



ROBERT B. BERLIN
STATE'S ATTORNEY
DU PAGE COUNTY, ILLINOIS

July 11, 2024

Illinois Pollution Control Board, Attn: Clerk
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Re: Administrative Citation – The Beauty of the Land, LLC
AC# _____
Site Code 0430905896
Inspection Date: June 11, 2024

Dear Clerk:

Enclosed for filing with the Board is the Administrative Citation issued against Beauty of The Land, LLC, Respondent, including the required Affidavit by the Personnel Recording the Violation.

The Respondent's mailing address is 2040 W Roosevelt Rd, West Chicago, IL, 60185. Proof of service of the Citation upon the Respondent is also enclosed. The site is known as "The Beauty of the Land, LLC site."

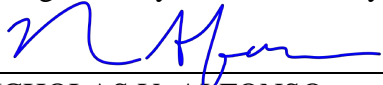
Please acknowledge receipt and filing of the enclosed materials at your earliest convenience.

Dated: July 11, 2024

ROBERT B. BERLIN
By: Nicholas V. Alfonso, ASA
DuPage County State's Attorney
Attorney No. 6316520
503 N. County Farm Road
Wheaton, IL 60187
(630) 407-8208

Respectfully Submitted,

ROBERT B. BERLIN
DuPage County State's Attorney

BY: 

NICHOLAS V. ALFONSO
Assistant State's Attorney

Encl.:
Appearance; Notice of Filing; Administrative Citation;
Affidavit by Personnel Recording the Violation;
Remittance Form; Proof of Service.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF DUPAGE,)	
)	
Complainant,)	
)	
v.)	AC 24-_____
)	DP-AC-24-01
THE BEAUTY OF THE LAND, LLC,)	(Administrative Citation)
)	
Respondent.)	

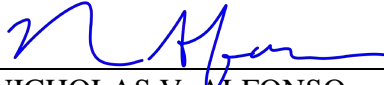
APPEARANCE

The undersigned hereby files his appearance in this proceeding, on behalf of the County of DuPage.

Dated: July 11, 2024

ROBERT B. BERLIN
 By: Nicholas V. Alfonso, ASA
 DuPage County State's Attorney
 Attorney No. 6316520
 503 N. County Farm Road
 Wheaton, IL 60187
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Nicholas.Alfonso@dupagecounty.gov

Respectfully submitted,

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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THE BEAUTY OF THE LAND, LLC,)	(Administrative Citation)
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Respondent.)	

NOTICE OF FILING

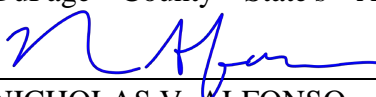
TO: The Beauty of the Land, LLC
2040 W Roosevelt Rd
West Chicago, IL 60185

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the ADMINISTRATIVE CITATION and AFFIDAVIT BY THE PERSONNEL RECORDING THE VIOLATION of the County of DuPage, a copy of which is herewith served upon you.

Dated: July 11, 2024

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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)
 Respondent.)

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty</u>
415 ILCS 5/21(p)(1)	\$1,500.00
	TOTAL PENALTY: \$1,500.00

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1(b).

FACTS

1. Complainant, the COUNTY OF DUPAGE (hereafter the “COUNTY”), is a unit of local government to which the Illinois Environmental Protection Agency has delegated authority to issue administrative citations pursuant to Section 4(r) of the Illinois Environmental Protection Act, (hereafter “the Act”), 415 ILCS 5/4(r) (2007). The COUNTY is thus a “delegated unit” and may issue administrative citations under 35 Ill. Adm. Code 108.200.

2. The Respondent, The Beauty of the Land, LLC, is the present occupant in control, ownership, and/or possession of the property situated at 2040 W Roosevelt Rd., West Chicago, located in the County of DuPage, State of Illinois.

3. The property is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #0430905896. The facility is known to the COUNTY as “the Beauty of the Land, LLC site.”

4. The Respondent has occupied, controlled and/or operated the Beauty of the Land, LLC site at all relevant times hereto.

5. On June 11, 2024, Austin Knight, Environmental Specialist for DUPAGE COUNTY as delegated by the Illinois Environmental Protection Agency, inspected the Beauty of the Land, LLC site. A true and correct copy of the inspection report, along with Mr. Knight’s Affidavit, is attached hereto and made a part hereof as though fully stated herein.

6. Based upon direct observations made by Mr. Knight during his inspection, the COUNTY has determined that, on or about June 11, 2024, Respondent violated the Act, including but not limited to as follows:

- a. Respondent caused or allowed the open dumping of waste in a manner resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2007).

REQUEST FOR RELIEF

WHEREFORE, based upon the foregoing, Complainant, the COUNTY OF DUPAGE, respectfully requests that the POLLUTION CONTROL BOARD: (i) find that, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total civil penalty of One Thousand Five Hundred Dollars (\$1,500.00); (ii) order Respondent to pay \$1,500.00 to the COUNTY; (iii) order Respondent to immediately remove all waste and/or litter from the site premises; and (iv) order Respondent to cease and desist any further dumping of waste on the Beauty of the Land, LLC site.

Notices and Instructions to Respondent

1. **You must pay the civil penalty set forth above unless you contest this Administrative Citation.** The following paragraphs contain payment instructions and more information about contesting this Administrative Citation.
2. To pay the civil penalty (and any other amounts due) send two (2) checks or money orders with the attached Remittance Form, one check in the amount of Seven Hundred and Fifty Dollars payable to DuPage County and the second check or money order in the amount of Seven Hundred and Fifty Dollars payable to the Illinois Environmental Protection Agency to:

DuPage County
Building & Zoning Department
Environmental Division
421 North County Farm Road
Wheaton, IL 60187

To ensure that you receive timely and proper credit for your payment, complete the attached Remittance Form and include it with your payment.

3. You may contest this Administrative Citation by filing a Petition for Review, including a Notice of Filing, Certificate of Service, and Appearance with the Illinois Pollution Control Board (“Board”).
4. **Any Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation on you. The Board will not review the Administrative Citation if the Petition for Review is not filed within this time.**
5. The Petition for Review must be filed with:

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

A copy of the Petition for Review must be served on the County of DuPage at the following address:

County of DuPage
Office of the State’s Attorney, Civil Division
503 North County Farm Road
Wheaton, IL 60187

6. The contents of a Petition for Review and the procedures to be followed are governed by the Board's procedural rules. Copies may be obtained from the Clerk of the Board at the address above, by calling the Board at (312) 814-3620, or from the Board's website at:

<https://pcb.illinois.gov/SLR/PCBandIEPAEnvironmentalRegulationsTitle35>


7. If you do not contest this Administrative Citation by filing a petition for review with the Board within the allotted time, the Board will enter an order finding that you committed the violations alleged above imposing the statutory civil penalty set forth above. *See* Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) and 35 Ill. Adm. Code 108.500(a).
8. If you contest this Administrative Citation by filing a timely petition for review with the Board, the Board will hold a hearing. The Board's procedural rules have more information on hearings. *See* 35 Ill. Adm. Code Parts 101 and 108.
9. If the Board finds after the hearing that you committed a violation as alleged above, you will be assessed the hearing costs incurred by the County of DuPage and the Board. Hearing costs are assessed in addition to the statutory civil penalty for the violations. If the Board finds after the hearing that you did not commit a violation as alleged above, or that the violation resulted from uncontrollable circumstances, you will not be assessed hearing costs and you will not have to pay a civil penalty.
10. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, interest on the amount due will be assessed against you from the date payment is due and including the date that payment is received.
11. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, the Office of the Illinois Attorney General and/or the DuPage County Office of the State's Attorney may initiate court proceedings against you to collect the amount due, plus any interest accrued. In that event, you may also be liable for court costs.

Dated: July 11, 2024

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BY: 

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF DUPAGE,)
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 Respondent.)

AFFIDAVIT BY THE PERSONNEL RECORDING THE VIOLATION

I, AUSTIN KNIGHT, under penalty of perjury and pursuant to 415 ILCS 5/31.1(b)(5), do hereby depose and state that the following facts are true and correct to the best of my knowledge and belief:

1. I am over twenty-one (21) years of age and under no legal disability.
2. I am currently employed as an Inspector for the County of DuPage, Illinois, Department of Building and Zoning, a unit of local government to which the Illinois Environmental Protection Agency has delegated its enforcement powers, pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/4(r).
3. As an Inspector for the County of DuPage, Department of Building and Zoning, my responsibilities include, but are not limited to, conducting inspections of property located within the County of DuPage, Illinois, for violations of the Illinois Environmental Protection Act.
4. On or about June 4, 2024, the DuPage County Department of Building and Zoning received a complaint that the property situated at 2040 W Roosevelt Rd., West Chicago, IL, and owned by The Beauty of the Land, LLC, had been receiving and/or storing landscape waste without a permit.
5. On or about June 11, 2024, I conducted an on-site inspection of the property located at 2040 W Roosevelt Rd. West Chicago, IL (hereafter "the site").
6. I arrived at the site on June 11, 2024, and parked in the lot. I immediately proceeded to the building entrance for The Beauty of the Land, LLC., where I knocked on the door and checked the fenced area just east of the building, but I did not see anyone on site at that time.
7. I then headed west before proceeding south towards the rear of the property, where I noted a cleared area with piles of landscape material that appeared to have been generated

off-site. I also observed an open gate leading to the area where the landscape waste was located. I further noted tire marks on the ground surface leading from the opened gate to the area of the landscape waste piles.

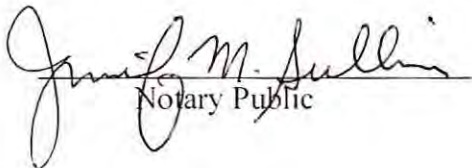
8. I took photographs showing the presence of the piles of landscape waste, the open gate, and the tire tracks. I also completed an Inspection Report. The photographs and Inspection Report, attached hereto as Exhibit "A," truly and accurately depict and describe the property situated at 2040 W. Roosevelt Rd., West Chicago, IL, as it existed on June 11, 2024. An aerial photograph of the site has also been included in Exhibit A, with said photograph being obtained from <https://gis.dupageco.org/parcelviewer/> on December 11, 2023 (during the course of a previous inspection), and marked by me to show the location(s) where each photograph was taken on July 11, 2024.
9. On June 11, 2024, during my inspection, I observed the following violation(s) present on the property situated at 2040 W. Roosevelt Rd., West Chicago, IL, and owned by Beauty of the Land, LLC, including but not limited to:
 - a. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(p)(1)), no person shall: Cause or allow the open dumping of any waste in a manner which results in litter at the dump site: Litter.

FURTHER AFFIANT SAYETH NAUGHT.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Affidavit are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Subscribed and sworn before me on
this 10th day of July, 2024


AUSTIN KNIGHT
Environmental Specialist
DuPage County Environmental Department


Notary Public

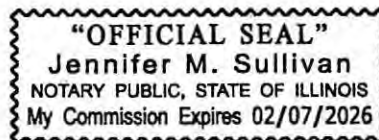


Exhibit A

State of Illinois
Environmental Protection Agency
Narrative Inspection Report Document

County: DuPage County
Inspectors: Austin Knight
Location: The Beauty of the Land, LLC
2040 W Roosevelt Rd
West Chicago, IL

Date: June 11, 2024
Site No: 0430905896
Time: 11:40 - 11:51 a.m.

Weather Conditions: 72 degrees Fahrenheit with fair conditions, 9 mph SW winds and 40% humidity. Conditions obtained from weather underground.

General Remarks

Pre-inspection note: On December 11, 2023, I conducted an inspection of the site in response to burning of off-site generated landscape waste. I observed a pile of ash containing landscape waste emitting smoke. Violation Notice L-2023-DP1140 was issued to Miguel Barrios as a result of the inspection. On January 17, 2024, Mr. Barrios entered into a compliance commitment agreement with DuPage County agreeing to immediately cease and desist disposing of and storing landscape waste at the site. The CCA addressed the removal of landscape waste and proper disposal in the future in addition to permit application if the site wanted to continue to operate as a landscape waste disposal, storage, or transfer site. The CCA was executed by Mr. Barrios on January 17, 2024. A re-inspection was completed on January 29th, during which the violations alleged in VN L-2023-DP1140 had been remedied.

This June 11, 2024, inspection was conducted in response to a complaint that alleged the site had been receiving and storing landscape waste.

I arrived at the site and parked in the lot. I then proceeded to the building entrance where I knocked on the door and checked the fenced area just east of the building, but I did not see anyone on site at that time. I then headed west before turning south towards the rear of the property where I noted a cleared area with piles of landscape material that appeared to have been generated off-site. I also observed an open gate leading to the area where the landscape waste was located. I noted tire marks on the ground surface.

I then exited the site. At that time, the site was found to be in violation as described in Attachment A and depicted in the following photographs. {End}

ATTACHMENT A

- Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(a)), no person shall: Cause or allow open dumping.

The Site is in violation of Section 21(a) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(a), for the following reason: at the time of this inspection, evidence of open dumping of landscape waste was observed on the site.

- Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(d)(1)), no person shall: conduct any waste-storage, waste-treatment, or waste disposal operation without a permit.

The Site is in violation of Section 21(d)(1) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(d)(1) for the following reason: At the time of inspection, the site appeared to have been conducting a waste-storage, waste-disposal and waste-treatment operation without a permit.

- Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(e)), Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements.

The Site is in violation of Section 21(e) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(e)) for the following reason: At the time of inspection, waste was observed abandoned at a site which does not meet the conditions set forth in the {Illinois} Environmental Protection Act.

- Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(d)(1)), no person shall: Cause or allow the open dumping of any waste in a manner which results in litter at the dump site: Litter.

The Site is in violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act, (415 ILCS 5/21(p)(1) for the following reason: At the time of inspection, the site appeared to have been allowing or causing the open dumping of landscape waste causing litter.

- Pursuant to Section 807.201 Title 35 Illinois Administrative Code (35 IAC) no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

The Site is in violation of Section 807.201 Title 35 Illinois Administrative Code (35 IAC) for the following reason: At the time of inspection, off-site generated landscape waste was observed at the site being accepted and stored without a permit.

- Pursuant to Section 807.202 Operating Permits Title 35 Illinois Administrative Code (35 IAC) no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

The Site is in violation of Section 807.202 Title 35 Illinois Administrative Code (35 IAC) for the following reason: At the time of inspection, off-site generated landscape waste at the site being accepted and stored without a permit.

State of Illinois
Environmental Protection Agency
Site Sketch

County: DuPage
Inspectors: Austin Knight
Site Name: Beauty of The Land
2040 W Roosevelt Rd
West Chicago, IL

Date of Inspection: June 11, 2024
Site Code: 0430905896
Time: 11:40 - 11:51 a.m.

North ↑

Approximate location and direction of photograph



Photograph 1

Taken by: A. Knight

Date: 6/11/2024

Site: Beauty of The Land
2040 W Roosevelt Rd
West Chicago, IL

Site No: 0430905896

Time: 11:45 a.m.

Comments: Taken facing south
showing a pile of landscape
waste.



Photograph 2

Taken by: A. Knight

Date: 6/11/2024

Site: Beauty of The Land
2040 W Roosevelt Rd
West Chicago, IL

Site No: 0430905896

Time: 11:49 a.m.

Comments: Taken facing north
showing landscape waste pile.



Photograph 3

Taken by: A. Knight

Date: 6/11/2024

Site: Beauty of The Land
2040 W Roosevelt Rd
West Chicago, IL

Site No: 0430905896

Time: 11:50 a.m.

Comments: Taken facing east
showing a cleared area with tire
tracks and an open fence leading
to Beauty of the Land.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF DUPAGE,)	
)	
Complainant,)	
)	
v.)	AC 24-_____
)	DP-AC-24-01
THE BEAUTY OF THE LAND, LLC,)	(Administrative Citation)
)	
Respondent.)	

REMITTANCE FORM

FACILITY: The Beauty of the Land, LLC site

COUNTY: DuPage

DATE OF INSPECTION: June 11, 2024

SITE CODE: 0430905896

CIVIL PENALTY: \$1,500.00

Date Remitted _____

SS/FEIN # _____

Signature _____

Instructions

Enter the date of your remittance, your Federal Employee Identification Number (FEIN) (or social security number (SSN) if an individual) and sign this Remittance Form. Print the name of the person signing this Remittance Form and that person's title, if applicable.

Send two (2) checks or money orders with the attached Remittance Form: one (1) check or money order in the amount of Seven Hundred and Fifty Dollars (\$750) payable to DuPage County, and the second (1) check or money order in the amount of Seven Hundred and Fifty Dollars (\$750) payable to the Illinois Environmental Protection Agency, to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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)	
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)	
Respondent.)	

CERTIFICATE OF SERVICE

I, Nicholas V. Alfonso, under the penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certifies as true and correct that before the hour of 5:00 p.m. on July 11, 2024 he served the attached documents: Letter directed to the Pollution Control Board; Appearance; Notice of Filing; Administrative Citation; Affidavit by the Personnel Recording the Violation; Remittance Form; and this Proof of Service, upon Respondent, Beauty of the Land, LLC, by depositing a copy of same in a U.S. Postal Service mailbox and sending via first-class certified U.S. mail, postage prepaid, signature required, to the following address:

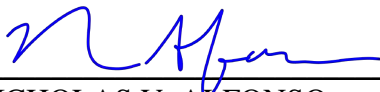
The Beauty of the Land, LLC
2040 W Roosevelt Rd,
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Dated: July 11, 2024

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