

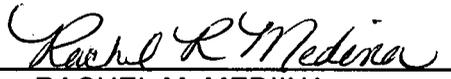
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2008), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: 
RACHEL M. MEDIINA
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 22, 2011

CERTIFICATE OF SERVICE

I hereby certify that I did on April 22, 2011, cause to be served by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT and ENTRY OF APPEARANCE upon the persons listed on the Service List.



Rachel M. Medina
Rachel M. Medina
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Adolf M. Lo and Renee C. Lo
d/b/a Lo Farms
906 West Curtis Road
Champaign, IL 61821

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No.
)	(Enforcement)
ADOLF M. LO and RENEE C. LO,)	
d/b/a LO FARMS,)	
)	
Respondents.)	

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, RACHEL M. MEDINA, 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

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

BY: *Rachel R. Medina*
RACHEL R. MEDINA
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 22, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement –Air)
ADOLF M. LO AND RENEE C. LO d/b/a)	
LO FARMS,)	
)	
Respondents.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent, ADOLF M. LO and RENEE C. LO d/b/a LO FARMS, as follows:

COUNT I

AIR POLLUTION

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2008), and charged *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. The Illinois Pollution Control Board ("Board") is an agency of the State of Illinois created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2008), and charged with the duty of promulgating regulations under the Act, pursuant to Section 26 of the Act, 415 ILCS 5/26 (2008).

4. Adolf M. Lo and Renee C. Lo conduct a farming business known as Lo Farms at 1404 N. Rising Rd., Champaign, IL 61822 ("site"). Adolf M. Lo and Renee C. Lo are also the owners of the site.

5. At all times relevant to this Complaint, Adolf M. Lo and Renee C. Lo did not have a permit to conduct open burning of refuse on the site.

6. On March 17, 2010, the Illinois EPA inspected the site. On that date, a two-story farm house was being burned at the site.

7. On March 17, 2010, two workers were on site watching and controlling the burning of the farm house. Both workers, Bobby Huffman and Brian Thomas, indicated to the Illinois EPA inspector that they were burning the farm house at the direction of their employer, Renee C. Lo.

8. On March 17, 2010, a white pickup truck with a trailer that contained a fuel barrel approximately 500 gallons in size was also located on site in the driveway to the north of the burning house. On the south side of the farm house, Brian Thomas was driving a backhoe around in the cornfield and using it to extinguish other small fires.

9. Section 9 of the Act, 415 ICS 5/9(a) (2008), provides, in pertinent part, as follows:

No person shall:

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

* * *

(c) Cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act....

10. "Contaminant" is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2008), as follows:

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

11. "Refuse" is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2008), as follows:

"Refuse" means waste.

12. "Waste is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2008), as follows:

"Waste" means any garbage...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....

13. By causing or allowing the farm house to be openly burned on the site, the Respondents have also caused, threatened, or allowed the emission of contaminants into the environment.

14. By causing, threatening, or allowing the emission of contaminants into the environment so as to cause or tend to cause air pollution, the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2008).

15. By causing or allowing the open burning of refuse at a site that does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder, the Respondent has violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2008).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent, ADOLF M. LO and RENEE C. LO, d/b/a LO FARMS:

A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

- B. Finding that the Respondents have violated the Act as alleged herein;
- C. Ordering the Respondents to cease and desist from any further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), imposing a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

COUNT II

WASTE DISPOSAL VIOLATION

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

13. The site is not permitted by the Illinois EPA as a sanitary landfill.

14. On September 10, 2010, suspected asbestos containing material from the burned remains of the farm house, including ashes and bricks, was removed from the site. A pile of scrap metal, landscape waste, and burn debris from a barn that burned on or about March 15, 2007 remained on site.

15. On September 20, 2010, a pile of scrap metal, landscape waste, and the burn pile from the barn remained on site. The burn pile also contained additional debris including various pieces of furniture, paper and plastic.

16. Section 21(e) of the Act, 415 ILCS 5/21(e) (2008), provides, 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.

17. By disposing, treating, storing, or abandoning waste at a site that does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder, the Respondent is violating Section 21(e) of the Act, 415 ILCS 5/21(e) (2008).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent, ADOLF M. LO and RENEE C. LO, d/b/a LO FARMS:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Respondents have violated the Act as alleged herein;
- C. Ordering the Respondents to cease and desist from any further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), imposing a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

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: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
RACHEL R. MEDINA
ARDC#6297171
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 4/22/11