

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
HELEN OWENS-OSTHEIMER)	AC NO. <u>LC2021-01</u>
)	
Respondent(s))	

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, Helen Owens-Ostheimer is the present owner and/or operator of property located in Mission Township, LaSalle County, Illinois.
2. That said facility is an open burn and open dump site, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998215029. Said facility is commonly known to the Agency as the Owens-Ostheimer Property.
3. That the Respondent has owned and/or operated said facility since March 14th, 2011.
4. That on January 5, 2021, Lauren Grumieaux and Brooke Schumacher of the 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 Lauren Grumieaux and Brooke Schumacher 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 January 5, 2021, an on-site inspection of said facility disclosed the following:

- XXX 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)]).
- XXX 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)]).
- XXX Causing or allowing the deposition of general construction or demolition debris, or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

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 Four Thousand Five Hundred Dollars (\$4500.00). Additionally, should Respondents 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, Respondents 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, one certified check or money order for (\$2,250.00) shall be made payable to the **LaSalle County Treasurer** and mailed to:

**LaSalle County Department of Environmental Services and Land Use
119 West Madison Street
Room 107a
Ottawa, Illinois 61350**

And one certified check or money order for (\$2,250.00) shall be made payable to the **Illinois Environmental Protection Trust** and mailed to:

Illinois Environmental Protection Agency
Attn.: Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 III. 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:

Mark Anderson
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 107
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: 1/21/2021

Todd Martin
LaSalle County State's Attorney

By: _____

Mark Anderson
Assistant State's Attorney

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 HELEN OWENS-OSTHEIMER)
)
 Respondent(s))

AC NO. LC2021-01

REMITTANCE FORM

FACILITY:

Helen Owens-Ostheimer
2945 N. 37th Rd.
Seneca, IL 61360

Site Code: 0998215029
County: LaSalle
Township: Mission

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): Three (3)

Total Remittance: \$2,250.00 (50% of \$4,500 penalty to IEPA)

Date of Inspection: January 5, 2021

DATE REMITTED: _____

SS/FEIN NUMBER _____

SIGNATURES _____

NOTE

Please enter the date of your remittance, your social security number(s) (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your certified check or money order is enclosed, and mail, along with Remittance Form to:

**LaSalle County Department of Environmental Services and Land Use
119 West Madison Street, Room 107a
Ottawa, IL 61350**

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**Illinois Environmental Protection Agency
Attn.: Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276**

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: MARK ANDERSON
707 ETNA ROAD
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE
119 WEST MADISON STREET
ROOM 107A
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: MARK ANDERSON 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 LAND USE at the address given above.

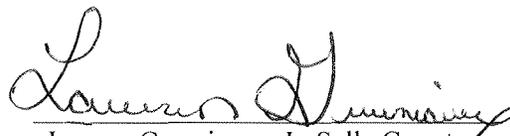
COUNTY OF LASALLE)
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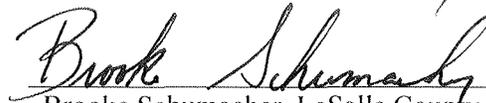
AC NO. LC2021-01

AFFIDAVIT

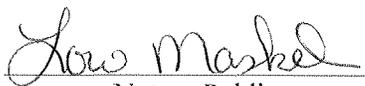
Affiants, Lauren Grumieaux and Brooke Schumacher, being first duly sworn, voluntarily deposes and states as follows:

1. Affiants are employed by the County of LaSalle and have been so employed at all times pertinent hereto.
2. On January 5, 2021 between 9:55a.m. and 10:22a.m., Affiants conducted inspections of an open burn and open dump site operating without an Agency permit, located in LaSalle County, Illinois and known as the Owens-Ostheimer Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998215029 by the Agency.
3. Affiant inspected the said Mission Township / Helen Owens-Ostheimer Property open dump site by an on-site inspection which included conducting a visual inspection and photographing the site.
4. As a result of the material actions referred to in paragraph 3 above, Affiants completed the Inspection Report Forms attached hereto and made a part hereof, which, to the best of Affiants knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to said Mission Township / Helen Owens-Ostheimer Property open burn and open dump site.


Lauren Grumieaux, LaSalle County


Brooke Schumacher, LaSalle County

Subscribed and Sworn to Before Me
this 21st day of January, A.D. 2021.


Notary Public



**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
HELEN OWENS-OSTHEIMER)	
)	AC NO. <u>LC2021-01</u>
)	
Respondent(s))	

PROOF OF SERVICE

The undersigned, after being first duly placed on oath, voluntarily deposes and states that he personally served the attached LaSalle County Administrative Citation, Informational Notice, Remittance Form, together with correct copies of the attached Inspector's Affidavit, the Inspection Report Form with attachments upon the following named person(s):

Helen Owens-Ostheimer
2945 N 37th Rd.
Seneca, IL 61360

or upon an authorized agent of such person(s) for the purpose of service of process upon such person(s), by:

- () personal service
- (X) Certified Mail, postage pre-paid and deposited in the United States Mail, plainly addressed to such person(s) at the above-described location.

on this, the 25th day of January, A.D. 2021.



Subscribed and Sworn to Before Me
this 25th day of January, A.D. 2021.



Notary Public





January 26, 2021

Dear Lori Maskel:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6207 3405 32.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	January 26, 2021, 11:37 am
Location:	SENECA, IL 61360
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	H. V. Osthorn RL RL CA
Address of Recipient:	2415 N 37th

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

0998215029-LaSalle County
Mission/Owen-Ostheimer Property

NARRATIVE INSPECTION REPORT DOCUMENT

GENERAL REMARKS

On January 5, 2021 an open dump inspection was conducted at 2945 N. 37th Rd. Seneca, IL by Lauren Grumieaux and Brooke Schumacher representing the LaSalle County Environmental Services and Land Use Department, under the delegation authority of the Illinois Environmental Protection Agency. The property is owned by Helen Owens-Ostheimer.

Weather conditions on January 5, 2021: overcast, temperature: 30° F Wind: W at 5 mph.

Brooke and I arrived at the site at 9:55 AM and began the inspection.

Once out of the vehicle, Brooke and I noticed that the large pile of demolition debris was gone and charred remains lay strewn throughout the yard. Helen greeted Brooke and I from a vehicle on the property due to the icy weather conditions, she was accompanied by two others. After a brief discussion, Helen explained that they burnt the debris due to the time and cost it would take to dispose of it at a landfill. While inspecting the area, Helen claimed that she had the Newark Fire Departments permission to burn. While I discussed the burn with Helen, Brooke was able to walk the perimeter of the foundation and document the charred remains.

While facing the east, we noted that the foundation still contained charred domicile waste, metal and piles of tire rims with tire wire still attached. (Photo#1-#3) Many metal objects laid on the ground protruding out of the snow. Moving to the north, more charred metal, wires and other demolition debris was viewed. (Photo#4 & #5) Facing northwest, we documented a bath tub laying in the snow surrounded by plumbing debris. (Photo#6) While looking down into the remaining foundation of the home, we documented more tire rims with tire wire, house hold debris, domicile waste and accumulated metals. (Photo#7 & #8)

After walking the perimeter, I explained to Helen that the we would follow up with our Director, Brian Gift and discuss the best options moving forward. I stated that the remaining charred debris would need to be removed and taken to a permitted facility for disposal. I told Helen that I would need to see receipts for the material removed and not to back fill the foundation. A follow-up inspection would be required prior to filling to verify no landfilling occurs with the remaining debris.

Brooke and I then returned to the vehicle and concluded the inspection at 10:22 PM.

Apparent violations noted:

Illinois Environmental Protection Act:

9 (a), 9 (c), 21 (a), 21 (d) 1, 21 (e), 21(p) (1), (3), and (7) and 55(a) (1) and (2)

END OF NARRATIVE BY LAUREN GRUMIEAUX

On January 18, 2021, I contacted Joe Hanson of the Newark Fire Department. Joe stated that they had received a call about a fire at the property late one evening. Joe stated that the fire department had nothing to do with the burn and were not responsible for the fire at the property. Joe stated that Helen originally contacted the fire department in hopes to use the old home for training purposes. Once Joe was informed that Helen had demolished the home, the property was no longer eligible for training.

Illinois Environmental Protection Agency 2021-003**
Open Dump Inspection Checklist

County: LaSalle BOL #: 0998215029 Region: 1 - Rockford
 Site Name: Owens-Ostheimer Property
 Site Address: 2945 N 37th Rd. City: Seneca
 Inspector: L. Grumieaux, B. Schumacher Interviewed: Helen
 Date: 01/05/2021 Current Est. 80 yds³
 Complaint #: _____ Waste Amt. _____

Responsible Party: Helen Owens-Ostheimer
 Mailing Address(es) and Phone Number(s): 2945 N 37th Rd.
Seneca, IL 61360

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	V
9(c)	Cause or allow open burning	V
12(a)	Cause, threaten, or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping	V
21(d)	Conduct any waste-storage, waste-treatment, or waste- disposal operation:	
	(1) Without a permit	V
	(2) In violation of any regulations or standards adopted by the Board	
21(e)	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	V
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	V
	(2) Scavenging	
	(3) Open Burning	V
	(4) Deposition of waste in standing or flowing waters	
	(5) Proliferation of disease vectors	
	(6) Standing or flowing liquid discharge from the dump site	
	(7) Deposition of general construction or demolition debris as defined at §3.160(a) or clean construction or demolition debris as defined at §3.160(b)	V
55(a)	No person shall	
	(1) Cause or allow open dumping of any used or waste tire	V
	(2) Cause or allow open burning of any used or waste tire	V

55(k)	No person shall	
(1)	Cause or allow water to accumulate in used or waste tires	
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Electronic Products Recycling and Reuse Act (415 ILCS 150) Requirements		
95(c)	No person may knowingly cause or allow the mixing of a CED or other listed device with waste that is intended for disposal by burning or incineration	
95(d)	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
35 Illinois Administrative Code Subtitle G Requirements		
722.111	Hazardous waste determination	
808.121	Special waste determination	
809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
812.101(a)	Application submitted for permit to develop and operate landfill	
Other Requirements		
Apparent violation of: <input type="checkbox"/> PCB order <input type="checkbox"/> Circuit Court order		NA
Case Number ; Order entered on		
Other		
		

Notes

1. Key to Status: V=Violated; C=Continuing violation from previous evaluation; V/C=Newly violated and continuing from previous evaluation; V/R=Violated and resolved during same inspection; R=Resolved violation; NA=Not applicable at the time of the inspection; NE=Not evaluated at the time of the inspection
2. The provisions of §§21(o)–(p) and §55(k) of the Environmental Protection Act are enforceable either by administrative citation under §31.1 or by complaint under §31. Violations of the Electronic Products Recycling and Reuse Act are enforceable by administrative citation under §20(k) or referral to the Attorney General pursuant to §20(a).
3. This inspection was conducted in accordance with §§4(c)–(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)) and §20(a) of the Electronic Products Recycling and Reuse Act (415 ILCS 150/20(a)).

SITE SKETCH

Date of Inspection: 1/5/21

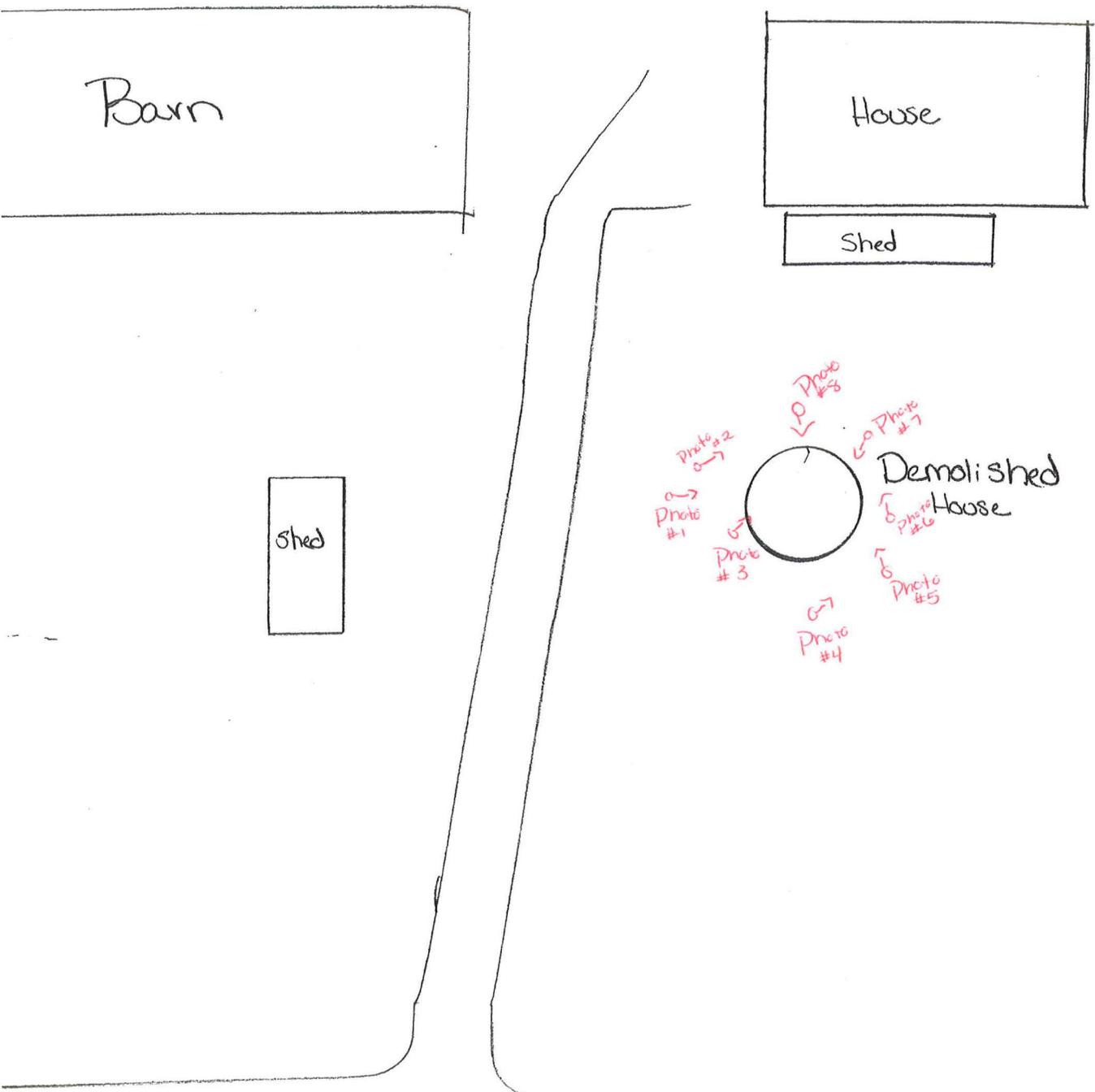
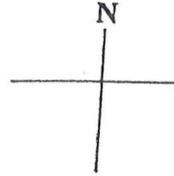
Inspector: L. Gromieaux + B. Schumacher

Site Code: 0998215029

County: LaSalle

Site Name: Owen-Ostheimer Property

Time: 9:55 to 10:22



.37th

N. 37th



DIGITAL PHOTOGRAPHS

Owens-Ostheimer Property 0998215029



Date: 1/5/21
Time: 10:00 AM
Direction: East
Photo by:
B. Schumacher
Exposure #: 1
Comments: Burnt
House Demolition
Debris.



Date: 1/5/21
Time: 10:00 AM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #:2
Comments: Burnt
Demolition debris.



DIGITAL PHOTOGRAPHS

Owens-Ostheimer Property 0998215029



Date: 1/5/21
Time: 10:00 AM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 3
Comments: Tire wire.



Date: 1/5/21
Time: 10:00 AM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #:4
Comments: Burnt
Demolition debris.



DIGITAL PHOTOGRAPHS

Owens-Ostheimer Property 0998215029



Date: 1/5/21
Time: 10:01 AM
Direction: North
Photo by:
B. Schumacher
Exposure #: 5
Comments: Tire wire
and charred
demolition debris.



Date: 1/5/21
Time: 10:02 AM
Direction: Northwest
Photo by:
B. Schumacher
Exposure #:6
Comments: Charred
bath tube from the
demolished house.



DIGITAL PHOTOGRAPHS

Owens-Ostheimer Property 0998215029



Date: 1/5/21
Time: 10:04 AM
Direction: Southwest
Photo by:
B. Schumacher
Exposure #: 7
Comments: Pile of
fire rims containing
wire and charred
metal.



Date: 1/5/21
Time: 10:04 AM
Direction: South
Photo by:
B. Schumacher
Exposure #:8
Comments: domicile
waste and charred
remnants from the
demolished house.