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CLERK'S OFFICE

MAR 27 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION STATE OF ILLINOIS
Pollution Control Board

Ogle County Solid Waste)	
Management Department,)	
)	
Complainant,)	
v.)	AC# 06-31 *****
)	
Wayne L. Fisher & Christina C. Fisher)	
)	
Respondents)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (2005), specifically 415 ILCS 5/31.1.

FACTS

1. The Respondents, Wayne L. Fisher & Christina C. Fisher, are the present owners and in control and possession of a facility located in the County of Ogle, State of Illinois.
2. The Respondents, Wayne L. Fisher & Christina C. Fisher, are the present operators of a facility located in the County of Ogle, State of Illinois.
3. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 1418215008. The facility is known to the Agency as Fisher, Wayne L. & Christina C.
4. That respondents, Wayne L. Fisher & Christina C. Fisher, have occupied, controlled and/or operated the facility at all relevant times hereto.
5. That on 1-30-2006, Joy K. Bliton, Field Inspector for Ogle County Solid Waste Management Department, inspected the facility.

VIOLATIONS

On the basis of Field Inspector, Joy K. Bliton's direct observation, she has determined that the Respondents have caused or allowed open dumping at the above described facility in a manner that resulted in the following violation: 415 ILCS 9(a), 9(c), 21(a), 21(d), 21(e), 21(p)(1), 21(p)(3), 21(p)(7) and 35 Illinois Administrative Code Requirements, Subtitle G 812.101(a).

That on January 30, 2006 an on-site inspection of the facility disclosed the following:

The Respondents have:

- 1) Caused or allowed the open dumping of any waste in a manner which resulted in littering at their facility in violation of 425 ILCS 5/21(p)(1).
- 2) Caused or allowed the open dumping of any waste in a manner which resulted in open burning in violation of 415 ILCS 5/21 (p)(3).
- 3) Caused or allowed the open dumping of any waste in a manner which resulted in deposition of general construction or demolition debris as defined in Section 3.78 of the Environmental Protection Act in violation of 415 ILCS 5/21 (p)(7).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondents are subject to a civil penalty of \$1,500 for each violation specified above. This is a total of \$4,500 for this Citation. Additionally, should the Respondents elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondents shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$4,500.

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, your check should be made payable to the Ogle County Solid Waste Fund and mailed to:

❖ Ogle County Treasurer's Office
Ogle County Courthouse
Oregon, Illinois, 61061

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

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 be 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
Attn: John Roe
Ogle County Courthouse
Oregon, IL 61061

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

Ogle County Solid Waste Management Department)
Complainant)
v.) AC# 06-31
Wayne L. & Christina C. Fisher)
Respondents)

FACILITY: Fisher, Wayne L. & Christina C.

COUNTY: Ogle

DATE OF INSPECTION: January 30, 2006

SITE CODE: 1418215008

CIVIL PENALTY: \$4,500

Date Remitted _____

SS/FEIN # _____

Signature _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Ogle County Solid Waste Fund
Ogle County Treasurer
Ogle County Courthouse
P.O. Box 40
Oregon, IL 61061

NOTICE OF CORRECTIVE ACTION REQUIRED FOR OPEN DUMPS

Ogle County Solid Waste Management Department)
Complainant) Ogle County - #1418215008
v.) Fisher, Wayne L. & Christina C.
Wayne L. Fisher & Christina C. Fisher)
Respondents)

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the Illinois Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

YOU MUST COMPLETE THE FOLLOWING CORRECTIVE ACTIONS:

- #1 Immediately cease all open dumping and open burning.
- #2 By April 1st, 2006 remove all waste including ashes to a permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.
- #3 By April 1st, 2006 remove all white goods (i.e.; appliances) to a facility that can legitimately accept them for recycling. White goods cannot be taken to a landfill or transfer station for the purpose of disposal.
- #4 April 1st, 2006 remove all landscape waste to a permitted compost facility. Landscape waste cannot be taken to a landfill or transfer station for the purpose of disposal.


#5 By April 7, 2006 submit to the Ogle County Solid Waste Management Department copies of receipts that document the proper disposal or recycling of the wastes.

Any written response submitted in reply to the Corrective Action required in this attachment must be sent to:

Ogle County Solid Waste Management Department
Joy K. Bliton, Solid Waste Specialist, Environmental Engineer
909 W. Pines Road
Oregon, IL 61061

Please use the reference number #1418215008 on any correspondence regarding this matter.

Should you have any questions concerning this attachment or need further assistance, please feel free to call (815) 732-4020.



Joy K. Bliton, Solid Waste Specialist,
Environmental Engineer

Date: 3-2-06

CERTIFIED MAIL:

Enclosures

C: IEPA, Springfield
IEPA, Rockford
OCSWMD 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 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

The two county facilities are:

Ogle County State's Attorney Office
Attention: John Roe
Ogle County Courthouse
Oregon, IL 61061

Ogle County Solid Waste Management Department
Steve Rypkema, Director
909 W. Pines Rd.
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, Attention: John Roe at the address given above. Also, a copy of the Petition for Review should be either hand-delivered or mailed to the Ogle County Solid Waste Management Department at the address given above.

LPC # 1418215008

Inspection Date: 01/30/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
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: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) 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"/>

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.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: 1/30/2006

Inspector: Joy Bliton

Site Code: 1418215008

County: Ogle

Site Name: Fisher, Wayne L. & Christina C.

Time: 11:00 a.m. to 11:21 a.m.

GENERAL REMARKS

The Ogle County Solid Waste Management Department had received a complaint on January 30, 2006 that the Fishers were hauling in waste and burning it on site. Complainant stated that there was a large fire on site on the evening of January 29, 2006. On January 30, 2006 I arrived at the site at 11:00 a.m. I noticed 2 pick up trucks and a trailer with various types of waste in them. I also noticed waste next to and in a burn pile. The burn pile smelled as if it was recently burned. In the burn pile I noticed springs from mattresses, furniture, aluminum gutters, metal, doors, etc.

I took photos. I also noted a "Notice of Amount Due" slip addressed to Washington, M.W. at 2417 W. Adams, Chicago, IL. I picked up the slip.

Christina Fisher came outside. I identified myself and told her that we had received a complaint. I asked her where all the waste came from. She said she cleans out houses. She said she burns the wood that she brings home. I could see other items in the burn pile and I pointed them out to her. She said she was just parking the trucks with the waste in them as she just did a job on Saturday and the landfills were closed. I asked her if her company has a name. She said C T and W Services. I asked her if she has receipts from landfills. She said she hasn't been going to one yet as she hasn't had that large of a load before, therefore, she doesn't have any receipts. She also said the hauler was supposed to bring her a larger dumpster to her house to put the waste in.

When I asked for the names of the companies she is doing work for she refused to give any. She said she has just been doing this work for about a month. I asked her what the businesses think she does with the waste. She said that they don't ask. I asked her what made her think that she could bring waste in and burn it. She said that she didn't know. I told her that it was her responsibility to find out the rules and regulations regarding waste. She said she thought she could burn in the country. I told her that the only items she could burn are paper & cardboard from her home in a burn barrel. She could also burn landscape waste that is generated on site. I told her that it is illegal to bring any waste into her property. I also told her that the waste from her business is "Trade Waste" and cannot be burned anywhere, and that it must be landfilled. I told her that this may result in an administrative citation with 3

violations resulting in a \$4500 fine. She said she felt that since it is her first offense a warning would be sufficient. I told her that I would discuss it with the director and she would receive a follow up letter from us. I explained that an EPA site number would be opened and the EPA will receive copies of the letters and inspections that we send to her. I told her the waste in the trucks and burn pile need to be taken to a landfill. I gave her a copy of “STOP, Don’t Get Burned”, “Illinois Open Burning Laws” and “Open Burning of Waste; What is it? When is it legal? And When is it Illegal?”

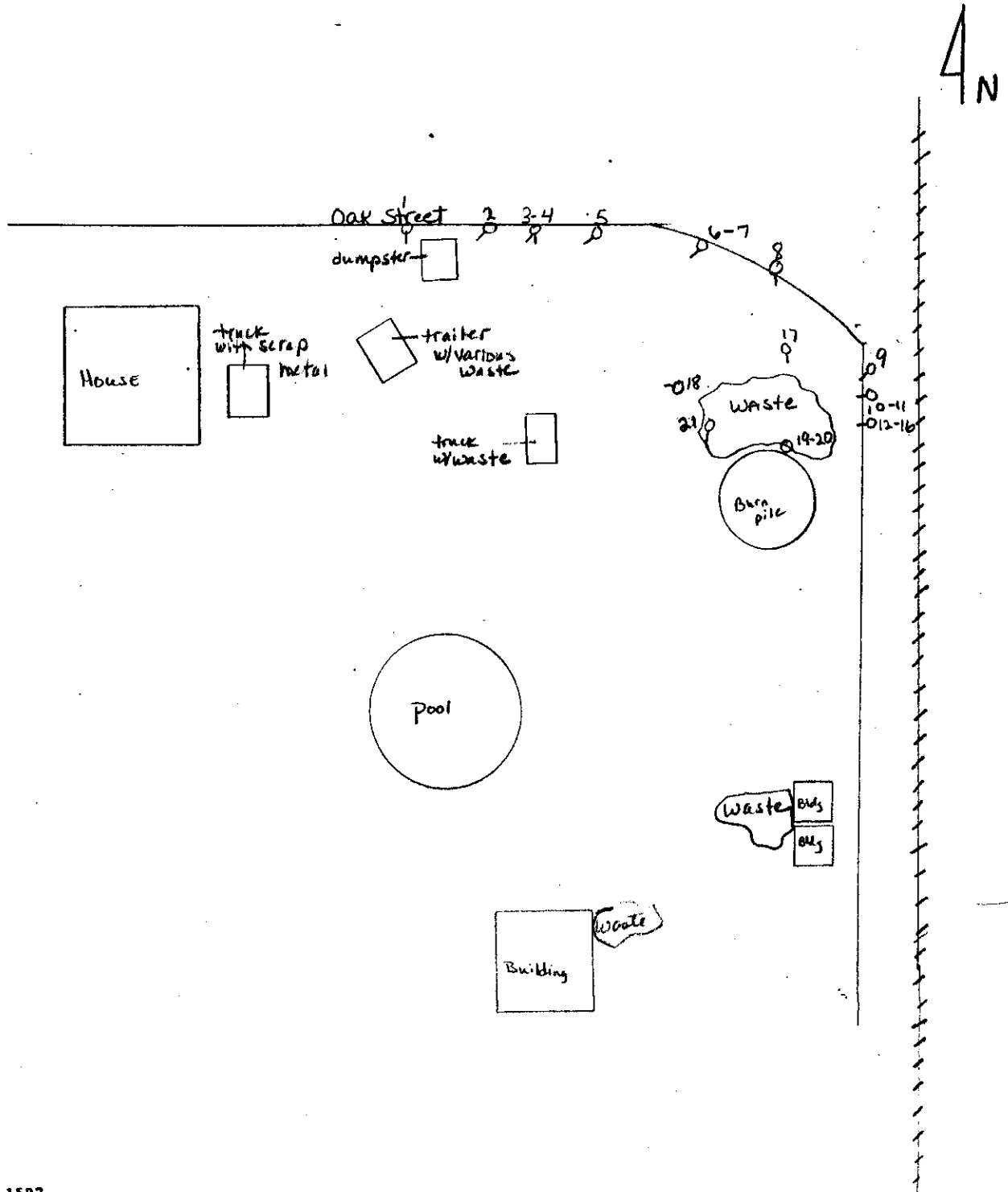
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

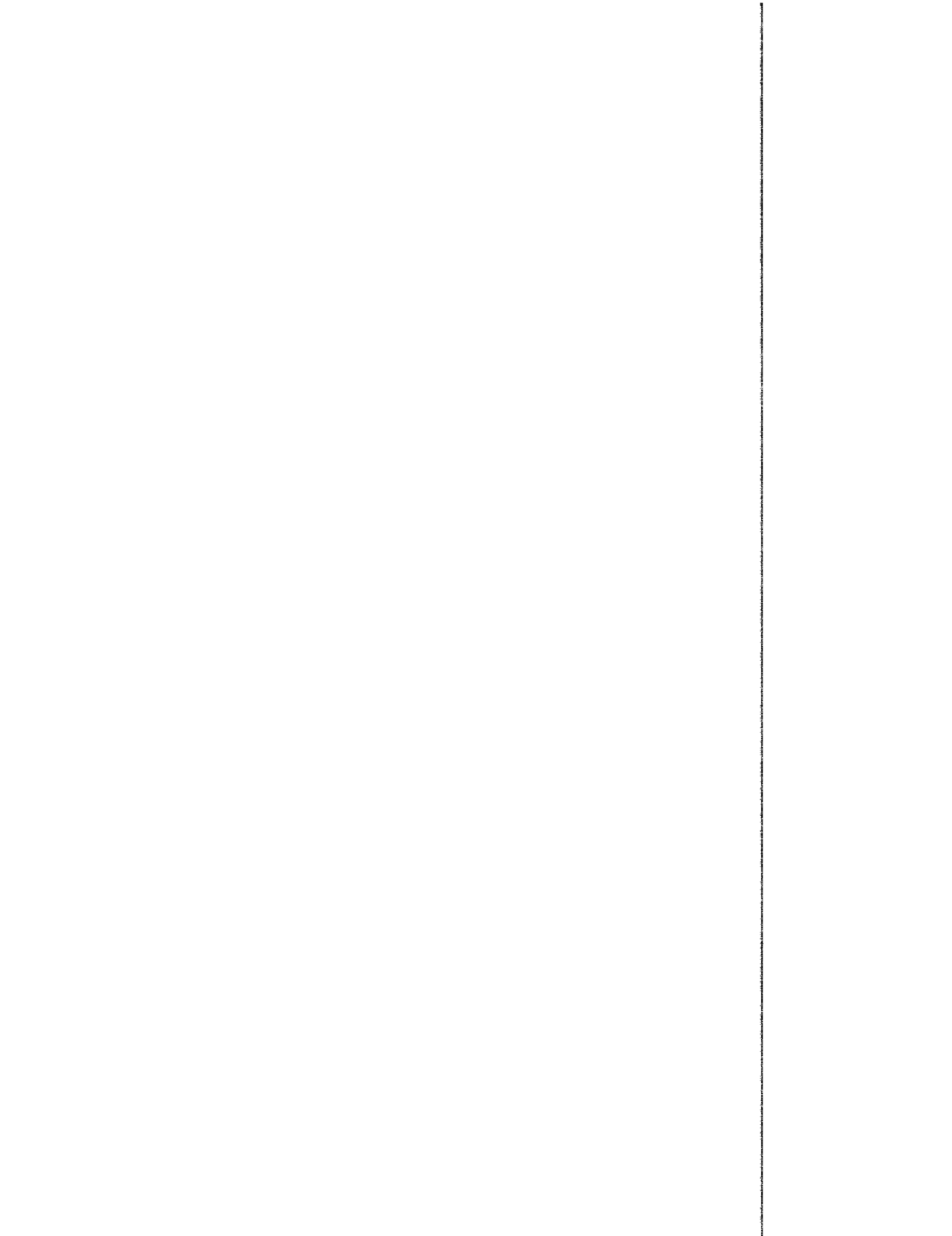
SITE SKETCH

Date of Inspection: 1-30-06 Inspector: JB

Site Code: 1418215008 County: Ogle

Site Name: Fisher, Wayne L. - Christina C. Time: 11:00am-11:21am





LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:04 a.m.
DIRECTION: S
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-001
COMMENTS: Over flowing dumpster
and trailer with waste.



DATE: 1/30/06
TIME: 11:04 a.m.
DIRECTION: DN
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-002
COMMENTS: Waste on ground around
dumpster.



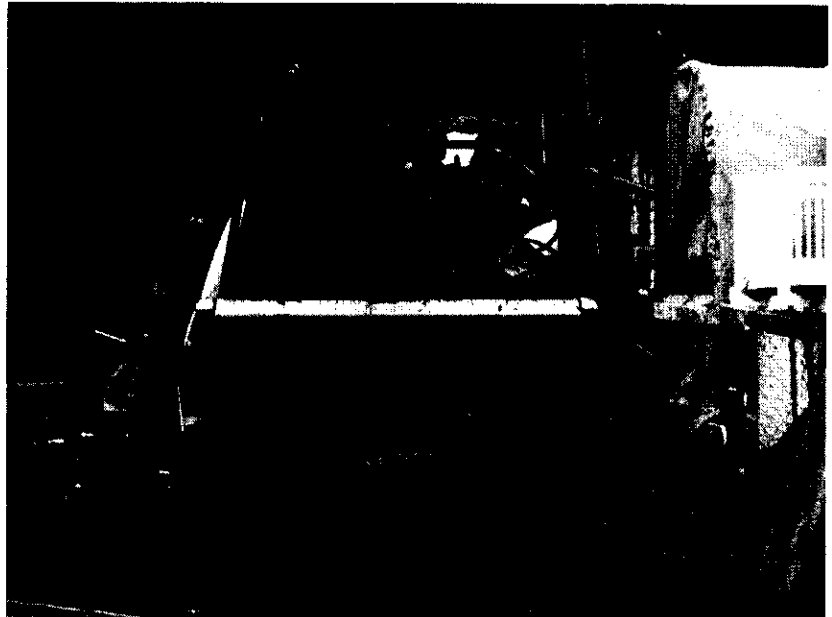
LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: SW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-003
COMMENTS: Trailer full of mattresses,
etc.



DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: S
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-004
COMMENTS: Waste on 1988 Chevy
Carry All owned by Christine Fisher.



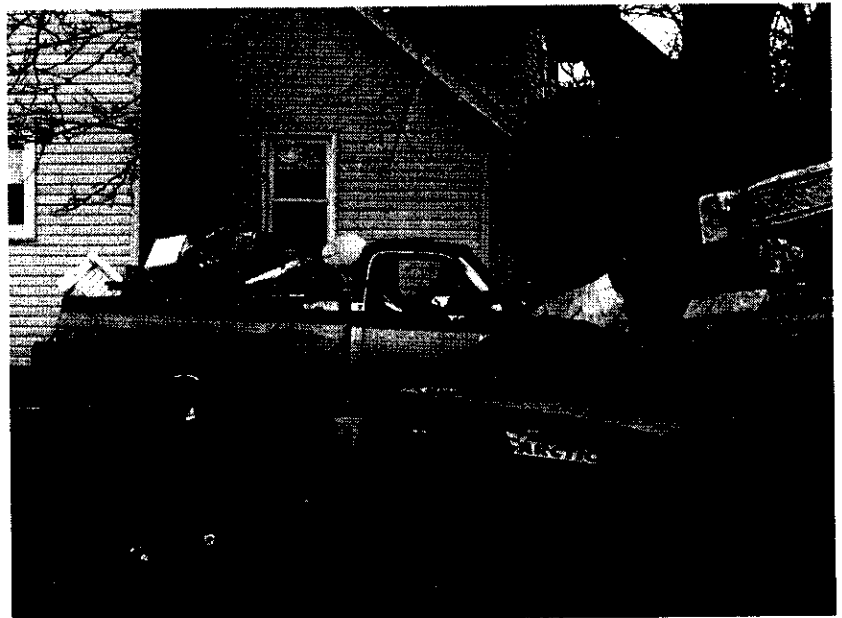
LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: SW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-005
COMMENTS: Waste and mattresses in
trailer.



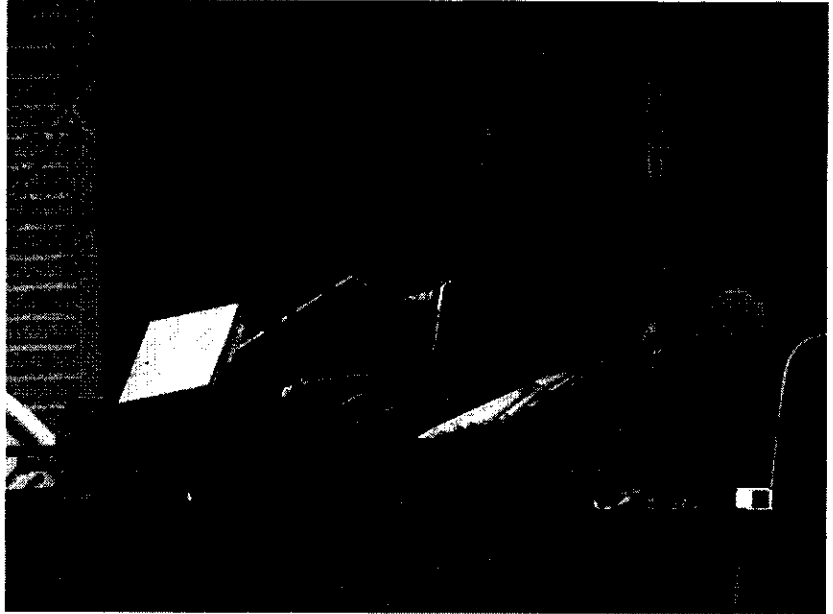
DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: SW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-006
COMMENTS: Metal in pick up truck.



LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: SW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-007
COMMENTS: Metal in pick up truck.



DATE: 1/30/06
TIME: 11:05 a.m.
DIRECTION: S
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-008
COMMENTS: Waste and burn pile.



LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: SW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-009
COMMENTS: C & D waste and burn
pile.



DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-010
COMMENTS: Plywood, carpet &
padding, furniture and gutters.



LPC # 418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-011
COMMENTS: Fluorescent bulbs,
aluminum gutters & siding, plastic and
wood stove.



DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-012
COMMENTS: Burn pile, plastic, metal,
paper, C & D waste, wood and landscape
waste.



LPC # 1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-013
COMMENTS: Various waste and burn
pile.



DATE: 1/30/06
TIME: 11:06 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-014
COMMENTS: Various waste in burn pile
including aerosol cans.



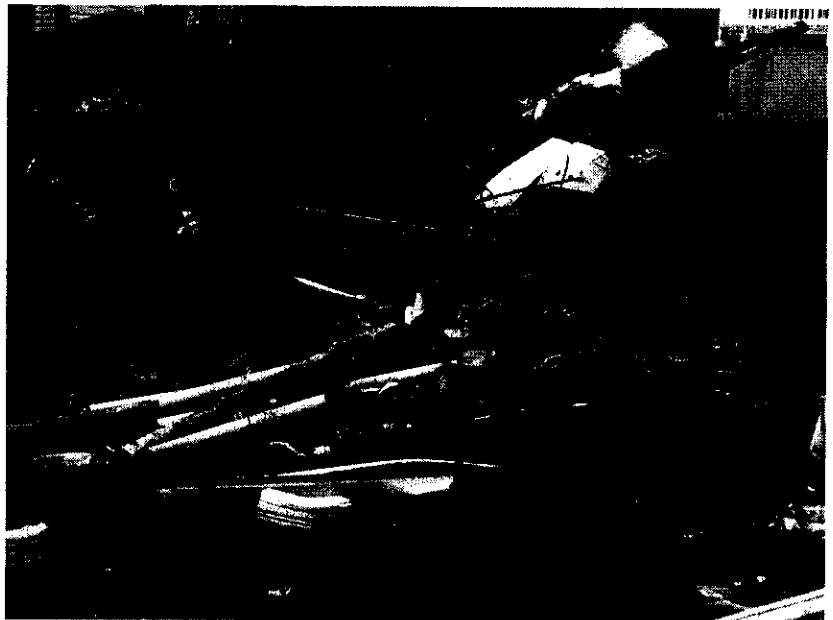
LPC # 1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:08 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-015
COMMENTS: Various waste and burn
pile.



DATE: 1/30/06
TIME: 11:08 a.m.
DIRECTION: W
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-016
COMMENTS: Various waste including C
& D waste.



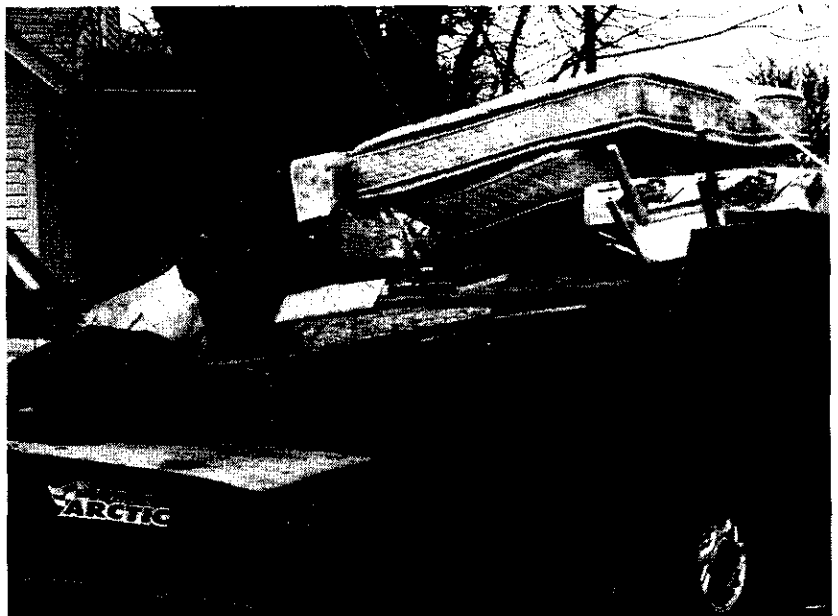
LPC # 1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:08 a.m.
DIRECTION: S
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-017
COMMENTS: Furniture, C & D waste
and burn pile.



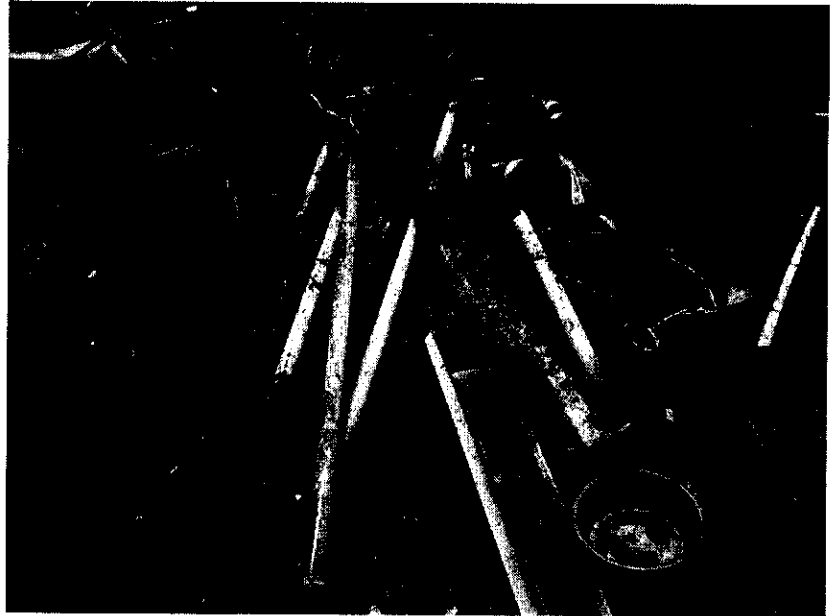
DATE: 1/30/06
TIME: 11:09 a.m.
DIRECTION: NW
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-018
COMMENTS: Waste and mattresses in
trailer.



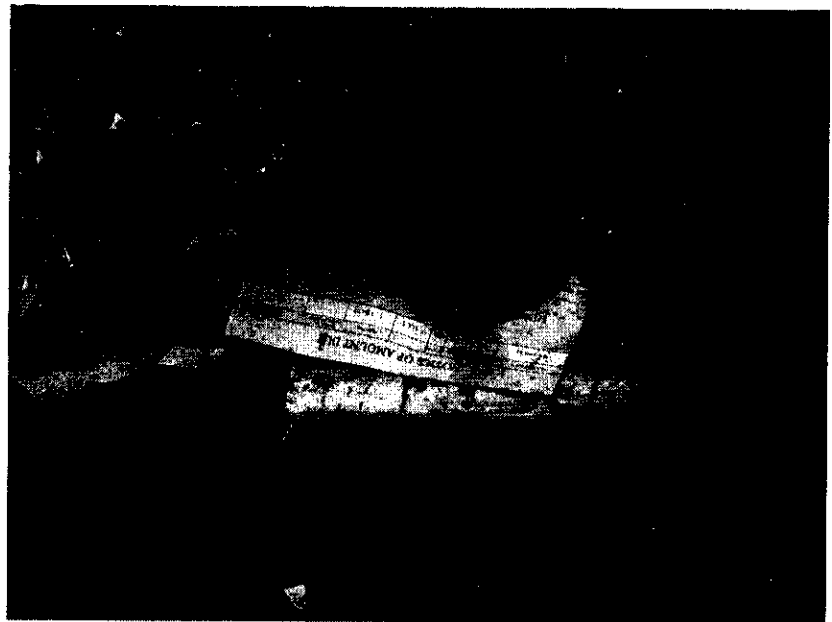
LPC # 1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:11 a.m.
DIRECTION: DN
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-019
COMMENTS: Broken fluorescent bulbs.



DATE: 1/30/06
TIME: 11:11 a.m.
DIRECTION: DN
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-020
COMMENTS: Slip obtained from burn
pile.



LPC #1418215008 ~ Ogle County
Fisher, Wayne L & Christina C
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 1/30/06
TIME: 11:12 a.m.
DIRECTION: S
PHOTO by: J.K. Bliton
PHOTO FILE NAME: 1418215008 ~
01302006-021
COMMENTS: Waste including C & D
waste in back yard.



