

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)

Complainant)

v.)

CAROLYN E KEDZIERSKI, TRUSTEE OF)
THE CAROLYN E KEDZIERSKI TRUST DATED 1/28/2008)

AC NO. _____

Respondent(s))

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, Carolyn E. Kedzierski, Trustee of the Carolyn E. Kedzierski Trust Dated 1/28/2008, is the present trustee and/or operator of property located in Mission Township, LaSalle County, Illinois.
2. That said facility is an open burn and open dump site, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998215023. Said facility is commonly known to the Agency as the Kedzierski Property.
3. That the Respondent has owned and/or operated said facility since September 19th, 2008.
4. That on June 5, 2020, Brooke Schumacher and Lauren Grumieaux of the 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 Brooke Schumacher and Lauren Grumieaux 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 June 5, 2020, 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)]).
- _____ 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 Three Thousand Dollars (\$3000.00). Additionally, should Respondents 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, Respondents 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 certified check or money order for (\$1,500.00) shall be made payable to the **LaSalle County Treasurer** and mailed to:

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

And one certified check or money order for (\$1,500.00) shall be made payable to the **Illinois Environmental Protection Trust** and mailed to:

Illinois Environmental Protection Agency
Attn.: Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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:

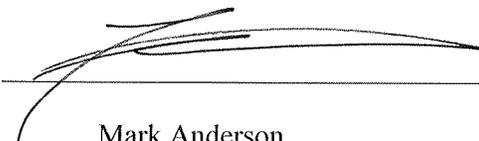
Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Dated:

6/17/2020

Karen Donnelly
LaSalle County State's Attorney

By:



Mark Anderson
Special Assistant State's Attorney

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.

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 CAROLYN E KEDZIERSKI, TRUSTEE OF)
 THE CAROLYN E KEDZIERSKI TRUST DATED 1/28/2008)
)
 Respondent(s))

AC NO. _____

REMITTANCE FORM

FACILITY:

Carolyn E. Kedzierski
3875 E 2609th Rd.
Sheridan, IL 60551

Site Code: 0998215023
County: LaSalle
Township: Mission

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): Two (2)

Total Remittance: \$1,500 (50% of \$3,000 penalty to LaSalle County)

Date of Inspection: June 5, 2020

DATE REMITTED: _____

SS/FEIN NUMBER _____

SIGNATURES _____

NOTE

Please enter the date of your remittance, your social security number(s) (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your certified check or money order 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**

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CAROLYN E KEDZIERSKI, TRUSTEE OF)
THE CAROLYN E KEDZIERSKI TRUST DATED 1/28/2008)

AC NO. _____)

Respondent(s))

AFFIDAVIT

Affiants, Brooke Schumacher and Lauren Grumieaux, being first duly sworn, voluntarily deposes and states as follows:

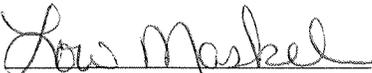
1. Affiants are employed by the County of LaSalle and have been so employed at all times pertinent hereto.
2. On June 5, 2020 between 10:00a.m. and 10:10a.m., Affiants conducted inspections of an open burn and open dump site operating without an Agency permit, located in LaSalle County, Illinois and known as the Kedzierski Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 099815023 by the Agency.
3. Affiant inspected the said Mission Township / Carolyn Kedzierski Property open dump site by an on-site inspection which included conducting a visual inspection and photographing the site.
4. As a result of the material actions referred to in paragraph 3 above, Affiants completed the Inspection Report Forms attached hereto and made a part hereof, which, to the best of Affiants knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to said Mission Township / Carolyn Kedzierski Property open burn and open dump site.

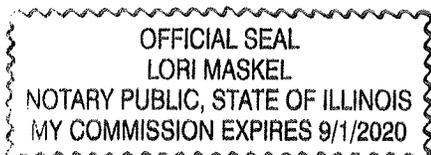

Lauren Grumieaux, LaSalle County


Brooke Schumacher, LaSalle County

Subscribed and Sworn to Before Me

this 19th day of June, A.D. 2020.


Notary Public



**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
CAROLYN E KEDZIERSKI, TRUSTEE OF)	AC NO. _____
THE CAROLYN E KEDZIERSKI TRUST DATED 1/28/2008)	
)	
)	
Respondent(s))	

PROOF OF SERVICE

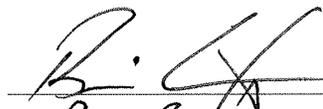
The undersigned, after being first duly placed on oath, voluntarily deposes and states that he personally served the attached LaSalle County Administrative Citation, Informational Notice, Remittance Form, together with correct copies of the attached Inspector's Affidavit, the Inspection Report Form with attachments upon the following named person(s):

Carolyn E. Kedzierski
316 S Main St
Sandwich, IL 60548

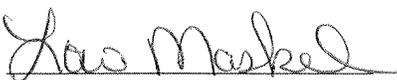
or upon an authorized agent of such person(s) for the purpose of service of process upon such person(s), by:

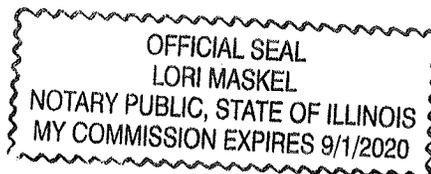
- () personal service
- (X) Certified Mail, postage pre-paid and deposited in the United States Mail, plainly addressed to such person(s) at the above-described location.

on this, the 19th day of June, A.D. 2020.


 Brian Gift, Director ESLV

Subscribed and Sworn to Before Me
this 19 day of June, A.D. 2020.


 Notary Public



Illinois Environmental Protection Agency 2020-007**
Open Dump Inspection Checklist

County: LaSalle BOL #: 0998215023 Region: 1 - Rockford
 Site Name: Kedzierski property
 Site Address: 3875 E 2609th Rd City: Sheridan
 Inspector: Lauren Grumieaux, Brooke Schumacher Interviewed: Shannon
 Date: 06/05/2020 Current Est. 10 yds³
 Complaint #: _____ Waste Amt. _____

Responsible Party: Carolyn Kedzierski
 Mailing Address(es) and Phone Number(s): 3875 E. 2609th Rd. Sheridan, IL 60551

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	
9(c)	Cause or allow open burning	V
12(a)	Cause, threaten, or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping	V
21(d)	Conduct any waste-storage, waste-treatment, or waste- disposal operation:	
(1)	Without a permit	V
(2)	In violation of any regulations or standards adopted by the Board	V
21(e)	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	V
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	V
(2)	Scavenging	
(3)	Open Burning	V
(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 as defined at §3.160(a) or clean construction or demolition debris as defined at §3.160(b)	
55(a)	No person shall	
(1)	Cause or allow open dumping of any used or waste tire	V
(2)	Cause or allow open burning of any used or waste tire	

55(k)	No person shall	
(1)	Cause or allow water to accumulate in used or waste tires	
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Electronic Products Recycling and Reuse Act (415 ILCS 150) Requirements		
95(c)	No person may knowingly cause or allow the mixing of a CED or other listed device with waste that is intended for disposal by burning or incineration	
95(d)	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
35 Illinois Administrative Code Subtitle G Requirements		
722.111	Hazardous waste determination	
808.121	Special waste determination	
809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
812.101(a)	Application submitted for permit to develop and operate landfill	
Other Requirements		
Apparent violation of: <input type="checkbox"/> PCB order <input type="checkbox"/> Circuit Court order		NA
Case Number _____ ; Order entered on _____		
Other		

Brooke A. Schumacher

Notes

1. Key to Status: V=Violated; C=Continuing violation from previous evaluation; V/C=Newly violated and continuing from previous evaluation; V/R=Violated and resolved during same inspection; R=Resolved violation; NA=Not applicable at the time of the inspection; NE=Not evaluated at the time of the inspection
2. The provisions of §§21(o)–(p) and §55(k) of the Environmental Protection Act are enforceable either by administrative citation under §31.1 or by complaint under §31. Violations of the Electronic Products Recycling and Reuse Act are enforceable by administrative citation under §20(k) or referral to the Attorney General pursuant to §20(a).
3. This inspection was conducted in accordance with §§4(c)–(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)) and §20(a) of the Electronic Products Recycling and Reuse Act (415 ILCS 150/20(a)).

09908215023-LaSalle County
Mission/Kedzierski Property

NARRATIVE INSPECTION REPORT

GENERAL REMARKS

On June 5th, 2020 an open dump inspection was conducted at 3875 E. 2609th Rd. Sheridan, IL by Lauren Grumieaux and Brooke Schumacher, representing the LaSalle County Environmental Services and Land Use Department, under the delegation authority of the Illinois Environmental Protection Agency. The property is owned by Carolyn E. Kedzierski.

Weather conditions on June 5th, 2020 were: ~79 degrees. Winds WSW at 10 mph.

Lauren and I arrived at the site at 10:00AM and began our inspection.

Lauren and I made our way to the building to the north. When no one answered the door, we called Shane Kedzierski (son to the property owner, Carolyn Kedzierski). Shane allowed us access to the property and we made our way to the southern portion of the property. We noticed that the debris that had been buried at the time of our last inspection in October of 2019, was still buried (Photos #1 & #2).

Lauren and I then walked northwest to the section of the property with trailers and abandoned vehicles. We noted that cleanup had been started since the October of 2019 inspection (Photo #3). Looking east, we noticed that off-rim tires still remained in the wooded area (Photo #4). Moving around the trailer, to the north, we noticed a burn pile filled with household garbage, aluminum, charred metal, glass, wood product, among other household debris. We estimate that this pile was approximately 1 cubic yard in size (Photo #5).

Moving east and closer to the home located on the property, we noticed another burn pile with household garbage, cardboard, aluminum, charred metal, food waste, plastic, plastic bags, Styrofoam, among other household debris (Photo #6).

Directly west of the garage, multiple off-rim tires were found (Photo #7).

Lauren and I concluded our inspection at 10:10AM.

Apparent violations noted:

Illinois Environmental Protection Act:

9 (c), 21 (a), 21 (d) 1 and 2, 21 (e), 21(p) 1 and 3 and 55(a) (1)

END OF NARRATIVE BY BROOKE SCHUMACHER

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: June 6th, 2020

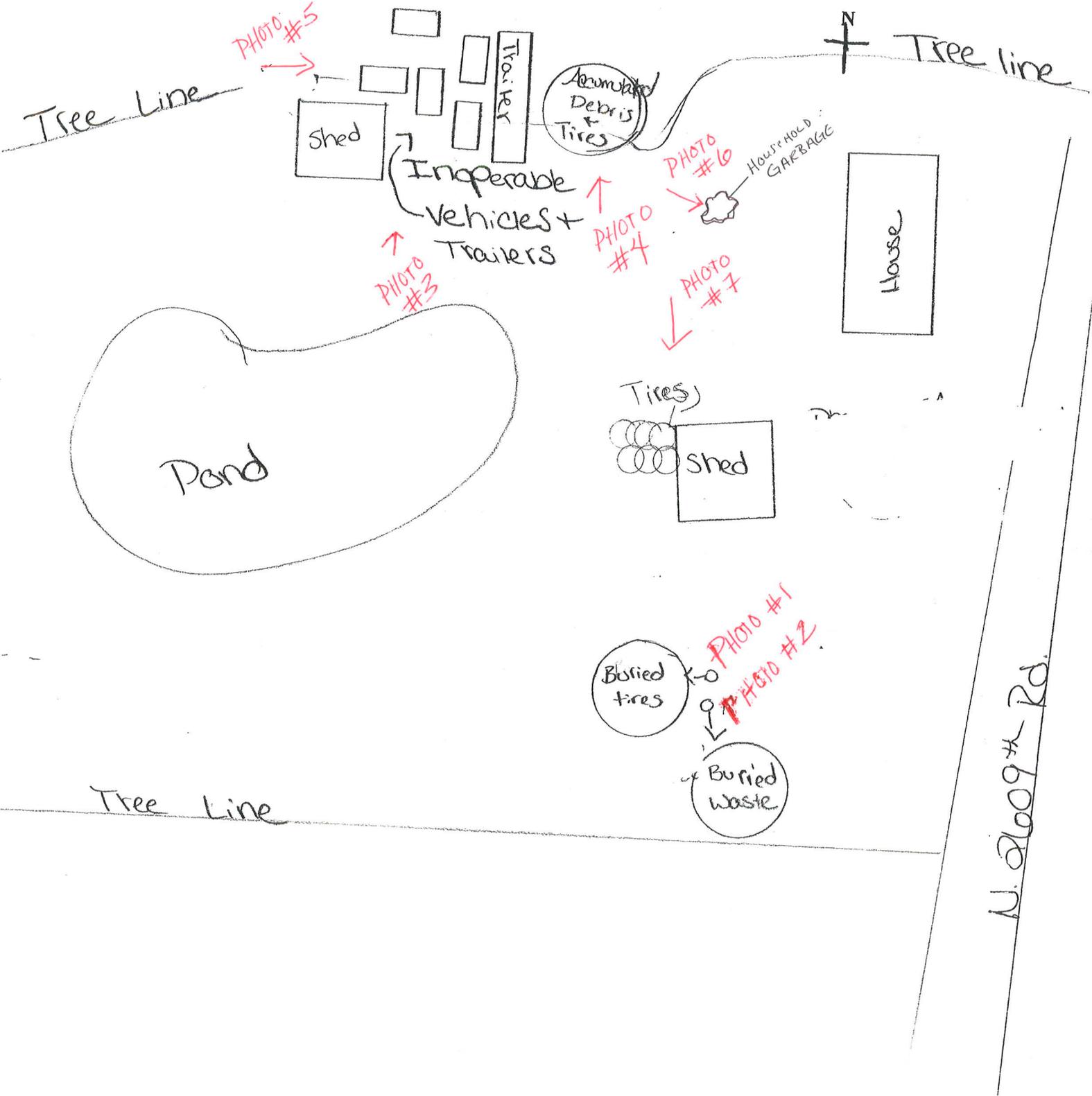
Inspector: L. Grumiaux & B. Schumacher

Site Code: 0998215023

County: LaSalle

Site Name: Keckierski Property

Time: 10:00 AM - 10:10 AM





DIGITAL PHOTOGRAPHS

Kedzierski Property 0998215023



Date: 06/05/2020
Time: 1002
Direction: South
Photo by:
B. Schumacher
Exposure #: 1
Comments: Buried
debris located on
the southeast side of
property



Date: 06/05/2020
Time: 1002
Direction: South
Photo by:
B. Schumacher
Exposure #:2
Comments: Second
pile of buried debris
located east of first
pile in Exposure #1.



DIGITAL PHOTOGRAPHS

Kedzierski Property 0998215023



Date: 06/05/2020
Time: 1004
Direction: North
Photo by:
B. Schumacher
Exposure #: 3
Comments: Located west of the home; cleanup has begun since visit in October.



Date: 06/05/2020
Time: 1004
Direction: North
Photo by:
B. Schumacher
Exposure #:4
Comments: Off-rim tires found strewn throughout wooded area west of the home.



DIGITAL PHOTOGRAPHS

Kedzierski Property 0998215023



Date: 06/05/2020
Time: 1006
Direction: East
Photo by:
B. Schumacher
Exposure #: 5
Comments:
Household garbage
dumped and burned
in 1st pile located by
trailer, west of the
home.



Date: 06/05/2020
Time: 1008
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 6
Comments:
Household garbage
dumped and burned
in 2nd pile located
east of 1st pile, near
the back of the
home.



DIGITAL PHOTOGRAPHS

Kedzierski Property 0998215023



Date: 06/05/2020
Time: 1008
Direction: Southeast
Photo by:
B. Schumacher
Exposure #: 7
Comments:
Accumulation of tires
located on behind
garage.