

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

MAY 11 2006

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)

Complainant)

v.)

BILL SHAWBACK)

Respondent)

AC NO. 06-42

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, Bill Shawback, is the present owner and/or operator of property located in Groveland 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. 0990105001. Said facility is commonly known to the Agency as the Shawback Property.
3. That the Respondent has owned and/or operated said facility since May 18, 2004.
4. That on April 12, 2006, 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 April 12, 2006, 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 406
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 406
Ottawa, Illinois 61350

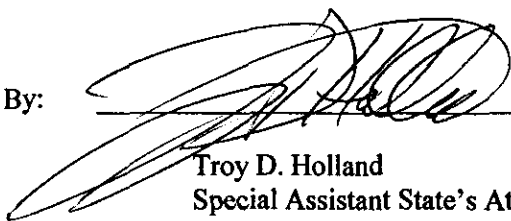
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 5-4-06

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

MAY 11 2006

STATE OF ILLINOIS
Pollution Control Board

AC NO. 06-42

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 BILL SHAWBACK)
)
 Respondent(s))

REMITTANCE FORM

FACILITY: Bill Shawback Site Code: 0990105001
P.O. Box 133 County: LaSalle
Cornell, IL 61319 Township: Groveland

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: April 12, 2006

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 406
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 406
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 DEVELOPMENT at the address given above.

STATE OF ILLINOIS
COUNTY OF LASALLE

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COUNTY OF LASALLE)

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Respondent(s))

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 April 12, 2006 between 2:25 p.m. and 2:30 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Shawback Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0990105001 by the Agency.
3. Affiant inspected the said Groveland Township / Shawback Property open dump site by an on-site inspection which included inspection the property 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 Groveland Township / Shawback Property open dump.

Christy Vargochik
Christy Vargochik, LaSalle County

Subscribed and Sworn to Before Me
this 2nd day of May, A.D. 2006.

Chanda L Marti
Notary Public



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Pollution Control Board

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE)

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PROOF OF SERVICE

The undersigned, after being first duly placed on oath, voluntarily deposes and states that she 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):

Bill Shawback
P.O. Box 133
Cornell, IL 61319

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

personal service

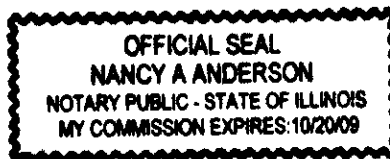
Certified Mail, postage pre-paid and deposited in the United States Mail, plainly addressed to such person(s) at the above-described location.

on this, the 5th day of May, A.D. 2006.

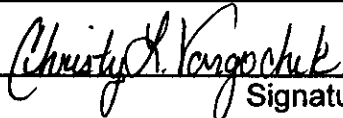
Christy Vargochik
Christy Vargochik, LaSalle County

Subscribed and Sworn to Before Me
this 5th day of May, A.D. 2006.

Nancy A. Anderson
Notary Public



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: () 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"/>



 Signature of Inspector(s)

LaSalle County

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: April 12, 2006
Site Code: 0990105001

Inspector(s):Christy Vargochik
Time: 2:25 p.m. – 2:30 p.m.

GENERAL REMARKS

A solid waste landfill inspection was performed on April 12, 2006, 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 Bill Shawback. The property is located at 310 E. Van Buren Street, Dana, 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, and; failure to submit an application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 68 degrees.

I arrived at the site at 2:25 p.m. I photographed the abandoned trailer, and the pile of junk to the south of the trailer (photo 1026.49, .50). At this time, I concluded the inspection, and left the site at 2:30 p.m.

EXPLANATION OF PHOTOGRAPHS

- 1026.49 Shows a pile of waste material to the south of the junk trailer. Photo taken facing northeast.
- 1026.50 Shows a junk trailer parked near the fence line at the end of Van Buren Street. Photo taken facing northeast.

Shawbacknar

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: APRIL 12, 2006

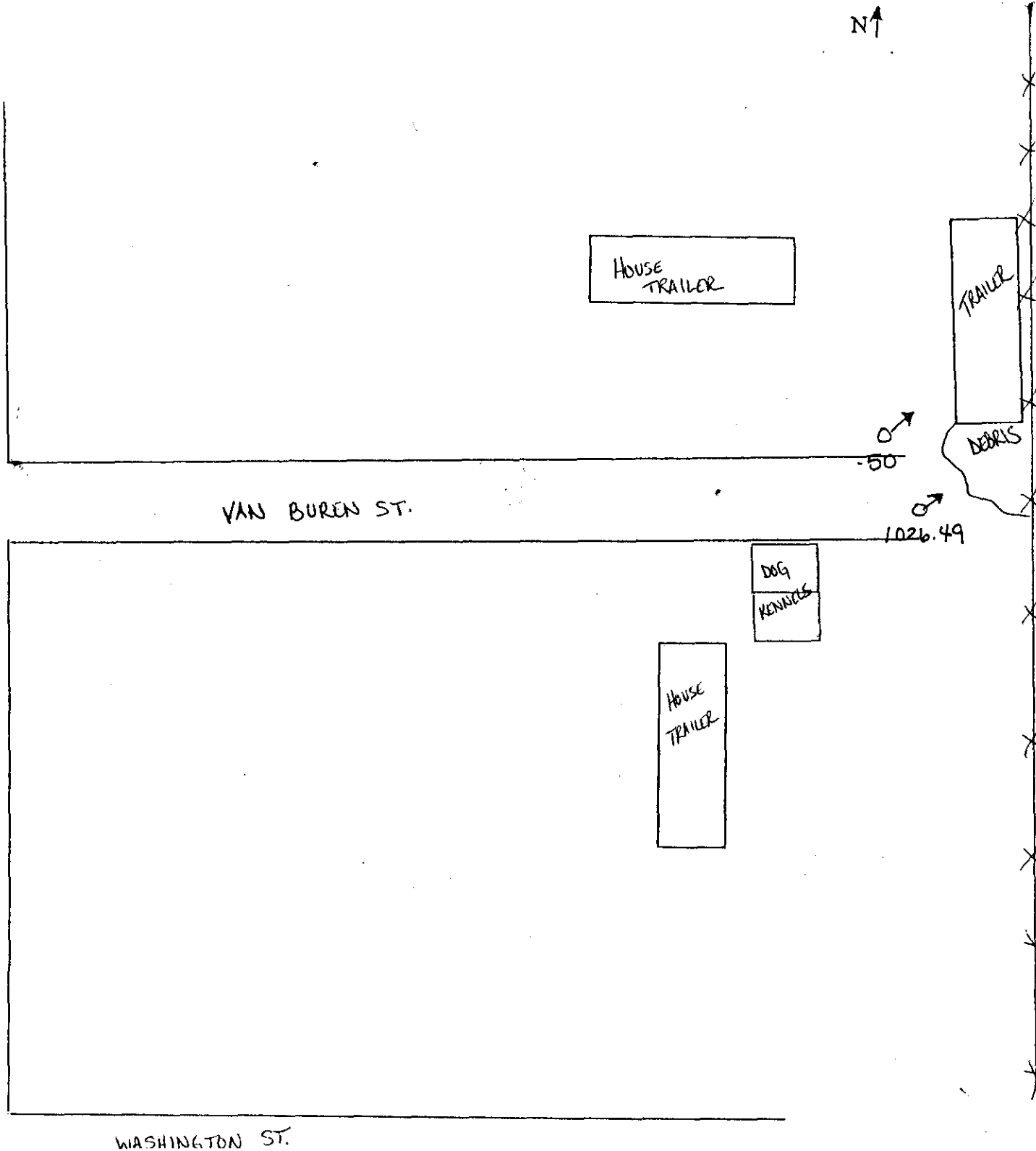
Inspector: CHRISTY VARGOCHIK

Site code: 0990105001


County: LASALLE

Site name: SHANBACK PROPERTY

Time: 2:25pm-2:30pm.



INSPECTION PHOTOS

DATE: <u>04 / 12 / 06</u>	SITE#: <u>0 9 9 0 1 0 5 0 0 1</u> CO.: LASALLE
TIME: 2:27 P.M.	SITE NAME: Shawback Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- Northeast ----- ----- ----- ----- ----- -----	
DISK#: 1026 PHOTO#: 49	

DATE: <u>04 / 12 / 06</u>
TIME: 2:28 P.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- Northeast ----- ----- ----- ----- ----- -----
DISK #: 1026 PHOTO #: 50

