

LASALLE COUNTY STATE'S ATTORNEY

JOSEPH P. HETTEL

13th Judicial Circuit  
707 East Etta Road, Room 251  
Ottawa Illinois 61350  
Phone (315) 434-8340  
Fax (315) 434-8357

RECEIVED  
CLERK'S OFFICE

SEP 13 2006

STATE OF ILLINOIS  
Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE

Complainant

v.

ERIC AND SARAH COOK

Respondent

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

AC NO.

AC07-14

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 1/2, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 1/2, par. 104 (r).

FACTS

1. That Respondent, Eric and Sarah Cook, are the present owner and/or operator of property located in Manlius 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. 0998175012. Said facility is commonly known to the Agency as the Cook Property.
3. That the Respondent has owned and/or operated said facility since July 27, 2006.
4. That on July 27, 2006, Mathew Stafford, Land Use 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 Mathew Stafford 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:

That on July 27, 2006, an on-site inspection of said facility disclosed the following:

XXX	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)]).
XXX	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 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, a 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 LAND USE** and mailed to:

**LaSalle County Department of Environmental Services and Land Use  
119 West Madison Street  
Room 400  
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 Land Use  
119 West Madison Street  
Room 400  
Ottawa, Illinois 61350

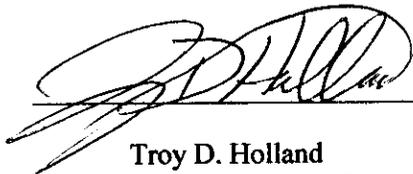
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 8/24/06

Joseph P. Hettel  
LaSalle County State's Attorney

By: \_\_\_\_\_



Troy D. Holland  
Special Assistant State's Attorney

**RECEIVED**  
CLERK'S OFFICE  
SEP 13 2006  
STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE )

Complainant )

v. )

ERIC AND SARAH COOK )

Respondent(s) )

AC NO. 07-14

**REMITTANCE FORM**

**FACILITY:** Eric and Sarah Cook  
2804 East 2651 Road  
Marseilles, IL 61341

**Site Code:** 0998175012  
**County:** LaSalle  
**Township:** Manlius

**CIVIL PENALTY:** \$1500.0 for each violation

**Number of Violation(s):** two (2)

**Total Remittance:** \$3,000.00

**Date of Inspection:** July 27, 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 Land Use  
119 West Madison Street, Room 400  
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 LAND USE  
119 WEST MADISON STREET  
ROOM 400  
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 LAND USE at the address given above.**

RECEIVED  
CLERK'S OFFICE

SEP 13 2006

STATE OF ILLINOIS  
Pollution Control Board

STATE OF ILLINOIS  
COUNTY OF LASALLE

COUNTY OF LASALLE

Complainant

v.

ERIC AND SARAH COOK

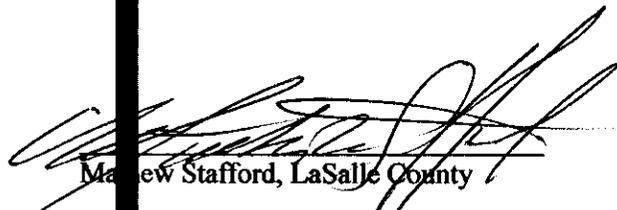
Respondent(s)

AC NO. 07-14

AFFIDAVIT

Affiant, Mathew Stafford, 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 July 27, 2006 between 2:28 p.m. and 2:35 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Cook Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998175012 by the Agency.
3. Affiant inspected the said Manlius Township Cook 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 Manlius Township / Cook Property open dump.

  
Mathew Stafford, LaSalle County

Subscribed and Sworn to Before Me  
this 28 day of August, A.D. 2006.

  
Notary Public







LPC # 0998175012

Inspection Date: 07/27/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
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"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

  
 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: July 27, 2006  
Site Code: 0998175012

Inspector(s): Mathew Stafford  
Time: 2:28 p.m. - 2:35 p.m.

### GENERAL REMARKS

On July 27, 2006 a solid waste inspection was conducted by Mathew Stafford representing LaSalle County Environmental Services and Land Use under the delegated authority of the Illinois Environmental Protection Agency at the property listed as being owned by Eric and Sarah Cook. The property is located in the SE ¼ of the SW ¼, Section 9, Township 33 North, Range 5 East of the Third Principal Meridian, LaSalle County, Illinois. It is commonly known as 2804 East 2651 Road, Marseilles, Illinois. During the inspection the following was noted: causing or allowing open dumping; causing or allowing the open dumping in a manner which is resulting in litter at the dump site, causing or allowing the open dumping in a manner which is resulting in open burning at the site, and failure to submit an application for a permit to develop and operate a landfill.

The initial complaint of this property was received by the LaSalle County Environmental Services and Land Use Department on June 5, 2006. Christy Vargochik and Mathew Stafford, Landfill Inspectors with the Department, responded to the open dumping complaint by meeting with Eric Cook, owner of the property, at the site on June 7, 2006. On this date a very large pile of debris was present in the front portion of the property. Mr. Cook informed us that he is a concrete contractor and that he occasionally brings wood debris from tear down/replacement jobs and burns the material to dispose of it. He also informed us that he was under the impression that wood debris could be burned at the property that he owned. We informed him that open burning and bringing trade waste to his property is in violation of the Environmental Protection Act and that the material present on the site has to be properly disposed of at a landfill. Ms. Vargochik informed him to retain receipts for the disposal of the material and provide a copy to our department for verification of proper disposal. Mr. Cook said that this is not a problem and he would oblige. Christy (Ms. Vargochik) told Mr. Cook that our department would not open a file, but would conduct another inspection in 30 days to verify compliance.

On June 29<sup>th</sup>, Christy Vargochik conducted an inspection from the road of the Cook Property. The large pile of debris still existed at the site. Ms. Vargochik sent the Cooks a "Notice of Illinois Environmental Protection Act Violations" letter via certified mail July 13<sup>th</sup>, 2006.

In the morning of July 27, 2006 three complaints were received stating that the pile of debris at the Cook Property was burned the night of July 26, 2006. Two complaints were received from nearby residents and one was received from the Marseilles Fire Department. The Marseilles Fire Department and the LaSalle County Sheriffs Department (incident report 263475) were both dispatched to the site on July 26th. It was reported that Mr. Cook blocked his driveway entrance with a vehicle and trailer to prohibit the fire department's access to the fire. The County Deputy and Fire Chief convinced Mr. Cook to move his vehicles so the fire could be extinguished. Mr. Cook agreed and the fire was extinguished.

Mathew Stafford of the LaSalle County Environmental Services and Land Use Department conducted an inspection from the road on the afternoon of July 27, 2006.

Weather conditions noted on arrival was partly cloudy and approximately 82 degrees.

I arrived at the site at 2:28 p.m. and conducted an inspection from the township road. The pile of debris that existed on the property was reduced to a small pile of ash and dirt. A bobcat was on site and it appeared that the remnants of the previous night's fire was mixed with soil and pushed into one central pile (photo 1034.24 and 1034.25) in the front portion of the property. I concluded the inspection and left the site at 2:35 p.m.

*Cook-repl*

## EXPLANATION OF PHOTOGRAPHS

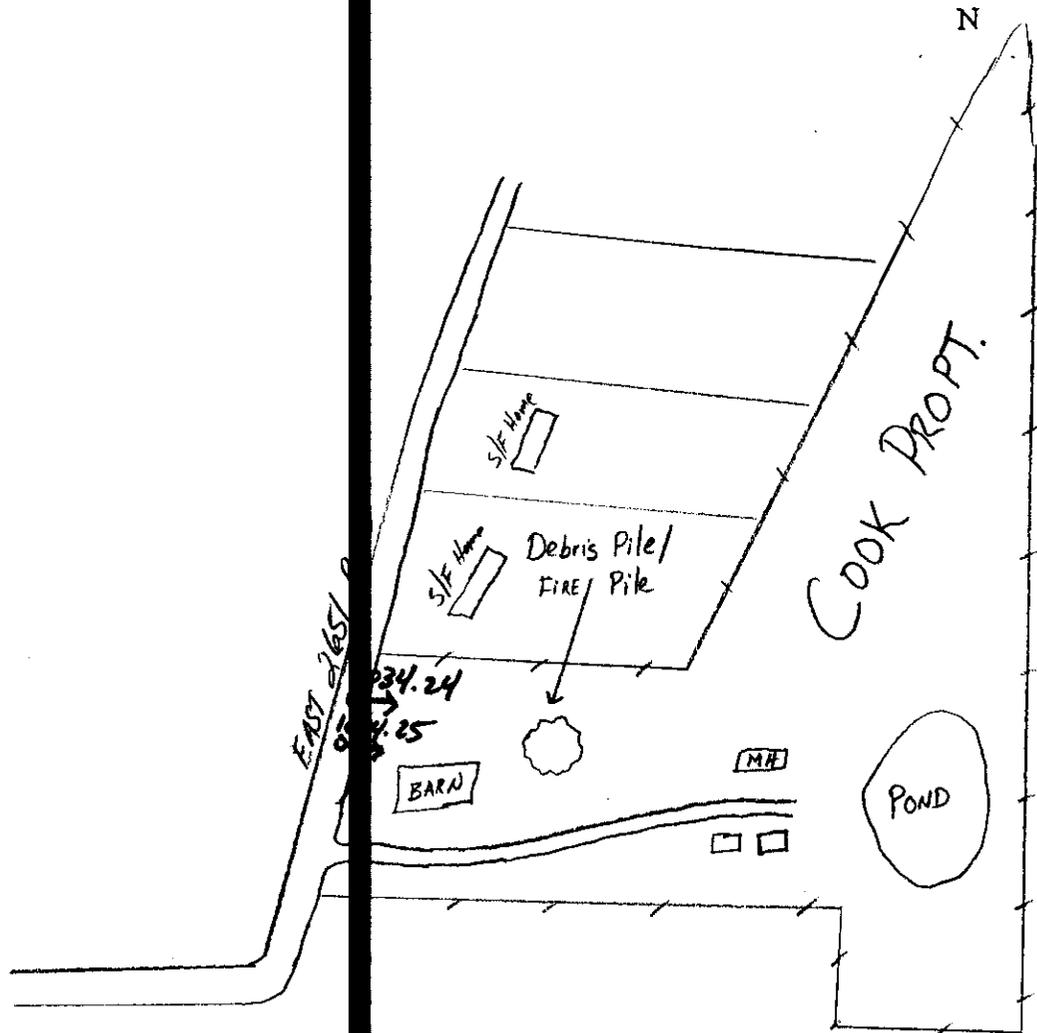
1034.24 Shows the front portion of the Cook Property and a large pile of dirt/ash. Photo taken facing east

1034.25 Shows the front portion of the Cook Property and a large pile of dirt/ash. Photo taken facing east

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: 7/27/06 Inspector: Matthew Stollard  
Site code: 0998175012 County: LaSalle  
Site name: Cook Property Time: 2:25-2:35 p.m.



\* Not Drawn to Scale

♂ Photo Taken



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 DIVISION OF LAND POLLUTION CONTROL  
 COMPLAINT INVESTIGATION  
 FORM

Complaint No.: Co 06-061  
C

Date Received: 6/5/06  
 By: Christy Vargochik  
 By Phone  
 In Person  
 By Mail

DLPC #: 0998170000

County: LASALLE

Location/Facility Name: Manlius Twp / Cook Property

Complainant: \_\_\_\_\_ Respondent: Eric & Sarah Cook

Address: \_\_\_\_\_ Address: 2804 E. 2651st Rd.  
 Marseilles IL 61341

Telephone #: \_\_\_\_\_ Telephone #: ( ) 795-5916 home  
 795-0129 work

Directions to Source: 2804 E. 2651st Rd.  
 Marseilles IL 61341

Complaint Details: Shingles, building materials trucked  
 to property & burned.

INVESTIGATION FINDINGS

By: Matthew Stafford, Christy Vargochik Date: 6/7/06

Interviewed: Eric Cook Time: 9:00 a.m. - 9:30 a.m.

Investigation Results: Onsite investigation uncovered a  
 very large pile of wood construction/demolition debris  
 ready to be burned. Upon closer inspection, the wood  
 material had flaking lead paint. Property owner  
 was given 30 days to dispose of material to  
 a licensed landfill and to submit receipts  
 documenting proper disposal site.

6-29-06 Onsite - pile of debris remains in yard w/

7/26/06 Pile burned

Complainant notified of findings? Yes  No \_\_\_\_\_

Referred to: \_\_\_\_\_ File Opened:  Yes  No



6/29/06

10:1217733290

IEPA

0998175012

BUREAU OF LAND INVENTORY DATA INPUT FORM

INVENTORY # ISSUED:

TRAN CODE

TRAN DATE

Change

YYY

010 FACILITY NAME

COOK PROPERTY

FACIS CODE

ES

RELA RESIDENT #

100

020 LOCATION ADDRESS (STREET ADDRESS REQUIRED)

SEND MAIL HERE X

STREET: 804 EAST 2651 ROAD

48

P.O. BOX:

CITY: MANSFIELD

STATE: IL

ZIP: 43411

MAIL BND: 121

CONTACT: ERIC + SARA COOK

MAIL BND: 121

COUNTY: LASALLE

TOWNSHIP: MANLISS

30 OWNER ADDRESS (IF SAME AS ABOVE LEAVE BLANK)

SEND MAIL HERE

NAME:

STREET:

P.O. BOX:

STATE: ZIP:

TELEPHONE:

104

CONTACT:

106

040 OPERATOR ADDRESS (IF SAME AS ABOVE, LEAVE BLANK)

SEND MAIL HERE

NAME:

STREET:

P.O. BOX:

STATE: ZIP:

TELEPHONE:

104

CONTACT:

106

SEND FAX TO: BOLLUM PERCE 217/82-922

RETURN FAX #: 815 1453-9242

FROM (PRINT NAME): M.H. COOK

REGSECTION:

TELEPHONE #: 815 1234

DATE: 8/1/06

PREVIOUS COMPANY NAME:

LASALLE COUNTY SHERIFFS OFFICE

Incident Report

DATE: 07/31/2006  
TIME: 01:25:37PM

Page 1 of 2

INCIDENT #: 263475

Case Number: 263475

ADDRESS: 2808 EAST 2651ST

City: MARSEILLES

State: IL

ZipCode: 61341-

REPORTING OFFICER: 436 - DYKE, JOHN

DATE: 07/27/2006

TIME: 16:33

INCIDENT STATUS: CLEARED EXCEPTI

EXCEPTIONAL CLEARANCE:

DATE:

ZONE: 02090

SUBDIVISION:

JUVENILE: N

SCHOOL:

Offenses

U.C.R. CODE: 8166 OFFENSE: FIRE

STATUTE: 8166

LOCATION: RESIDENCE / HOME

BIAS MOTIVATION: NONE  
OFFENSE STATUS: COMPLETED  
OFFENDER USED:

CRIMINAL ACTIVITY:

WEAPON / FORCE:

METHOD OF ENTRY:

GANG ACTIVITY: N

GANG TYPE:

GANG TYPE:

HOME INVASION: N

Auto:

Auto:

PREMISES ENTERED: 0

GANG NAME:

GANG NAME:

Complainant Segment

NAME: GOELLNER, STEVEN G

RACE: SEX: HEIGHT: WEIGHT:

ADDRESS:

HAIR: EYES: D.O.B.:

ADDRESS:

CITY, STATE ZIP:

HOME PHONE:

WORK PHONE: ( ) -

OCCUPATION:

EMPLOYER:

S.S.N.:

D.L.N.:

Case Segment

APPROVING OFFICER:

DATE:

ASSIGNED OFFICER:

DATE:

LASALLE COUNTY SHERIFFS OFFICE

Incident Report

DATE: 07/31/2006  
TIME: 01:25:37PM

Case Number: 263475

Page 2 of 2

Others Involved Segment

NAME: COOK, ERIC G

INVOLVEMENT: MENTIONED

ADDRESS: [REDACTED]  
ADDRESS: [REDACTED]  
HOME PHONE: [REDACTED]  
OCCUPATION: [REDACTED]  
S.S.N.: [REDACTED]

RACE: [REDACTED] SEX: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED]  
HAIR: [REDACTED] EYES: [REDACTED] B: [REDACTED]  
CITY, STATE ZIP: [REDACTED]  
WORK PHONE: ( ) - [REDACTED]  
EMPLOYER: [REDACTED]  
D.L.N.: [REDACTED]

NAME: GARRISON, MICHAEL K

INVOLVEMENT: MENTIONED

ADDRESS: [REDACTED]  
ADDRESS: [REDACTED]  
HOME PHONE: [REDACTED]  
OCCUPATION: [REDACTED]  
S.S.N.: [REDACTED]

RACE: [REDACTED] SEX: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED]  
HAIR: [REDACTED] EYES: [REDACTED] B: [REDACTED]  
CITY, STATE ZIP: [REDACTED]  
WORK PHONE: ( ) - [REDACTED]  
EMPLOYER: [REDACTED]  
D.L.N.: [REDACTED]

NAME: STAFFORD, MATHEW W

INVOLVEMENT: MENTIONED

ADDRESS: [REDACTED]  
ADDRESS: [REDACTED]  
HOME PHONE: ( ) - [REDACTED]  
OCCUPATION: [REDACTED]  
S.S.N.: [REDACTED]

RACE: [REDACTED] SEX: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED]  
HAIR: [REDACTED] EYES: [REDACTED] B: [REDACTED]  
CITY, STATE ZIP: [REDACTED]  
WORK PHONE: [REDACTED]  
EMPLOYER: [REDACTED]  
D.L.N.: [REDACTED]

Narrative

On the 26th of July 2006 at 11:43 p.m., I responded to 2808 East 2651st in reference to a fire complaint. Upon arrival to the area I observed a large fire in the yard at 2804 East 2651st. When I arrived at 2808 East 2651st, I spoke with the complainant, Steven Goellner. Steven said approximately three to four weeks ago, Mathew Stafford from LaSalle County Environmental Service went to 2804 East 2651st and told the owner, Eric Cook, he was not to burn the large pile of wood and house lumber. Steven said Eric was told not to burn the large pile because the house lumber had been hauled onto the property. Steven said Eric was not burn the large pile because there was lead base paint and asbestos in/on the house lumber. Steven said Mathew Stafford came to his house and told him, Eric was not to burn the large pile of house lumber in his yard. Steven said when he return home the evening the large pile of house lumber and wood was on fire. Steven said the smoke coming from the burning pile was coming into his house through the windows because they were open. Steven said he contacted the Marseilles Fire Chief, Michael Garrison concerning the matter and he was enroute to our location.

2651st in reference to a fire complaint. Upon arrival to the area I observed a large fire in the yard at 2804 East 2651st. When I arrived at 2808 East 2651st, I spoke with the complainant, Steven Goellner. Steven said approximately three to four weeks ago, Mathew Stafford from LaSalle County Environmental Service went to 2804 East 2651st and told the owner, Eric Cook, he was not to burn the large pile of wood and house lumber. Steven said Eric was told not to burn the large pile because the house lumber had been hauled onto the property. Steven said Eric was not burn the large pile because there was lead base paint and asbestos in/on the house lumber. Steven said Mathew Stafford came to his house and told him, Eric was not to burn the large pile of house lumber in his yard. Steven said when he return home the evening the large pile of house lumber and wood was on fire. Steven said the smoke coming from the burning pile was coming into his house through the windows because they were open. Steven said he contacted the Marseilles Fire Chief, Michael Garrison concerning the matter and he was enroute to our location.

When Fire Chief Michael Garrison arrived, we went to 2804 East 2651st to speak with Eric Cook about the large fire. Michael told Eric, he was not to burn anything hauled onto the property. Eric denied the property was hauled onto his property and said the large pile consisted of tree and other debris that was on his property when he bought the property. Michael told Eric when a fire is large enough to cause a nuisance or hazard the fire could not be started. Eric said he started the fire at 4:00 p.m. and it was not a nuisance or hazard. Michael explained to Eric the fire was a nuisance at this time because the smoke was entering the neighbor's house. Michael asked Eric to move his truck blocking the Fire truck from entering the property. Michael told Eric the fire was going to be put if he move his truck or not. Eric agreed to move his truck to allow the Fire truck to enter the property and put out the fire.

When Fire Chief Michael Garrison arrived, we went to 2804 East 2651st to speak with Eric Cook about the large fire. Michael told Eric, he was not to burn anything hauled onto the property. Eric denied the property was hauled onto his property and said the large pile consisted of tree and other debris that was on his property when he bought the property. Michael told Eric when a fire is large enough to cause a nuisance or hazard the fire could not be started. Eric said he started the fire at 4:00 p.m. and it was not a nuisance or hazard. Michael explained to Eric the fire was a nuisance at this time because the smoke was entering the neighbor's house. Michael asked Eric to move his truck blocking the Fire truck from entering the property. Michael told Eric the fire was going to be put if he move his truck or not. Eric agreed to move his truck to allow the Fire truck to enter the property and put out the fire.

On the 27th of July 2006 at approximately 5:00 p.m., I spoke with Mathew Stafford. Mathew said approximately four weeks ago, he told Eric Cook the large pile of house lumber that was hauled onto his property was not to be burned. I asked Mathew if there was any lumber with lead base paint or asbestos on it. Mathew said they saw wood that appeared to be lead base paint on some of the lumber, but it was not tested. Mathew said there could have been some asbestos present, but the lumber was not tested. Mathew is going to check with his supervisor in reference to taking some type of action against Eric for starting the large fire.

On the 27th of July 2006 at approximately 5:00 p.m., I spoke with Mathew Stafford. Mathew said approximately four weeks ago, he told Eric Cook the large pile of house lumber that was hauled onto his property was not to be burned. I asked Mathew if there was any lumber with lead base paint or asbestos on it. Mathew said they saw wood that appeared to be lead base paint on some of the lumber, but it was not tested. Mathew said there could have been some asbestos present, but the lumber was not tested. Mathew is going to check with his supervisor in reference to taking some type of action against Eric for starting the large fire.

436 - 07/27/2006 / 5:57:

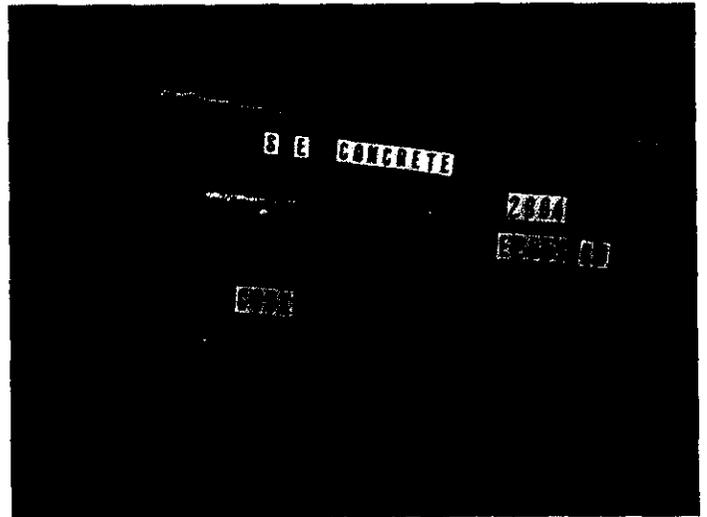
Officer Signature: \_\_\_\_\_

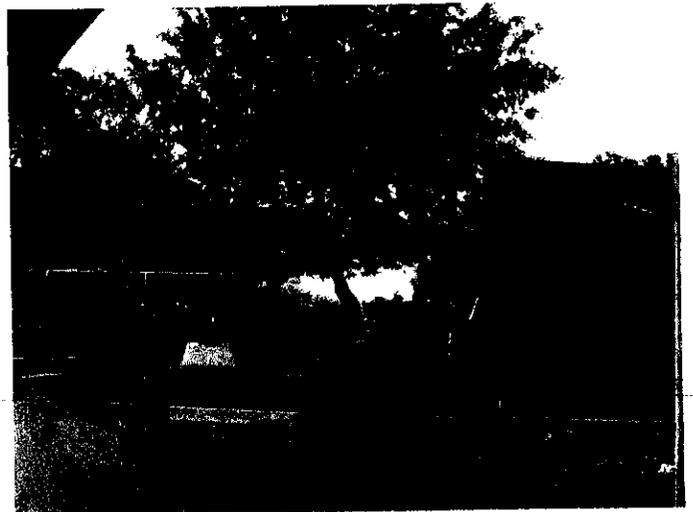
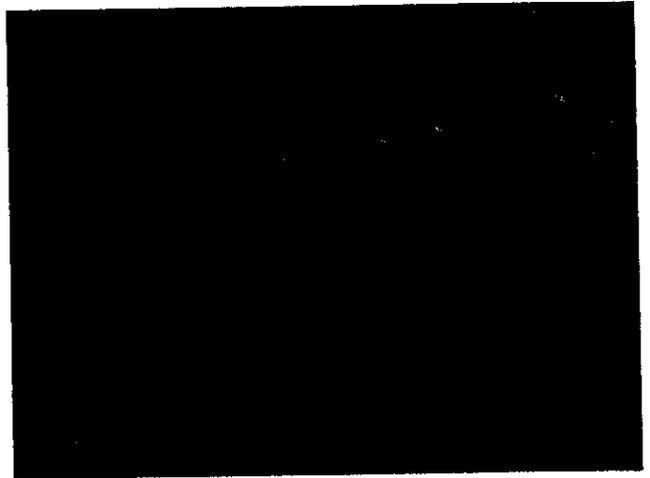
Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_

# COOK PROPERTY

These photos were taken by the Marseilles Fire Department at approximately 7:00 a.m. on July 27, 2006. Photos were supplied to the LaSalle County Environmental Services Department by the Marseilles Fire Department Fire Chief Michael Garrison.







**MICHAEL E. HARSTED**  
**DEPARTMENT DIRECTOR**

**119 WEST MADISON STREET**  
**ROOM 406**  
**OTTAWA ILLINOIS 61350**

July 13, 2006

Eric & Sarah Cook  
 2804 E. 2651<sup>st</sup> Rd.  
 Marseilles, IL 61341

**CERTIFIED MAIL: 7000 0520 0012 0234 0077**  
**RETURN RECEIPT REQUESTED**

**RE: NOTICE OF ILLINOIS ENVIRONMENTAL PROTECTION ACT VIOLATIONS**

Dear Mr. and Mrs. Cook:

This Department has recently conducted an inspection of your property located at 2804 E. 2651<sup>st</sup> Road, Marseilles, Illinois, and found that you continue to be in the act of open dumping on your property. You are hereby given notice that the Environmental Protection Act prohibits the practice of open dumping of refuse. Pursuant to Section 21(a) of the [Illinois] Environmental Protection Act (the Act) {415 ILCS, 5/21 (a)}: *No person shall cause or allow the open dumping of any waste.*

Also, pursuant to Section 31.1 of The Act {415 ILCS 5/31.1}, this Department is authorized to issue an Administrative Citation through the Illinois Pollution Control Board (the Board), which carries a fine of \$1500.00 for each violation under Section 21 (p) of The Act. This fine can be assessed for each day the violation exists, up to \$50,000.00. Under Section 21(p) of The Act, {415 ILCS 5/21 (p)}, no person shall...

*...cause or allow the open dumping of any waste in a manner that results in any of the following occurrences at the dump site:*

1. litter;
2. scavenging;
3. open burning;
4. deposition of waste in standing or flowing waters;
5. proliferation of disease vectors; or
6. standing or flowing liquid discharge from the dump site.
7. deposition of:
  - (i) general construction or demolition debris as defined in Section 3.78 of this Act; or
  - (ii) clean construction or demolition debris as defined in Section 3.78a of this Act.

This Department is delegated by the Illinois Environmental Protection Agency to enforce the aforementioned regulations, this Department is hereby requiring that you:

1. Cease the practice of open dumping.
2. Do not burn any existing waste (except for any landscape waste i.e., leaves, grass clippings, small branches).
3. Properly remove the waste from your property by disposing of it in a legally permitted waste disposal facility (a landfill or transfer station), either by garbage hauler, or by yourself, or
4. Dispose of the material at a licensed salvage yard or recycler.

If these possible violations persist, or any additional activity found to be in violation of the State Statutes and County Ordinances is present on your premises, legal action will be initiated. We appreciate your cooperation in this matter. If you should have any questions, please feel free to contact this Department.

Sincerely,



Michael E. Harsted  
Director  
LaSalle County Environmental Services and Land Use

*Rec'd on 7/29/06*

# INSPECTION PHOTOS

DATE: <u>7/27/2006</u>	SITE#: 098175012	CO.: LASALLE	
TIME: 2:28 p.m.	SITE NAME: Cook Property		
PHOTOGRAPH TAKEN BY: <b>Mathew Stafford</b>			
COMMENTS: Picture taken toward: ----- East ----- ----- ----- ----- ----- -----			
DISK#: 1034			PHOTO#: 24

DATE: <u>7/27/2006</u>	
TIME: 2:31 p.m.	
PHOTOGRAPH TAKEN BY: <b>Mathew Stafford</b>	
COMMENTS: Picture taken toward: ----- East ----- ----- ----- ----- ----- -----	
DISK #: 1034	PHOTO #: 25

