

KAREN DONNELLY
STATES 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

STATE OF ILLINOIS
Pollution Control Board

Re: **ADMINISTRATIVE CITATION**
IEPA Case No. :
Site Code No. : 0998295005
Inspection Date: 1/26/2018

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



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

IPCB
January 31, 2018
- Page 2 -

RECEIVED
CLERK'S OFFICE
MAR 07 2018
STATE OF ILLINOIS
Pollution Control Board

The Respondents were served at:

Jeffrey Schuster
290 N. 35th 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,

A handwritten signature in black ink, appearing to be "Mark Anderson", written over a horizontal line.

Mark Anderson
LaSalle County Assistant
State's Attorney

Enclosures

STATE OF ILLINOIS
COUNTY OF LASALLE
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 07 2018

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 JEFFREY SCHUSTER)
)
 Respondent)

AC NO. 2018-9

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.

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 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

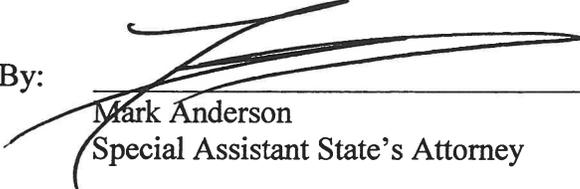
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 2/20/2018

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)
)
 Respondent(s))

AC NO. 2018-9

REMITTANCE FORM

FACILITY: Jeffrey Schuster
290 N. 35th Rd
LaSalle, IL 61301

Site Code: 0998295005
County: LaSalle
Township: Dimmick

CIVIL PENALTY: \$1500.0 for each violation

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 **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: 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

RECEIVED
CLERK'S OFFICE
MAR 07 2018
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 JEFFREY SCHUSTER)
)
 Respondent(s))

AC NO. 2018-9

AFFIDAVIT

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

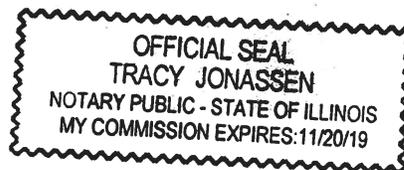
1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On January 26, 2018 between 3:10 p.m. and 3:30 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois 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.

Christy Fisher
Christy Fisher, LaSalle County

Subscribed and Sworn to Before Me

this 15 day of February, A.D. 2018.

Tracy Jonassen
Notary Public



BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 JEFFREY SCHUSTER)
)
 Respondent(s))

AC NO. 2018-9

RECEIVED
CLERK'S OFFICE
MAR 07 2018
STATE OF ILLINOIS
Pollution Control Board

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. 35th 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:

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.

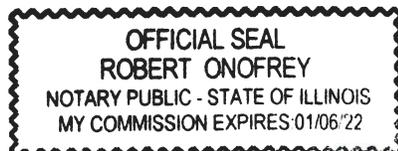
on this, the 22 day of February, A.D. 2018.

Dep. D. C. W. 007
LaSalle County Sheriff's Deputy

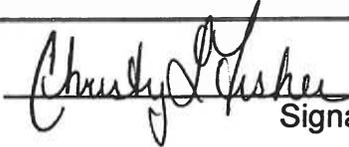
Subscribed and Sworn to Before Me

this 27 day of Feb., A.D. 2018.

[Signature]
Notary Public



| | | | |
|--|------------|--|-------------------------------------|
| 9. | 55(a) | NO PERSON SHALL: | |
| | (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"/> |
| 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"/> |


 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.

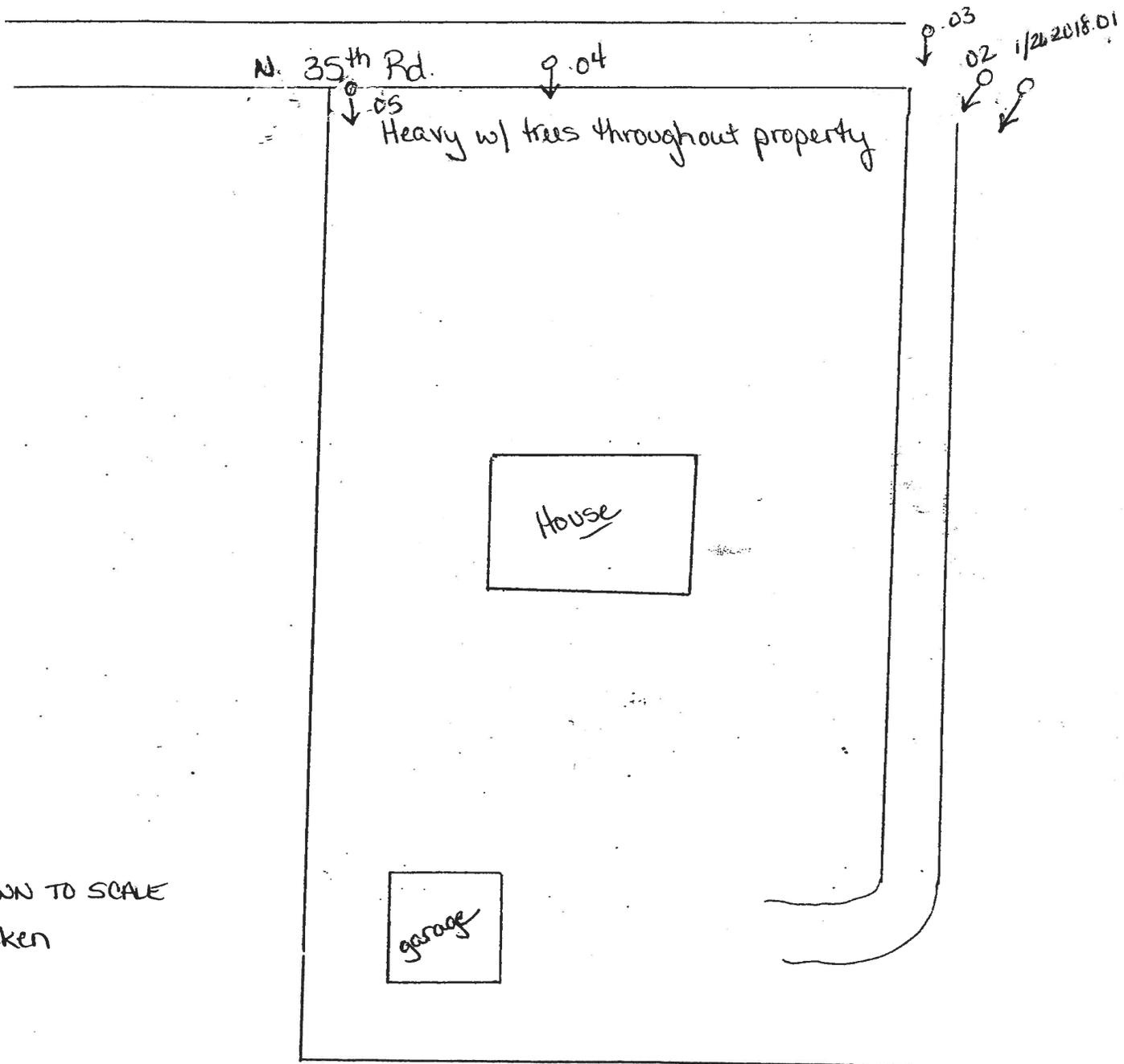
Schusternar

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: 1/21/2018 Inspector: Christy Fisher
Site code: 0998065003 County: LaSalle
Site name: Schuster Property Time: 8:05pm-3:15pm

N ↑



NOT DRAWN TO SCALE
Photo Taken
= Vehicle

INSPECTION PHOTOS

| | |
|---|---|
| DATE: <u>1/26/18</u> | SITE#: <u>0 9 9 8 0 0 5 0 0 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> |
| 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 9 9 8 0 6 5 0 0 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>1/26/18</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 9 9 8 0 6 5 0 0 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#: 05 | |

| |
|---|
| DATE: |
| TIME: |
| PHOTOGRAPH TAKEN BY: |
| COMMENTS: Picture taken toward: |
| ----- ----- ----- ----- ----- ----- ----- |
| DISK #: PHOTO: |

NO
PHOTO