

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

MAR 03 2006

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)

Complainant)

v.)

JERRY KOETZ)

Respondent)

AC NO. 06-27

CERTIFIED MAIL: 700 0520 0012 4196 4166
RETURN RECEIPT REQUESTED

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, Jerry Koetz, is the present owner and/or operator of property located in Grand Rapids 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. 0998135002. Said facility is commonly known to the Agency as the Koetz Property.
3. That the Respondent has owned and/or operated said facility since July 11, 2005.
4. That on February 3, 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 February 3, 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:

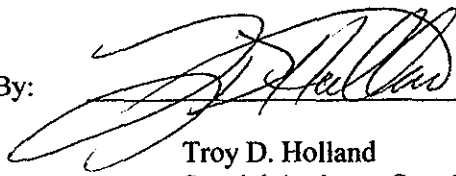
Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Dated:

2-21-06

Joseph P. Hettel
LaSalle County State's Attorney

By:



Troy D. Holland
Special Assistant State's Attorney

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CLERK'S OFFICE

MAR 03 2006

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 JERRY KOETZ)
)
 Respondent(s))

AC NO. 06-27

REMITTANCE FORM

FACILITY: Jerry Koetz Site Code: 0998135002
2086 N. 21st Rd. County: LaSalle
Grand Ridge, IL 61325 Township: Grand Rapids

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: February 3, 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.

RECEIVED
CLERK'S OFFICE

MAR 03 2006

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS
COUNTY OF LASALLE

COUNTY OF LASALLE)

Complainant)

v.)

JERRY KOETZ)

Respondent(s))

AC NO. 06-27

AFFIDAVIT

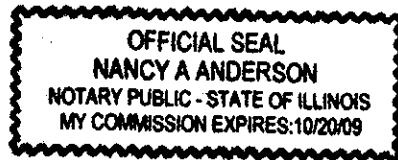
Affiant, Christy Vargochik, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On February 3, 2006 between 11:45 a.m. and 11:50 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Koetz Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998135002 by the Agency.
3. Affiant inspected the said Grand Rapids Township / Koetz 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 Grand Rapids Township / Koetz Property open dump.

Christy Vargochik
Christy Vargochik, LaSalle County

Subscribed and Sworn to Before Me
this 22 day of February, A.D. 2006.

Nancy A. Anderson
Notary Public



**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)

Complainant)

v.)

JERRY KOETZ)

Respondent(s))

AC NO. _____

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):

Jerry Koetz
2086 N. 21st Rd.
Grand Ridge, IL 61325

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

() personal service

(xx) 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 22 day of February A.D. 2006.

Tracy Jonassen

Tracy Jonassen, LaSalle County

Subscribed and Sworn to Before Me

this 22 day of February, A.D. 2006.

Nancy A. Anderson
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

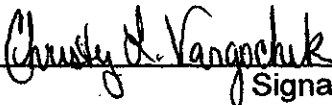
County: LaSalle LPC#: 0998135002 Region: 1 - Rockford
 Location/Site Name: Grand Rapids Twp. / Jerry W. Koetz Property
 Date: Feb. 3, 2006 Time: From 11:45a To 11:50a Previous Inspection Date: Nov. 15, 2005
 Inspector(s): Christy Vargochik Weather: Cloudy ~ 46°
 No. of Photos Taken: # 7 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: Co 05-047

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

Jerry W. Koetz
 2086 N. 21st Rd
 Grand Ridge, IL 61325

	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 checked="" 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"/>



 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: February 3, 2006
Site Code: 0998135002

Inspector(s): Christy Vargochik
Time: 11:45 a.m. – 11:50 a.m.

GENERAL REMARKS

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 Jerry W. Koetz performed a solid waste landfill inspection on February 3, 2006. The property is located at 2086 North 21st Road, Grand Rapids Township, Grand Ridge, 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 and deposition of general construction and demolition debris 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 cloudy and approximately 46 degrees.

I arrived at the site at 11:45 a.m. I conducted the inspection from the road. I photographed the site from the neighboring property to the east (photo 1017.12). From this location, I could see that all of the trailers from the previous inspection remained on the property. I approached the property from the east, and began photographing the trailers that are being stored on the east end of the property (photo 1017.13, .14, .15). When I reached the west side of the house, I could see a large pile of waste material (photo 1017.16). I then photographed three trailers parked in the yard (photo 1017.17), and a large pile of tires (photo 1017.18). This concluded the inspection, and I left the site at 11:50 a.m.

EXPLANATION OF PHOTOGRAPHS

- 1017.12 Shows an overall view of the east end of the property where several trailers were parked. Photo taken facing west.
- 1017.13 Shows some of the trailers parked on the east end of the property. Photo taken facing southwest.
- 1017.14 Shows some of the trailers parked on the east end of the property. Photo taken facing south.
- 1017.15 Shows another trailer parked on the east side of the house. Photo taken facing southwest.
- 1017.16 Shows a large pile of waste material. Photo taken facing southwest.
- 1017.17 Shows three trailers parked in the yard. Photo taken facing southwest.
- 1017.18 Shows a large pile of tires. Photo taken facing southwest.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: FEB. 3, 2006 Inspector: CHRISTY VARGOCHIK
Site code: 0998135002 County: LASALLE
Site name: KOETZ PROPERTY Time: 11:45am-11:50am.

* = NOT DRAWN TO SCALE

⊗ = WASTE TIRE

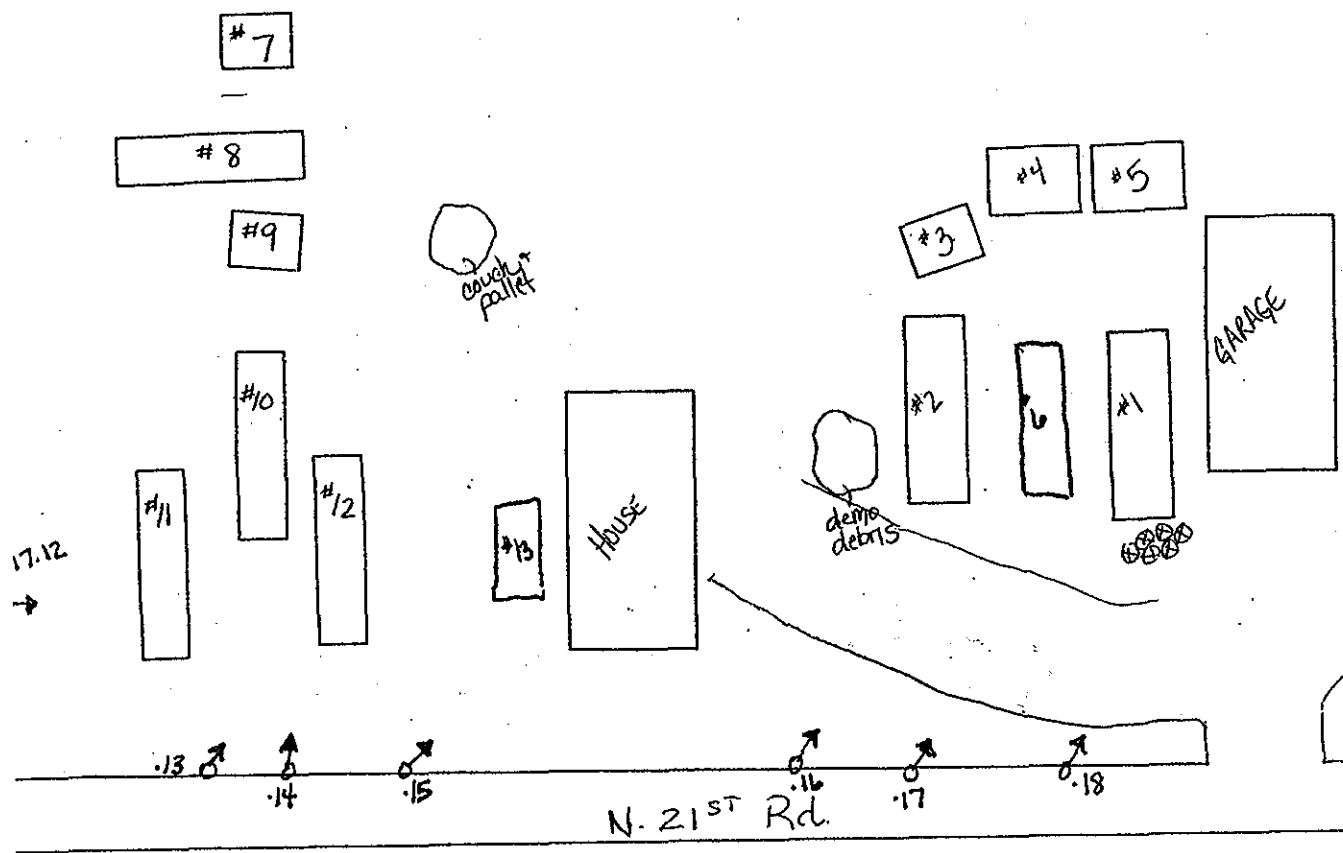
[] = TRAILER

[] = CAMPER


↗ = PHOTO TAKEN

N ↓

field



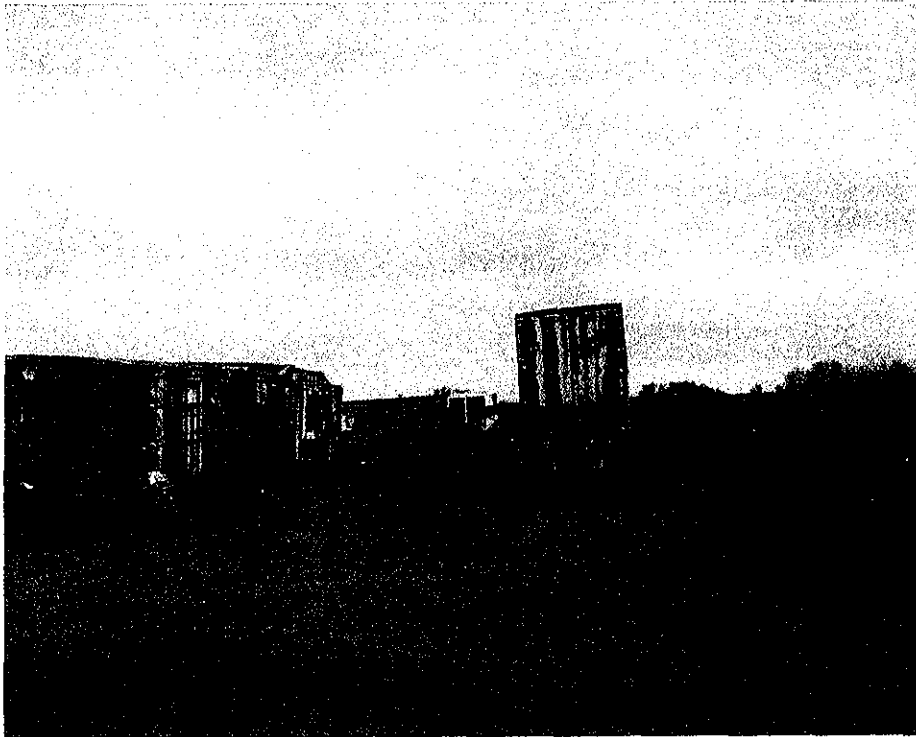
INSPECTION PHOTOS

DATE: <u>02/03/06</u>	SITE#: <u>0 9 9 8 1 3 5 0 0 2</u> CO.: LASALLE
TIME: 11:45 A.M.	SITE NAME: Jerry W. Koetz Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: -	
----- West ----- ----- ----- ----- -----	
DISK#: 1017 PHOTO#: 12	

DATE: <u>02/03/06</u>
TIME: 11:46 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward:
----- Southwest ----- ----- ----- ----- -----
DISK #: 1017 PHOTO #: 13




INSPECTION PHOTOS

DATE: <u>02/03/06</u>	SITE#: <u>0 9 9 8 1 3 5 0 0 2</u> CO.: LASALLE
TIME: 11:46 A.M.	SITE NAME: Jerry W. Koetz Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- South ----- ----- ----- ----- ----- -----	
DISK#: 1017 PHOTO#: 14	

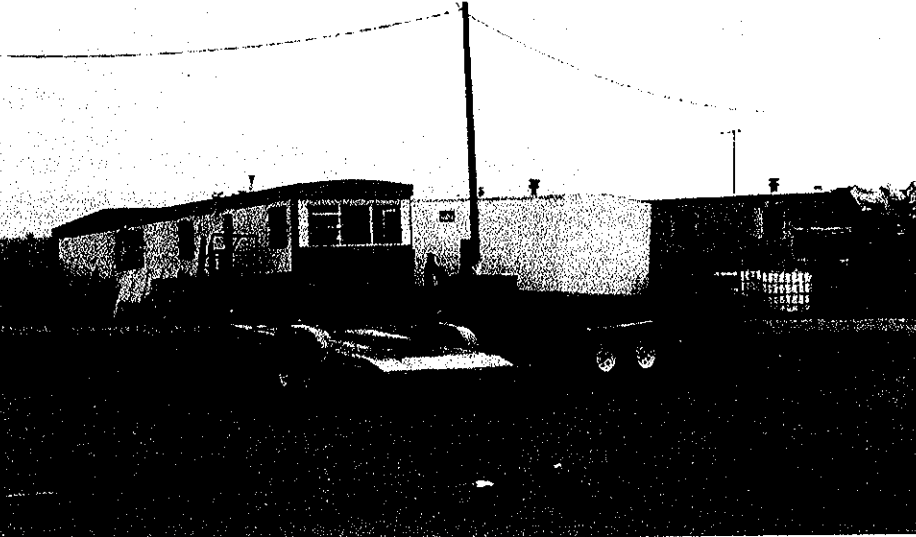
DATE: <u>02/03/06</u>
TIME: 11:47 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward: ----- Southwest ----- ----- ----- ----- ----- -----
DISK #: 1017 PHOTO #: 15



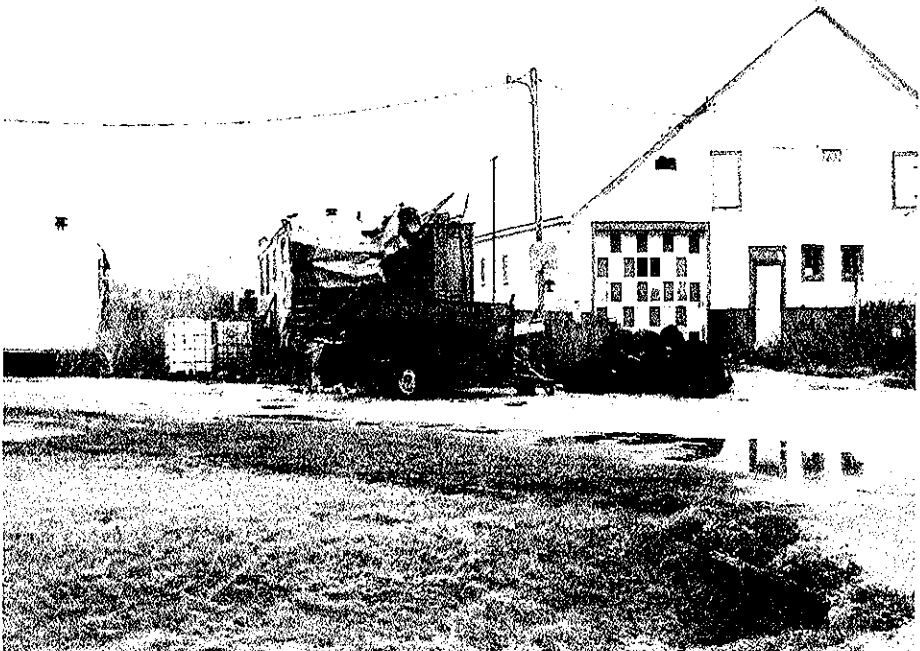
INSPECTION PHOTOS

DATE: <u>02/03/06</u>	SITE#: <u>0 9 9 8 1 3 5 0 0 2</u> CO.: LASALLE
TIME: 11:47 A.M.	SITE NAME: Jerry W. Koetz Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
----- Southwest -----	

DISK#: 1017 PHOTO#: 16	

DATE: <u>02/03/06</u>	
TIME: 11:49 A.M.	
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
----- Southwest -----	
DISK #: 1017 PHOTO #: 17	

INSPECTION PHOTOS

DATE: <u>02/03/06</u>	SITE#: <u>0 9 9 8 1 3 5 0 0 2</u> CO.: LASALLE
TIME: 11:49 A.M.	SITE NAME: Jerry W. Koetz Property
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
----- Southwest -----	

DISK#: 1017 PHOTO#: 18	

DATE:
TIME:
PHOTOGRAPH TAKEN BY:
COMMENTS: Picture taken toward:

DISK #: PHOTO #:

NO
PHOTO

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jerry Koetz
2086 N. 21st Rd.
Grand Ridge IL 61325

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X Crystal Koetz

B. Received by (Printed Name) C. Date of Delivery
Crystal Koetz 2/23/06

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7000 0520 0012 4196 4166

102595-02-M-1540

PS Form 3811, August 2001

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

° Sender: Please print your name, address, and ZIP+4 in this box °

LaSalle County Environmental
Services & Development
119 W. Madison St., RM 406
Ottawa, IL 61350