

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* LISA MADIGAN, Attorney )  
 General of the State of Illinois, )  
 )  
 Complainant, ) No.  
 )  
 v. )  
 )  
 ARONA CORPORATION, an Iowa corporation, )  
 D/B/A AARON'S SALES & LEASE )  
 OWNERSHIP )  
 )  
 Respondent. )

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board the following Complaint, a copy of which is attached and hereby served on you.

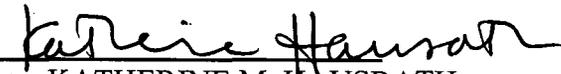
Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office or an attorney.

**NOTIFICATION**

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 et seq.] to correct the alleged pollution.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN,  
Attorney General of the State of Illinois

By:   
KATHERINE M. HAUSRATH  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(312) 814-0660

**SERVICE LIST**

Arona Corporation  
c/o CT Corporation System  
208 S. LaSalle Street, Suite 814  
Chicago, Illinois 60604

Arona Corporation  
Thomas R. Bernau, President  
4801 Grand Avenue  
Des Moines, Iowa 50312

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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<i>ex rel.</i> LISA MADIGAN, Attorney	)	
General of the State of Illinois,	)	
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ARONA CORPORATION, an Iowa corporation,	)	
D/B/A AARON'S SALES & LEASE	)	
OWNERSHIP	)	
	)	
Respondent.	)	

**COMPLAINT FOR INJUNCTION AND CIVIL PENALTIES**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, ARONA CORPORATION, an Iowa corporation, d/b/a AARON'S SALES & LEASE OWNERSHIP, as follows:

**COUNT I**

**WATER POLLUTION**

1. This complaint is brought on behalf of the People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, against Arona Corporation on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and conditions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2006).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2006), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent Arona Corporation (“Arona”) was and is an Iowa corporation registered and qualified to transact business in the State of Illinois. Arona’s corporate office is located at 4801 Grand Avenue, Des Moines, Iowa.

4. From at least August 16, 2006, and continuing through the date of filing of this Complaint, or a date better known to Arona, Arona operated and operates a business that sells and leases residential and office furniture, consumer electronics, appliances, and computers located at 3730 East State Street, Rockford, Winnebago County, Illinois, which is the subject of this Complaint.

5. At all times relevant to this Complaint, Arona did and does business at the Rockford location as Aaron’s Sales & Lease Ownership.

6. On August 16, 2006, or a date better known to Arona, an agent or representative of Arona transferred gasoline into the fuel tank of a truck (“Truck”) which was equipped with a diesel engine.

7. At all times relevant to this Complaint, the Truck was owned and/or operated by Arona.

8. On August 16, 2006, or a date better known to Arona, after Arona transferred gasoline into the Truck’s fuel tank, Arona drained gasoline from the Truck’s fuel tank into a container.

9. On August 16, 2006, or a date better known to Arona, Arona dumped between two and twenty gallons of gasoline from a container on to the ground located behind and on the eastern edge of a property located at 2932 18<sup>th</sup> Street in Rockford, Winnebago County, Illinois ("Site").

10. On August 16, 2006, or a date better known to Arona, Arona dumped between two and twenty gallons of gasoline from a container into a storm sewer opening located at the Site. This gasoline collected in the storm sewer catch basin.

11. On August 16, 2006, Illinois EPA investigated the Site. At that time, approximately two square yards of ground at the Site were visibly contaminated by gasoline.

12. On August 16, 2006, Illinois EPA sampled the soil at the Site. Testing of these soil samples confirmed the presence of benzene, toluene, ethylbenzene, and xylenes in the soil. Benzene was detected in a concentration of 320,000 micrograms per kilogram. Toluene was detected in a concentration of 1,600,000 micrograms per kilogram. Ethylbenzene was detected in a concentration of 450,000 micrograms per kilogram. Xylenes were detected in a concentration of 2,300,000 micrograms per kilogram.

13. Section 12 of the Act, 415 ILCS 5/12 (2006), provides in pertinent part as follows:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2006), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

15. Arona is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2006).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2006), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

17. Gasoline, benzene, toluene, ethylbenzene, and xylenes are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2006).

18. Section 3.550 of the Act, 415 ILCS 5/3.550 (2006), contains the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

19. Storm waters from the area in and around the Site discharge into the stormwater sewer system catch basins at the Site, and from the catch basins into the stormwater sewer system and the waters of the Rock River.

20. The stormwater in the stormwater sewer catch basins and the Rock River are each “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2006).

21. Section 3.545 of the Act, 415 ILCS 5/3.545 (2006), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

22. By causing, threatening, or allowing the discharge of gasoline containing benzene, toluene, ethylbenzene, and xylenes into the storm sewer at the Site, which ultimately discharges to the Rock River, and onto the ground at the Site, Respondent Arona caused, threatened or allowed the discharge of a contaminant into the environment so as to cause or tend to cause water pollution in Illinois.

23. By causing or tending to cause water pollution in Illinois, Respondent Arona thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, ARONA CORPORATION, an Iowa corporation, d/b/a AARON'S SALES & LEASE OWNERSHIP:

1. Authorizing a hearing in the matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 12(a) of the Act;
3. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act;

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

**COUNT II**

**WATER POLLUTION HAZARD**

1-20. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 21 of Count I as paragraphs 1 through 20 of this Count II.

21. Section 12(d) of the Act, 415 ILCS 5/12(d) (2006), provides as follows:

No person shall:

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

22. On August 16, 2006, or a date better known to Arona, Arona caused or allowed gasoline containing benzene, toluene, ethylbenzene, and xylenes to be dumped on the ground at the Site and to remain in the soil matrix underlying the Site, so as to create an ongoing potential source of contamination and a water pollution hazard.

23. By its actions as alleged herein, Respondent Arona violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, ARONA

CORPORATION, an Iowa corporation, d/b/a AARON'S SALES & LEASE

**OWNERSHIP:**

1. Authorizing a hearing in the matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 12(d) of the Act;
3. Ordering the Respondent to cease and desist from any further violations of Section 12(d) of the Act;
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

**COUNT III**

**OPEN DUMPING**

1-14. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 15 of Count I as paragraphs 1 through 14 of this Count III.

15. Section 21 of the Act, 415 ILCS 5/21 (2006), provides, in pertinent part, as follows:

No person shall:

- a. Cause or allow the open dumping of any waste.

16. Section 3.535 of the Act, 415 ILCS 5/3.535 (2006), contains the following definition:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities . . .

17. Section 3.385 of the Act, 415 ILCS 5/3.385 (2006), provides:

“Refuse” means waste.

18. The gasoline on and/or in the ground at the Site was and is “waste” and “refuse” as those terms are defined in Sections 3.385 and 3.535 of the Act, 415 ILCS 5/3.385 and 5/3.535 (2006).

19. Section 3.185 of the Act, 415 ILCS 5/3.185 (2006), contains the following definition:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

20. On August 16, 2006, or on a date or dates better known to Arona, Arona discharged, deposited, dumped, spilled, leaked, and/or placed gasoline, a waste, onto the land at the Site in a manner that allowed the waste to enter the environment. Therefore, this handling of waste constituted “disposal,” as that term is defined by Section 3.185 of the Act, 415 ILCS 5/3.185 (2006).

21. Section 3.460 of the Act, 415 ILCS 5/3.460 (2006), contains the following definition:

“Site” means any location, place, tract of land, facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

22. The Site located behind and on the eastern edge of a property located at 2932 18<sup>th</sup> Street in Rockford, Winnebago County, Illinois, where Arona dumped the gasoline is a “site” as that term is defined by Section 3.460 of the Act, 415 ILCS 5/3.460 (2006).

23. Section 3.445 of the Act, 415 ILCS 5/3.445 (2006), contains the following definition:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

24. From at August 16, 2006, and continuing through the date of filing of this Complaint, the Site was not permitted by Illinois EPA for the disposal of waste. Therefore, the Site did not and does not fulfill the requirements of a “sanitary landfill,” as that term is defined by Section 3.445 of the Act, 415 ILCS 5/3.445 (2006).

25. Section 3.305 of the Act, 415 ILCS 5/3.305 (2006), contains the following definition:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

26. On August 16, 2006, or on a date or dates better known to Arona, Respondent Arona caused or allowed "open dumping," as that term is defined in Section 3.305 of the Act, 415 ILCS 5/3.305 (2006), by causing or allowing the consolidation of refuse, including but not limited to gasoline, at the Site, which has never been permitted by Illinois EPA for the disposal of waste thereon.

27. Because Arona caused or allowed the open dumping of waste, it violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, ARONA CORPORATION, an Iowa corporation, d/b/a AARON'S SALES & LEASE OWNERSHIP:

1. Authorizing a hearing in the matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(a) of the Act;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(a) of the Act;
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

IMPROPER DISPOSAL OF WASTE

1-23. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 15 of Count I, and paragraphs 18 through 26 of Count III, as paragraphs 1 through 23 of this Count IV.

24. Section 21 of the Act, 415 ILCS 5/21 (2006), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- e. Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

25. On August 16, 2006, or a date or dates better known to Arona, Arona disposed of or abandoned gasoline at a site that was not permitted for waste disposal by the Illinois EPA, and therefore did not meet the requirements of the Act.

26. Because Arona disposed of or abandoned waste at a site that did not meet the requirements of the Act, it violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2006).

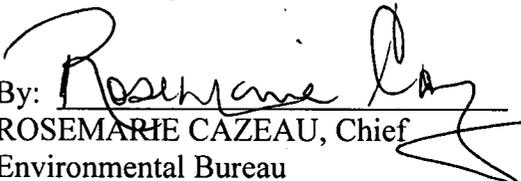
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2. Finding that the Respondent has violated Section 21(e) of the Act;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(e) of the Act;
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including expert witness; consultant and attorney fees, against the Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney  
General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By:   
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General  
Environmental Bureau

Of Counsel:  
MATTHEW MARINELLI  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0608

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

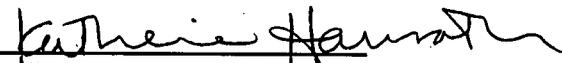
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ARONA CORPORATION, an Iowa corporation,	)	
D/B/A AARON'S SALES & LEASE	)	
OWNERSHIP	)	
	)	
Respondent.	)	

**ENTRY OF APPEARANCE**

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KATHERINE M. HAUSRATH, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

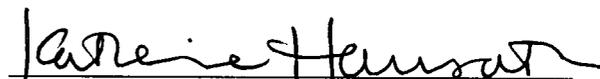
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN,  
Attorney General of the State of Illinois

By:   
 KATHERINE M. HAUSRATH  
 Assistant Attorney General  
 Environmental Bureau  
 69 W. Washington St., 18th Floor  
 Chicago, Illinois 60602  
 (312) 814-0660

**CERTIFICATE OF SERVICE**

I, KATHERINE M. HAUSRATH, an Assistant Attorney General, do certify that I caused to be mailed this 18 day of July, 2007, the foregoing Complaint, Notice of Filing, and Appearance upon the persons listed on said notice, by certified mail.



KATHERINE M. HAUSRATH  
Assistant Attorney General  
Environmental Bureau  
69 West Washington, 18<sup>th</sup> Floor  
Chicago, IL 60602  
312-814-0660