JOHN B. ROE STATE'S ATTORNEY OF OGLE COUNTY 106 S. 5TH St. Suite 110 OREGON, ILLINOIS 61061

Email: oglesa@oglecounty.org www.oglecounty.org Telephone: (815) 732-1170 Fax: (815) 732-6607

June 11, 2007

Ms. Dorothy M. Gunn, Clerk of the Board Illinois Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601

> Re: Administrative Citation AC# 07-Property Owner: John and Angela Baker Site Code No: 1418095002 Property Address: 10870 N. Mt. Morris Road Leaf River, Illinois 61047 Inspection Date: April 16, 2007

Dear Clerk of the Board:

Enclosed for filing with the Board is the Administrative Citation package issued to the above property owners, John and Angela Baker. I am electronically submitting one complete package which includes a Notice of Filing, Entry of Appearance, Administrative Citation, Informational Notice, Remittance Form, Inspector's Affidavit, Field Investigation Inspection Report forms with accompanying photographs, a Notice of Corrective Action Required, and Proof of Service.

For your records, the Citation package was sent via certified mail to John and Angela Baker on June 8, 2007. As soon as I receive the proof verifying service I will notify you so your files will reflect the thirty-five (35) days after which the Board can enter the required Default Order if a Petition for Review has not been filed. If the Respondent pays the civil penalty without filing a Petition for Review, I will notify your Office.

Respondent is to be served at:	John and Angela Baker
	10870 N. Mt. Morris Road
	Leaf River, Illinois 61047

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Thank you for your assistance and kind attention to this matter.

Sincerely,

John B. Roe Ogle County State's Attorney

By_

Emily S. Seifert Assistant State's Attorney Ogle County State's Attorney's Office 106 S. 5th Street, Suite 110 Oregon, Illinois 61061

Please note: With the exception of letterhead, all other documents are printed on recycled paper

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

County of Ogle,)	
Complainant,)	
v.)	AC# 07-
John and Angela Baker,)	(Administrative Citation)
Respondents.)	

NOTICE OF FILING

TO: John and Angela Baker 10870 N. Mt. Morris Road Leaf River, Illinois 61047

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois

Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith

served upon you.

John B. Roe Ogle County State's Attorney

Date:_____

By:_____

Emily S. Seifert Assistant State's Attorney Ogle County State's Attorney's Office Oregon, Illinois 61061

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

County of Ogle,)	
Complainant,)	
V.)	AC# 07-
)	(Administrative Citation)
John and Angela Baker,)	
Respondents.)	

ENTRY OF APPEARANCE

The undersigned hereby enters his appearance in the above-captioned matter as

counsel for the Ogle County Solid Waste Management Department.

Respectfully Submitted,

John B. Roe Ogle County State's Attorney

Date:_____

By:___

Emily S. Seifert Assistant State's Attorney Ogle County State's Attorney's Office Oregon, Illinois 61061

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

County of Ogle,)
Complainant,))
V.) AC#
	(ADMINISTRATIVE CITATION)
John & Angela Baker,)
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, and delegated to Ogle County pursuant to 415 ILCS 5/4 (r).

FACTS

- The Respondents, John & Angela Baker, are the present owners and operators and in control and possession of a facility located in the County of Ogle, State of Illinois.
- The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code Number 1418095002. The facility is known to the Agency as Baker, John & Angela.
- That Respondents, John & Angela Baker, have occupied, controlled and/or operated the facility at all relevant times hereto.

 That on April 16, 2007, Joy K. Bliton, Field Inspector for Ogle County Solid Waste Management Department, inspected the facility.

VIOLATIONS

On the basis of Field Inspector, J. 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 violations: 415 ILCS 9(a), 9(c), 21(a), 21(d), 21(e),

- 21(p)(3), 55(a)(1&2) and 35 Illinois Administrative Code Requirements, Subtitle G 812.101(a). That on April 16, 2007 an on-site inspection of the facility disclosed the following:
 - The Respondents have 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).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b)(4), the Respondents are subject to a civil penalty of \$1,500.00 for each violation specified above. This is a total of \$1,500.00 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 \$1,500.00.

If Respondents acknowledge the violations cited hereinabove, the civil penalty shall be due and payable no later than thirty-five (35) days from the date of service hereof. If Respondents do not petition the Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if Respondents elect to contest this Administrative Citation, any judgment rendered against Respondents shall specify the due date of the statutory civil penalty and any costs assessed against Respondents.

When payment is made, Respondents' check should be made payable to Ogle County Solid Waste Fund and mailed to the Ogle County Treasurer, Ogle County Courthouse, P.O. Box 40, Oregon, IL 61061. Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon Respondents' application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received. Furthermore, if payment is not received when due, the Ogle County State's Attorney shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs of Ogle County and the Illinois Pollution Control Board, if any, the Ogle County State's Attorney's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation (*See* 415 ILCS 5/31.1). If Respondents elect to contest this Administrative Citation, Respondents must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review must also be sent to the Ogle County State's Attorney's Office. Such Petition for Review <u>must</u> be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a Default Judgment against you shall be entered by the Pollution Control Board.

Respondents' original Petition must be filed with the Clerk of the Illinois Pollution Control Board at the James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601; and a copy of said Petition for Review must also be sent to John B. Roe, Ogle County State's Attorney, Ogle County Courthouse, 106 S. Fifth Street, Suite 110, Oregon, IL 61061. In addition, a copy of the Petition needs to be sent to the Ogle County Solid Waste Management Department, Stephen J. Rypkema, Director, 909 West Pines Road, Oregon, IL 61061.

> John B. Roe Ogle County State's Attorney

Date:_____

By:___

Emily S. Seifert Assistant State's Attorney Ogle County State's Attorney's Office Oregon, Illinois 61061

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 W. Randolph Street, Suite 11-500 Chicago, IL 60601
The two county entities are:	Ogle County State=s Attorney's Office Attention: John Roe 106 S. 5 th Street, Suite 110 Oregon, IL 61061
	Ogle County Solid Waste Management Department Stephen J. Rypkema, Director 909 W. Pines Road 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.

REMITTANCE FORM

County of Ogle,)	
Complainant,))	
v.))	AC#
John & Angela Baker,))	
Respondents.))	

FACILITY:	Baker, John & Angela
COUNTY:	Ogle
DATE OF INSPECTION:	April 16, 2007
SITE CODE:	1418095002
CIVIL PENALTY:	\$1,500.00

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

County of Ogle,)	Facility # 1418095002 - Ogle County
)	Essility Name, Dalvar John & Angela
Complainant,)	Facility Name: Baker, John & Angela
F ,	ý	COMPLIANCE FILE
V.)	
)	
John & Angela Baker,)	
)	
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 <u>additional</u> 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 June 30, 2007, remove all waste 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 July 10, 2007, 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 requirements of this notice must be sent to:

Ogle County Solid Waste Management Department 909 W. Pines Road Oregon, IL 61061

On any correspondence you send concerning this matter, please reference the IEPA

designated facility number and facility name listed on the first page of this notice. Should you

have any questions concerning this notice or need further assistance contact OCSWMD at 815-

732-4020.

State of Illinois, Ogle County

Affidavit

County of Ogle)
Complainant,	/)) AC#
٧.)
John & Angela Baker	/)
Respondents.)

Affiant, Joy K. Bliton, being first duly sworn, voluntarily deposes and states as follows:

- 1. Affiant is a field inspector employed by the County of Ogle and has been so employed at all times pertinent hereto.
- On April 16, 2007, between 11:23 a.m. and 12:18 p.m., Affiant conducted an inspection of an open dump operated without an Agency permit, located at 10870 N. Mt. Morris Road, Leaf River, in Ogle County, Illinois and known as Baker, John & Angela by the Illinois Environmental Protection Agency Site No. 1418095002.
- 3. Affiant inspected said Baker, John & Angela open burn site by an on-site inspection which included walking and photographing the site.
- 4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Checklist form 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 Baker, John & Angela open burn site.

Joy K. Bliton, Solid Waste Specialist Environmental Engineer

Subscribed and Sworn to Before Me this 291% Day of M_{M} , 2007

Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD ADMINISTRATIVE CITATION

)
)
)
)
) AC#
)
) (ADMINISTRATIVE CITATION)
)
)
)

PROOF OF SERVICE

The undersigned, under oath, states that a copy of the TRANSMITTAL LETTER TO THE ILLINOIS POLLUTION CONTROL BOARD, NOTICE OF FILING, ENTRY OF APPEARANCE, ADMINISTRATIVE CITATION, INFORMATIONAL NOTICE, REMITTANCE FORM, INSPECTOR=S AFFIDAVIT, INSPECTION REPORT FORM WITH ATTACHMENTS, NOTICE OF CORRECTIVE ACTION, & PROOF OF SERVICE was mailed to John and Angela Baker by United States Mail (Certified Mail, postage pre-paid and deposited in the United States Mail) from Oregon, Illinois on June 8, 2007.

> John B. Roe Ogle County State=s Attorney

Date:_____

By:_____ Emily S. Seifert

Subscribed and sworn to before me this ____ day of _____, _____

Notary Public

Electronic Filing, Received, Clerk's Office, June 12, 2007 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County:	Ogle	LPC#: 1418095002 Region: 1 - Rockford	1				
Location/Site Name: Baker, John & Angela							
Date: 04/16/2007 Time: From 11:23 am To 12:18 pm Previous Inspection Date:							
Inspector(s): Joy Bliton Weather: Sunny, 53 degrees, winds W @							
No. of Photos Taken: # 18 Est. Amt. of Waste: 3 yds ³ Samples Taken: Yes # No.							
Interviewed: John & Angela Baker Complaint #:							
Latitude: Longitude: Collection Point Description: -							
(Example: L	_at.: 41.26493	Long.: -89.38294) Collection Method: -					
Responsib Mailing Ada and Phone		John & Angela Baker 10870 N. Mt. Morris Road Leaf River, IL 61047					
	SECTION	DESCRIPTION	VIOL				
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS							
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	\square				
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	\square				
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS					
4.	12(d)	CREATE A WATER POLLUTION HAZARD					
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	\square				
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:					
	(1)	Without a Permit	\square				
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	\square				
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	\square				
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RE IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	SULTS				
	(1)	Litter					
	(2)	Scavenging					
	(3)	Open Burning	\square				
	(4)	Deposition of Waste in Standing or Flowing Waters					
	(5)	Proliferation of Disease Vectors					
	(6)	Standing or Flowing Liquid Discharge from the Dump Site					

LPC # 1418095002

Increation Dates

11/16/2007						
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris				
9.	55(a)	NO PERSON SHALL:				
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	\square			
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	\square			
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	\bowtie			
11.	722.111	HAZARDOUS WASTE DETERMINATION				
12.	808.121	SPECIAL WASTE DETERMINATION				
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				
OTHER REQUIREMENTS						
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:				
15.	OTHER:					

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

Date of Inspection: April 16, 2007	Inspector: Bliton, J.K.
Site Code: 1418095002	County: Ogle
Site Name: Baker, John & Angela	Time: 11:23 a.m. – 12:18 p.m.

General Remarks

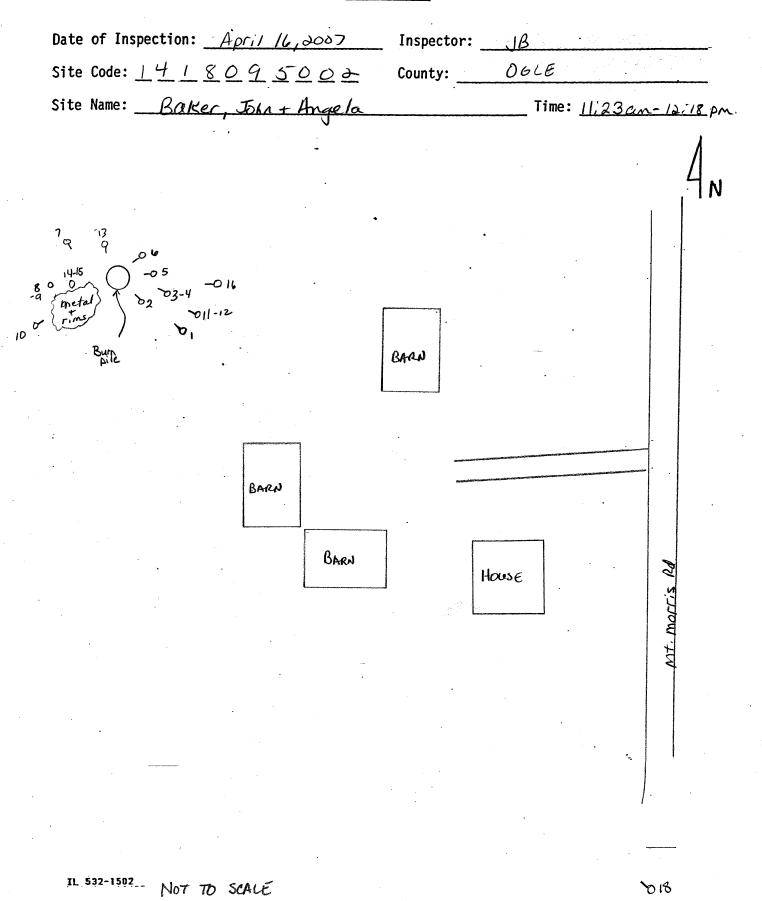
While driving north on Mt. Morris Road to another inspection, I noted black smoke to the north. I took pictures and followed the smoke. I arrived at the site at 11:22 a.m. I could see a fire with black smoke in the back of a farm.

I drove in and Angela Baker came out to speak with me. I identified myself and asked about the fire. She said there was an old pool that they were burning. She said her husband was back there. She called her husband, John, who came from the barns. He told me that he was burning some wood skids. I told him that there is other waste that is contributing to the black smoke. I said, "are you burning tires?" He said, "no." I told him we would need to walk over to the pile. I found 7 tires in the pile, along with the plastic pool. I told him that he could either put the fire out or we could call the Fire Department. He was able to put it out. He said he pulled a couple tire rims out of the fire before he started it. He said that they purchased the property around 14 years ago and that pile has been there since that time. He said they added some tree branches but that is all.

I noted signs of previous burning and explained to Mr. Baker that the grass would have filled in if the last fire was 14 years ago. I told him that there would likely be a fine and could be as much as \$3,000. I took photos and left the site at 12:20 p.m.

STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH



011

LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File

Illinois Environmental Protection Agency DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 11:27 a.m. **DIRECTION:** NW **PHOTO #:** 1418095002~04162007-001 **COMMENTS:** Illegal fire burning.

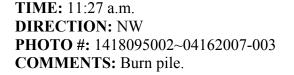


TIME: 11:27 a.m. **DIRECTION:** NW **PHOTO #:** 1418095002~04162007-002 **COMMENTS:** Tires burning.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File

Illinois Environmental Protection Agency DIGITAL PHOTOGRAPH PHOTOCOPIES





TIME: 11:30 a.m. **DIRECTION:** NW **PHOTO #:** 1418095002~04162007-004 **COMMENTS:** Tires burning.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File *Illinois Environmental Protection Agency* DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 11:30 a.m. **DIRECTION:** W **PHOTO #:** 1418095002~04162007-005 **COMMENTS:** Tires and plastic burning.



TIME: 11:31 a.m. **DIRECTION:** SW **PHOTO #:** 1418095002~04162007-006 **COMMENTS:** Tires burning.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File

Illinois Environmental Protection Agency DIGITAL PHOTOGRAPH PHOTOCOPIES



TIME: 11:31 a.m. DIRECTION: SE PHOTO #: 1418095002~04162007-007 COMMENTS: Previous fire pile. Two tires previously burned.

TIME: 11:32 a.m. **DIRECTION:** Down **PHOTO #:** 1418095002~04162007-008 **COMMENTS:** Other waste by burn pile.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File *Illinois Environmental Protection Agency* DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 11:32 a.m. **DIRECTION:** Down **PHOTO #:** 1418095002~04162007-009 **COMMENTS:** Other waste by burn pile.



TIME: 11:32 a.m. DIRECTION: NE PHOTO #: 1418095002~04162007-010 COMMENTS: Previous burn pile near fire.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File *Illinois Environmental Protection Agency* DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 11:32 a.m. **DIRECTION:** NW **PHOTO #:** 1418095002~04162007-011 **COMMENTS:** Illegal burning.



TIME: 12:09 p.m. **DIRECTION:** NW **PHOTO #:** 1418095002~04162007-012 **COMMENTS:** Fire put out.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File

Illinois Environmental Protection Agency DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 12:09 p.m. **DIRECTION:** SE **PHOTO #:** 1418095002~04162007-013 **COMMENTS:** Fire put out.



TIME: 12:10 p.m. DIRECTION: Down PHOTO #: 1418095002~04162007-014 COMMENTS: Demolition debris, some shingles.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File *Illinois Environmental Protection Agency* DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 12:10 p.m. DIRECTION: Down PHOTO #: 1418095002~04162007-015 COMMENTS: Ashes from previous burning.



TIME: 12:12 p.m. **DIRECTION:** W **PHOTO #:** 1418095002~04162007-016 **COMMENTS:** Fire put out.



LPC #1418095002 – Ogle County Site Name: Baker, John & Angela Photos taken by: J.K. Bliton Date: April 16, 2007 FOS File *Illinois Environmental Protection Agency* DIGITAL PHOTOGRAPH PHOTOCOPIES

TIME: 11:21 a.m. DIRECTION: NW PHOTO #: 1418095002~04162007-017 COMMENTS: Black smoke seen at a distance.



TIME: 11:22 a.m. DIRECTION: NW PHOTO #: 1418095002~04162007-018 COMMENTS: Black smoke from tires and plastic burning.

