

ILLINOIS POLLUTION CONTROL BOARD
June 7, 2007

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 07-45
) (Administrative Citation)
WAYNE and BECKY FOSTER,)
)
Respondents.)

ORDER OF THE BOARD (by N.J. Melas):

On May 31, 2007, the County of LaSalle (County) filed a motion to voluntarily dismiss this administrative citation against Wayne and Becky Foster. The Board grants the County's motion, dismisses this case, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 7, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

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
FEB 26 2007
STATE OF ILLINOIS
Pollution Control Board

February 14, 2007

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Re: 0998110001 - LaSalle County
Farm Ridge Township / Wayne and Becky Foster Property

AC07-45

Re: **ADMINISTRATIVE CITATION**
IEPA Case No. :
Site Code No. : 0998110001
Inspection Date: 1/19/07

Dear Ms. Gunn:

Enclosed for filing with the Board is the Administrative Citation package issued to the above-captioned facility. I am forwarding one 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. A self-addressed stamped envelope is enclosed for your convenience.

For your records, the Citation package was delivered via personal service by Matthew Stafford, Supervisor of Field Office Operations for LaSalle County Environmental Services and Land Use on February 13, 2007 at a meeting held in our office with Rebecca Foster. 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.

Respondents were served at:

Wayne and Becky Foster
1221 North 2053rd Rd
Grand Ridge, IL 61325

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

Sincerely,

A handwritten signature in black ink, appearing to read "Troy D. Holland". The signature is fluid and cursive, with the first name "Troy" being particularly prominent.

Troy D. Holland
Special Assistant State's Attorney

Enclosures

Ph: 815 / 434-8666

LA SALLE COUNTY
ENVIRONMENTAL SERVICES AND LAND USE

Fax: 815 / 433-9303

MICHAEL E. HARSTED
DEPARTMENT DIRECTOR

119 WEST MADISON STREET
ROOM 107
OTTAWA ILLINOIS 61350

STATE OF ILLINOIS
COUNTY OF LASALLE
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
FEB 26 2007
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 WAYNE AND BECKY FOSTER)
)
 Respondent)

AC NO. 07-45

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. 1004 (r).

FACTS

1. That Respondent, Wayne and Becky Foster, are the present owner and/or operator of property located in Farm Ridge 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. 0998110001. Said facility is commonly known to the Agency as the Wayne and Becky Foster Property.
3. That the Respondent has owned and/or operated said facility since April 18, 2006.
4. That on January 19, 2007, Christy Vargochik, 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 Vargochik 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 November 1, 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)]). |
| | 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)]). |
| | Causing or allowing the deposition of general construction or demolition debris, or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7). |

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 one Thousand Five 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, one 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 107
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 107
Ottawa, Illinois 61350

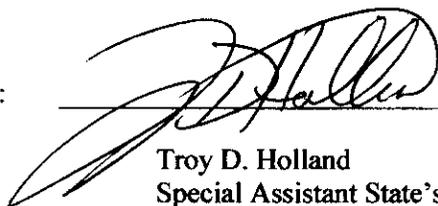
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 1/30/07

Brian J. Towne
LaSalle County State's Attorney

By: _____


Troy D. Holland
Special Assistant State's Attorney

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)
)
Complainant)
)
v.)
)
WAYNE AND BECKY FOSTER)
)
Respondent(s))

AC NO. _____

REMITTANCE FORM

FACILITY: Wayne and Becky Foster Site Code: 0998110001
1221 North 2053 Rd County: LaSalle
Grand Ridge, IL 61325 Township: Farm Ridge

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1,500.00

Date of Inspection: January 19, 2007

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 107
Ottawa, IL 61350**