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**SEP 15 2004**

**STATE OF ILLINOIS**  
Pollution Control Board

**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

PCB0553

September 14, 2004

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Clean Harbors Env. Services, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, COMPLAINT and APPEARANCE in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Jennifer Bonkowski  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JB/pp  
Enclosures

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**SEP 15 2004**

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF  
ILLINOIS,

Complainant,

vs.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC., a Massachusetts  
corporation,

Respondent.

PCB No. 05-53  
(Enforcement)

**NOTICE OF FILING**

To: Clean Harbors Environmental Services, Inc.  
c/o C. T. Corporation System  
208 S. LaSalle Street, Ste. 814  
Chicago, IL 60604-1101

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon 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 this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2002), to correct the pollution alleged in the Complaint filed in this case.

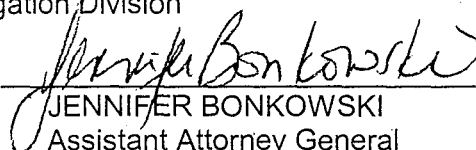
Respectfully submitted,

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:

  
JENNIFER BONKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: September 14, 2004

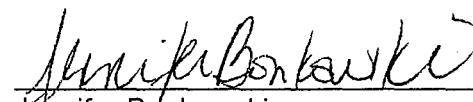
## CERTIFICATE OF SERVICE

I hereby certify that I did on September 14, 2004, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Clean Harbors Environmental Services, Inc.  
c/o C. T. Corporation System  
208 S. LaSalle Street, Ste. 814  
Chicago, IL 60604-1101

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

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

  
Jennifer Bonkowski  
Assistant Attorney General

This filing is submitted on recycled paper.

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC., a Massachusetts  
Corporation

Respondent.

PCB NO. 0553  
(Enforcement)

APPEARANCE

I, JENNIFER BONKOWSKI, Assistant Attorney General of the State of Illinois, hereby  
file my appearance in this proceeding on behalf of the Complainant, PEOPLE OF THE STATE  
OF ILLINOIS.

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: Jennifer Bonkowski  
JENNIFER BONKOWSKI,  
Assistant Attorney General

JENNIFER BONKOWSKI  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 9/14/04

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SEP 15 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC., a Massachusetts  
Corporation

Respondent.

PCB NO. 05-53  
(Enforcement)

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN,  
Attorney General of the State of Illinois, complains of Respondent, CLEAN HARBORS  
ENVIRONMENTAL SERVICES, INC., a Massachusetts corporation, as follows:

**COUNT I**  
**UNPERMITTED WASTE STORAGE VIOLATIONS**

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 (2002).

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 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.

4. Clean Harbors Environmental Services, Inc. ("Clean Harbors") is a Massachusetts corporation registered to do business in Illinois.

5. Clean Harbors' registered agent is CT Corporation System, 208 South LaSalle St, Suite 814, Chicago, Illinois, 60604-1101.

6. Section 21 of the Act, 415 ILCS 5/21 (2002), provides, in pertinent part, as follows:

No person shall:

\* \* \*

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit

\* \* \*; or

2. In violation of any regulations or standards adopted by the Board under this Act;

\* \* \*

This subsection (d) shall not apply to hazardous waste.

\* \* \*

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.

7. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), defines

"person" as:

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.

8. Section 807.201 of the Board's Waste Disposal Regulations, 35

Ill. Adm. Code 807.201, provides as follows:

Subject to such exemption as expressly provided in Section 21(e) (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e)) of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

9. Section 807.202 of the Board's Waste Disposal Regulations, 35

Ill. Adm. Code 807.202, provides as follows:

a) New Solid Waste Management Sites. Subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1982, ch. 111 1/2, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

10. The term "solid waste" is defined in Section 3.470 of the Act, 415 ILCS 5/3.470 (2002), as waste.

11. Clean Harbors operates a less than 10-day hazardous waste transfer station at



Three Rivers RV and Boat Storage in South Roxana, Madison County, Illinois. This hazardous waste transfer operation is exempt from permitting.

12. Clean Harbors uses a small, less than trailer-load, truck to go from business to business collecting containers of waste. The small truck returns to Three Rivers RV and Boat and unloads into a 40-foot box trailer.

13. Beginning on at least November 11, 2003, Clean Harbors also operated a nonhazardous waste transfer station at the site.

14. The Illinois EPA conducted a Compliance Evaluation Inspection of the facility on November 13, 2003. Inspectors reviewed seven manifests for waste transferred to the facility. The manifests showed that both hazardous and nonhazardous waste were being transferred from small trucks to the box trailer.

15. On November 11, 2003, one drum of nonhazardous diethylenetriamine and one drum of nonhazardous waste were transferred from a small truck to the large trailer.

16. Wastes transferred on November 12, 2003, included 12 poly fiber containers of nonhazardous water and plastic, one poly fiber container of nonhazardous waste, and two poly fiber containers of aqueous drug waste.

17. Clean Harbors parked the trailer at the site for about a week before waste was placed into the trailer on November 11, 2003. The trailer was to be moved on November 19, 2003. Therefore, nonhazardous waste was stored at the facility for at least eight days before being shipped to another Clean Harbors location.

18. Beginning at least on November 11, 2003, the Defendant has conducted a nonhazardous waste-storage operation in South Roxana without the necessary permits granted by the Illinois EPA, and in violation of Sections 807.201 and 807.202 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.201 and 807.202.

19. By conducting a waste-storage operation at the facility without a permit granted by the Illinois EPA, or in violation of any regulations or standards adopted by the Board, the Defendant has violated Section 21(d) of the Act, 415 ILCS 21(d) (2002).

20. By storing waste at a site that does not meet the requirements of the Act and of the standards and regulations promulgated thereunder, the Defendant has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2002).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent, Clean Harbors:

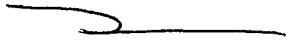
- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of up to fifty thousand dollars (\$50,000) for each violation that occurred and an additional penalty of ten thousand (\$10,000) for each day during which such violations continued;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,  
Attorney General  
State of Illinois

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

BY:   
THOMAS DAVIS  
Assistant Attorney General  
Environmental Bureau

Of Counsel  
JENNIFER BONKOWSKI  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 9/14/09