

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE	)	
	)	
Complainant	)	
	)	
v.	)	
	)	
JEFFREY SCHUSTER	)	AC NO. _____
	)	
Respondent	)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

FACTS

1. That Respondent, Jeffrey Schuster, is the present owner and/or operator of property located in Dimmick Township, LaSalle County, Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998295005. Said facility is commonly known to the Agency as the Schuster Property
3. That the Respondent has owned and/or operated said facility since April 26, 2013.
4. That on August 10, 2018, Brian Gift, Director, LaSalle County Department of Environmental Services and Land Use, under the authority of the Illinois Environmental Protection Agency, inspected the above described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

**VIOLATIONS**

5. On the basis of direct observations of Brian Gift of the LaSalle County Department of Environmental Services and Land Use, it has been determined that the Respondents have caused or allowed open dumping at the above described facility in a manner which results in the following occurrences:

That on August 10, 2018, an on-site inspection of said facility disclosed the following:

- XXX          Causing or allowing litter -- 415 ILCS 5/21 (p) (1), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (1) [formerly par. 1021 (q) (1)]).
- XXX          Causing or allowing scavenging operations -- 415 ILCS 5/21 (p) (2), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 102 (p) (2) [formerly par. 1021 (q) (2)]).
- Causing or allowing open burning -- 415 ILCS 5/21 (p) (3), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (3) [formerly par. 1021 (q) (3)]).
- Causing or allowing the deposition of waste in standing or flowing waters -- 415 ILCS 5/21 (p) (4), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (4) [formerly par. 1021 (q) (4)]).
- Causing or allowing proliferation of disease vectors -- 415 ILCS 5/21 (p) (5), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (5) [formerly par. 1021 (q) (5)]).
- Causing or allowing the generation of standing or flowing liquid discharge from the open dump site -- 415 ILCS 5/21 (p) (6), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (6) [formerly par. 1021 (q) (6)]).
- Causing or allowing the deposition of general construction or demolition debris, or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

**CIVIL PENALTY**

6. Pursuant to 415 ILCS 5/42 (b) (4), formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1042 (b) (4), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each violation specified above in Paragraph 5(b) for a total of three Thousand Dollars (\$3000.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each finding of violation.
7. If you acknowledge the violations cited herein above, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service hereof. If you do not petition the Illinois Pollution Control Board of review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.
8. When payment is made, one check should be made payable to the **LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE** and mailed to:

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

Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

9. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest from such penalty will be assessed for the period from the date payment is due until the date payment is received. If any civil penalty, by reason of acknowledgment, default or finding after the adjudicatory hearing is not paid when due, the LaSalle County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's Office will seek to recover their costs of litigation.

**PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION**

10. You have the right to contest this Administrative Citation. See: 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. Copies of the Petition for Review should also be filed with:

Mark Anderson  
LaSalle County Special Assistant State's Attorney  
707 Etna Road  
Ottawa, Illinois 61350

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

Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

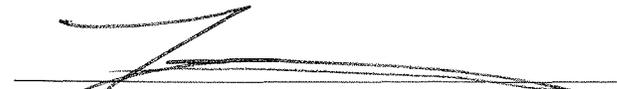
Clerk of the Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Dated:

8/13/18

Karen Donnelly  
LaSalle County State's Attorney

By:



Mark Anderson  
Special Assistant State's Attorney

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE	)	
	)	
Complainant	)	
	)	
v.	)	
	)	
JEFFREY SCHUSTER	)	AC NO. _____
	)	
Respondent(s)	)	

**REMITTANCE FORM**

<b>FACILITY:</b>	Jeffrey Schuster	Site Code:	0998295005
	290 N. 35 <sup>th</sup> Rd	County:	LaSalle
	LaSalle, IL 61301	Township:	Dimmick

**CIVIL PENALTY:** \$1500.0 for each violation

Number of Violation(s): two (2)

Total Remittance: \$3,000.00

Date of Inspection: June 22, 2018

DATE REMITTED: \_\_\_\_\_

SS/FEIN NUMBER \_\_\_\_\_

SIGNATURES \_\_\_\_\_

**NOTE**

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

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

## **INFORMATIONAL NOTICE !!!**

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS**

**NOTE: This Administrative Citation Refers to One State Agency and Two County Entities**

**The One State Agency Is:**

ILLINOIS POLLUTION CONTROL BOARD  
JAMES R. THOMPSON CENTER  
100 WEST RANDOLPH STREET, SUITE 11-500  
CHICAGO, ILLINOIS 60601

**The Two County Entities Are:**

LASALLE COUNTY STATE'S ATTORNEY OFFICE  
ATTENTION: MARK ANDERSON  
707 ETNA ROAD  
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE  
119 WEST MADISON STREET  
ROOM 107A  
OTTAWA, ILLINOIS 61350

**If you elect to contest the enclosed ADMINISTRATIVE CITATION, you must file a PETITION FOR REVIEW within thirty-five (35) days of the date the ADMINISTRATIVE CITATION was served upon you. Any such PETITION FOR REVIEW must be filed with the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD by either hand-delivering or mailing the PETITION FOR REVIEW to the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD at the address given above. A copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY STATE'S ATTORNEY'S OFFICE, ATTENTION: MARK ANDERSON at the address given above. Also, a copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE at the address given above.**

STATE OF ILLINOIS  
COUNTY OF LASALLE

COUNTY OF LASALLE

Complainant

v.

JEFFREY SCHUSTER

Respondent(s)

)  
)  
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AC NO. \_\_\_\_\_

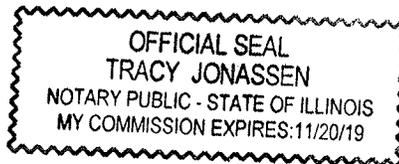
AFFIDAVIT

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

1. Affiant is employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On August 10, 2018 between 9:36 a.m. and 9:39 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Schuster Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998295005 by the Agency.
3. Affiant inspected the said Dimmick Township / Jeffrey Schuster Property open dump site by an on-site inspection which included conducting a visual inspection from the road and photographing the site.
4. As a result of the material actions 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 Dimmick Township / Jeffrey Schuster Property open dump.

\_\_\_\_\_  
Brian Gift, LaSalle County

Subscribed and Sworn to Before Me  
this 10 day of August, A.D. 2018.

  
Notary Public

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE )

Complainant )

v. )

JEFFREY SCHUSTER )

Respondent(s) )

AC NO. \_\_\_\_\_

**PROOF OF SERVICE**

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

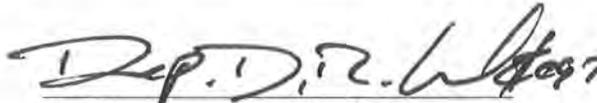
Jeffrey Schuster  
290 N. 35<sup>th</sup> Rd.  
LaSalle, IL 61301

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

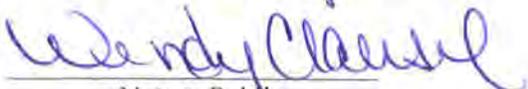
(X) personal service

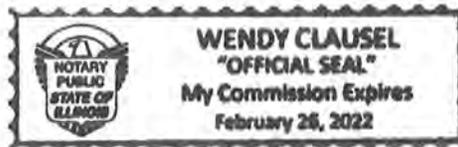
( ) Certified Mail, postage pre-paid and deposited in the United States Mail, plainly addressed to such person(s) at the above-described location.

on this, the 15 day of August, A.D. 2018.

  
LaSalle County Sheriff's Deputy

Subscribed and Sworn to Before Me  
this 16 day of August, A.D. 2018.

  
Notary Public



NARRATIVE INSPECTION REPORT DOCUMENT

Dates of Review: August 10, 2018

Inspector(s): Brian Gift

Site Code: 0998295005

Time: 0936-0939

GENERAL REMARKS

Brian Gift representing the LaSalle County Department of Environmental Services and Land Use under the delegated authority of the Illinois Environmental Protection Agency at the property of Jeff Schuster performed an open dump inspection on June 10, 2018. The property is located at 290 N. 35th Road, Dimmick Township, LaSalle, Illinois.

Weather conditions noted on arrival were overcast and approximately 80 degrees with wind NE 8 mph.

The inspection began at 0936. I arrived at the site and pulled off the south side of N 35<sup>th</sup> road, adjacent to the north side of the property. Looking south, I observed large accumulations of pallets, garbage bags, etc... intermingled with the trees on the site. I also observed some sort of encampment with lawn chairs set up. I walked west to view the west side of the site and observed pallets, garbage bags, buckets, junk, etc... lining the entire west side of the property. Moving toward the east side of the property, I viewed an inoperable vehicle filled with garbage and surrounded by garbage. Behind the vehicle and along the entire east side of the property, I observed more pallets, garbage bags, and additional junk.

**Apparent Violations noted:**

**Illinois Environmental Protection Act:**

21(a), 21 (p) 1 and 2

END OF NARRATIVE BY BRIAN GIFT

**Illinois Environmental Protection Agency**  
 Electronic Filing: Received, Clerk's Office 8/20/2018 \*\* AC 2019-002 \*\*  
**Open Dump Inspection Checklist**

County: LaSalle BOL #: 0998295005 Region: 1 - Rockford  
 Site Name: Jeffrey Schuster Property  
 Site Address: 290 N 35<sup>th</sup> Rd City: LaSalle  
 Inspector: Brian Gift Interviewed: \_\_\_\_\_  
 Date: August 10, 2018 Current Est. 1000 + yds<sup>3</sup>  
 Complaint #: Co 13-004 Waste Amt. \_\_\_\_\_

Responsible Party	Jeffrey Schuster	
Mailing Address(es)	290 N 35 <sup>th</sup> Rd.	
and Phone Number(s):	LaSalle, IL 61301	

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

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

Notes

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

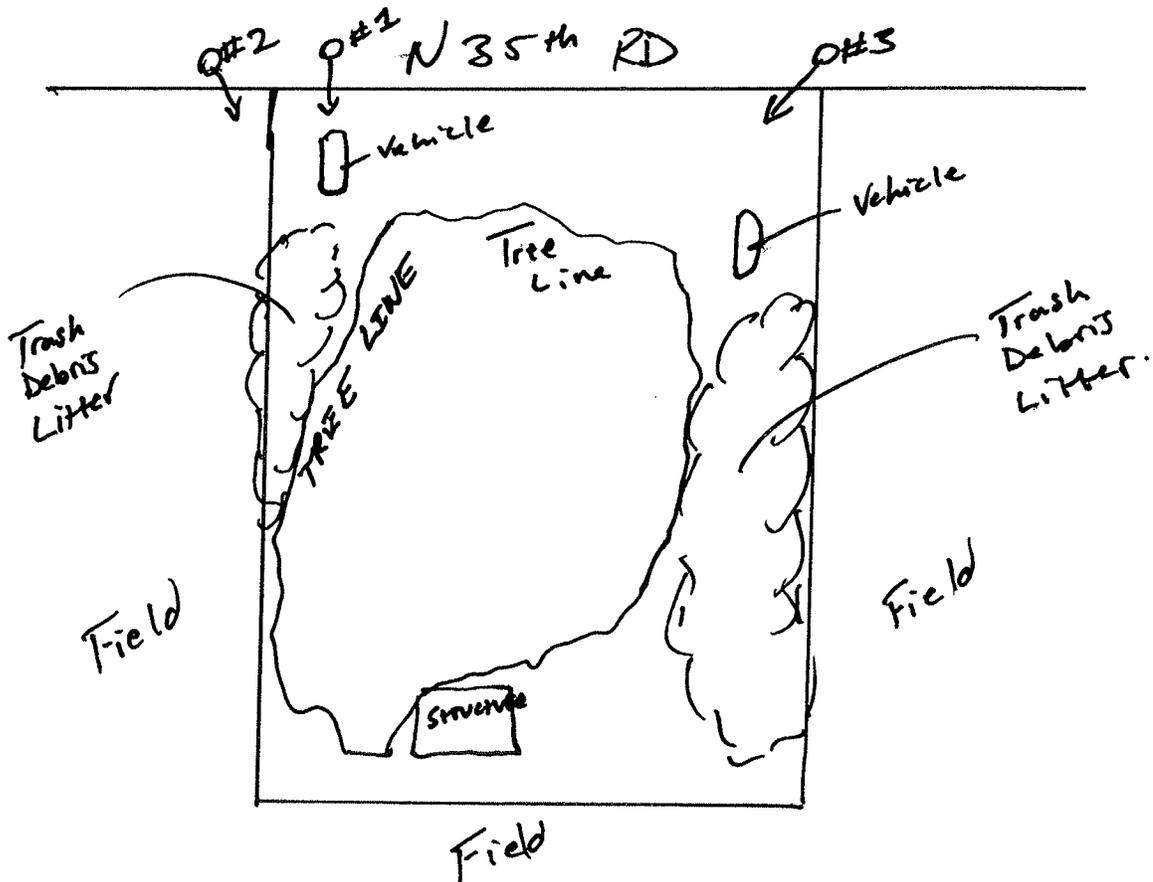
STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY  
LASALLE COUNTY

SITE SKETCH

Date of Inspection: 08/10/18 Inspector (s): Brian Gift

Site Code: 0998295005 County: LASALLE

Site Name: Jeffrey Schuster Site





## DIGITAL PHOTOGRAPHS

Jeffery Schuster Property 0998295005



Date:08/10/18  
Time: 0937  
Direction: South  
Photo by:  
Brian Giff  
Exposure #: 1  
Comments:  
pallets/recyclables/  
garbage



Date: 08/10/18  
Time: 0938  
Direction: Southeast  
Photo by:  
Brian Giff  
Exposure #:2  
Comments: bags of  
garbage



Electronic Filing: Received, Clerk's Office 8/20/2018 \* \* AC 2019-002 \* \*

Illinois Environmental Protection Agency  
Bureau of Land  
Division of Land Pollution Control

0998295005  
FOS File

**DIGITAL PHOTOGRAPHS** Jeffery Schuster Property 0998295005



Date: 08/10/18  
Time: 0938  
Direction: Southwest  
Photo by:  
Brian Gift  
Exposure #:3  
Comments:  
Pallets/buckets/misc  
Junk/Trash/  
inoperable vehicle