## KAREN DONNELLY STATE'S ATTORNEY



## OFFICE OF THE STATE'S ATTORNEY LASALLE COUNTY, ILLINOIS

LASALLE COUNTY GOVERNMENTAL COMPLEX 707 ETNA ROAD, SUITE 251 OTTAWA, IL 61350

(815) 434-8340 Fax (815) 434-8357

January 31, 2018

AC 2018-9

Ms. Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, IL 60601 Re: 0998295005 - LaSalle County Dimmick Township / Schuster Property

RECEIVED CLERK'S OFFICE

MAR 07 2018

Re:

**ADMINISTRATIVE CITATION** 

IEPA Case No.:

Site Code No.: 0998295005 Inspection Date: 1/26/2018 STATE OF ILLINOIS
Pollution Control Board

Dear Ms. Gunn:

Enclosed please find for filing with the Board is the Administrative Citation package issued to the above-captioned facility. I am forwarding one (1) complete copy which includes the following:

- 1. The Administrative Citation
- 2. The Field Inspector's Affidavit
- 3. A Remittance Form

I am also enclosing ten (10) additional copies of the Administrative Citation, documented discussions and Inspector's Affidavit.

Please file stamp a copy and return it to our office in the enclosed self-addressed stamped envelope

As additional information, the Citation package was personally delivered by LaSalle County Sheriff's Department. The signed and dated affidavit shows receipt of this Administrative Citation 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 so notify your office.

## KAREN DONNELLY STATES ATTORNEY



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IPCB January 31, 2018 - Page 2 -

RECEIVED CLERK'S OFFICE MAR 0 7 2018

STATE OF ILLINOIS Pollution Control Board

The Respondents were served at:

Jeffrey Schuster 290 N. 35<sup>th</sup> Rd. LaSalle, IL 61301

Thank you for your assistance and attention to this matter. If there are further documents or materials which you require, please let me know.

Sincerely,

Mark Anderson
LaSalle County Assistant
State's Attorney

**Enclosures** 

#### STATE OF ILLINOIS

#### **COUNTY OF LASALLE**

#### **ADMINISTRATIVE CITATION**

RECEIVED CLERK'S OFFICE

COUNTY OF LASALLE	MAR <b>0 7</b> 2018
Complainant	STATE OF ILLINOIS Pollution Control Board
v.	)
JEFFREY SCHUSTER	) AC NO. 2018-9
Respondent	) )

#### **JURISDICTION**

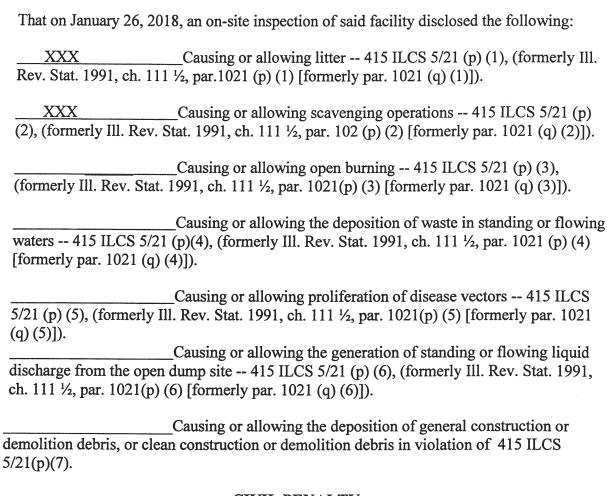
This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

#### **FACTS**

- 1. That Respondent, Jeffrey Schuster, is the present owner and/or operator of property located in Dimmick Township, LaSalle County, Illinois.
- 2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998295005. Said facility is commonly known to the Agency as the Schuster Property
- 3. That the Respondent has owned and/or operated said facility since November 21, 2017.
- 4. That on January 26, 2018, Christy Fisher, Landfill Inspector, LaSalle County Department of Environmental Services and Land Use, 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 Fisher of the LaSalle County Department of Environmental Services and Land Use, 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:



#### **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 three Thousand Dollars (\$3000.00). 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, one check should be made payable to the LASALLE COUNTY DEPARTMENTOF ENVIRONMENTAL SERVICES AND LAND USE and mailed to:

LaSalle County Department of Environmental Services and Land Use 119 West Madison Street Room 107a 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:

Mark Anderson LaSalle County Special Assistant State's Attorney 707 Etna Road Ottawa, Illinois 61350

LaSalle County Department of Environmental Services and Land Use 119 West Madison Street Room 107 Ottawa, Illinois 61350

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 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: <u>2/20/2018</u>

Karen Donnelly LaSalle County State's Attorney

By:

Mark Anderson

Special Assistant State's Attorney

# BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE		)		
Complainant		)		
v.		)		
JEFFREY SCHUSTER		)	AC NO. 2019-	9
Respondent(s)		)		
REMITTANCE FORM				
FACILITY: Jeffrey Schus 290 N. 35 <sup>th</sup> I LaSalle, IL 6	Rd		Site Code: County: Township:	0998295005 LaSalle Dimmick
CIVIL PENALTY:	\$1500.0 for each vi	olation		
Number of Violation(s):	two (2)			
Total Remittance:	\$3,000.00			
Date of Inspection:	January 26, 2018			
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 Land Use 119 West Madison Street, Room 107a 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: MARK ANDERSON 707 ETNA ROAD OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND LAND USE 119 WEST MADISON STREET ROOM 107A 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 <u>CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD</u> 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: MARK ANDERSON 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

	COUNTY OF LASALLE	RECEIVE
COUNTY OF LASALLE	)	RECEIVED CLERK'S OFFICE
Complainant	)	MAR 0 7 2018
v.	) )	STATE OF ILLINIOIS Pollution Control Board
JEFFREY SCHUSTER	) AC NO. <u>2018</u> -	9
Respondent(s)	)	

#### **AFFIDAVIT**

Affiant, Christy Fisher, 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 January 26, 2018 between 3:10 p.m. and 3:30 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Schuster Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998295005 by the Agency.
- 3. Affiant inspected the said Dimmick Township / Jeffrey Schuster Property open dump site by an on-site inspection which included conducting a visual inspection 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 Farm Ridge Township /Jeffrey Schuster Property open dump.

thristy Figher, LaSalle County

Subscribed and Sworn to Before Me

this 15 day of 7, A.D. 2018

OFFICIAL SEAL
TRACY JONASSEN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/20/19

# BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE	)	CLERK'S OFFICE
Complainant	)	MAR 07 2018
v.	)	Pollution Control Board
JEFFREY SCHUSTER	) AC NO. 2018-9	
Respondent(s)	)	

#### PROOF OF SERVICE

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

Jeffrey Schuster 290 N. 35<sup>th</sup> Rd. LaSalle, IL 61301

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

- (X) 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.

t.

on this, the 22 day of February, A.D. 2018.

Def. Desc. Lastog7 LaSake County Sheriff's Deputy

Subscribed and Sworn to Before Me

this  $\frac{27}{4}$  day of  $\frac{7}{4}$ ., A.D. 2018.

Notary Pablic

OFFICIAL SEAL ROBERT ONOFREY NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES 01/06/22

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County: LaSalle	LPC#: 099829500	Region: 1 - Rockford
Location/Site Name:	Dimmick Twp. / Jeffrey Schuster Pr	roperty
Date: 1/26/2018	Time: From 3:05p To	3:15p Previous Inspection Date: 12/21/2017
Inspector(s): Christy F	isher	Weather: Sunny and 40°
No. of Photos Taken: #	4 Est. Amt. of Waste: 2000	yds³ Samples Taken: Yes# No 🖂
Interviewed:		Complaint #: Co 13-004
	Jeffrey Schuster	Spfld
Responsible Party	290 N. 35 <sup>th</sup> Rd.	Rkfd
Mailing Address(es) and Phone Number(s):	LaSalle, IL 61301	File
and i none rambor(o).		

	SECTION	DESCRIPTION	VIOL
	14	INOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
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	
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	
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	$\boxtimes$
8.	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS		
	(1)	Litter	
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	

LPC #: 0998065003 Inspection Date: 1/26/2018

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	± 3
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	$\boxtimes$
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:		
	10000007		
		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: January 26, 2018

Site Code: 0998295005

Inspector(s): Christy Fisher Time: 3:05 p.m. – 3:15 p.m.

#### GENERAL REMARKS

Christy Fisher representing the LaSalle County Department of Environmental Services and Land Use under the delegated authority of the Illinois Environmental Protection Agency at the property of Jeff Schuster performed a solid waste landfill inspection on November 21, 2017. The property is located at 290 N. 35th Road, Dimmick Township, LaSalle, Illinois. During the inspection the following violations were noted: 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 40 degrees.

The inspection began at 3:05 p.m. I started the inspection on the east end of the property. As the photograph shows, there was piles of pallets, bags of garbage, and other material walling the property off from the farm field (photo 1262018.01, .02 and .03). I continued to the west, and found a grill, lawn chairs, and a dog house (1262018.03). Upon reaching the west end of the property, I photographed another vehicle parked among bags of garbage, pallets, a tire, and copious amounts of waste material (photo 1262018.05). This concluded the inspection, and I left the site at 3:15 p.m.

#### **EXPLANATION OF PHOTOGRAPHS**

1262018.01	Shows the west side of the property filled with pallets, bags of garbage other material walling the property
	off from the farm field. Photo taken facing southeast.
1262018.02	Shows the west side of the property with a very large pile of pallets. Photo taken facing southeast.
1262018.03	Shows the car next to a pile of garbage at least 5 feet high. Photo taken facing south.
1262018.04	Shows a grill, lawn chairs, and a dog house next to lots of domestic debris. Photo taken facing south.
1262018.05	Shows a red truck, more piles of garbage bags and domestic debris. Photo taken facing south.

Schusternar

# STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

# SITE SKETCH

Site co	of inspection: 1/21 ode: 09980 ome: Schuster		Inspector:County:	Salle	pm315pm
	N. 35	th Rd. 1-05 Heavy w/	g o4 tres through	out property	NT  03  122018
		· .			
			House	······································	
Not DRAWN TO SCAU Photo Taken = Vehicle	E	ogsoog			

# INSPECTION PHOTOS

INSPECTION PHOTOS				
DATE: <u>1/26/18</u>	SITE#: <u>0</u> <u>9</u> <u>9</u> <u>8</u> <u>0</u> <u>0</u> <u>5</u> <u>0</u> <u>0</u> <u>3</u> CO.: LASALLE			
TIME: 3:07 P.M.	SITE NAME: Jeff Schuster Property			
PHOTOGRAPH TAKEN BY: Christy Fisher				
COMMENTS: Picture taken toward:				
Southwest				
DISK#: 1262018 PHOTO#: 01				
DATE: <u>1/26/18</u>				
	7			

DATE: <u>1/26/18</u>
TIME: 3:08 P.M.
PHOTOGRAPH TAKEN BY: Christy Fisher
COMMENTS: Picture taken toward:
Southwest
DISK #:1262018 PHOTO #: 02



# **INSPECTION PHOTOS**

DATE: <u>1/26/18</u>	SITE#: <u>0</u> <u>9</u> <u>9</u> <u>8</u> <u>0</u> <u>6</u> <u>5</u> <u>0</u> <u>0</u> <u>3</u> CO.: LASALLE
TIME: 3:10 P.M.	SITE NAME: Jeff Schuster Property
PHOTOGRAPH TAKEN BY: Christy Fisher	
COMMENTS: Picture taken toward:	
South	
DISK#: 1262018 PHOTO#: 03	

DATE: <u>1/26</u> / <u>18</u>		
TIME: 3:12 P.M.		
PHOTOGRAPH TAKEN BY: Christy Fisher		
COMMENTS: Picture taken toward:		
South		
DISK #: 1262018 PHOTO: 04		



INSPECTION PHOTOS		
DATE: <u>1/26/18</u>	SITE#: <u>0</u> <u>9</u> <u>9</u> <u>8</u> <u>0</u> <u>6</u> <u>5</u> <u>0</u> <u>0</u> <u>3</u> CO.: LASALLE	
TIME: 3:10 P.M.	SITE NAME: Jeff Schuster Property	
PHOTOGRAPH TAKEN BY: Christy Fisher		
COMMENTS: Picture taken toward:		
South		
	83 285 2	
DISK#: 1262018 PHOTO#: 05		
DATE:		
TIME:		
PHOTOGRAPH TAKEN BY:		
COMMENTS: Picture taken toward:		

DISK #:

PHOTO:

NO PHOTO