

BRIAN J. TOWNE
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

RECEIVED
CLERK'S OFFICE

MAY 07 2012

STATE OF ILLINOIS
Pollution Control Board

AC12-50

May 4, 2012

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

Re: 0998055004 - LaSalle County
Deer Park Township / Tax Lien Investments Property

ORIGINAL
RETURN TO CLERK'S OFFICE

Re: **ADMINISTRATIVE CITATION**
IEPA Case No. :
Site Code No. : 0998055004
Inspection Date: 04/17/12

Served
4/28/12

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.

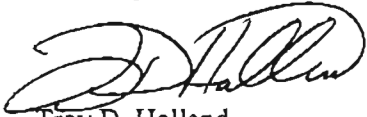
For your records, the Citation package was delivered via Certified Mail on April 28, 2012, a copy of the United States Postal Service Track and Confirm receipt is enclosed. The Administrative Citation was served to insure timely delivery for the AC process. I have also sent along with this package a 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:

Tax Lien Investments
Attn. Doug Johnson
1811 West Forest View Drive
Sycamore, IL 60178

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

USPS Track and Confirm receipt

TaxLienInvestmentac/2



Search USPS.com or Track Packages

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Track & Confirm

GET EMAIL UPDATES **VIEW DETAILS**

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
9171999991703013956639	First-Class Mail®	<u>Delivered</u>	April 28, 2012, 12:27 pm	SYCAMORE, IL 60178	Return Receipt Electronic
		Electronic Shipping Info Received	April 28, 2012		
		Arrival at Unit	April 28, 2012, 6:18 am	SYCAMORE, IL 60178	
		Processed at USPS Origin Sort Facility	April 28, 2012, 12:55 am	CAROL STREAM, IL 60199	
		Accepted at USPS Origin Sort Facility	April 27, 2012, 11:40 pm	OTTAWA, IL 61350	

Check on Another Item
What's your label (or receipt) number?

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STATE OF ILLINOIS
COUNTY OF LASALLE
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAY 07 2012
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
Complainant)
)
v.)
)
Tax Lien Investments)
Attn. Doug Johnson)
Respondent)

AC NO. 12-50

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, Tax Lien Investments, is the present owner and/or operator of property located in Deer Park 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. 0998055004. Said facility is commonly known to the Agency as the Tax Lien Investments Property
3. That the Respondent has owned and/or operated said facility since October 26, 2011.
4. That on April 17, 2012, 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 April 17, 2012, 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)]). |
| xx | 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 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:

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 107A
Ottawa, Illinois 61350

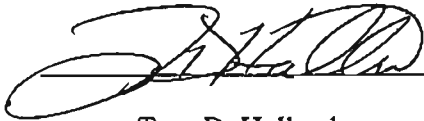
Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

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

Dated: 4-24-12

Brian J. Towne
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 07 2012
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 Tax Lien Investments)
 Attn. Doug Johnson)
 Respondent(s))

AC NO. 12-50

REMITTANCE FORM

FACILITY: Tax Lien Investments Site Code: 0998055004
1811 West Forest View Drive County: LaSalle
Sycamore IL 60178 Township: Deer Park

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): two (2)

Total Remittance: \$3000.00

Date of Inspection: April 17, 2012

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 107A
Ottawa, IL 61350

STATE OF ILLINOIS
COUNTY OF LASALLE

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CLERK'S OFFICE
MAY 07 2012
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF LASALLE)
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Complainant)
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v.)
)
Tax Lien Investments)
Attn. Doug Johnson)
Respondent(s))

AC NO. 12-50

AFFIDAVIT

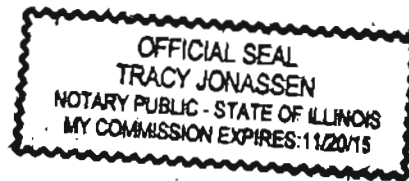
Affiant, Christy Vargochik, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of LaSalle and has been so employed at all times pertinent hereto.
2. On April 17, 2012 between 9:00 a.m. and 9:15 a.m., Affiant conducted inspections of a disposal/storage site operated without an Agency permit, located in LaSalle County, Illinois and known as the Tax Lien Investments Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998055004 by the Agency.
3. Affiant inspected the said Deer Park Township / Tax Lien Investments 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 Deer Park Township / Tax Lien Investments Property open dump.

Christy L. Vargochik
Christy L. Vargochik, LaSalle County

Subscribed and Sworn to Before Me
this 26 day of April, A.D. 2012.

Tracy Jonassen
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: LaSalle LPC#: 0998055004 Region: 1 - Rockford
 Location/Site Name: Deer Park Township / Tax Lien Investments
 Date: 04/17/2012 Time: From 9:00am To 9:15am Previous Inspection Date: 03/08/2012
 Inspector(s): Christy Vargochik Weather: sunny and ~50 degrees
 No. of Photos Taken: # 3 Est. Amt. of Waste: 200 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: Co 11-012
 Latitude: _____ Longitude: _____ Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

Tax Lien Investments
 Doug Johnson
 1811 W. Forestview Dr.
 Sycamore, IL 60178

RECEIVED
CLERK'S OFFICE

MAY 07 2012

STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 AND REGULATIONS	<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"/>

LPC # 0998055004

Inspection Date: 04/17/12

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
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"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
11.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
12.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
13.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
14.	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"/>
15.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY.	<input type="checkbox"/>
OTHER REQUIREMENTS			
16.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
17.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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 and subsection (k) of Section 55 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: April 17, 2012
Site Code: 0998055004

Inspector(s):Christy Vargochik
Time: 9:00 a.m. – 9:15 a.m.

GENERAL REMARKS

Christy Vargochik representing the LaSalle County Department of Environmental Services and Development under the delegated authority of the Illinois Environmental Protection Agency performed a solid waste landfill inspection on April 17, 2012. The property is located at northeast corner of Route 71 and Rte 178, Deer Park Township, and Utica, Illinois. At the time of the inspection, the following violations were observed: causing or allowing open dumping; causing or allowing open burning, storing or abandoning waste at a site not meeting the requirements of the Act; causing or allowing the open dumping of any waste at a site that results in litter at the property; and failure to submit an application to operate a landfill.

Weather conditions noted on arrival were sunny and 50 degrees.

The inspection began at 9:00 a.m. I pulled into the parking area, and looked to the east and found overgrown weeds, waste, litter, and the restaurant knocked down (photo 1249.04). I then drove to the south and paused to photograph the demolition debris from the burned out shell of the restaurant (photo 1249.05). I continued to the east, and photographed the open dumped items including cushions, plastics, and other miscellaneous debris (1249.06). At this time, I concluded the inspection, and left the site at 9:15 a.m.

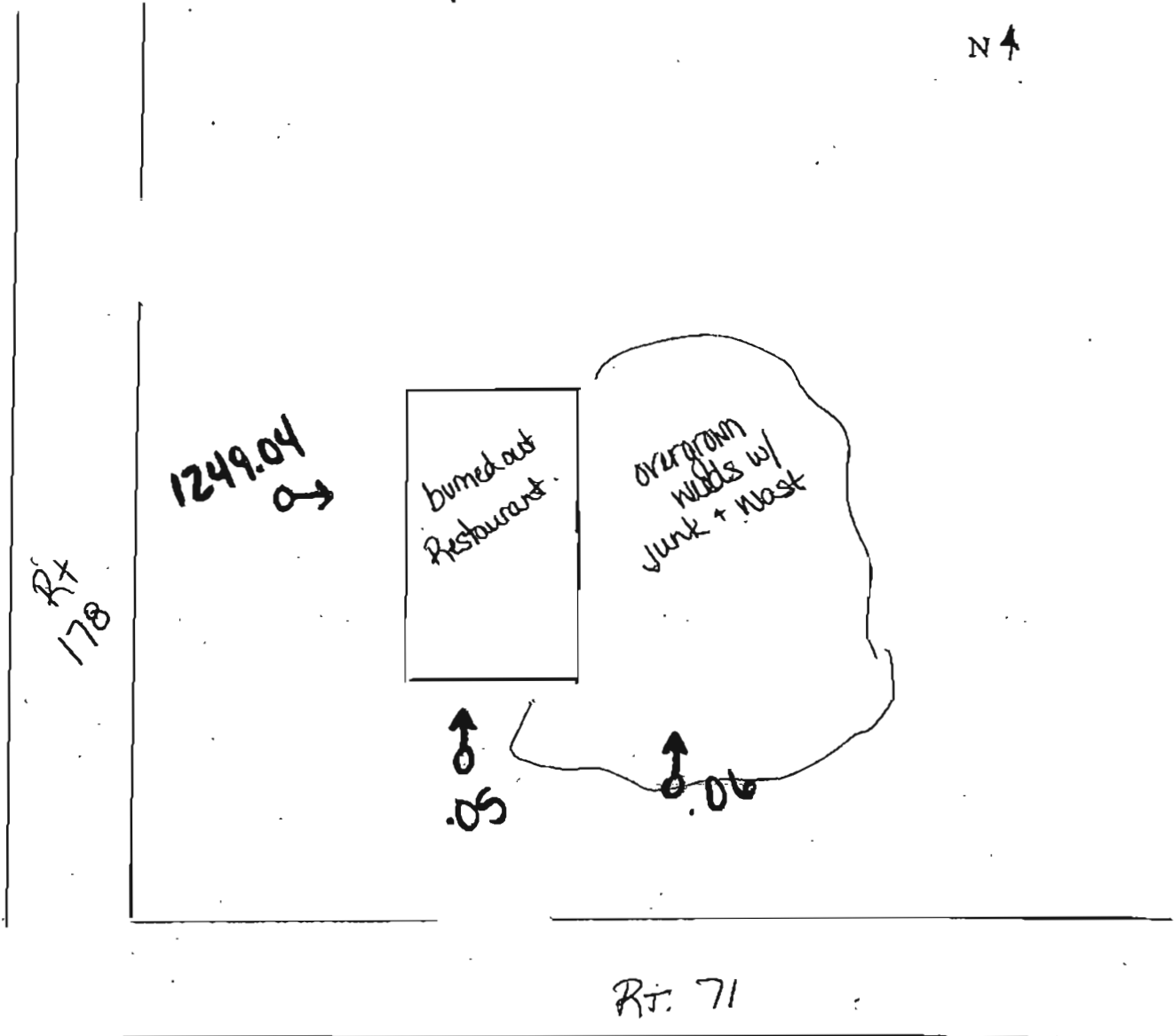
EXPLANATION OF PHOTOGRAPHS

- 1249.04 Shows overgrown weeds, waste, litter, and the restaurant knocked down. Photo taken facing east.
- 1249.05 Shows the demolition debris from the burned out shell of the restaurant. Photo taken facing north.
- 1249.06 Shows open dumped items including cushions, plastics, and other miscellaneous debris. Photo taken facing northeast.


STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of inspection: April 17, 2012 Inspector: Christy Vargochik
Site code: 0998055004 County: LASALLE
Site name: Mamun Property Time: 9:00am-9:15am




INSPECTION PHOTOS

DATE: <u>04/17/12</u>	SITE#: <u>0 9 9 8 0 5 5 0 0 4</u> CO.: LASALLE
TIME: 9:04 A.M.	SITE NAME: Mamuti Property (Tax Lien Investments)
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward:	
----- East -----	
----- ----- ----- -----	
DISK#: 1249 PHOTO#: 04	

DATE: <u>04/17/12</u>
TIME: 9:06 A.M.
PHOTOGRAPH TAKEN BY: Christy Vargochik
COMMENTS: Picture taken toward:
----- North -----
----- ----- ----- -----
DISK #: 1249 PHOTO #: 05



INSPECTION PHOTOS

DATE: <u>04/17/12</u>	SITE#: <u>0 9 9 8 0 5 5 0 0 4</u> CO.: LASALLE
TIME: 9:08 A.M.	SITE NAME: Mamuti Property (Tax Lien Investments)
PHOTOGRAPH TAKEN BY: Christy Vargochik	
COMMENTS: Picture taken toward: ----- Northeast ----- ----- ----- ----- -----	
DISK#: 1249 PHOTO#: 06	

DATE: <u>--/--</u>
TIME:
PHOTOGRAPH TAKEN BY:
COMMENTS: Picture taken toward: ----- ----- ----- ----- ----- -----
DISK #: PHOTO #:

NO
PHOTO