

LASALLE COUNTY STATE'S ATTORNEY

JOSEPH P. HETTEL

13th Judicial Circuit
707 East Etna Road, Room 251
Ottawa, Illinois 61350
Phone (815) 434-8340
Fax (815) 434-8357

RECEIVED
CLERK'S OFFICE

JUL 25 2005

STATE OF ILLINOIS
Pollution Control Board

Name of Defendant HARRIET BAUGHER
Name of Person S.F.A.
Summons given to
Sex F Race W Approx. Age 62
Place of Service 7451 E 28th
Date of Service 7/23/05 Time 2:20
Date of Mailing
Thomas Templeton, Sheriff of LaSalle County
D. E. H. Deputy

Name of Defendant Harriet Baugher
Name of Person S.F.A.
Summons given to
Sex F Race W Approx. Age 62
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Date of Service 7/23/05 Time 2:20
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Thomas Templeton, Sheriff of LaSalle County
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STATE OF ILLINOIS
COUNTY OF LASALLE
ADMINISTRATIVE CITATION

COUNTY OF LASALLE

Complainant

v.

HARRIET BAUGHER and JOHN BAUGHER

Respondent

AC NO. 0602

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 1/2, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 1/2, par. 1004 (r).

FACTS

- 1. That Respondent, Harriet Baugher and John Baugher, is the present owner and/or operator of property located in Miller Township, LaSalle County, Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and designated with Site Code No. 0998205005. Said facility is commonly known to the Agency as the Baugher Property.
3. That the Respondent has owned and/or operated said facility since April, 2003.
4. That on June 28, 2005, Christy Vargochik, Landfill Inspector, LaSalle County Department of Environmental Services and Development, 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 Christy Vargochik of the LaSalle County Department of Environmental Services and Development, 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 June 28, 2005, an on-site inspection of said facility disclosed the following:

- | | |
|-----|---|
| x x | 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)]). |
| | 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)]). |

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 Fifteen Hundred Dollars (\$1500.00). 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, your check should be made payable to the **LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND DEVELOPMENT** and mailed to:

LaSalle County Department of Environmental Services and Development
119 West Madison Street
Room 400
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:

Troy D. Holland
LaSalle County Special Assistant State's Attorney
707 Etna Road
Ottawa, Illinois 61350

LaSalle County Department of Environmental Services and Development
119 West Madison Street
Room 400
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: 7/7/05

Joseph P. Hettel
LaSalle County State's Attorney

By:



Troy D. Holland
Special Assistant State's Attorney

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 25 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
Complainant)
)
v.)
)
HARRIET BAUGHER and JOHN BAUGHER)
)
Respondent(s))

AC NO. 06-02

REMITTANCE FORM

FACILITY: Harriet Baugher /John Baugher
3451 E. 25th Rd.
Marseilles, IL 61341

Site Code: 0998205005
County: LaSalle
Township: Miller

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: June 28, 2005

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 Development
119 West Madison Street, Room 400
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: TROY D. HOLLAND
707 ETNA ROAD
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND
DEVELOPMENT
119 WEST MADISON STREET
ROOM 400
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: TROY D. HOLLAND 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

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CLERK'S OFFICE

JUL 25 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
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AC NO. 0602

AFFIDAVIT

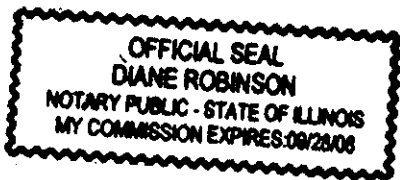
Affiant, Christy Vargochik, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On June 28, 2005 between 6:25 a.m. and 6:30 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Baugher Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998205005 by the Agency.
3. Affiant inspected the said Miller Township / Baugher Property open dump site by an on-site inspection which included driving 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 Miller Township / Baugher Property open dump.

Christy L. Vargochik
Christy L. Vargochik, LaSalle County

Subscribed and Sworn to Before Me
this 6th day of July, A.D. 2005.

Diane Robinson
Notary Public



BaugherAC/7

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: LaSalle LPC#: 0998205005 Region: 1 - Rockford
 Location/Site Name: Miller Twp. / Harriet and John Baugher Property
 Date: June 28, 2005 Time: From 6:25a To 6:30a Previous Inspection Date: Feb. 22, 2005
 Inspector(s): Christy Vargochik Weather: Sunny ~ 75°
 No. of Photos Taken: # 6 Est. Amt. of Waste: 200+ yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: Co 03-012

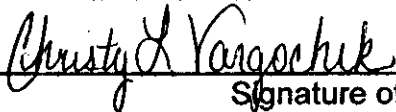
Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Harriet Baugher and John Baugher
 3451 E. 25th Rd.
 Marseilles, IL 61341



SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7. 21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8. 21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1) Litter	<input checked="" type="checkbox"/>
	(2) Scavenging	<input type="checkbox"/>
	(3) Open Burning	<input 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 General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


 LaSalle County
 Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Review: June 28, 2005
Site Code: 0998205005

Inspector(s): Christy Vargochik
Time: 6:25 a.m. – 6:30 a.m.

GENERAL REMARKS

A solid waste landfill inspection was performed on June 28, 2005, by Christy Vargochik representing the LaSalle County Department of Environmental Services and Development under the delegated authority of the Illinois Environmental Protection Agency at the property of Harriet Baugher. The property is located at 3451 E. 25th Road, Section 8, Miller Township, Marseilles, Illinois. During the inspection the following was noted: causing or allowing open dumping; disposing and storing of waste at a site not meeting requirements of the Act and Regulations; causing or allowing the open dumping in a manner which is resulting in litter at the dump site, causing or allowing the open dumping of waste tire and; failure to submit an application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 75 degrees.

I arrived at the site at 6:25 a.m. I conducted the inspection from the road. I began at the south end of the Baugher property, and could see that the yard to the south still contained several cars (photo 987.57). I continued by driving to the north. I noticed a few more vehicles immediately south of the house (photo 987.58). I went about 5 feet to the north, and photographed the limo parked on the easement (photo 987.59). I noticed another silver car parked about 5 feet north of the limo (photo 987.60). I photographed three more vehicles in front of the house, and noticed that two of the vehicles are new to the property (photo 987.61). I went another 20 feet to the north, and photographed another silver car parked on the easement, and partially obscured by vegetation (photo 987.62). This concluded the inspection, and I left the site at 6:30 a.m.

EXPLANATION OF PHOTOGRAPHS

- 987.57 Shows several cars to the south of the house. Photo taken facing west.
- 987.58 Shows a couple more vehicles immediately south of the house. Photo taken facing west.
- 987.59 Shows a limo parked on the easement. Photo taken facing west.
- 987.60 Shows a silver car parked about 5 feet north of the limo. Photo taken facing west.
- 987.61 Shows three vehicles parked in front of the house. Photo taken facing west.
- 987.62 Shows another silver car parked on the easement and partially obscured by vegetation. Photo taken facing west.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: JUNE 28, 2005

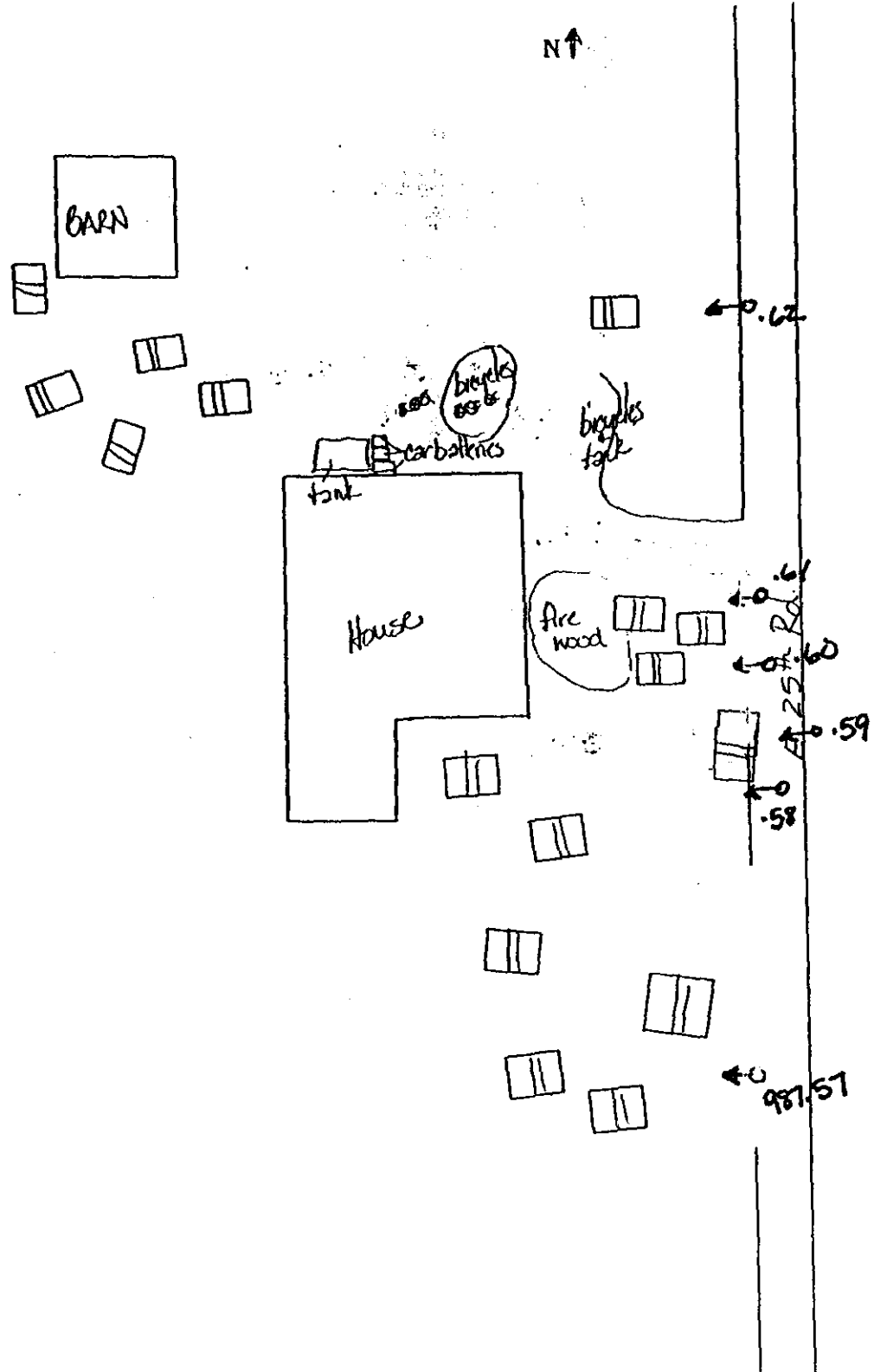
Inspector: Christy Vargochik

Site Code: 0998205005

County: LA SALLE

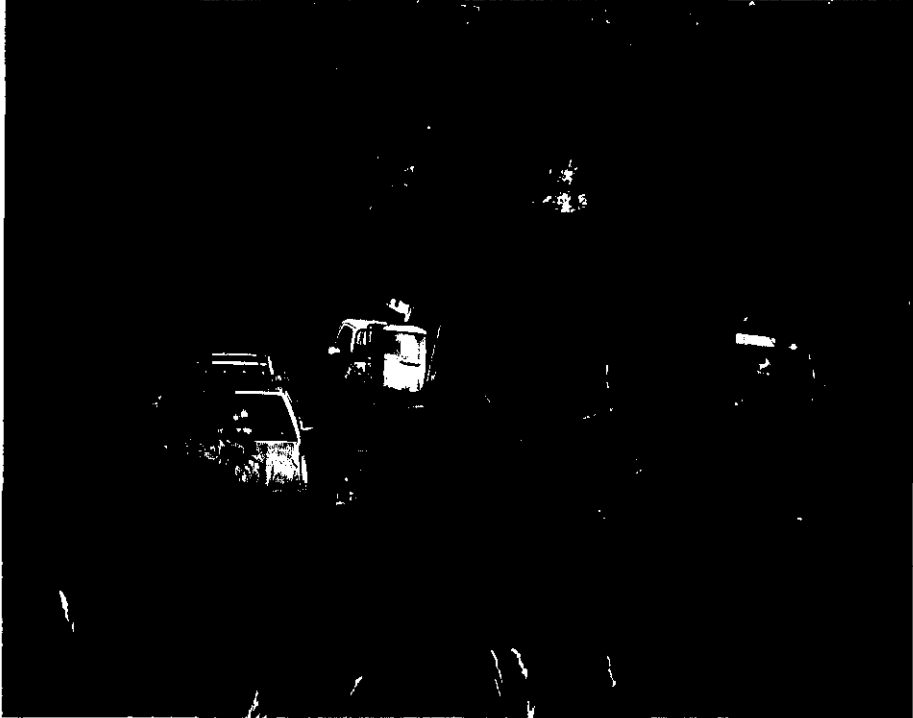
Site Name: BAUGHER PROPERTY

Time: 6:25 a.m. - 6:30 a.m.



- A = NOT DRAWN TO SCALE
- * = PHOTO TAKEN
- ⊞ = TIRE
- ⊞ = VEHICLE

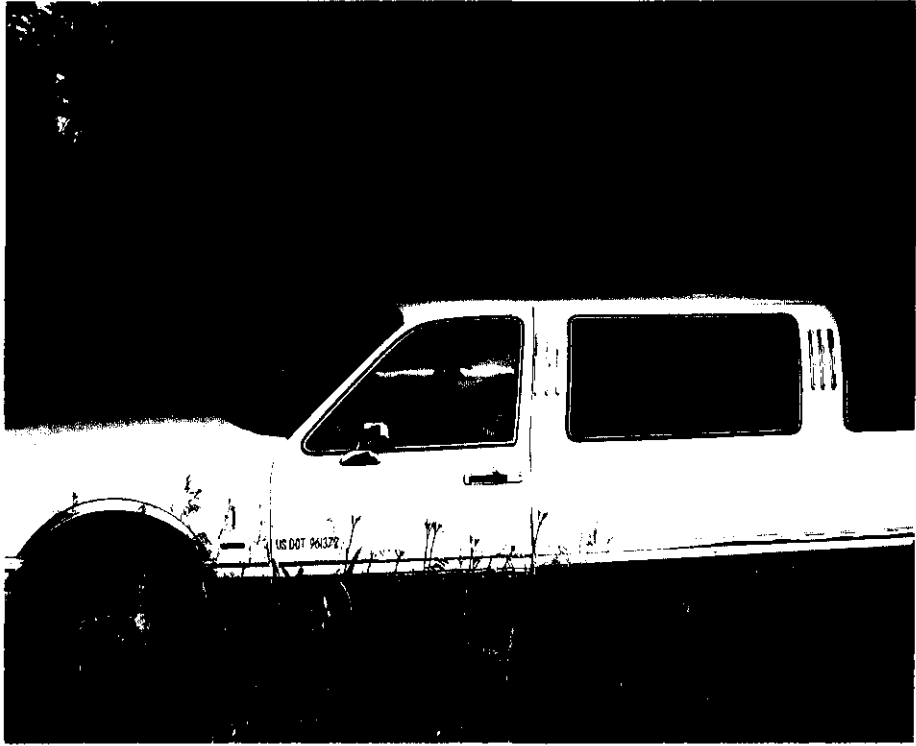
INSPECTION PHOTOS

DATE: <u>06 / 28 / 05</u>	SITE#: <u>0 9 9 8 2 0 5 0 0 5</u> CO.: LASALLE
TIME: 6:26 A.M.	SITE NAME: Harriet and John Baugher Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----	
DISK#: 987 PHOTO#: 57	

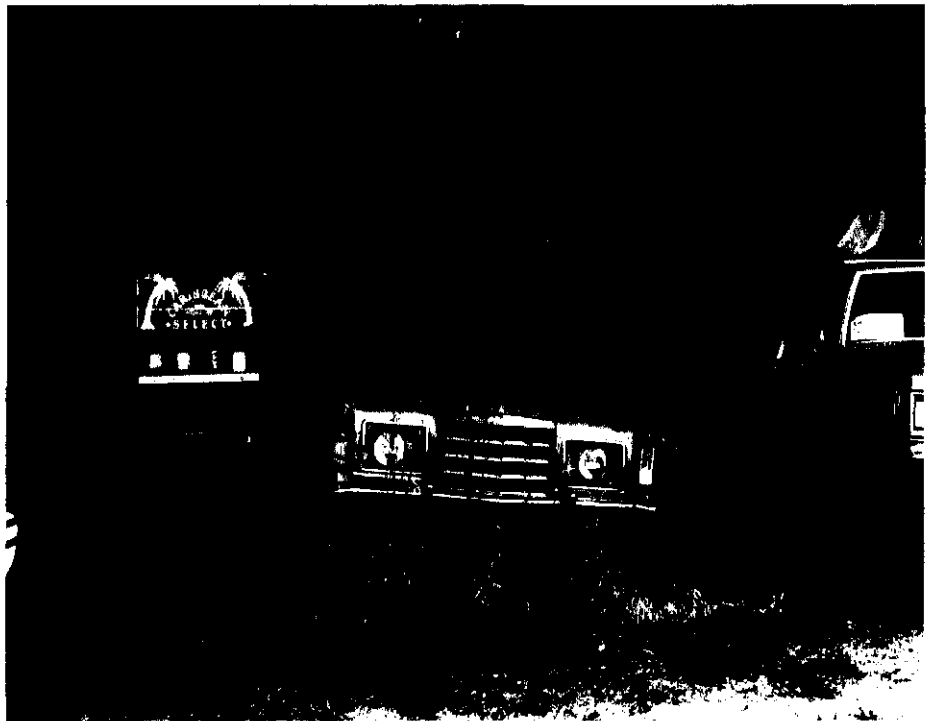
DATE: <u>06 / 28 / 05</u>
TIME: 6:26 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----
DISK #: 987 PHOTO #: 58




INSPECTION PHOTOS

DATE: <u>06 / 28 / 05</u>	SITE#: <u>0 9 9 8 2 0 5 0 0 5</u> CO.: LASALLE
TIME: 6:27 A.M.	SITE NAME: Harriet and John Baugher Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----	
DISK#: 987 PHOTO#: 59	

DATE: <u>06 / 28 / 05</u>
TIME: 6:27 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----
DISK #: 987 PHOTO #: 60



INSPECTION PHOTOS

DATE: <u>06 / 28 / 05</u>	SITE#: <u>0 9 9 8 2 0 5 0 0 5</u> CO.: LASALLE
TIME: 6:28 A.M.	SITE NAME: Harriet and John Baugher Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----	
DISK#: 987 PHOTO#: 61	

DATE: <u>06 / 28 / 05</u>
TIME: 6:28 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- ----- -----
DISK #: 987 PHOTO #: 62

