

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 DEREK MOORE) 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, Derek Moore is the present owner of property located in Richland Township, LaSalle County, Illinois.
2. That said facility is an open dump/open burn site, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998285005 Said facility is commonly known to the Agency as Moore Property.
3. That the Respondent has owned said facility since June 22nd, 2018.
4. That on December 12th, 2023, Brian Gift and Myranda Lakan of the LaSalle County Department of 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.

5. On the basis of direct observations of Brian Gift and Myranda Lakan of the LaSalle County Department of Land Use, it has been determined that the Respondents have caused or allowed open dumping and open burning at the above-described facility in a manner which results in the following occurrences:

That on December 12, 2023, 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)]).
- _____ XXX 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 Four Thousand Five Hundred(\$4500.00). 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 (\$2,250) shall be made payable to the **LaSalle County Treasurer** and mailed to:

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

And one certified check or money order for (\$2,250) 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 Assistant State's Attorney
707 Etna Road
Ottawa, Illinois 61350

LaSalle County Department of 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:

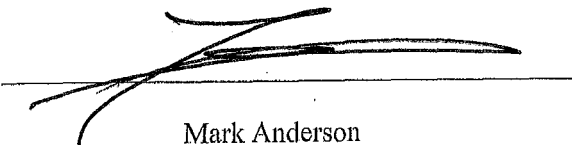
Clerk of the Illinois Pollution Control Board
60 E Van Buren St., Ste. 630
Chicago, IL 60605

Dated:

12/20/2023

Joseph Navarro
LaSalle County State's Attorney

By:



Mark Anderson
Assistant State's Attorney

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
DEREK MOORE)	
)	AC NO.
)	
Respondent(s))	

REMITTANCE FORM

FACILITY:

Derek Moore
950 N 14th Rd.
Streator, IL 61364

Site Code: 0998285005
County: LaSalle
Township: Richland

CIVIL PENALTY: \$1500.00 for each violation

Number of Violation(s): Three (3)

Total Remittance: \$2,250 (50% of \$4,500.00 penalty to LaSalle County)

Date of Inspections: December 12, 2023

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 Land Use
119 West Madison Street, Room 107
Ottawa, IL 61350**

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

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

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
60 E VAN BUREN ST, Ste. 630
CHICAGO, ILLINOIS 60605

The Two County Entities Are:

LASALLE COUNTY STATE'S ATTORNEY OFFICE
ATTENTION: MARK ANDERSON
707 ETNA ROAD
OTTAWA, ILLINOIS 61350

LASALLE COUNTY DEPARTMENT OF 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 LAND USE at the address given above.

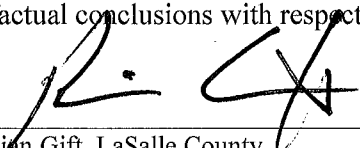
**STATE OF ILLINOIS
COUNTY OF LASALLE**

COUNTY OF LASALLE)	
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Complainant)	
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DEREK MOORE)	
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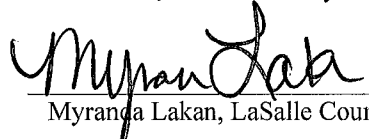
AFFIDAVIT

Affiants, Brian Gift and Myranda Lakan being first duly sworn, voluntarily depose and state as follows:

1. Affiants are employed by the County of LaSalle and have been so employed at all times pertinent hereto.
2. On December 12, 2023, between 9:35 a.m. and 9:43 a.m., Affiants conducted inspections of an open dump site operating without an Agency permit, located in LaSalle County, Illinois, and known as Moore Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998285005 by the Agency.
3. Affiant inspected the said Richland Township / Moore Property open dump/open burn site by 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 Richland Township/Moore property open dump site.

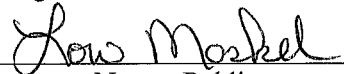


 Brian Gift, LaSalle County



 Myranda Lakan, LaSalle County

Subscribed and Sworn to Before Me
this 20th day of December, A.D. 2023



 Notary Public



COUNTY OF LASALLE

Complainant

v.

DEREK MOORE

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Facility# 0998285005
Facility Name: Moore Property

Respondent(s)

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of the [Illinois] Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

YOU MUST COMPLETE THE FOLLOWING CORRECTIVE ACTIONS

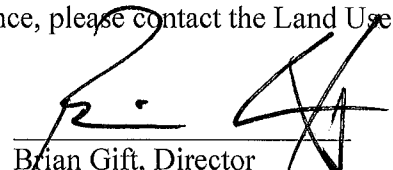
1. Immediately cease all open dumping.
2. Within 30 days from the date of this Administrative Citation, remove all waste/garbage to a permitted landfill or transfer station.
3. Within 30 days from the date of this Administrative Citation, submit to the LCLU copies of receipts that document the proper disposal or recycling of all wastes.
4. Within 30 days from the date of this Administrative Citation, remove all white goods (i.e., large appliances) to a facility that can legitimately accept them for recycling. White goods cannot be taken to a landfill or transfer station for the purpose of disposal.
5. Within 30 days from the date of this Administrative Citation, remove all used or waste tires to a registered tire storage or tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Do not open burn any of the tires. Loads of more than 20 tires must hauled by a registered tire transporter.

Any written response submitted in reply to the corrective action requirements of this notice must be sent to:

LaSalle County Land Use
119 W. Madison St, RM 107
Ottawa, IL 61350

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Should you have any questions concerning this notice or need further assistance, please contact the Land Use office at 815-434-8666.



Brian Gift, Director

Date: 12/20/2023

Illinois Environmental Protection Agency

Open Dump Inspection Checklist

County: LaSalle BOL #: 0998285005 Region: 1 - Rockford
 Site Name: Moore Property
 Site Address: 950 N 14th Rd. City: Streator
 Inspector: M. Lakan, B. Gift Interviewed: _____
 Date: 12/12/2023 Current Est. 100 yds³
 Complaint #: LC 23-92 Waste Amt. _____

Responsible Party Derek Moore
 Mailing Address(es) 950 N 14th Rd.
 and Phone Number(s): Streator, IL 61364

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	V
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	
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)	V
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	V
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Consumer Electronic Recycling Act (415 ILCS 151) Requirements		
83(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	
83(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		
	<i>Miyanda Laran</i>	

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 Consumer Electronic Recycling Act are enforceable by administrative citation under §1-55(a) or referral to the Attorney General pursuant to §1-50(b).
3. This inspection was conducted in accordance with §§4(c)–(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)).

0998285005-LaSalle County
Richland/ Moore Property

NARRATIVE INSPECTION REPORT DOCUMENT

GENERAL REMARKS

On December 12, 2023, an open dumping and open burning inspection was conducted at 950 N 14th Rd., by Ms. Myranda Lakan and Mr. Brian Gift representing the LaSalle County Land Use Department, under the delegation authority of the Illinois Environmental Protection Agency. The inspection was a result of a complaint referred from the IEPA Rockford office regarding open burning of construction debris from a demolition project in Streator.

Weather conditions on December 12, 2023, were sunny and 33 degrees F. Winds WNW at 11 mph.

Mr. Gift and I arrived at the site at 9:35 AM and began the inspection.

Once at the site, Mr. Gift and I exited the vehicle and made our way onto the property. Facing south, I viewed and documented a burned pile. The pile contained charred demolition and construction debris. (Photo #1) As I inspected further, I viewed charred gutters, wood, metal, and other miscellaneous debris in the pile. (Photo #2) Facing south, I viewed and documented a second burn pile. The pile contained a vent and more charred demolition debris. (Photo #3) Making my way to the western portion of the parcel, I viewed a third burn pile. The pile contained a pile of scrap metal. (Photo #4) While in the area, facing northeast, I viewed a fourth burn pile. The pile contained more charred debris, a charred mattress spring, and other miscellaneous charred debris. (Photo #5)

Next, I viewed the fifth burn pile. The burn pile was actively smoldering during the time of the inspection. The pile contained more charred demolition debris. (Photo #6) I documented a total of five burn piles all containing charred demolition and construction debris. While in the area, I viewed a miscellaneous pile containing pipes on the western side of the parcel. (Photo #7) I then made my way to the southwestern corner of the parcel. There, I viewed an off-rim tire, and a pallet comingled within some dead brush next to the building structure. I inspected the off-rim tire where I found stagnant water inside. (Photo #8-#9) At the southern end of the building structure, I viewed and documented a second off-rim tire along with a tarp comingled within the dead vegetation. Facing south, I viewed a third off-rim tire next to some machinery and vehicles. (Photo #10-#11)

Lastly, as I made my way up to the northern portion of the parcel, I viewed metal scrap strewn in the southeastern corner. I also documented a microwave and a toilet in the area. (Photo #12-#13) Facing northwest, I documented a mattress to be in the area. (Photo #14) After documenting our findings, we concluded the inspection at 9:43 AM.

Apparent violations noted:

Illinois Environmental Protection Act:

9(a), 9(c), 21(a), 21(d) 1, 21(e), 21(p) 1, 3, 7, 55(a) 1, 55 (k) 1

END OF NARRATIVE BY MYRANDA LAKAN

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 12/12/23 Inspector (s): M. Iakan + B. Gift
Site Code: 0998285005 County: LASALLE
Site Name: Moore Property. Time: 9:35-9:43



22



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:39 AM
Direction: South
Photo by:
M. Lakan
Exposure #: 1
Comments:
Burn pile with
construction debris.



Date: 11/2/2023
Time: 9:39 AM
Direction: Southwest
Photo by:
M. Lakan
Exposure #:2
Comments: Gutters,
wood, metal and
other misc. debris in
the burn pile.



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:39 AM
Direction: South
Photo by:
M. Lakan
Exposure #: 3
Comments: second
burn pile.



Date: 11/2/2023
Time: 9:40 AM
Direction: West
Photo by:
M. Lakan
Exposure #: 4
Comments: third
burn pile.



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:41 AM
Direction: Northeast
Photo by:
M. Lakan
Exposure #: 5
Comments: fourth
burn pile.



Date: 11/2/2023
Time: 9:41 AM
Direction: South
Photo by:
M. Lakan
Exposure #: 6
Comments: fifth burn
pile smoldering



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:42 AM
Direction: West
Photo by:
M. Lakan
Exposure #: 7
Comments: pile of
misc items.



Date: 11/2/2023
Time: 9:43 AM
Direction: West
Photo by:
M. Lakan
Exposure #: 8
Comments: off-rim
tire comingled in
brush.



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:43 AM
Direction: West
Photo by:
M. Lakan
Exposure #: 9
Comments: stagnant
water in tire.



Date: 11/2/2023
Time: 9:43 AM
Direction: West
Photo by:
M. Lakan
Exposure #: 10
Comments: second
tire



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:43 PM
Direction: South
Photo by:
M. Lakan
Exposure #: 11
Comments: off-rim
fire in the area along
with vehicles and
equipment



Date: 11/2/2023
Time: 9:44 AM
Direction: Southeast
Photo by:
M. Lakan
Exposure #: 12
Comments: scrap
metal and
microwave



DIGITAL PHOTOGRAPHS

Moore 0998285005



Date: 11/2/2023
Time: 9:44 AM
Direction: Southeast
Photo by:
M. Lakan
Exposure #: 13
Comments: more
scrap metal and
toilet



Date: 11/2/2023
Time: 9:44 AM
Direction: Northwest
Photo by:
M. Lakan
Exposure #: 14
Comments: mattress

SUMMONS - CIRCUIT COURT

2249 (Rev. 09/07)

SHERIFF'S FEES

Service and return.....\$ _____

Miles.....\$ _____

Total.....\$ 0

Sheriff of Lasalle County

SHERIFF'S RETURN

I certify that I served this summons on defendant as follows:

- (a) (Individual - personal):
By leaving a copy and a copy of the complaint with each individual as follows:
- (b) (Individual - abode):
By leaving a copy and a copy of the complaint at the usual place of abode of each individual with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and the complaint in a sealed envelope with postage fully prepaid, addressed to each individual at the usual place of abode, as follows:
- (c) (Corporation):
By leaving a copy and a copy of the complaint with the registered agent, officer, or agent of each corporation as follows:
- (d) (Other service): _____
- (e) (Unable to Serve):
By _____, Deputy Badge Number: _____

Derek Moore
Name of Defendant
Robert Benedict
Name of Person summons given to
Sex: M Race: W Approx Age: 41
Place of service: 321 W. Boys
City, State: Streator IL
Date of service: 3/2/24 Time 1112
Date of Mailing: _____
Special Process Server of _____

Name of Defendant

Name of Person summons given to
Sex: _____ Race: _____ Approx Age: _____
Place of service: _____
City, State: _____
Date of service: _____ Time _____
Date of Mailing: _____
Sheriff of Lasalle County DK
County Illinois License # _____
By Det Rasmussen #071