

**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

MAY 23 2005

STATE OF ILLINOIS  
Pollution Control Board

May 17, 2005

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

Re: 0998205005 - LaSalle County  
Miller Township / Baugher Property

ACOS-13

Re: **ADMINISTRATIVE CITATION**  
IEPA Case No. :  
Site Code No. : 0998205005  
Inspection Date: 02/22/05

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. Documented discussions with various individuals regarding this site.
3. The Field Inspector's Affidavit
4. 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.

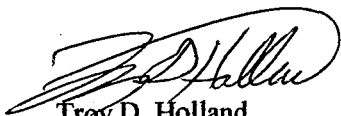
For your records, the Citation package was delivered via Sheriff's Deputy to John Baugher and Harriet Baugher on **April 27, 2005**. The Administrative Citation was served after the attempt to deliver the notice via certified mail failed twice. I have also sent along with this package a copy of the document from the LaSalle County Sheriff's Department that records the delivery 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:

Harriet Baugher and John Baugher  
3451 E. 25<sup>th</sup> Rd.  
Marseilles, IL 61341

Thank you for your assistance and kind attention to this matter. If there are further documents or materials that you should require, please let me know.

Sincerely,



Troy D. Holland  
Special Assistant State's Attorney

Enclosures

LaSalle County Sheriff's Department document of receipt

*BaugherAC/2*

Name of Defendant John Baugher  
Name of Person \_\_\_\_\_  
Summons given to John Baugher  
Sex M Race W Approx. Age 47  
Place of Service 3451 E. 25th St  
Marseilles, IL  
Date of Service 4/26/05 Time 1000  
Date of Mailing \_\_\_\_\_  
Thomas Templeton, Sheriff of LaSalle County  
T. Templeton Deputy

Name of Defendant Haniet Baugher  
Name of Person \_\_\_\_\_  
Summons given to John Baugher  
Sex M Race W Approx. Age 47  
Place of Service 3451 E. 25th St  
Marseilles, IL  
Date of Service 4/26/05 Time 1000  
Date of Mailing 4/27/05  
Thomas Templeton, Sheriff of LaSalle County  
T. Templeton Deputy

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MAY 23 2005

STATE OF ILLINOIS  
Pollution Control Board

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE )

Complainant )

v. )

HARRIET BAUGHER and JOHN BAUGHER )

Respondent )

AC NO. 05-73

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, Harriet Baugher and John Baugher, is the present owner and/or operator of property located in Miller Township, LaSalle County, Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Permit, and designated with Site Code No. 0998205005. Said facility is commonly known to the Agency as the Baugher Property.
3. That the Respondent has owned and/or operated said facility since April, 2003.
4. That on February 22, 2005, Christy Vargochik, Landfill Inspector, LaSalle County Department of Environmental Services and Development, 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 Development, 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 February 22, 2005, an on-site inspection of said facility disclosed the following:

- |    |   |
|----|---|
| xx | 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)]). |

## 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 Fifteen 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, your check should be made payable to the **LASALLE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES AND DEVELOPMENT** and mailed to:

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

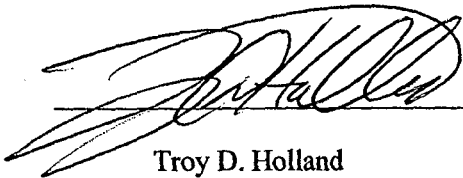
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 3/17/05

Joseph P. Hettel  
LaSalle County State's Attorney

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



Troy D. Holland  
Special Assistant State's Attorney

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAY 23 2005

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF LASALLE )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 HARRIET BAUGHER and JOHN BAUGHER )  
 )  
 Respondent(s) )

AC NO. 05-73

REMITTANCE FORM

FACILITY: Harriet Baugher /John Baugher  
3451 E. 25<sup>th</sup> Rd.  
Marseilles, IL 61341

Site Code: 0998205005  
County: LaSalle  
Township: Miller

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): one (1)

Total Remittance: \$1500.00

Date of Inspection: February 22, 2005

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 Development  
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  
DEVELOPMENT  
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.**



STATE OF ILLINOIS  
COUNTY OF LASALLE

RECEIVED  
CLERK'S OFFICE

MAY 23 2005

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF LASALLE )

Complainant )

v. )

HARRIET BAUGHER and JOHN BAUGHER )

Respondent(s) )

AC NO. 05-73

AFFIDAVIT

Affiant, Christy Vargochik, 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 February 22, 2005 between 1:55 p.m. and 2:05 p.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Baugher Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998205005 by the Agency.
3. Affiant inspected the said Miller Township / Baugher Property open dump site by an on-site inspection which included driving 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 Miller Township / Baugher Property open dump.

*Christy L. Vargochik*  
Christy L. Vargochik, LaSalle County

Subscribed and Sworn to Before Me  
this 21<sup>st</sup> day of March, A.D. 2005.

*Chanda L. Marti*  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

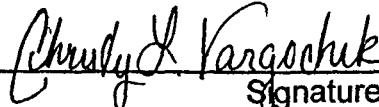
County: LaSalle      LPC#: 0998205005      Region: 1 - Rockford  
 Location/Site Name: Miller Twp. / Harriet Baugher Property  
 Date: Feb. 22, 2005    Time: From 1:55p To 2:05p    Previous Inspection Date: Sept. 17, 2004  
 Inspector(s): Christy Vargochik      Weather: Sunny ~ 36°  
 No. of Photos Taken: # 2    Est. Amt. of Waste: 200+ yds<sup>3</sup>    Samples Taken:    Yes # \_\_\_\_\_    No   
 Interviewed: Harriet Baugher      Complaint #: Co 03-012

Responsible Party  
Mailing Address(es)  
and Phone Number(s):

Harriet Baugher  
3451 E. 25<sup>th</sup> Rd.  
Marseilles, IL 61341

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	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	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" 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"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<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: February 22, 2005  
Site Code: 0998205005

Inspector(s): Christy Vargochik  
Time: 1:55 p.m. – 2:05 p.m.

## GENERAL REMARKS

A solid waste landfill inspection was performed on February 22, 2005, by Christy Vargochik representing the LaSalle County Department of Environmental Services and Development under the delegated authority of the Illinois Environmental Protection Agency at the property of Harriet Baugher. The property is located at 3451 E. 25<sup>th</sup> Road, Section 8, Miller Township, Marseilles, Illinois. During the inspection the following was noted: causing or allowing open dumping; disposing and storing of waste at a site not meeting requirements of the Act and Regulations; causing or allowing the open dumping in a manner which is resulting in litter at the dump site, causing or allowing the open dumping of waste tire and; failure to submit an application for a permit to develop and operate a landfill.

Weather conditions noted on arrival were sunny and approximately 36 degrees.

I arrived at the site at 1:55 p.m. I conducted the inspection from the road. I began at the south end of the Baugher property, and could see that the yard to the south still contained several cars (photo 972.42). I continued by driving to the north. I noticed three vehicles parked near the road in front of the house (photo 972.43).

I continued to the north, and saw that Mrs. Baugher was out walking. I pulled up next to her in the truck, and we discussed the property. She told me that one of the cars near the house was hers and she would like to get rid of it. I advised her to contact someone like Area Wide Towing, that they could come for the vehicle. I went on to inform Mrs. Baugher that her son John needed to get rid of all the junk on her property. She agreed and said that she can't get John to do anything. I also informed her that I was going to be sending her another Administrative Citation Notice and that a fine would most likely be incurred. She told me to send it to John, because the stuff belonged to him. I told her that since she owned the property, the Administrative Citation would go to her. She insisted that the junk belonged to her son, and to do whatever I had to. This concluded the inspection, and I left the site at 2:05 p.m.

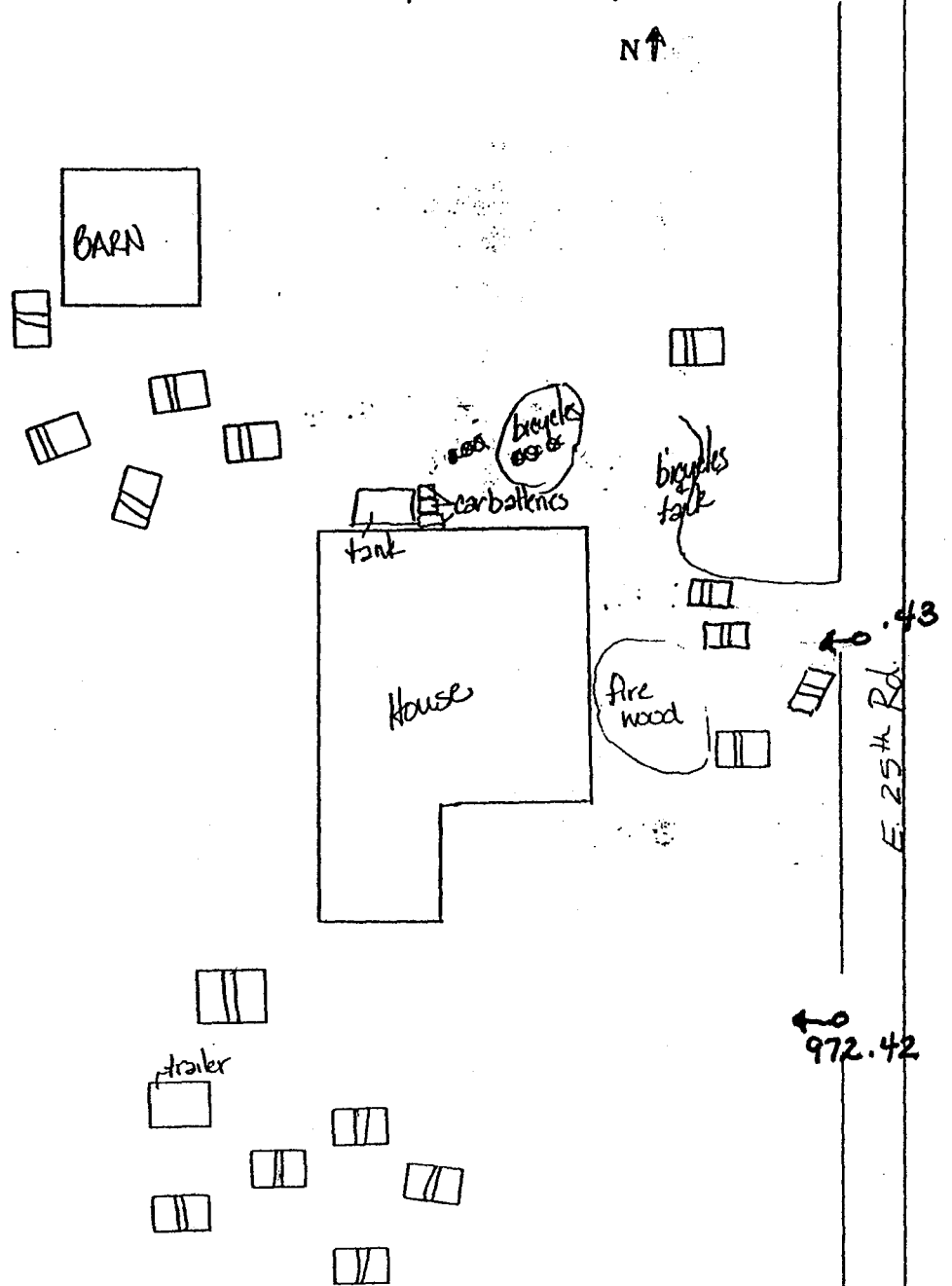
## EXPLANATION OF PHOTOGRAPHS

- 972.42 Shows several vehicles. Photo taken facing west.  
972.43 Shows a few more vehicles. Photo taken facing west.

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY


SITE SKETCH

Date of Inspection: FEBRUARY 22, 2005 Inspector: CHRISTY VARGOCHIK  
Site Code: 0998205005 County: LA SALLE  
Site Name: BAUGHER PROPERTY Time: 1:55p.m. - 2:05p.m.



\* = NOT DRAWN TO SCALE  
\* = PHOTO TAKEN  
△ = TIRE  
□ = VEHICLE

# INSPECTION PHOTOS

DATE: <u>02 / 22 / 05</u>	SITE#: <u>0 9 9 8 2 0 5 0 0 5</u> CO.: LASALLE
TIME: 1:55 P.M.	SITE NAME: Harriet and John Baugher Property
PHOTOGRAPH TAKEN BY: <b>Chirsty Vargochik</b>	
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- -----	
DISK#: 972 PHOTO#: 42	

DATE: <u>02 / 22 / 05</u>
TIME: 1:55 P.M.
PHOTOGRAPH TAKEN BY: <b>Christy Vargochik</b>
COMMENTS: Picture taken toward: ----- West ----- ----- ----- ----- -----
DISK #: 972 PHOTO #: 43

