



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

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

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

January 28, 2010

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

Re: Administrative Citation – Richard Haan, Jr., Mt. Morris Estates Trailer Park
AC#
IEPA-LPC Site #: 1410350003
Inspection Date: 12/02/2009

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Richard Haan Jr., Mt Morris Estates Trailer Park, 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.

For your records, the Citation package was sent via certified mail to Richard Haan, Jr., on January 28, 2010. 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.

The site is known as Mt. Morris Estates Trailer Park. Respondent Richard Haan, Jr., is to be served at 3747 W. Illinois Route 64, Lot 17 for mailing purposes, Mt. Morris Estates Trailer Park, Mt. Morris, Illinois, 61054.

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

Sincerely,



Emily Seifert
Assistant State's Attorney
Ogle County

Enclosures

cc: IEPA Rockford
IEPA Springfield
OCSWMD

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

| | | |
|--------------------|---|-----|
| COUNTY OF OGLE, |) | |
| |) | |
| COMPLAINANT, |) | |
| |) | |
| v. |) | |
| |) | AC# |
| RICHARD HAAN, JR., |) | |
| |) | |
| RESPONDENT |) | |

NOTICE OF FILING

TO: Richard Haan, Jr.
3747 W. Illinois Route 64, Lot 17
Mt. Morris Estates Trailer Park
Mt. Morris, IL 61054

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.

John B. Roc,
Ogle County State's Attorney

Date: 1/28/10

By: 

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**

| | | |
|--------------------|---|-----|
| COUNTY OF OGLE, |) | |
| |) | |
| COMPLAINANT, |) | |
| |) | |
| v. |) | AC# |
| |) | |
| RICHARD HAAN, JR., |) | |
| |) | |
| RESPONDENT |) | |

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,

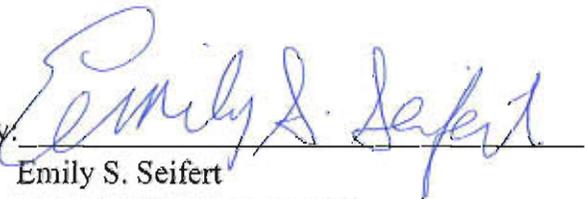
John B. Roe,

Ogle County State's Attorney

Date:

1/28/10

By:



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
ADMINISTRATIVE CITATION**

COUNTY OF OGLE,)
)
COMPLAINANT,)
)
v.) AC#
)
RICHARD HAAN, JR.,)
)
RESPONDENT)

JURISDICTION

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

FACTS

- 1) Respondent, Richard Haan, Jr., is a present owner and in control and possession of a facility located in the County of Ogle, State of Illinois.
- 2) Respondent, Richard Haan, Jr., is the present operator of a facility located in the County of Ogle, State of Illinois, known as Mt. Morris Estates Trailer Park or Mt.Morris Estates Mobile Home Park.
- 3) Respondent, Richard Haan, Jr., has occupied, controlled and/or operated the facility at all relevant times hereto.
- 4) The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1410350003. The facility is known to the Agency as Mt. Morris Estates Trailer Park.

- 5) That on December 2, 2009, Joy K. Bliton, Field Inspector, Ogle County Solid Waste Management Department, inspected the facility.
- 6) Respondent, Richard Haan Jr., has received two Administrative Citations in 1992 (AC 92-29 and AC 92-38) for open dumping and open burning.
- 7) Respondent, Richard Haan Jr., has received five Administrative Citation Warning Notices for open burning and open dumping dated June 22, 2009, April 5, 2007, January 24, 2002, February 20, 1996, and March 13, 1992.

VIOLATIONS

On the basis of Field Inspector, J. K. Bliton's direct observation, she has determined that the Respondent has 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 Respondent has caused or allowed the open dumping of waste which resulted in littering in violation of 415 ILCS 5/21(p)(1);
- 2) The Respondent has caused or allowed open burning of waste in violation of 415 ILCS 5/21(p)(3); and
- 3) The Respondent has caused or allowed 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

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of \$1,500.00 for each violation specified above, except that the civil penalty amount shall be \$3,000 for each violation that is the second or subsequent offense. This is a total of \$7,500 for this Citation: \$3,000 for 21(p)(1), \$3,000 for 21(p)(3), and \$1,500 for 21(p)(7). Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the fine.

If Respondent acknowledges the violations cited herein above, the civil penalty shall be due and payable no later than 35 days from the date of service hereof. If Respondent does not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against Respondent shall specify the due date of the civil fine and any additional costs assessed against you.

Respondent 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 (\$3,750 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

Respondent has the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If Respondent elects to contest this Citation, Respondent 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. **Respondent's Petition For Review must be filed within 35 days of the date of service of the present citation on you. If Respondent fails to file a Petition, a Default Order against Respondent will be entered by the Pollution Control Board.**

Respondent's original Petition must be filed with the Clerk of the Board at:

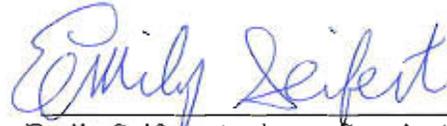
Clerk of the Illinois Pollution Control Board
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Copies must also be sent to:

Ogle County State's Attorney's Office
Ogle County Judicial Center
106 S. 5th Street, Suite 110
Oregon, IL 61061; and

Ogle County Solid Waste Management Department
909 W. Pines Road
Oregon, IL 61061

DATED: 1/28/10



Emily Seifert, Assistant State's Attorney
Ogle County

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

cc: IEPA Rockford
IEPA Springfield
OCSWMD

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, IL 60601

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

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

If Respondent elects to contest the enclosed Administrative Citation, a Petition for Review must be filed within thirty-five (35) days of the date the Administrative Citation was served upon Respondent. Any such Petition for Review must be filed with 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 Ogle County State's Attorney's Office, Attention: John B. Roe, at the address given above. Also, a copy of the Petition for Review should be either hand-delivered or mailed to the Ogle County Solid Waste Management Department at the address given above.

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

COUNTY OF OGLE,)
)
COMPLAINANT,)
)
v.) AC#
)
RICHARD HAAN, JR.,)
)
RESPONDENT)

FACILITY: Mt. Morris Estates Trailer Park
COUNTY: Ogle
DATE OF INSPECTION: 12/02/2009
SITE CODE: 1410350003
CIVIL PENALTY: \$3,750 (50% of \$7,500 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
Ogle County Courthouse
P.O. Box 40
Oregon, IL 61061

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

COUNTY OF OGLE,)
)
COMPLAINANT,)
)
v.) AC#
)
RICHARD HAAN, JR.,)
)
RESPONDENT)

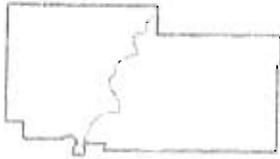
FACILITY: Mt. Morris Estates Trailer Park
COUNTY: Ogle
DATE OF INSPECTION: 12/02/2009
SITE CODE: 1410350003
CIVIL PENALTY: \$3,750 (50% of \$7,500 penalty to IEPA)

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



**OGLE COUNTY
SOLID WASTE MANAGEMENT DEPARTMENT**

909 W. Pines Road
Oregon, IL 61061-9067
815-732-4020
FAX: 815-732-3709
www.oglecountysolidwaste.org

State of Illinois, Ogle County

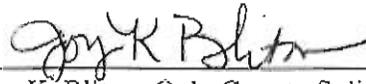
Affidavit

| | | |
|-------------------|---|---------|
| County of Ogle |) | |
| |) | |
| Complainant, |) | |
| |) | AC No.: |
| v. |) | |
| |) | |
| Richard Haan, Jr. |) | |
| |) | |
| Respondent |) | |

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, December 2, 2009 between 11:05 am and 11:12 am, Affiant conducted an inspection of an open dump operated without an Agency permit, located in Ogle County, Illinois and known as Mt. Morris Estates Trailer Park by the Illinois Environmental Protection Agency. Said site has been assigned Site Code No. 1410350003 by the Agency.

3. Affiant inspected said Mt. Morris Estates Trailer Park site by an on-site inspection which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Reports 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 Mt. Morris Estates Trailer Park.

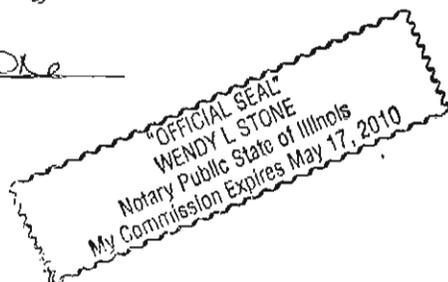


Joy K. Bliton, Ogle County Solid Waste
Management Department

Subscribed and Sworn to Before Me

this 26 Day of January 2010

Wendy L. Stone
Notary Public



LPC # 1410350003

Inspection Date: 12/02/2009

| | | | |
|--|------------|---|-------------------------------------|
| | (7) | Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b) | <input checked="" type="checkbox"/> |
| 9. | 55(a) | NO PERSON SHALL: | |
| | (1) | Cause or Allow Open Dumping of Any Used or Waste Tire | <input type="checkbox"/> |
| | (2) | Cause or Allow Open Burning of Any Used or Waste Tire | <input type="checkbox"/> |
| 10. | 55(k) | NO PERSON SHALL: | |
| | (1) | Cause or Allow Water to Accumulate in Used or Waste Tires | <input type="checkbox"/> |
| | (4) | Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements | <input type="checkbox"/> |
| 35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G | | | |
| 11. | 812.101(a) | FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL | <input checked="" type="checkbox"/> |
| 12. | 722.111 | HAZARDOUS WASTE DETERMINATION | <input type="checkbox"/> |
| 13. | 808.121 | SPECIAL WASTE DETERMINATION | <input type="checkbox"/> |
| 14. | 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 | | | |
| 15. | | APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON: | <input type="checkbox"/> |
| 16. | OTHER: | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- 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: December 2, 2009

Inspector: J.K. Bliton

Site Code: 1410350003

County: Ogle

Site Name: Mt. Morris Estates Trailer Park

Time: 11:05 am – 11:12 am

General Remarks

I arrived at the Mt. Morris Estates Trailer Park. The pile of construction and demolition waste noted in the previous inspection on November 24, 2009, had been burned to the ground and was still smoldering. I noted a paint can, aluminum, vinyl, construction and demolition waste and metal. There were no barriers in place to limit access to the burn pile. I took photos and left the site.

This site has had a problem with open dumping and open burning off and on since 1991. Richard Haan, Jr. received two Administrative Citations in 1992 for open dumping and open burning: AC 92-29 (inspection date 02/05/1992) and AC 92-38 (inspection date 03/16/1992).

Richard Haan, Jr. has also received ACWN's for open burning and open dumping dated, June 22, 2009, April 5, 2007, January 24, 2002, February 20, 1996, and March 13, 1992.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

Date of Inspection: 12/2/2009

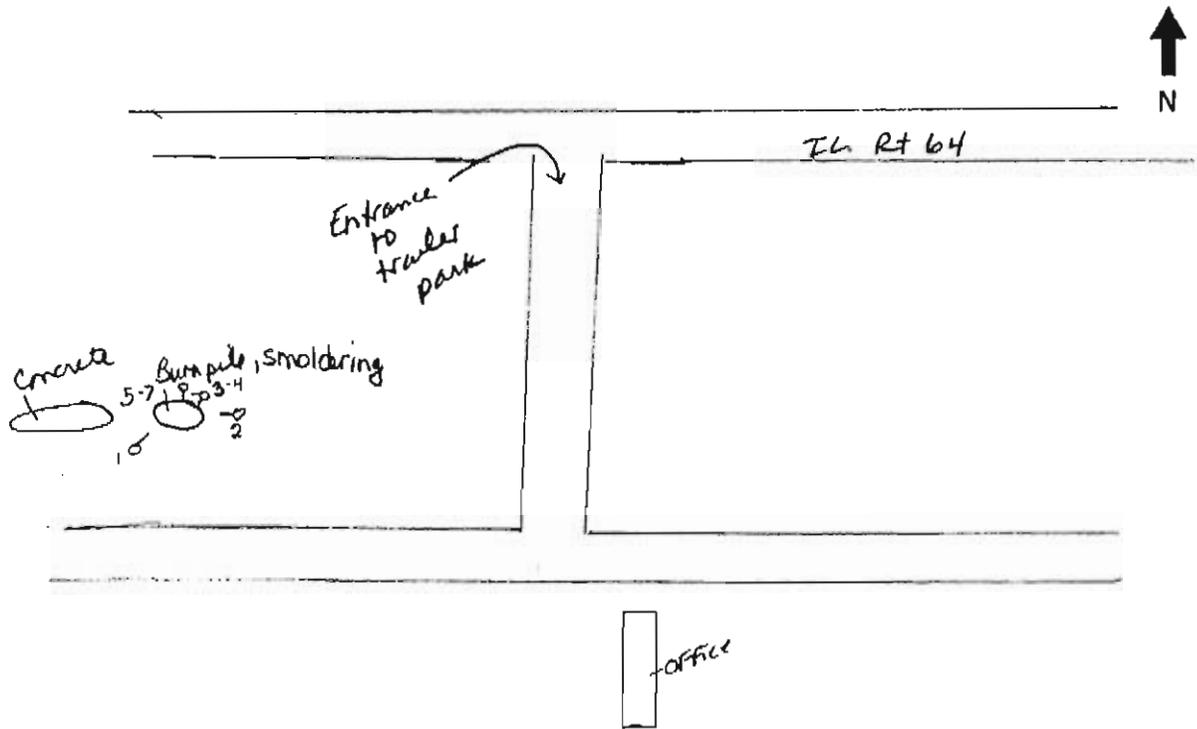
Inspector: Joy Bliton

Site Code: 141035003

County: Ogle County

Site Name: Mt. Morris Estates Trailer Park

Time: 11:05am - 11:12am



Not to Scale



DIGITAL PHOTOGRAPHS

File Names: 141035003 ~ 12022009



Date: 12/02/2009
Time: 11:09 am
Direction: NE
Photo by: Joy Bliton
Exposure #: 0001
Comments: Burn pile smoldering.



Date: 12/02/2009
Time: 11:09 am
Direction: W
Photo by: Joy Bliton
Exposure #: 0002
Comments: Burn pile smoldering.



Illinois Environmental Protection Agency
Bureau of Land

LPC #141035003 — Ogle County
Site: Mt. Morris Estates Trailer Park

DIGITAL PHOTOGRAPHS

File Names: 141035003 ~ 12022009



Date: 12/02/2009
Time: 11:09 am
Direction: SW
Photo by: Joy Bliton
Exposure #: 0003
Comments: Construction and demolition waste in burn pile.



Date: 12/02/2009
Time: 11:09 am
Direction: W
Photo by: Joy Bliton
Exposure #: 0004
Comments: Paint cans and construction and demolition waste.



DIGITAL PHOTOGRAPHS

File Names: 141035003 ~ 12022009



Date: 12/02/2009

Time: 11:09 am

Direction: S

Photo by: Joy Bliton

Exposure #: 0005

Comments: Paint can and construction
and demolition waste.



Date: 12/02/2009

Time: 11:09 am

Direction: S

Photo by: Joy Bliton

Exposure #: 0006

Comments: Metal, aluminum,
construction and demolition waste.



Illinois Environmental Protection Agency
Bureau of Land

LPC #141035003 — Ogle County
Site: Mt. Morris Estates Trailer Park

DIGITAL PHOTOGRAPHS

File Names: 141035003 ~ 12022009



Date: 12/02/2009

Time: 11:10 am

Direction: S

Photo by: Joy Bliton

Exposure #: 0007

Comments: Insulation, metal,
construction and demolition waste.

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

| | | |
|--------------------|---|---|
| COUNTY OF OGLE, |) | |
| |) | Facility # 1410350003 – Ogle County |
| |) | |
| COMPLAINANT, |) | Facility: Mt. Morris Estates Trailer Park |
| |) | |
| |) | |
| v. |) | COMPLIANCE FILE |
| |) | |
| RICHARD HAAN, JR., |) | |
| |) | |
| RESPONDENT |) | |

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 Section 21(p) 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 By February 19, 2010 remove all waste and ash 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 February 25, 2010 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, IL 61061

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 contact OCSWMD at 815-732-4020.

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

| | | |
|--------------------|---|-----|
| COUNTY OF OGLE, |) | |
| |) | |
| COMPLAINANT, |) | |
| |) | |
| v. |) | AC# |
| |) | |
| RICHARD HAAN, JR., |) | |
| |) | |
| RESPONDENT |) | |

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 Richard Haan, Jr., 3747 W. Illinois Route 64, Lot 17, Mt. Morris, Illinois 61054, by United States Mail (Certified Mail, postage pre-paid and deposited in the United States Mail) from Oregon, IL on January 28, 2010.

John B. Roe
Ogle County State's Attorney

Date: 1/28/10

By [Signature]
Scott P. Robinson, Assistant State's Attorney
Ogle County

Subscribed and sworn to before me this 28 day of January, 2010

[Signature]
Notary Public

