

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

County of Ogle,)
)
Complainant,)
)
v.) AC#
)
Kathy Knutson, Steve Knutson, and)
Dan Bocker,)
)
Respondents)

10-4

RECEIVED
CLERK'S OFFICE
SEP 03 2009
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

TO: Kathy Knutson Steve Knutson Dan Bocker
9413 W. Henry Rd 9413 W. Henry Rd. 2744 W. Branch Rd.
Polo, IL 61064 Polo, IL 61064 Polo, IL 61064

PLEASE TAKE NOTICE that on this date I mailed for filing with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, which shall be viewed as an Electronic Filing, a copy of which is herewith served upon you.

John B. Roe,
Ogle County State's Attorney

Date: 9/01/09

By: Emily Seifert

cc: IEPA Rockford
IEPA Springfield
OCSWMD

Emily Seifert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, IL 61061
(815) 732-1170

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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ENTRY OF APPEARANCE

The undersigned hereby enters his appearance in the above-captioned matter as
counsel for the Ogle County Solid Waste Management Department.

Respectfully submitted,

John B. Roe
Ogle County State's Attorney

Date: 9/01/09

By: Emily S. Seifert
Emily S. Seifert
Assistant State's Attorney

Ogle County State's Attorney's Office
106 S. 5th St., Ste 110
Oregon, Illinois 61061
(815) 732-1170

CC: IEPA Rockford
IEPA Springfield
OCSWMD

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
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)
Respondents)

AC# 10-4

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2005), and delegated to Ogle County pursuant to 415 ILCS 5/4(r) and 415 ILCS 5/31.1.

FACTS

1. Respondents Kathy Knutson and Steve Knutson are the present owners and operators and are in possession and control of a facility located at 9413 W. Henry Road, Polo, Illinois, located in the County of Ogle, State of Illinois.
2. Respondent Dan Bocker was the contractor of the above-mentioned facility at the time of the allegations.
3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1418015002. The facility is known to the Agency as Knutson/Bocker.
4. That on July 6, 2009 (the initial inspection upon which this AC was based on) and July 7, 2009 (a follow-up inspection), Joy K. Bliton, Field Inspector, Ogle County Solid Waste

Management Department, inspected the facility.

VIOLATIONS

On the basis of Field Inspector, Joy K. Bliton's direct observation, she has determined that Respondents Kathy Knutson and Steve Knutson and Respondent Dan Bocker have caused or allowed open dumping at the above-described facility in a manner that has violated the Illinois Environmental Protection Act (hereinafter, the "ACT") as follows:

1. The Respondents have caused or allowed littering in violation of 415 ILCS 5/21(p)(1).
2. The Respondents have caused or allowed open burning in violation of 415 ILCS 5/21(p)(3).
3. The Respondents have caused or allowed the deposition of general construction or demolition debris as defined in Section 3.160(a) in violation of 415 ILCS 5/21(p)(7)(I).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondents are subject to a civil penalty of \$1,500.00 for each violation specified above. This is a total of \$4,500.00 for this Citation. Additionally, should the Respondents elect to petition the Illinois Pollution Control Board under the review process described below, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, the Respondents shall be assessed the associated hearing costs incurred by Ogle County and by the Illinois Pollution Control Board. The hearing costs would be in addition to the fine.

If the Respondents acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than thirty-five (35) days from the date of service hereof. If the

Respondents do not petition the Pollution Control Board for review of the Administrative Citation within thirty-five (35) days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against the Respondents shall specify the due date of the civil fine and any additional costs assessed against you.

Respondents shall complete and return the enclosed Remittance Forms to ensure proper documentation of payment. When payment is made, checks shall be made payable in equal amounts (\$2250, or 50% of the total penalty each) to:

- A. Illinois Environmental Protection Trust Fund, mailed to the attention of Fiscal Services, Illinois Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276; and
- B. Ogle County Solid Waste Fund, Ogle County Treasurer, P.O. Box 40, Oregon, Illinois 61061.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon Respondents' application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the Order, the law allows for the accumulation and payment of interest on the remaining unpaid balance, from the date the payment is due until the date payment is received. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and any interest, the Ogle County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation (*See* 415 ILCS 5/31.1).

If Respondents elect to contest this Administrative Citation, Respondents must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review must also be sent to the Ogle County State's Attorney. **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 against Respondents shall be entered by the Pollution Control Board.**

Your original Petition must be filed with the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. Copies of the Petition also must be sent to the Ogle County State's Attorney's Office, 106 S. 5th Street, Suite 110, Oregon, Illinois 61061; and Ogle County Solid Waste Management Department, 909 West Pines Road, Oregon, Illinois 61061.

DATED: 9/1/09


Ogle County Assistant State's Attorney

CC: IEPA Rockford
IEPA Springfield
OCSWMD File

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 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

The two county entities are: Ogle County State's Attorney's Office
Attention: John B. Roe
106 S. 5th Street, Suite 110
Oregon, Illinois 61061

Ogle County Solid Waste Management Department
Attn: Stephen J. Rypkema, Director
909 W. Pines Road
Oregon, Illinois 61061

If Respondents elect to contest the enclosed Administrative Citation, Respondents must file a Petition for Review within thirty-five (35) days of the date the Administrative Citation was served upon Respondents. Any such Petition for Review must be filed with the Clerk of the Illinois Pollution Control Board at the address given above. Copies of the Petition for Review must also be sent to the Ogle County State's Attorney's Office and the Ogle County Solid Waste Management Department at the addresses given above.

REMITTANCE FORM #1

County of Ogle,)
)
 Complainant,)
)
 v.)
)
)
 Kathy Knutson, Steve Knutson, and)
 Dan Bocker,)
)
 Respondents)

AC#

10-4

RECEIVED
 CLERK'S OFFICE
 SEP 03 2009
 STATE OF ILLINOIS
 Pollution Control Board

ORIGINAL

FACILITY: Knutson/Bocker
 COUNTY: Ogle
 DATE OF INSPECTION: 07/06/2009
 SITE CODE: 1418015002
 CIVIL PENALTY: \$2,250.00 (50% of \$4,500.00 penalty to Ogle County)

Date Remitted _____
 SS/FEIN # _____
 Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Ogle County Solid Waste Fund
 Ogle County Treasurer
 P.O. Box 40
 Oregon, IL 61061

REMITTANCE FORM #2

RECEIVED
CLERK'S OFFICE

SEP 03 2009

STATE OF ILLINOIS
Pollution Control Board

County of Ogle,)
)
 Complainant,)
)
 v.)
)
)
 Kathy Knutson, Steve Knutson, and)
 Dan Bocker,)
)
 Respondents)

AC#

10-4

ORIGINAL

FACILITY: Knutson/Bocker
 COUNTY: Ogle
 DATE OF INSPECTION: 07/06/2009
 SITE CODE: 1418015002
 CIVIL PENALTY: \$2,250.00 (50% of \$4,500.00 penalty to IEPA)

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

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

RECEIVED
CLERK'S OFFICE

SEP 03 2009

STATE OF ILLINOIS
Pollution Control Board

State of Illinois, Ogle County

Affidavit

County of Ogle)
)
Complainant)
)
v.)
)
Kathy Knutson)
Steve Knutson)
Dan Bocker)
)
Respondents)

AC No.: 10-4

ORIGINAL

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

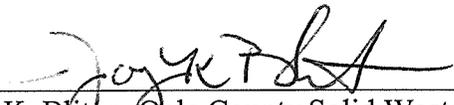
1. Affiant is a field inspector employed by the County of Ogle and has been so employed at all times pertinent hereto.
2. On, July 6, 2009 between 2:00 pm and 2:30 pm in response to a citizen complaint, Affiant conducted an inspection of an open dump operated without an Agency permit, located in Ogle County, Illinois and known as Knutson/Bocker by the Illinois Environmental Protection Agency. This inspection was the basis for the AC. Said site has been assigned Site Code No. 1418015002 by the Agency.
3. Affiant inspected said Knutson/Bocker site by an on-site inspection which included photographing the site.

RECEIVED
Ogle County
Solid Waste
Management
Department
August 11, 2009
STATE OF ILLINOIS
Notary Public

County: Ogle
Location/Site Name:
Date: 07/06/2009
Inspector(s): J. K.

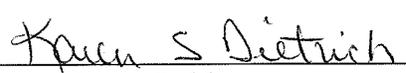
4. A follow up inspection of the Knutson/Bocker site was conducted by Affiant on July 7, 2009, between the hours of 10:30 am – 11:22 am.

5. As a result of the activities 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 Knutson/Bocker site.



Joy K. Bliton, Ogle County Solid Waste
Management Department

Subscribed and Sworn to Before Me
this 31st Day of Aug., 2009



Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Ogle LPC#: 1418015002 Region: 1 - Rockford
 Location/Site Name: Knutson/Bocker
 Date: 07/06/2009 Time: From 2:00 pm To 2:30 pm Previous Inspection Date: _____
 Inspector(s): J. K. Bliton Weather: 83 degrees, winds SSW @ 6 mph
 No. of Photos Taken: # 14 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # _____ No
 Interviewed: Steve Knutson Complaint #: _____
Dan Bocker
 Latitude: _____ Longitude: _____ Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Steve and Kathy Knutson 9413 W. Henry Road Polo, IL 61064 815-946-2040

Dan Bocker 2744 W. Branch Road Polo, IL 61064 815-541-8264

	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 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	<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 # 1418015002

Inspection Date: 07/06/2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<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"/>
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"/>

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.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NARRATIVE INSPECTION REPORT

Date of Inspection: 07/06/2009

Inspector: J.K. Bliton

Site Code: I418015002

County: Ogle

Site Name: Knutson/Bocker

Time: 2:00 pm – 2:30 pm

General Remarks

I drove out to the site, based on a complaint that we received in this office that an excavator was digging a hole in preparation of demolishing a barn, pushing the barn into the hole, burning it and then burying what is left.

I could see the black smoke as I headed towards the site. When I arrived I noted a tractor pushing hay and construction and demolition waste toward a backhoe. The backhoe was picking up the material and putting it into a burn pile.

Steve Knutson walked up to me. I identified myself and also had on my Ogle County Solid Waste Management Identification badge. I told him that we received a complaint about them burning and burying a barn. Steve asked, "Can't you burn hay?" I said, "Yes, but you can't burn the structure along with it." Knutson said that they removed the shingles and hauled them to MDI Environmental Systems, Division of Moring Disposal, transfer station in Carroll County. He said Bocker Excavating is doing the work. I noted the name Bocker Excavating on the side of the tractor. I asked him to send Dan Bocker over. Bocker walked up to me and I identified myself. I asked him if he knew that it was illegal to burn a barn. He asked if that was a new rule in our area. I said, "No, it's a state law". Bocker said that he knew shingles shouldn't be burned so they hauled them away this morning. Bocker stated that he basically knew that he wasn't supposed to burn and bury the barn, but he was asked to do it by the owner so he did. There was also a small shed that was burned and you could see the siding on the ground. I asked Bocker if the small shed may have contained asbestos, and he said that it could have, he didn't know. I told him that it would result in either an Administrative Citation Warning Notice or an Administrative Citation and I explained the difference between them and the fines involved. I told him to burn out what is in the pile now, but not to add to it and don't cover the hole. Since Polo depends on a volunteer fire department, I was reluctant to require their assistance on putting out the fire. I told Bocker that he can separate the hay from the rest of the construction and demolition waste (which was primarily wood). I would allow the hay to be burned; however, I want to see the separate piles of waste before any hay is added to the burn pile. I told Bocker that I would be back the next morning to see how the waste has been separated.

I drove closer to the burn pile and took photos. I left the site.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: July 6, 2009

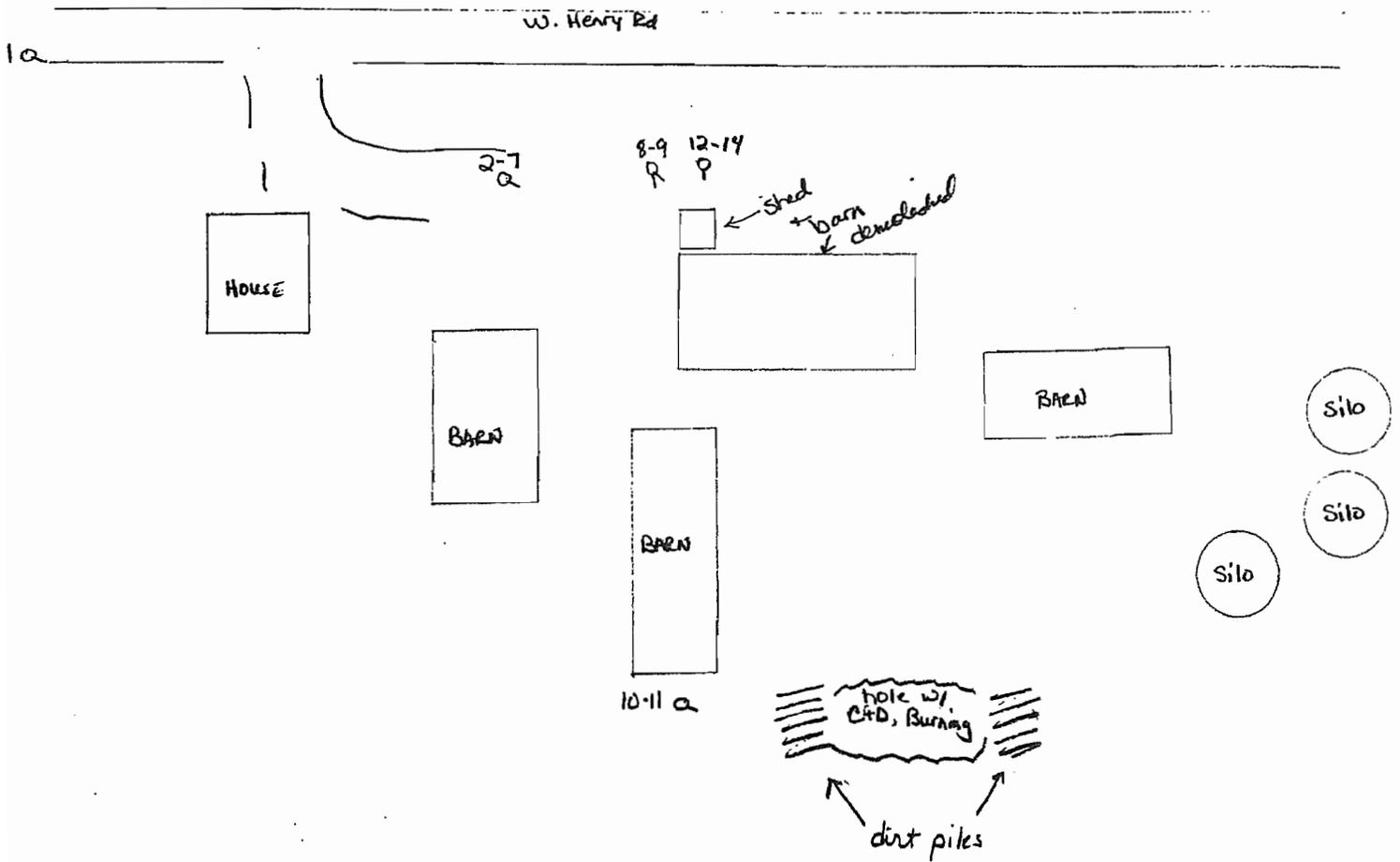
Inspector: Joy Bliton

Site Code: 1418015002

County: Ogle County

Site Name: KNUTSON/BOCKER

Time: 2:00 pm - 2:30 pm



Not to Scale



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009
Time: 2:03 pm
Direction: SE
Photo by: Joy Bliton
Exposure #: 0001
Comments: Smoke coming from
Knutson property.



Date: 07/06/2009
Time: 2:03 pm
Direction: SE
Photo by: Joy Bliton
Exposure #: 0002
Comments: Bocker Excavating tractor
pushing construction and demolition
debris, and hay from demolished barn.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009

Time: 2:03 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0003

Comments: Bocker Excavating tractor pushing construction and demolition debris to backhoe. Backhoe puts construction and demolition debris into burn pile.



Date: 07/06/2009

Time: 2:04 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0004

Comments: Bocker Excavating, Polo, pushing construction and demolition debris from barn to burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009

Time: 2:04 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0005

**Comments: Backhoe pulling
construction and demolition debris
toward burn pile.**



Date: 07/06/2009

Time: 2:06 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0006

**Comments: Material from demolished
barn. A smaller shed was also
demolished and burned. Some siding
is in foreground and may contain
asbestos.**



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009

Time: 2:06 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0007

**Comments: Material from demolished
barn and small shed.**



Date: 07/06/2009

Time: 2:06 pm

Direction: S

Photo by: Joy Bliton

Exposure #: 0008

**Comments: Bocker Excavating pushing
construction and demolition debris,
and hay to burn pile.**



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009
Time: 2:06 pm
Direction: SE
Photo by: Joy Bliton
Exposure #: 0009
Comments: Hay, shingles, tile (asbestos containing?), and wood from demolished barn.



Date: 07/06/2009
Time: 2:26 pm
Direction: SE
Photo by: Joy Bliton
Exposure #: 0010
Comments: Large fire of construction and demolition debris and hay.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009

Time: 2:26 pm

Direction: SE

Photo by: Joy Bliton

Exposure #: 0011

Comments: Large fire of construction and demolition debris and hay.



Date: 07/06/2009

Time: 2:29 pm

Direction: S

Photo by: Joy Bliton

Exposure #: 0012

Comments: Construction and demolition debris and hay which was going to be pushed into burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07062009



Date: 07/06/2009

Time: 2:29 pm

Direction: S

Photo by: Joy Bliton

Exposure #: 0013

Comments: Construction and demolition debris and hay which was going to be pushed into burn pile.



Date: 07/06/2009

Time: 2:29 pm

Direction: S

Photo by: Joy Bliton

Exposure #: 0014

Comments: Construction and demolition debris and hay which was going to be pushed into burn pile.

***** AC 2010-004 *****

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Ogle LPC#: 1418015002 Region: 1 - Rockford
 Location/Site Name: Knutson/Bocker
 Date: 07/07/2009 Time: From 10:30 am To 11:22 am Previous Inspection Date: 07/06/2009
 Inspector(s): J. K. Bliton Weather: 80 degrees, mostly cloudy, winds S @ 4 mph
 No. of Photos Taken: # 17 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes # No
 Interviewed: Steve Knutson Complaint #:
Dan Bocker
 Latitude: Longitude: Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s):	Steve Knutson 9413 W. Henry Road Polo, IL 61064 815-946-2040	Dan Bocker 2744 W. Branch Road Polo, IL 61064 815-541-8264
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	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 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	<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 # 1418015002

Inspection Date: 07/07/2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
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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"/>

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.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NARRATIVE INSPECTION REPORT

Date of Inspection: 07/07/2009

Inspector: J.K. Bliton

Site Code: 1418015002

County: Ogle

Site Name: Knutson/Bocker

Time: 10:30 am - 11:22 am

General Remarks

On the morning of July 7, 2009, the day after my initial inspection, I received a phone call from a complainant that the fire was started back up. I drove out to the site. I noted grey smoke coming from the burn pile. Dan Bocker was operating the backhoe and making a pile of hay and wood to take to the landfill. I parked along the road and walked over the burn pile. I noted wood, hay, and some scrap metal. I took photos and walked over to speak to Dan Bocker and S. Knutson. They said it was hard to separate the hay from the wood so they just made one pile of waste to haul. I noted shingles mixed in with the wood waste along with the hay. I asked them if they burned it again this morning. They said that D. Bocker just stirred it up so it would burn faster. I told him that they need to put it out now and that it can't smolder all day. I told them to either cover it with dirt or put water on it. I said that if they aren't successful at putting out the fire, the volunteer fire department will need to be called.

I gave them each three fliers and asked them to sign and date my copy to show they received it. The three fliers were: Construction and Demolition Waste in Ogle County, Illinois Open Burning Laws, and Demolition of Buildings & Proper Disposal of Demolition Waste. I told them that when the pile has cooled down and it is ready to be taken to a landfill to call me. I told them that I want to see the hole when it is empty. They asked about using concrete as fill material. I said they could as long as it is buried deep enough that they can add enough dirt over the top to support vegetation within 30 days. The rebar needs to be cut off too, I told them.

Bocker tried covering the pile with dirt, but it seemed to make the fire worse and made more smoke. They said that they would try to put water on it and Knutson went up the road to get a tank of water from a neighbor. I took notes and left to make another inspection in Mt. Morris. I passed Knutson who was on his way back with a tank about 1/3 full of water.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: July 7, 2009

Inspector: Joy Bliton

Site Code: 1418015002

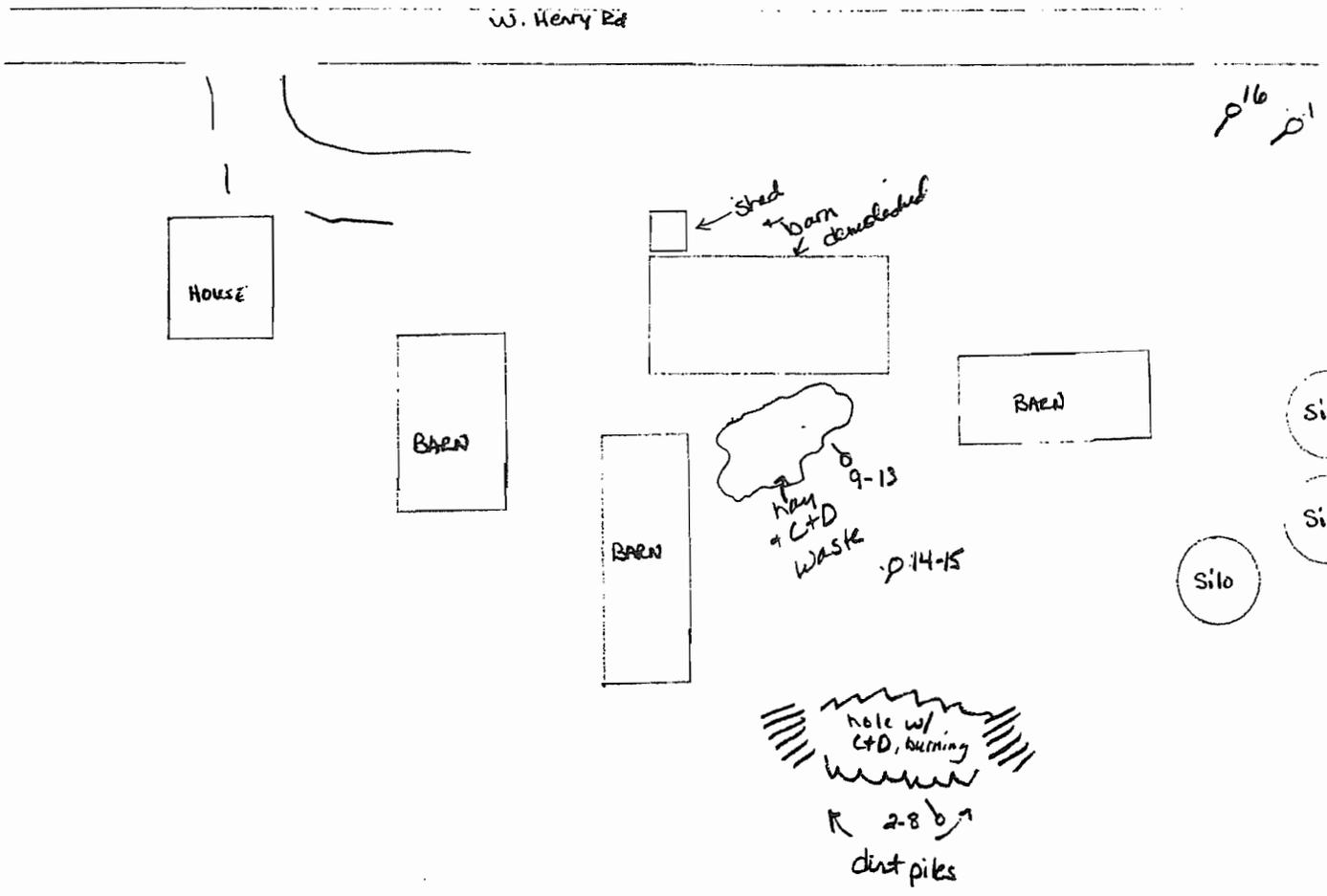
County: Ogle County

Site Name: KNUTSON/BOCKER

Time: 10:30 am - 11:27 am



6
17



Not to Scale



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~07072009



Date: 07/07/2009
Time: 10:32 am
Direction: W
Photo by: Joy Bliton
Exposure #: 0001
Comments: Pile of waste that will be taken to the landfill.



Date: 07/07/2009
Time: 10:33 am
Direction: S
Photo by: Joy Bliton
Exposure #: 0002
Comments: Burn pile still smoldering, Knutson in photo.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002~07072009

Date: 07/07/2009

Time: 10:37 am

Direction: SW

Photo by: Joy Bliton

Exposure #: 0003

Comments: Burn pile still smoldering.



Date: 07/07/2009

Time: 10:38 am

Direction: NW

Photo by: Joy Bliton

Exposure #: 0004

Comments: Burn pile still smoldering.

Burn pile in hole.





Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009

Time: 10:38 am

Direction: NW

Photo by: Joy Bliton

Exposure #: 0005

Comments: Burn pile still smoldering.



Date: 07/07/2009

Time: 10:38 am

Direction: DN

Photo by: Joy Bliton

Exposure #: 0006

Comments: Metal from barn.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002~07072009



Date: 07/07/2009
Time: 10:38 am
Direction: DN
Photo by: Joy Bliton
Exposure #: 0007
Comments: Metal from barn.



Date: 07/07/2009
Time: 10:39 am
Direction: NW
Photo by: Joy Bliton
Exposure #: 0008
Comments: Metal in burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009

Time: 10:39 am

Direction: NW

Photo by: Joy Bliton

Exposure #: 0009

Comments: Pile of hay and construction and demolition debris that will be taken to landfill.



Date: 07/07/2009

Time: 10:44 am

Direction: NW

Photo by: Joy Bliton

Exposure #: 0010

Comments: Pile of hay and construction and demolition debris that will be taken to the landfill.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009
Time: 10:47 am
Direction: DN
Photo by: Joy Bliton
Exposure #: 0011
Comments: Wood and shingles in waste pile.



Date: 07/07/2009
Time: 10:47 am
Direction: DN
Photo by: Joy Bliton
Exposure #: 0012
Comments: Wood and shingles in waste pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009

Time: 10:47 am

Direction: DN

Photo by: Joy Bliton

Exposure #: 0013

Comments: Wood and shingles in waste pile.



Date: 07/07/2009

Time: 10:55 am

Direction: SW

Photo by: Joy Bliton

Exposure #: 0014

Comments: Backhoe putting dirt on pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009
Time: 11:00 am
Direction: SW
Photo by: Joy Bliton
Exposure #: 0015
Comments: Smoke was worse when dirt was placed on pile.



Date: 07/07/2009
Time: 11:13 am
Direction: SW
Photo by: Joy Bliton
Exposure #: 0016
Comments: Smoke from burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC # 1418015002— Ogle County
Site: Knutson/Bocker

DIGITAL PHOTOGRAPHS

File Names: 1418015002 ~ 07072009



Date: 07/07/2009

Time: 11:29 am

Direction: N

Photo by: Joy Bliton

Exposure #: 0017

**Comments: Knutson bringing tank of
water to pour on pile.**

**NOTICE OF CORRECTIVE ACTION REQUIRED
FOR OPEN DUMPS**

**RECEIVED
CLERK'S OFFICE**

SEP 03 2009

**STATE OF ILLINOIS
Pollution Control Board**

County of Ogle,)
)
 Complainant,)
)
 v.)
)
 Kathy Knutson, Steve Knutson, and)
 Dan Bocker,)
)
 Respondents)

Facility # 1418015002 - Ogle County
Facility Name: Knutson/Bocker

COMPLIANCE FILE

ORIGINAL

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation Respondents have received, Respondents must follow the instructions provided in the Administrative Citation. Respondents may be served with additional Administrative Citations if Respondents fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the Illinois Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

**RESPONDENTS MUST COMPLETE THE FOLLOWING
CORRECTIVE ACTIONS:**

- #1 Immediately cease all open dumping and open burning.
- #2 By August 30, 2009, remove all waste to a permitted landfill or transfer station.
Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.

#3 By September 9, 2009, submit to the Illinois EPA copies of receipts that document the proper disposal or recycling of the wastes.

Any written response submitted in reply to the Corrective Action Requirements of this Notice must be sent to Ogle County Solid Waste Management Department, 909 W. Pines Road, Oregon, Illinois. 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. Any questions concerning this Notice shall be directed to Ogle County Solid Waste Management Department, (815) 732-4020.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of Ogle,)
)
 Complainant,)
)
 v.)
)
 Kathy Knutson, Steven Knutson and)
 Dan Bocker,)
)
 Respondents)

AC# 10-4

RECEIVED
 CLERK'S OFFICE
 SEP 03 2009
 STATE OF ILLINOIS
 Pollution Control Board

PROOF OF SERVICE

The undersigned, under oath, states that a copy of the TRANSMITTAL LETTER TO THE ILLINOIS POLLUTION CONTROL BOARD, NOTICE OF FILING, ENTRY OF APPEARANCE, ADMINISTRATIVE CITATION, INFORMATIONAL NOTICE, REMITTANCE FORMS, INSPECTOR'S AFFIDAVIT, INSPECTION REPORT FORM WITH ATTACHMENTS, NOTICE OF CORRECTIVE ACTION, & PROOF OF SERVICE was mailed to Dan Bocker, 2744 W. Branch Road, Polo, Illinois 61064, and Kathy Knutson and Steve Knutson, 9413 W. Henry Road, Polo, IL 61064, by United States Mail (Certified Mail, postage pre-paid and deposited in the United States Mail) from Oregon, IL on September 1, 2009.

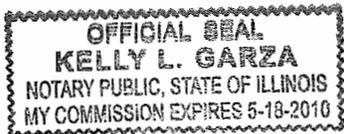
John B. Roe
 Ogle County State's Attorney

Date: 9/01/09

By *Emily S. Seifert*
 Emily S. Seifert, Assistant State's Attorney
 Ogle County

Subscribed and sworn to before me this 15th day of September, 2009

Kelly L. Garza
 Notary Public





JOHN B. ROE
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St., Suite 110
OREGON, ILLINOIS 61061

Sender's E-mail: eseifert@oglecountv.org
www.oglecounty.org

Telephone: (815) 732-1170
Fax: (815) 732-6607

September 1, 2009

Ms. Dorothy M. Gunn, Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation – Knutson/Bocker
AC#
IEPA-LPC Site #: 1418015002
Inspection Dates: 07/06/2009 & 07/07/2009

ORIGINAL
RECEIVED
CLERK'S OFFICE
SEP 03 2009
STATE OF ILLINOIS
Pollution Control Board

AC10-4

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Kathy Knutson, Steve Knutson, and Dan Bocker, including the following: Notice of Filing, Entry of Appearance, Administrative Citation, Informational Notice, Remittance Forms, Field Inspector's Affidavit, Field Investigation Inspection Report forms with accompanying photographs, Notice of Corrective Action Required, and Proof of Service. Per my conversation with John Therriault, Assistant Clerk of the Board, this filing shall be viewed as an Electronic Filing.

For your records, the Citation package was sent via certified mail to all parties at their respective addresses listed below on September 1, 2009. As soon as I receive the certified mail receipt back from Respondents, I will notify you so your files will reflect the thirty-five (35) days after which the Board can enter the required Default Order if a Petition for Review has not been filed. The Citation package was also given to the Ogle County Sheriff's Department to obtain personal service, and I will notify you when that is complete.



JOHN B. ROE
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St., Suite 110
OREGON, ILLINOIS 61061

Sender's E-mail: eseifert@oglecounty.org
www.oglecounty.org

Telephone: (815) 732-1170
Fax: (815) 732-6607

The site is known as Knutson/Bocker. Respondent Dan Bocker is to be served at 2744 W. Branch Rd., Polo, IL 61064. Respondents Kathy Knutson and Steve Knutson are to be served at 9413 W. Henry Road, Polo, IL 61064.

Please acknowledge receipt and filing of the enclosed materials. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Emily Seifert".

Assistant State's Attorney
Ogle County

Enclosures

CC: IEPA Rockford
IEPA Springfield
OCSWMD