



ERIC D. MORROW
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St., Suite 110
OREGON, ILLINOIS 61061

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December 22, 2015

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

Re: Administrative Citation –Wilson, Larry
AC 15-
IEPA-LPC Site: #1418155009
Wilson, Larry
Inspection Date: October 29, 2015

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation packet issued against Larry K. Wilson. This is the first of three separate Administrative Citations which will be filed against Mr. Wilson.

The respondent's mailing address is 2116 Everett Street, Mt. Morris, IL 61054. Upon receipt of proof of service herein, I will forward same to you. The site is known as Wilson, Larry.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Morrow".

Eric Morrow,
Ogle County State's Attorney

Enclosures

C: IEPA Rockford
IEPA Springfield
OCSWMD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF OGLE)	
)	
Complainant,)	
)	
v.)	AC 15-
)	
LARRY K. WILSON,)	
)	
Respondent)	

NOTICE OF FILING

TO: Larry K. Wilson, 2116 Everett Street, 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.



 Eric Morrow,
 Ogle County State's Attorney

12/22/15

 Date

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF OGLE,)	
)	
Complainant,)	
)	
v.)	AC 15-
)	
LARRY K. WILSON,)	
)	
Respondent.)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Ogle.



 Eric Morrow,
 Ogle County State's Attorney

Ogle County State's Attorney
 106 S. 5th Street, Suite 110
 Oregon, IL 61061
 815-732-1170
 Fax: 815-732-3551

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

COUNTY OF OGLE)	
)	
Complainant,)	
)	
v.)	AC 15-
)	
LARRY K. WILSON,)	
)	
Respondent)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2004), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondent, Larry K. Wilson, is the present owner of a facility located in the County of Ogle, State of Illinois.
2. The facility, located at 4225 W. IL Rte. 64, Mt. Morris, IL, is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #1418155009. The facility is known to the Agency as Wilson, Larry.
3. That Respondent, Larry K. Wilson, has controlled and/or operated the facility at all relevant times hereto.
4. That on the morning of October 29, 2015, Mt. Morris Fire Chief, Robert Hough IV, contacted the OCSWMD by email to inform them that they were again dispatched to the aforementioned site for a fire at 10:30 p.m. the previous night (October 28, 2015).

5. That on October 29, 2015, Paul Cooney, Solid Waste Management Specialist, and Stephen J. Rypkema, Director, Ogle County Solid Waste Management Department (OCSWMD), returned to the site to inspect it after acquiring an Administrative Search Warrant to do so.

VIOLATIONS

On the basis of direct observation by Paul Cooney and Stephen Rypkema, and the report submitted by the Mt. Morris Fire Department it was determined that the Respondent has caused or allowed open dumping and open burning 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 littering in violation of 415 ILCS 5/21(p)(1) on or about October 28, 2015.
2. The Respondent has caused or allowed open burning in violation of 415 ILCS 5/21(p)(3) on or about October 28, 2015.
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) on or about October 28, 2015.

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondent is subject to a civil penalty of \$1,500.00 for each violation specified above. This is a total of \$4,500.00 for this Administrative Citation. 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 and Ogle County.

The hearing cost would be in addition to the fine.

If you acknowledge 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 you do 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 you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, checks shall be made payable in equal amounts (\$2,250, or 50% of the total penalty each) to:

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

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. 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 interest, if any, the Ogle County State's Attorney may seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with the Ogle County State's Attorney. **Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.**

Your original Petition must be filed with the Clerk of the Board at:

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

A copy must also be sent to:

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

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

DATED: 12/22/15


Eric Morrow,
Ogle County State's Attorney

C: IEPA Rockford
IEPA Springfield
OCSWMD File
Ogle County State's Attorney 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, IL 60601

The two county entities are: Ogle County State's Attorney Office
Attention: Eric Morrow, State's Attorney
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 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 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, 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.

REMITTANCE FORM #1

COUNTY OF OGLE)	
)	
Complainant,)	
)	
v.)	AC 15-
)	
LARRY K. WILSON,)	
)	
Respondent)	

FACILITY: Wilson, Larry

COUNTY: Ogle

DATE OF INSPECTION: 10/29/2015

SITE CODE: 1418155009

CIVIL PENALTY: \$2,250 (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

COUNTY OF OGLE)	
)	
Complainant,)	
)	
v.)	AC 15-
)	
LARRY K. WILSON,)	
)	
Respondent)	

FACILITY: Wilson, Larry

COUNTY: Ogle

DATE OF INSPECTION: 10/29/2015

SITE CODE: 1418155009

CIVIL PENALTY: \$2,250 (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

State of Illinois, Ogle County

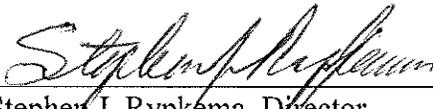
Affidavit

COUNTY OF OGLE)	
)	
Complainant,)	
)	AC No.: 15-
v.)	
)	
LARRY K. WILSON)	
)	
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, October 29, 2015, between 11:43 a.m. and 12:02 p.m., Affiant conducted an inspection of an open dump operated without an Agency permit, located in Ogle County, Illinois and known as Wilson, Larry by the Illinois Environmental Protection Agency. Said site has been assigned Site Code No. 14I8I55009 by the Agency.
3. Affiant inspected said Wilson, Larry open dump site by an on-site inspection with Paul Cooney, Ogle County Solid Waste Management Specialist and Deputy Jason Clark, Ogle County Sheriff Department which included walking and photographing the site.

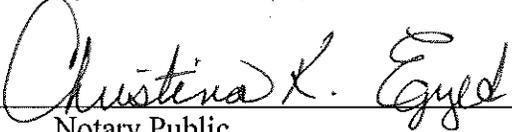
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said the Wilson, Larry open dump site.



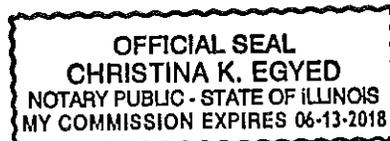
Stephen J. Rypkema, Director
Ogle County Solid Waste Management Department

Subscribed and Sworn to Before Me

this 22nd Day of December, 2015



Notary Public



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

County: Ogle LPC#: 1418155009 Region: 1 - Rockford
 Location/Site Name: Mt. Morris/Wilson, Larry
 Date: 10/29/2015 Time: From 11:43 am To 12:05 pm Previous Inspection Date: 10/28/2015
 Inspector(s): Paul Cooney/Steve Rypkema Weather: 42 degrees, cloudy, winds W @ 15 mph
 No. of Photos Taken: # 29 Est. Amt. of Waste: 600 yds³ Samples Taken: Yes # No
 Interviewed: Larry K. Wilson Complaint #: 3132
 Latitude: Longitude: Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s):	Larry K. Wilson 2116 Everett Street Mt. Morris, IL 61054
--	--

	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 checked="" 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 AND REGULATIONS	<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"/>
	(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"/>

LPC # 1418155009

Inspection Date: 10/29/2015

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"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	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	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
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: 10/29/2015 Inspector(s): Paul Cooney, Solid Waste Mgmt.
Specialist & Steve Rypkema, Director

Site Code: 1418155009 County: Ogle

Site Name: Wilson, Larry Time: 11:43 am – 12:05 pm

General Remarks

On October 27, 2015, the Ogle County Solid Waste Management Department (OCSWMD) received a complaint regarding the demolition of a barn and the open burning of the debris from the barn on October 26, 2015 from Chief Robert Hough IV, Mt. Morris Fire Department. The location of this incident is 4225 W. IL Rte. 64 in Mt. Morris, Illinois on a series of parcels all owned by Larry K. Wilson. That complaint was inspected by OCSWMD on October 28, 2015 and is addressed in a separate inspection report for that date. During that investigation Mr. Wilson denied permission for us to inspect the property and told us to leave his property.

After returning to the office, Paul Cooney contacted the Ogle County State's Attorney, Eric Morrow to obtain the administrative search warrant. At 4:15 p.m. the OCSWMD obtained the warrant to complete the inspection of Mr. Wilson's property.

On the morning of October 29, 2015, Chief Hough contacted the OCSWMD by email to inform them that they were again dispatched to the L. Wilson property for a fire at 10:30 p.m. last night (10/28/15). Building material was burning at the same location as the fire on 10/26/15, and the fire department proceeded to extinguish the fire (See Attachment A, Mt. Morris Fire Department Incident Report).

On October 29, 2015, S. Rypkema and P. Cooney went to the site to issue the warrant and complete an inspection. We were accompanied by Sheriff's Deputy Jason Clark to ensure our safety during the inspection. We arrived at 11:43 a.m. It appeared as though more debris from the barn had been burned and the large ash pile was still smoldering. We drove to the maintenance garage since it appeared someone was working in that area. The man working knew Mr. Wilson but was unaware of his location. This man did not appear to be involved in the demolition of the barn or burning of the debris. From this location we could observe the foundation of the old barn and demolition debris from the old barn. There was still an estimated 200 cubic yards of waste remaining in the barn foundation. There were tracks of vehicles all over the area and leading from the demolition area to the smoldering ash pile. Photos #1-4.

We then drove over to the burn area. In the center there was a very large ash pile with metal, rocks, and bricks mixed in. The pile was smoldering and produced a very distinctive smell that indicated that materials besides just clean wood had been burned. The ash pile was roughly 5 feet high. The overall dump/burn pile was roughly 60 feet by 45 feet. The burn area was in the middle and unburned demolition debris and other waste was piled around the south, west, and north sides of the burn area. The debris was mainly broken wood debris, some painted, from the barn. In addition to the wood debris, I observed a window frame, several metal objects, wire, pipes, springs from a burned piece of furniture, a snowmobile track, a mattress, plastic, a tarp or tent, and other waste. An estimated 300 cubic yards of waste and ash remained. Photos #5-24.

During our inspection Mr. Wilson drove up and approached Steve and Deputy Clark. Steve gave Mr. Wilson the warrant and brochures detailing the regulations involving open burning of waste and the proper demolition of buildings. He read the warrant and gave it back to Steve, who stated that it was his copy to keep. Steve warned him not to burn any more waste and told him he would need to properly dispose of all remaining waste at a permitted landfill, and would need to submit receipts documenting this to the OCSWMD.

Steve asked Mr. Wilson if he had started the fire the previous night and he said "No." Steve asked if the fire department had come out to extinguish the fire and he said "I don't know". He added that his attorney told him he does not need to answer any questions. I asked him who his attorney was and he did not answer me. Steve told Mr. Wilson not to burn any more of the waste and that the OCSWMD will be pursuing violations against him. Mr. Wilson told Steve to leave the property once the inspection was completed and not to return without a warrant.

Mr. Wilson left at roughly 12:00 p.m. Steve and I proceeded to a large pile of broken concrete which had been dumped north of the burn pile near IL Rte. 64. This pile contained very large pieces of concrete some of which had rebar protruding from them. There were also pieces of concrete with lumber attached and what appeared to be rusty wheel rims and axles within the pile of broken concrete.

We left the site at 12:05 p.m.

Alleged Violations

1. Pursuant to Section 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: On October 28, 2015, Respondent caused and/or allowed air pollution by the burning of demolition waste from a barn which was demolished on this property.

Evidence of this fire, still smoldering, is shown in the inspection photos.

2. Pursuant to Section 9(c) of the Act , in relevant part, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: On October 28, 2015, Respondent caused or allowed the open burning of refuse and demolition waste from a barn which was demolished on this property.

Evidence of this fire, still smoldering, is shown in the inspection photos.

3. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: Respondent has caused and/or allowed the open dumping of demolition debris and other waste at various locations on this property.

4. Pursuant to Section 21(d)(1) of the Act , in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: Respondent is conducting a waste storage and disposal operation at this property without an Agency permit.

5. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: Respondent was conducting a waste storage and disposal operation on this property in violation of standards set forth in the Act.

6. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e))

is alleged for the following reason: Respondent has used the property as an unpermitted waste storage and disposal site, and as such, this site does not meet the standards set forth in the Act.

7. Pursuant to Section 21(p)(1),(3)&(7) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(1),(3)&(7)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

- (1) litter;
- (3) open burning;
- (7) deposition of:
 - (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
 - (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

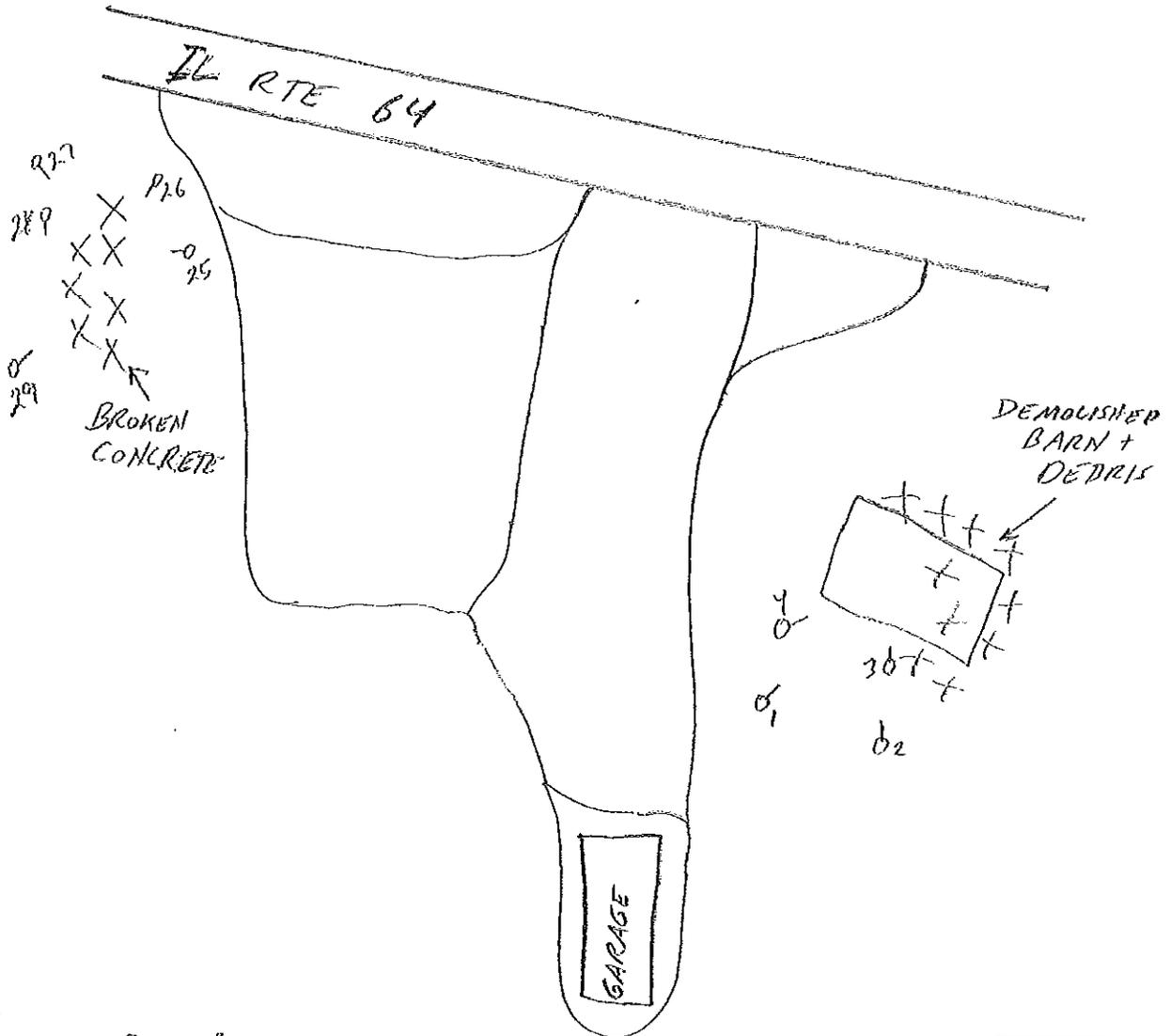
The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

Violations of Section 21(p)(1), (3) & (7) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(1), (3) & (7)) are alleged for the following reasons: Respondent has caused and/or allowed litter, open burning and deposition of general construction and demolition debris upon this property by openly dumping and burning of waste generated as a result of the demolition of a barn on the property.

State of Illinois
Environmental Protection Agency

SITE SKETCH FORM

Date of Inspection: 10/29/15 Inspector: PAUL COONEY/STEWART KISMA
Site Code: 1418155009 County: Ogle County
Site Name: WILSON, LARRY Time: 11:43AM - 12:02 PM



BURN PILES / DEBRIS

↑
North

Not drawn to scale

Numbers denote photo location & direction



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:51 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0001
Comments: Site of demolished barn and remaining waste not yet moved to burn pile.



Date: 10/29/2015
Time: 11:51 am
Direction: N
Photo by: Paul Cooney
Exposure #: 0002
Comments: Site of demolished barn and remaining waste not yet moved to burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:51 am
Direction: N
Photo by: Paul Cooney
Exposure #: 0003
Comments: Site of demolished barn and remaining waste not yet moved to burn pile.



Date: 10/29/2015
Time: 11:51 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0004
Comments: Site of demolished barn and remaining waste not yet moved to burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 0005
Direction: SW
Photo by: Paul Cooney
Exposure #: 0005
Comments: Demolition debris and burn area.



Date: 10/29/2015
Time: 11:53 am
Direction: W
Photo by: Paul Cooney
Exposure #: 0006
Comments: Bricks, wood, a window frame and ash pile.

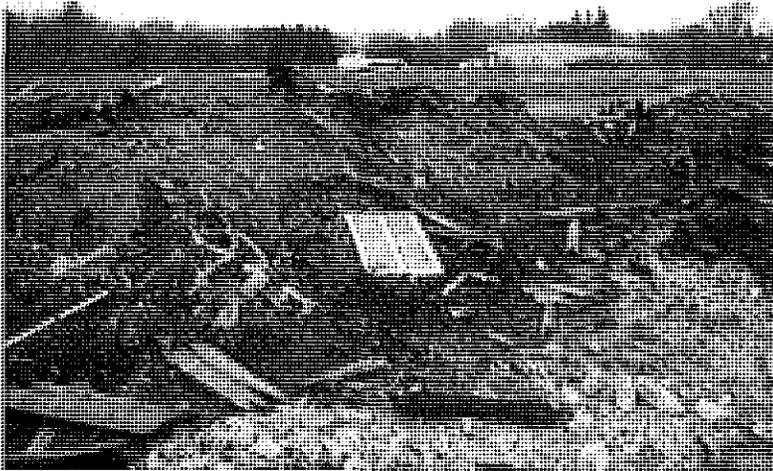


Illinois Environmental Protection Agency
Bureau of Land

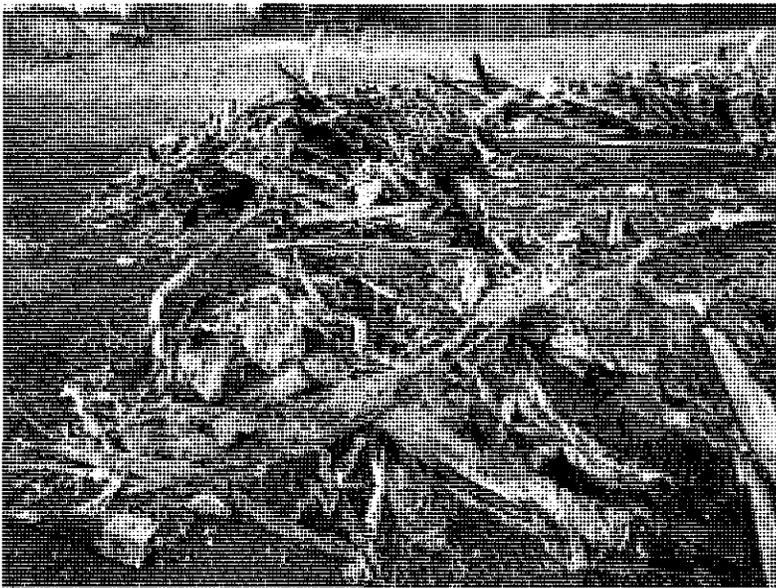
LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:54 am
Direction: NW
Photo by: Paul Cooney
Exposure #: 0007
Comments: Large ash pile with other waste mixed in.



Date: 10/29/2015
Time: 11:54 am
Direction: Down
Photo by: Paul Cooney
Exposure #: 0008
Comments: Remnants of burned furniture and unburned demolition debris.

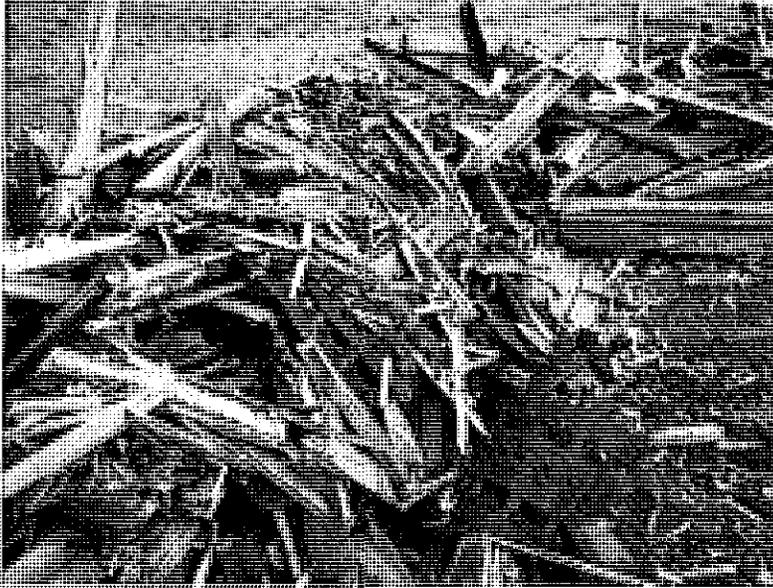


Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:54 am
Direction: Down
Photo by: Paul Cooney
Exposure #: 0009
Comments: Demolished barn material
and snowmobile track.



Date: 10/29/2015
Time: 11:54 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0010
Comments: Demolished barn material
and other waste including a mattress.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015

Date: 10/29/2015
Time: 11:54 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0011
Comments: Ash pile and unburned
construction and demolition debris.



Date: 10/29/2015
Time: 11:55 am
Direction: Down
Photo by: Paul Cooney
Exposure #: 0012
Comments: Snowmobile track and other
waste at edge of burn pile.





Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:55 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0013
Comments: Smoldering ash pile and partially burned debris.



Date: 10/29/2015
Time: 11:55 am
Direction: NE
Photo by: Paul Cooney
Exposure #: 0014
Comments: Smoldering ash pile and partially burned debris.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:55 am
Direction: Down
Photo by: Paul Cooney
Exposure #: 0015
Comments: Wood, some burned, and other waste at edge of burn pile.



Date: 10/29/2015
Time: 11:55 am
Direction: S
Photo by: Paul Cooney
Exposure #: 0016
Comments: Large ash pile, metal, and other waste.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015

Date: 10/29/2015

Time: 11:56 am

Direction: SE

Photo by: Paul Cooney

Exposure #: 0017

Comments: Smoldering ash, demolition debris and other waste.



Date: 10/29/2015

Time: 11:56 am

Direction: S

Photo by: Paul Cooney

Exposure #: 0018

Comments: Overview of open dump and burn area.





Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015

Time: 11:56 am

Direction: SE

Photo by: Paul Cooney

Exposure #: 0019

Comments: Overview of open dump and
burn area.



Date: 10/29/2015

Time: 11:56 am

Direction: S

Photo by: Paul Cooney

Exposure #: 0020

Comments: Mattress and other waste in
the demolition debris.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:57 am
Direction: SE
Photo by: Paul Cooney
Exposure #: 0021
Comments: Large ash pile at center of
burn pile.



Date: 10/29/2015
Time: 11:57 am
Direction: E
Photo by: Paul Cooney
Exposure #: 0022
Comments: Large ash pile at center of
burn pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 11:57 am
Direction: Down
Photo by: Paul Cooney
Exposure #: 0023
Comments: Metal debris at edge of burn pile.



Date: 10/29/2015
Time: 11:57 am
Direction: N
Photo by: Paul Cooney
Exposure #: 0024
Comments: Large burn area and unburned demolition debris.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 12:01 pm
Direction: W
Photo by: Paul Cooney
Exposure #: 0025
Comments: General and clean
construction demolition debris pile.



Date: 10/29/2015
Time: 12:01 pm
Direction: SW
Photo by: Paul Cooney
Exposure #: 0026
Comments: General and clean
construction demolition debris pile.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015
Time: 12:01 pm
Direction: SE
Photo by: Paul Cooney
Exposure #: 0027
Comments: General and clean
construction demolition debris pile.



Date: 10/29/2015
Time: 12:02 pm
Direction: S
Photo by: Paul Cooney
Exposure #: 0028
Comments: Metal and other waste
mixed with concrete blocks.



Illinois Environmental Protection Agency
Bureau of Land

LPC #1418155009 — Ogle County
Site: Wilson, Larry

DIGITAL PHOTOGRAPHS

File Names: 1418155009~10292015



Date: 10/29/2015

Time: 12:02 pm

Direction: NE

Photo by: Paul Cooney

Exposure #: 0029

Comments: General and clean
construction and demolition debris pile.

A		MM DD YYYY	Delete <input type="checkbox"/>		NFIRS -1
OA173 FDID *	IL State *	10 28 Incident Date *	1 Station	15-0000111 Incident Number *	000 Exposure *
B Location*		<input type="checkbox"/> Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires.			
<input checked="" type="checkbox"/> Street address <input type="checkbox"/> Intersection <input type="checkbox"/> In front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions		4225 [W] State Route 64 Number/Milepost Prefix Street or Highway Street Type Suffix Mt Morris [IL] 61054 Apt./Suite/Room City State Zip Code Cross street or directions, as applicable			
C Incident Type *		E1 Date & Times		E2 Shift & Alarms	
151 Outside rubbish, trash or waste		Midnight is 0000 Check boxes if dates are the same as Alarm <input type="checkbox"/> ALARM always required Date: Alarm * 10 28 2015 22:32:00 ARRIVAL required, unless canceled or did not arrive <input checked="" type="checkbox"/> Arrival * 10 28 2015 22:38:00 CONTROLLED Optional, Except for wildland fires <input type="checkbox"/> Controlled LAST UNIT CLEARED, required except for wildland fires <input checked="" type="checkbox"/> Last Unit Cleared 10 28 2015 23:44:00		Local Option <input checked="" type="checkbox"/> R [] [] 003 Shift or Alarms District Platoon	
D Aid Given or Received*		E3 Special Studies			
1 <input type="checkbox"/> Mutual aid received 2 <input type="checkbox"/> Automatic aid recv. 3 <input type="checkbox"/> Mutual aid-given 4 <input type="checkbox"/> Automatic aid given 5 <input type="checkbox"/> Other aid given N <input checked="" type="checkbox"/> None		Local Option <input type="checkbox"/> [] [] Special Study ID# Special Study Value			
F Actions Taken *		G1 Resources *		G2 Estimated Dollar Losses & Values	
11 Extinguishment by fire Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)		<input type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used. Apparatus Personnel Suppression 0005 0013 EMS Other <input type="checkbox"/> Check box if resource counts include aid received resources.		LOSSES: Required for all fires if known. Optional for non fires. None Property \$ [] [] 000 [] 000 <input checked="" type="checkbox"/> Contents \$ [] [] 000 [] 000 <input checked="" type="checkbox"/> PRE-INCIDENT VALUE: optional Property \$ [] [] 000 [] 000 <input type="checkbox"/> Contents \$ [] [] 000 [] 000 <input type="checkbox"/>	
Completed Modules		H1* Casualties		H3 Hazardous Materials Release	
<input type="checkbox"/> Fire-2 <input type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Cas.-4 <input type="checkbox"/> Fire Serv. Cas.-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input checked="" type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11		<input type="checkbox"/> None Deaths Injuries Fire Service Civilian H2 Detector Required for Confined Fires. 1 <input type="checkbox"/> Detector alerted occupants 2 <input type="checkbox"/> Detector did not alert them U <input type="checkbox"/> Unknown		<input type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas: slow leak, no evacuation or HazMat actions 2 <input type="checkbox"/> Propane gas: <21 lb. tank (as in home BBQ grill) 3 <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container 4 <input type="checkbox"/> Kerosene: fuel burning equipment or portable storage 5 <input type="checkbox"/> Diesel fuel/fuel oil: vehicle fuel tank or portable 6 <input type="checkbox"/> Household solvents: home/office spill, cleanup only 7 <input type="checkbox"/> Motor oil: from engine or portable container 8 <input type="checkbox"/> Paint: from paint cans totaling < 55 gallons 0 <input type="checkbox"/> Other: Special HazMat actions required or spill > 55gal., Please complete the HazMat form	
J Property Use*		I Mixed Use Property			
Structures 131 <input type="checkbox"/> Church, place of worship 161 <input type="checkbox"/> Restaurant or cafeteria 162 <input type="checkbox"/> Bar/Tavern or nightclub 213 <input type="checkbox"/> Elementary school or kindergarten 215 <input type="checkbox"/> High school or junior high 241 <input type="checkbox"/> College, adult education 311 <input type="checkbox"/> Care facility for the aged 331 <input type="checkbox"/> Hospital Outside 124 <input type="checkbox"/> Playground or park 655 <input type="checkbox"/> Crops or orchard 669 <input type="checkbox"/> Forest (timberland) 7 <input type="checkbox"/> Outdoor storage area 19 <input type="checkbox"/> Dump or sanitary landfill 931 <input checked="" type="checkbox"/> Open land or field		NN <input type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly use 20 <input type="checkbox"/> Education use 33 <input type="checkbox"/> Medical use 40 <input type="checkbox"/> Residential use 51 <input type="checkbox"/> Row of stores 53 <input type="checkbox"/> Enclosed mall 58 <input type="checkbox"/> Bus. & Residential 59 <input type="checkbox"/> Office use 60 <input type="checkbox"/> Industrial use 63 <input type="checkbox"/> Military use 65 <input type="checkbox"/> Farm use 00 <input type="checkbox"/> Other mixed use 341 <input type="checkbox"/> Clinic, clinic type infirmary 342 <input type="checkbox"/> Doctor/dentist office 361 <input type="checkbox"/> Prison or jail, not juvenile 419 <input type="checkbox"/> 1-or 2-family dwelling 429 <input type="checkbox"/> Multi-family dwelling 439 <input type="checkbox"/> Rooming/boarding house 449 <input type="checkbox"/> Commercial hotel or motel 459 <input type="checkbox"/> Residential, board and care 464 <input type="checkbox"/> Dormitory/barracks 519 <input type="checkbox"/> Food and beverage sales 539 <input type="checkbox"/> Household goods, sales, repairs 579 <input type="checkbox"/> Motor vehicle/boat sales/repair 571 <input type="checkbox"/> Gas or service station 599 <input type="checkbox"/> Business office 615 <input type="checkbox"/> Electric generating plant 629 <input type="checkbox"/> Laboratory/science lab 700 <input type="checkbox"/> Manufacturing plant 819 <input type="checkbox"/> Livestock/poultry storage (barn) 882 <input type="checkbox"/> Non-residential parking garage 891 <input type="checkbox"/> Warehouse 936 <input type="checkbox"/> Vacant lot 938 <input type="checkbox"/> Graded/care for plot of land 946 <input type="checkbox"/> Lake, river, stream 951 <input type="checkbox"/> Railroad right of way 960 <input type="checkbox"/> Other street 961 <input type="checkbox"/> Highway/divided highway 962 <input type="checkbox"/> Residential street/driveway		981 <input type="checkbox"/> Construction site 984 <input type="checkbox"/> Industrial plant yard Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use 931 Open land or field NFIRS-1 Revision 03/11/99	

K1 Person/Entity Involved Local Option Business name (if applicable) Area Code Phone Number

Check this Box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code

More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner Same as person involved? Then check this box and skip The rest of this section. Business name (if Applicable) Area Code Phone Number

Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code

L Remarks Local Option

Mt. Morris Village Police Officer Sutter was on routine patrol and found a pile of what appeared to building debris burning on the property at 4225 W. IL Ste Rte 64. Officer Sutter knew that the property owner had been cited early in the day by Police Chief White for illegal burning on the property. Officer Sutter had the fire department dispatched to extinguish the fire. Chief Hough (95791) arrived on scene and assumed Command. Command spoke briefly to Officer Sutter and then proceeded to the area burning. Command noticed an area approximately 50' by 50' with pockets of fire burning in what appeared to be debris from a demolished building. There was a large amount of sawn dimensional lumber in various sizes and lengths. Most had nails and metal fasteners consistent with fasteners used in a structure. At this point Brush Co. 5765 arrived and Command directed them to extinguish the fire in the material. Tender Co. 5765 was directed to stage just inside the property and set up to feel 5765. Engine Co. 5702 staged near 5776 and their man power was sent to the fire to help separate the burned and unburned material to aid in suppression. 5765 went through several tanks of water throughout the suppression process. Co's operated on the scene for shortly over a hour. After the fire was extinguished in the material Co's made up and Command was terminated. Co's returned to quarters and were readied for service. Roll was called at 0:00 hrs.

10/29/2015 10:06:17 ROB HOUGH

L Authorization

Officer in charge ID Signature Position or rank Assignment Month Day Year

Officer Member making report ID in charge. Signature Position or rank Assignment Month Day Year

NOTICE OF CORRECTIVE ACTION REQUIRED FOR OPEN DUMPS

COUNTY OF OGLE,

Complainant

v.

LARRY K. WILSON,

Respondent

Facility # 1418155009 – Ogle County

Facility Name: Wilson, Larry

COMPLIANCE FILE

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 of waste.
- #2 Immediately cease all open burning of waste.
- #3 Do not bury any waste.
- #4 By January 25, 2016, remove and haul all remaining waste to an Illinois permitted landfill or transfer station. Waste includes any remaining debris from the demolition of the barn, including wood, roofing materials, doors, windows, fasteners, electrical components, ash from the previous open burning of demolition debris, and scrap metal. Scrap metal not disposed of at a permitted landfill can be taken to a scrap metal facility or recycling center.
- #5 By January 25, 2016, all buried waste from this site must be uncovered and taken for disposal to an Illinois permitted landfill or transfer station. Contaminated soil (soil mixed with waste) must also be taken to an Illinois permitted landfill or transfer station for disposal.

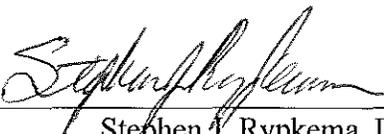
- #6 Areas where buried waste has been removed may not be refilled until inspected by and approval given by the Ogle County Solid Waste Management Department (OCSWMD).
- #7 Clean concrete may be used as fill material provided the material meets the standard for clean construction and demolition debris used as fill material in the Act (Sec 3.160 (b)). Clean construction and demolition debris is defined as uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities. Clean construction and demolition debris may be used as fill material provided it is used outside of a setback zone, placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and is covered by sufficient uncontaminated soil to support vegetation within 30 days of completion of the filling or if it is covered by a road or structure.
- #8 During the clean-up of this property, document the proper disposal of wastes with receipts from hauling companies and/or landfills. Photographs may also be used to document the proper disposal of waste and use of clean construction and demolition debris.
- #9 Contact the OCSWMD to schedule a re-inspection of the property to verify proper waste disposal and compliance with regulations regarding clean fill operations.
- #10 By February 1, 2016, submit to the OCSWMD copies of receipts that document the proper disposal or recycling of 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.



Stephen J. Rypkema, Director

Date: 12/22/15

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

The undersigned being first duly sworn on oath, depose and state that a copy of the foregoing Administrative Citation with attachments was served upon the following:

Larry Wilson
2116 Everett Street
Mt. Morris, IL 61054

by enclosing the same in an envelope addressed to such party at his/her above address by certified mail return receipt requested with the postage fully prepaid, by depositing said envelope in a United States Post Office mailbox in Oregon, Illinois, on the 22nd day of December, 2015 and by sending said Administrative Citation with attachments to the Ogle County Sheriff for personal service on the above named party.

Christina K. Eged

Subscribed and sworn before me
this 22nd day of December, 2015.



Notary Public

