DRAWN TO SCALE
- → = PHOTO TAKEN
- ⊗ = TIRE
- ▭ = VEHICLE

INSPECTION PHOTOS

DATE: <u>03 / 09 / 07</u>	SITE#: <u>0 9 9 8 1 0 5 0 0 9</u> CO.: LASALLE
TIME: 10:54 a.m.	SITE NAME: Mike Johnson Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- Northwest ----- ----- ----- ----- -----	
DISK#: 1058 PHOTO#: 64	

DATE: <u>03 / 09 / 07</u>
TIME: 10:54 a.m.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- Northwest ----- ----- ----- ----- -----
DISK #: 1058 PHOTO #: 65

