

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
ROBERT DURBIN)	AC NO. <u>LC2021-03</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, Robert Durbin is the present operator of property located in Groveland 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. 0998145008. Said facility is commonly known to the Agency as the Wilburn Property.
3. That the Respondent has operated said facility since June 17th, 2019.
4. That on March 16, 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 March 16, 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)]).
- XXX 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 Six Thousand Dollars (\$6000.00). 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 (\$3,000.00) 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 (\$3,000.00) 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 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:

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: _____

3/31/21

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.)
)
ROBERT DURBIN)
)
Respondent(s))

AC NO. LC2021-03

REMITTANCE FORM

FACILITY:

Robert Durbin
205 E Broad St.
Rutland, IL 61358

Site Code: 0998145008
County: LaSalle
Township: Groveland

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): Four (4)

Total Remittance: \$3,000.00 (50% of \$6,000.00 penalty to IEPA)

Date of Inspection: March 16, 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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Complainant)
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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)

Complainant)

v.)

ROBERT DURBIN)

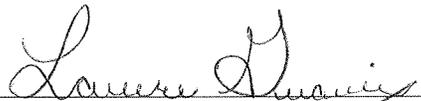
Respondent(s))

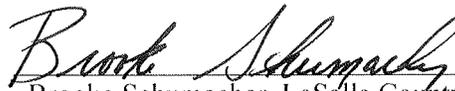
AC NO. LC2021-03

AFFIDAVIT

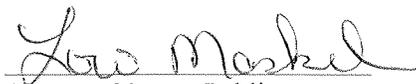
Affiants, Lauren Grumieaux and Brooke Schumacher, being first duly sworn, voluntarily deposes and states as follows:

1. Affiants are employed by the County of LaSalle and have been so employed at all times pertinent hereto.
2. On March 16, 2021 between 1:53p.m. and 2:24p.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 Wilburn Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998145008 by the Agency.
3. Affiant inspected the said Groveland Township / Wilburn 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 Groveland Township / Wilburn Property open burn and open dump site.


Lauren Grumieaux, LaSalle County


Brooke Schumacher, LaSalle County

Subscribed and Sworn to Before Me
this 31st day of March, A.D. 2021.


Notary Public



Electronic Filing: Received, Clerk's Office 4/05/2021 **AC 2021-005**
NOTICE OF REQUIRED CORRECTIVE ACTION

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 ROBERT DURBIN)
)
)
)
 Respondent(s))
)

Facility# 0998145008
Facility Name: Wilburn Property

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of the [Illinois] Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

YOU MUST COMPLETE THE FOLLOWING CORRECTIVE ACTIONS

1. Immediately cease all open dumping and open burning.
2. Within 90 days from the date of this Administrative Citation, remove all debris/garbage to a permitted landfill or transfer station.
3. Within 90 days from the date of this Administrative Citation, submit to the LCESLU copies of receipts that document the proper disposal or recycling of all wastes.
4. Within 90 days from the date of this Administrative Citation, remove all white goods (i.e., large appliances) to a facility that can legitimately accept them for recycling. White goods cannot be taken to a landfill or transfer station for the purpose of disposal.

Any written response submitted in reply to the corrective action requirements of this notice must be sent to:

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Should you have any questions concerning this notice or need further assistance, please contact the Environmental Services and Land Use office at 815-434-8666.

Brian Gift, Director

Date: _____

Illinois Environmental Protection Agency 21-005**
Open Dump Inspection Checklist

County: LaSalle BOL #: 0998145008 Region: 1 - Rockford
 Site Name: Wilburn Property
 Site Address: 205 E Broad St. City: Rutland
 Inspector: L.Grumieaux & B.Schumacher Interviewed: Bob Durbin
 Date: 03/16/2021 Current Est. 60 yds³
 Complaint #: _____ Waste Amt. _____

Responsible Party Mailing Address(es) and Phone Number(s):	William Wilburn 404 E Central Ave BOX 336 Hardtner, KS 67057	Bob Durbin 205 E Broad St. Rutland IL 61358
------------------------------------------------------------------	-----------------------------------------------------------------------	---------------------------------------------------

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	V
	(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	

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	V
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		

David H. Harris

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)).

0998145008-LaSalle County
Groveland/Wilburn Property

NARRATIVE INSPECTION REPORT DOCUMENT

GENERAL REMARKS

On March 16th, 2021 an open dump and open burn re-inspection was conducted at 205 E Broad St., Rutland, 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 William Wilburn and Robert Durbin resides on site.

Weather conditions on March 16th, 2021 were overcast and 37 degrees F. Winds N at 3mph.

Brooke and I arrived at the site at 1:53 PM and began the inspection.

After parking the vehicle, we noticed Mr. Robert Durbin was outside tending a fire, at the time of our arrival. While making our way on to the property, we documented a stack of wooden pallets, construction debris, domicile waste and other accumulated debris along the drive way. (Photo#1) After a short introduction, I explained to Robert that Brooke and I were on site for the re-inspect of the property. Robert stated that he had been working to clean up the property but it was slow moving.

Starting on the southern end of the property, Brooke and I documented the area. A pull behind trailer was filled with household debris. A garage door, CED's, furniture, and scrap metal was strewn throughout the yard. Next, we viewed the burn pile. I documented domicile waste, construction debris, furniture, box, fans, plastics, metal, carpet, metal drums and other accumulated debris. (Photos #2) I noted that not much had been removed from the burn pile since the previous inspection. Continuing on, we turned to the north. More metal, furniture, house hold items, tires, domicile waste, and an accumulation of debris was viewed. (Photo#3) Making our way to the burn barrel, Brooke and I noted that demolition debris and pieces of wood furniture were being burnt. (Photo#4 & #5) Near the burn barrel was a partly melted blue plastic barrel. Food containers, plastic, cans, kid's shoes, glass, and charred domicile waste had been recently burnt. (Photo#6) While viewing the area, many small burn piles were found throughout the site. I explained that the burning of waste is prohibited and moving forward, domicile waste would need to be disposed of at a landfill.

Moving to the south, little change was made in the area. (Photo#7 & #8) Turning to the west we viewed the front of the home. The white goods, scrap metal and wood had been removed from the area. Robert stated that he had been working to clean the area near the home. Continuing on, more waste, food scrapes and furniture were observed. (Photo#9 & #10) Looking to the east, I documented construction and demolition debris, large piles of treated wood, tires, pieces of furniture, kid's toys, plastics, grills, and an accumulation of other house hold items. (Photo#11 & #12) Once Brooke and I finished walking the site, I asked for any receipts he would have received from the recycling center. Robert stated that he did have receipts and went into the house to retrieve them. After a few minutes, he returned and stated that he wasn't able to find them at the time and would bring them into the

office once they turned up.

Brooke and I then thanked Mr. Durbin for his time and concluded the inspection at 2:24 PM.

Apparent violations noted:

Illinois Environmental Protection Act:

9(a), 9(c), 21 (a), 21 (d) 1, 21 (e), 21(p) 1, 2, 3 and 7, 55(a) 1 and 95(c)

END OF NARRATIVE BY LAUREN GRUMIEAUX

SITE SKETCH

Date of Inspection: 3/16/2021

Inspector: L. Grumieau + B. Schumacher

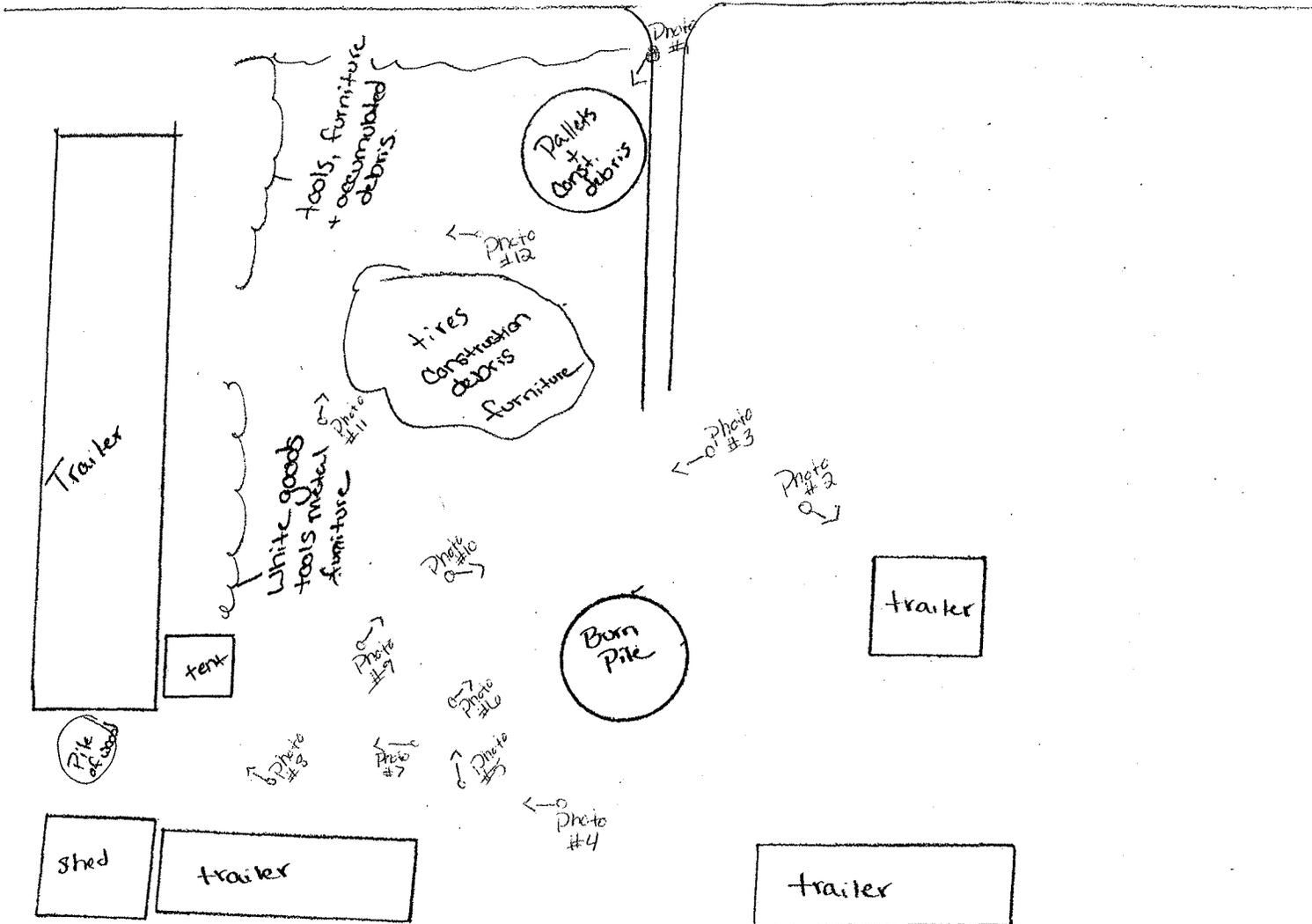
Site Code: 0998145008

County: LaSalle

Site Name: Wilburn Property

Time: 1:53 to 2:24

N





DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 1:57 PM
Direction: Southwest
Photo by:
B. Schumacher
Exposure #: 1
Comments: Pallets,
construction debris,
domicile waste and
other accumulated
debris.



Date: 3/16/2021
Time: 1:57 PM
Direction: Southeast
Photo by:
B. Schumacher
Exposure #:2
Comments: Garage
door, CED's, furniture,
and scrap metal
strewn throughout
the yard.



DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 1:58 PM
Direction: Southwest
Photo by:
B. Schumacher
Exposure #: 3
Comments: Metal,
furniture, drums,
construction debris
and other
accumulated debris
in the burn pile.



Date: 3/16/2021
Time: 1:58 PM
Direction: West
Photo by:
B. Schumacher
Exposure #:4
Comments: Metal,
furniture, drums, a
toilet, kid's toys,
construction debris
and other
accumulated debris.



DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 1:59 PM
Direction: Northwest
Photo by:
B. Schumacher
Exposure #: 5
Comments: Burn
barrell.



Date: 3/16/2021
Time: 1:59 PM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 6
Comments: Food
containers, plastic,
cans, kid's shoes,
glass, and charred
domicile waste



DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 2:00 PM
Direction: West
Photo by:
B. Schumacher
Exposure #: 7
Comments:
Construction debris,
trash, a trailer, and
other accumulated
debris.



Date: 3/16/2021
Time: 2:00 PM
Direction: Northwest
Photo by:
B. Schumacher
Exposure #:8
Comments:
Construction debris
and Domicile waste.



DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 2:01 PM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 9
Comments:
Construction debris,
tools, furniture and
other accumulated
debris.



Date: 3/16/2021
Time: 2:06 PM
Direction: East
Photo by:
B. Schumacher
Exposure #:10
Comments: CED's,
house hold items,
lawn mower, bikes
and other
accumulated debris.



DIGITAL PHOTOGRAPHS

Wilburn Property 0998145008



Date: 3/16/2021
Time: 2:07 PM
Direction: North
Photo by:
B. Schumacher
Exposure #: 11
Comments:
Construction debris,
tools, furniture, tire
and other
accumulated debris.



Date: 3/16/2021
Time: 2:09 PM
Direction: West
Photo by:
B. Schumacher
Exposure #:12
Comments:
Construction debris,
furniture, demolition
debris, trailer and
other accumulated
debris.

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)	
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Complainant)	
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v.)	
)	
ROBERT DURBIN)	
)	AC NO. <u>LC2021-03</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):

Robert Durbin
205 E Broad St.
Rutland IL 61358

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 1st day of April, A.D. 2021.



 Brian Giff, Director ESLU

Subscribed and Sworn to Before Me
this 1st day of April, A.D. 2021.

Lori Maskel

Notary Public

