

**RECEIVED**  
CLERK'S OFFICE

OCT - 8 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC05-31

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **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 to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

ADMINISTRATIVE CITATION

OCT - 8 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 GUIFFRE II, LLC, )  
 )  
 Respondent. )

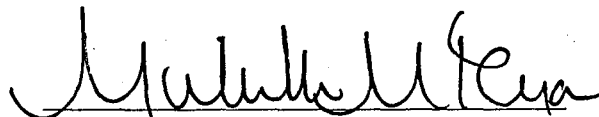
AC 05-21  
 (IEPA No. 506-04-AC)

NOTICE OF FILING

To: Guiffre II, LLC  
 ATTN: Nicholette G. Rinhardt  
 445 West Oklahoma Ave.  
 Milwaukee, WI 53207

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
 Special Assistant Attorney General

Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276  
 (217) 782-5544

Dated: October 7, 2004

RECEIVED  
CLERK'S OFFICE

OCT - 8 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
GUIFFRE II, LLC, )  
) )  
) )  
) )  
) )  
Respondent. )

AC 05-31

(IEPA No. 506-04-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That Guiffre II, LLC ("Respondent") is the present owner of a facility located at 1165 Prairie Hill Road in Rockton, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockton/Guiffre II, LLC-Mallory Properties (f.k.a. Beloit Corporation).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010355004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on August 23, 2004, Jason Thorp of the Illinois Environmental Protection Agency's Rockford Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

## VIOLATIONS

Based upon direct observations made by Jason Thorp during the course of his August 23, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
  
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

## CIVIL PENALTY

On August 5, 2004, the Board found Guiffre II, LLC in violation of Section 21(p)(1) and Section 21(p)(7) of the Act in AC 04-83.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1) and 21(p)(7), pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 15, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution

Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as 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. Those hearing costs shall be assessed in addition to the Six Thousand Dollar (\$6,000.00) statutory civil penalty for each violation.

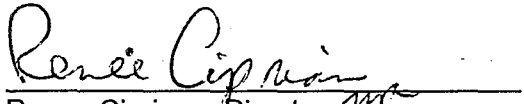
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

  
\_\_\_\_\_  
Renee Cipriano, Director  
Illinois Environmental Protection Agency

Date: 10/7/04

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Winnebago      LPC#: 2010355004      Region: 1 - Rockford  
 Location/Site Name: Rockton / Guiffre II, LLC (Mallory Properties)  
 Date: 08/23/2004    Time: From 1:30PM    To 2:35PM    Previous Inspection Date: 04/22/2004  
 Inspector(s): Thorp      Weather: 80°F, Mostly Cloudy, East Wind 5-10mph  
 No. of Photos Taken: # 24    Est. Amt. of Waste: 500 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: \_\_\_\_\_

Responsible Party(s) Mailing Address(es) and Phone Number(s):	Guiffre II, LLC (Mallory Properties) Attn: Nicolette G. Rinhardt 445 West Oklahoma Avenue Milwaukee, WI 53207	
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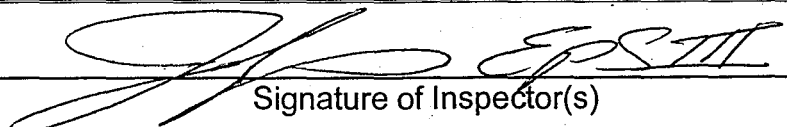
	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	<input type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(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 # 2010355004

Inspection Date: 12/11/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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"/>
<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 checked="" 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: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) 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"/>

  
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.

2010355004 – Winnebago County  
Rockton / Guiffre II, LLC  
FOS File

NARRATIVE INSPECTION REPORT

**Background:**

On December 11, 2003, Jason Thorp conducted a complaint investigation at RELOAD, Inc., located at 1165 Prairie Hill Road in Rockton, Illinois. The complainant alleged the open dumping of debris into an on-site gravel pit. The subject facility is situated on a portion of property formerly known as the Beloit Corporation NPL Site, which is leased by RELOAD, Inc. from the owner, Guiffre II, LLC.

During the complaint investigation Mr. Thorp interviewed RELOAD, Inc., general manager Mike Salek. The complaint investigation revealed the presence of open dumped piles of solid waste including sheetrock, landscape waste, wood and metal debris as depicted in digital photographs collected during the investigation. Mr. Salek indicated that RELOAD, Inc. was responsible for the placement of sheetrock within the gravel pit. According to Mr. Salek, the sheetrock is received by RELOAD, Inc. as dunnage from the sheetrock manufacturer. During initial operations at RELOAD, Inc. this sheetrock dunnage was placed into roll-off boxes and properly disposed of at a permitted facility. At a later date, Mr. Salek believed the sheetrock was composed of natural materials and could be placed within the subject gravel pit. He was informed that sheetrock did not meet the definition of clean fill. The majority of solid waste disposed of within the subject gravel pit consists of sheetrock. Mr. Salek pointed out the area of sheetrock disposal which measures approximately 150yd<sup>3</sup>. The property owner, Guiffre II, LLC, was listed as a respondent and would be held accountable for removing all solid waste excluding the sheetrock. The following solid waste violations were cited during the complaint investigation: 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) of the Illinois Administrative Code.

On December 23, 2003, an ACWN was sent out to RELOAD, Inc. (Operator) and Guiffre II, LLC (Owner) via certified mail. The ACWN was received by RELOAD, Inc. and Guiffre II, LLC on December 26, 2003 and December 29, 2003, respectively. Both respondents were given 90 days from the date of the ACWN to comply with the corrective actions set forth within the ACWN.

On January 13, 2004, a written response was received from RELOAD, Inc. representative Mike Salek (General Manager). The written response was reviewed by Jason Thorp, Dave Retzlaff and Paul Jagiello and determined to be inadequate, as it did not address the removal of the waste. No response was ever received from Guiffre II, LLC. A decision was made to re-inspect the subject gravel pit and issue an AC to RELOAD, Inc. and Guiffre II, LLC.

On April 22, 2004, Jason Thorp and Dave Retzlaff conducted a re-inspection of the subject gravel pit. Upon entering the subject gravel pit, Mr. Thorp observed an additional volume of sheetrock had been deposited since the initial inspection. Also, a newly discovered area, referred to from this point forward as the outside storage area, of solid waste open dumping was observed on the same subject property. However, the open dumping in the outside storage area was not included as part of the RAC. Digital photographs 2010355004~04222004-001 through -015 depict solid waste piles of sheetrock, wood and scrap metal located within the subject gravel pit. The following solid waste violations were cited during the re-inspection: 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) of the Illinois Administrative Code.

On August 5, 2004, an AC was sent to RELOAD, Inc. (Operator) and Guiffre II, LLC (Owner) via certified mail. The AC was received by RELOAD, Inc. and Guiffre II, LLC on June 23, 2004 and June 17, 2004, respectively. Both respondents were given 60 days from the date of the AC to comply with the corrective actions set forth within the AC.

**Summary:**

On August 23, 2004, Jason Thorp conducted a re-inspection to determine RELOAD, Inc. and Guiffre II, LLC compliance with respect to the apparent violation(s) cited in AC-04-83, dated August 5, 2004. The re-inspection revealed the adequate removal of sheetrock from the gravel pit, resulting in a return to compliance for RELOAD, Inc. The supporting documentation (disposal receipts) was received from RELOAD, Inc. on September 16, 2004 and included as an attachment to their RTC letter, dated, August 23, 2004.

The portion of the solid waste to be removed by Guiffre II, LLC had not been removed. The owner of the property, Guiffre II, LLC, will be held accountable for remaining piles of solid waste located on the property, including the on-site gravel pit and outside storage area.

The solid waste remaining on the property, to be removed by Guiffre II, LLC, measures approximately 500yd<sup>3</sup> and consists of wood debris, wood pallets, wood crating, wood block flooring, landscape waste, scrap metal, office furniture and concrete. The wood block flooring will require a hazardous waste characterization for proper disposal at a permitted facility. Digital photographs 2010355004~08232004-007 through -031 depict the solid waste observed during the inspection. Prior to the solid waste inspection, the open dumping was discussed with Mike Salek (RELOAD – General Manager). Mr. Salek manages a rail to semi-tractor trailer reloading operation on the subject property. Mr. Salek indicated RELOAD was not responsible for the remaining solid waste located within the gravel pit and outside storage area. According to Mr. Salek, the solid waste was the remnants of the former Beloit Corporation operations. The solid waste was originally located in the outdoor storage yard. The solid waste was moved to the present location (adjacent the outside storage yard) after Guiffre II, LLC purchased the former Beloit Corporation property.

The inspection concluded at 1435 hours. The following solid waste violations were cited during the solid waste inspection: 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) and 722.111 of the Illinois Administrative Code.

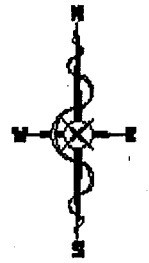
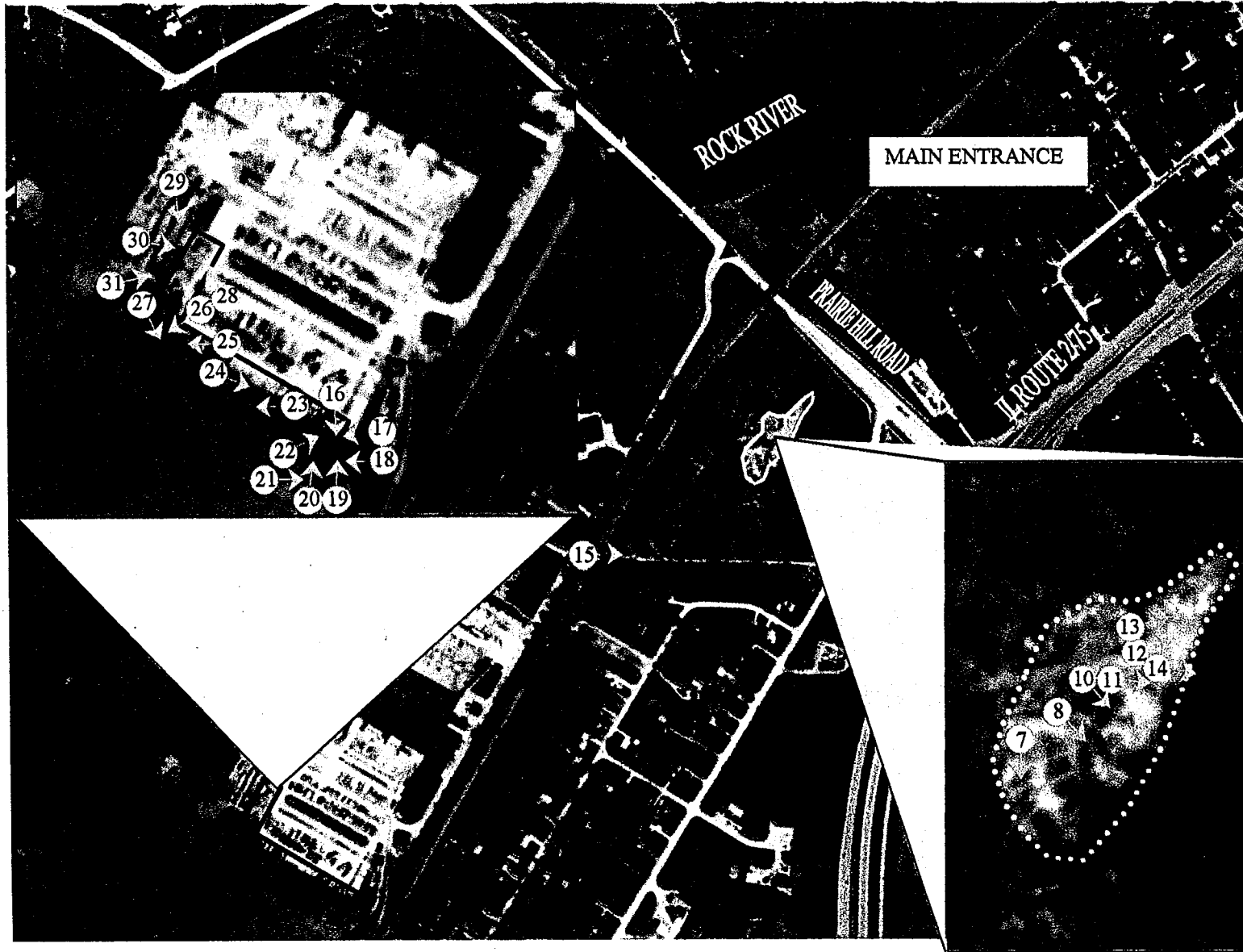
Agency correspondence relating to this inspection will be directed to the owner of the property as follows:

**Owner**

Guiffre II, LLC  
445 West Oklahoma Avenue  
Milwaukee, WI 53207  
Attn: Nicholette G. Rinhardt

# Site Map

(features plotted on USGS aerial photograph, 14 April 1998)



2010355004 / Winnebago County  
 Rockton - Guiffre II, LLC  
 FOS

### KEY

Gravel Pit

— Outside Storage Area



Photograph # & Direction



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

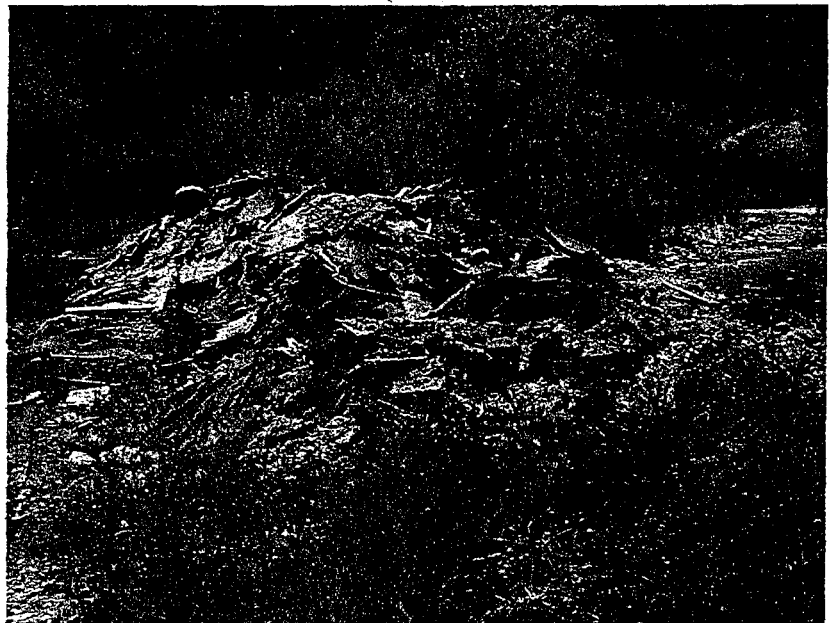
**DATE:**  
08/23/2004  
**TIME:**  
1352  
**DIRECTION:**  
South  
**PHOTO by:**  
Jason Thorp  
**PHOTO FILE NAME:**  
2010355004-08232004-007  
**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal chain link fencing and concrete. The concrete did not appear to have any protruding rebar.



**DATE:**  
08/23/2004  
**TIME:**  
1353  
**DIRECTION:**  
Southeast  
**PHOTO by:**  
Jason Thorp  
**PHOTO FILE NAME:**  
2010355004-08232004-008  
**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing broken sheets of OSB.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1354

**DIRECTION:**

Southeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-010

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing tires, metal, wood scraps and a fire extinguisher.



**DATE:**

08/23/2004

**TIME:**

1359

**DIRECTION:**

East

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-011

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, wood pallets/crating, and metal scrap.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

**DATE:**

08/23/2004

**TIME:**

1359

**DIRECTION:**

Northeast

**PHOTO by:**

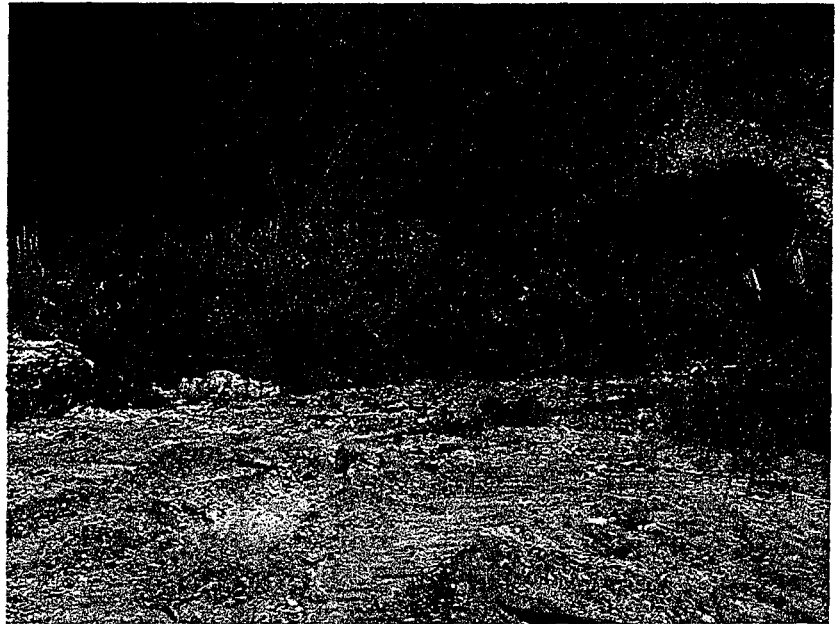
Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-012

**COMMENTS:**

Photo taken towards the open dumped  
solid waste pile containing landscape  
waste.



**DATE:**

08/23/2004

**TIME:**

1359

**DIRECTION:**

Northeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-013

**COMMENTS:**

Photo taken towards the open dumped  
solid waste pile containing landscape  
waste.





2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

**DATE:**

08/23/2004

**TIME:**

1402

**DIRECTION:**

East

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-014

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, wood pallets/crating, and metal scrap. Close-up of digital photograph 2010355004~08232004-011.



**DATE:**

08/23/2004

**TIME:**

1411

**DIRECTION:**

Northeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-015

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste and wood scrap.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1414

**DIRECTION:**

South

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-016

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap, concrete with rebar, metal chain-link fencing and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1416

**DIRECTION:**

West

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-017

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap, concrete with rebar, metal chain-link fencing and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1417

**DIRECTION:**

West

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-018

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing concrete with rebar.



**DATE:**

08/23/2004

**TIME:**

1418

**DIRECTION:**

North

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-019

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing stained wood block flooring, landscape waste, metal scrap, concrete with rebar, metal chain-link fencing and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

**DATE:**

08/23/2004

**TIME:**

1418

**DIRECTION:**

North

**PHOTO by:**

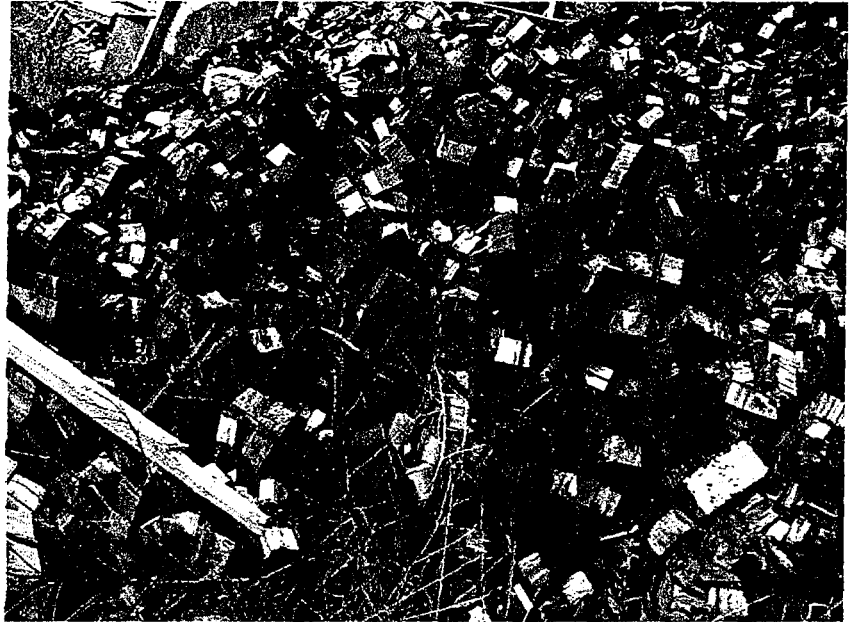
Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-020

**COMMENTS:**

Photo taken towards the open dumped  
solid waste pile containing stained wood  
block flooring.



**DATE:**

08/23/2004

**TIME:**

1419

**DIRECTION:**

East

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-021

**COMMENTS:**

Photo taken towards the open dumped  
solid waste pile containing stained wood  
block flooring, landscape waste, metal  
scrap, concrete with rebar, metal chain-  
link fencing and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1419

**DIRECTION:**

Northeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-022

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap, concrete with rebar, metal chain-link fencing and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1423

**DIRECTION:**

West

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004-08232004-023

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap, OSB and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1423

**DIRECTION:**

Southeast

**PHOTO by:**

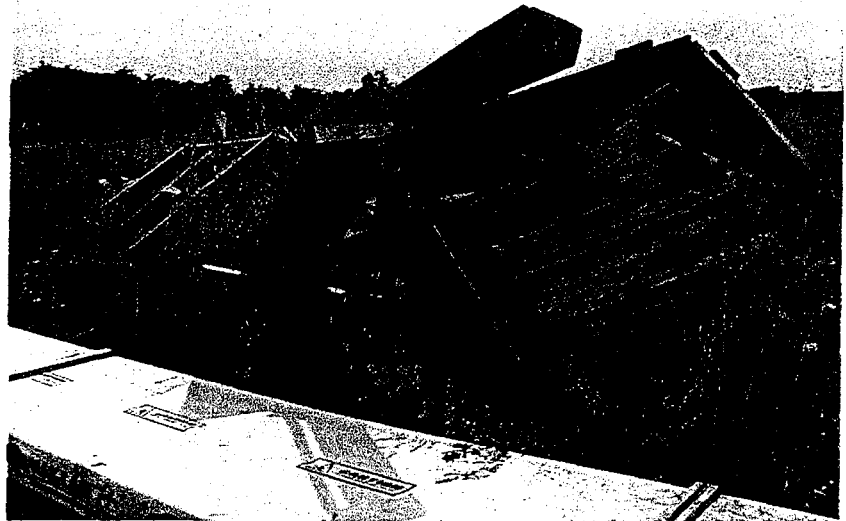
Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-024

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1424

**DIRECTION:**

West

**PHOTO by:**

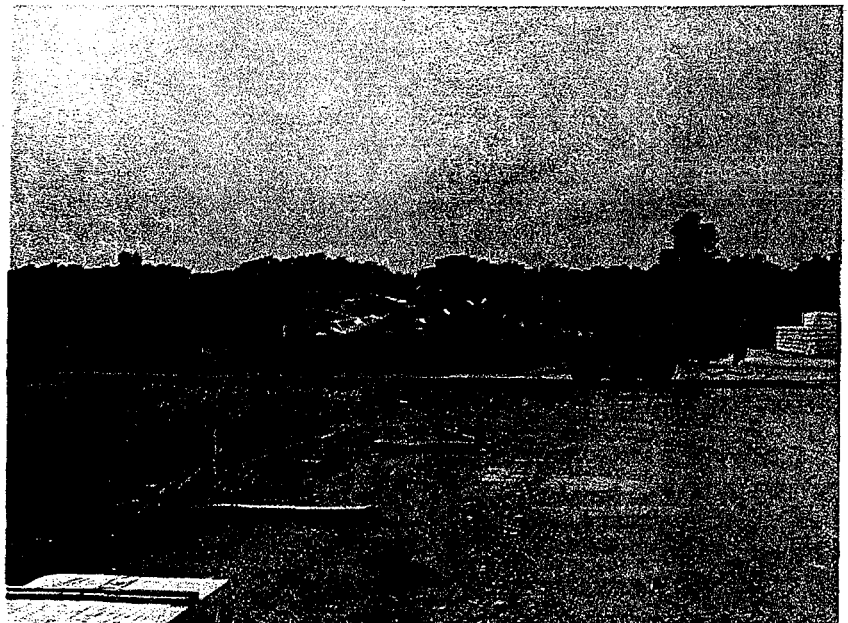
Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-025

**COMMENTS:**

Photo taken towards the open dumped solid waste pile, opposite side of rail car, containing landscape waste, metal scrap and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/23/2004

**TIME:**

1426

**DIRECTION:**

Southwest

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-026

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1427

**DIRECTION:**

Southeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-027

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, metal scrap and wood pallets/crating.



2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

**DATE:**

08/23/2004

**TIME:**

1430

**DIRECTION:**

Northwest

**PHOTO by:**

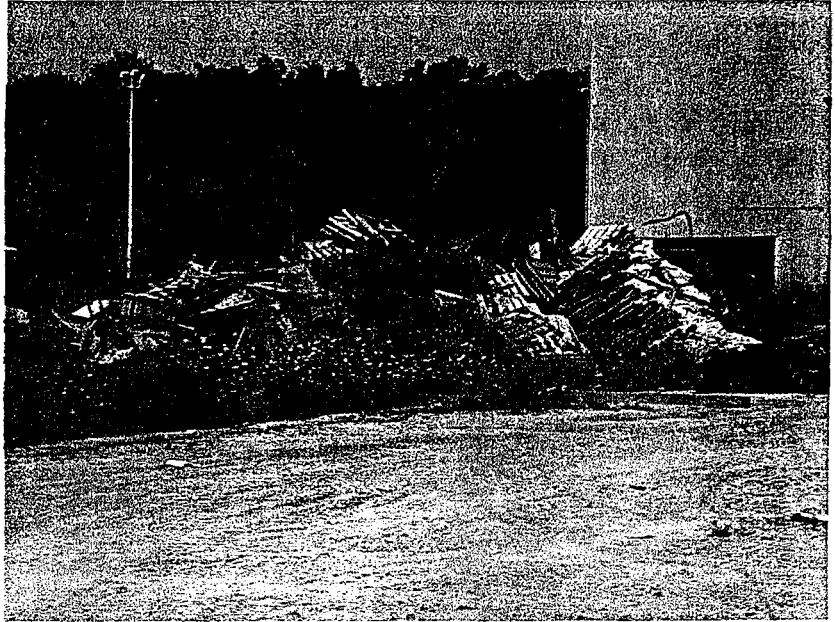
Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-028

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, OSB, metal scrap, metal chain-link fencing and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1430

**DIRECTION:**

South

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-029

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, OSB, metal scrap, metal chain-link fencing and wood pallets/crating.





2010355004 – Winnebago County  
Rockton / Guiffre II, LLC (Mallory Properties, f.k.a. Beloit Corporation)  
FOS File

**DIGITAL PHOTOGRAPHS**

**DATE:**

08/23/2004

**TIME:**

1431

**DIRECTION:**

East

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-030

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, OSB, metal scrap, metal chain-link fencing and wood pallets/crating.



**DATE:**

08/23/2004

**TIME:**

1432

**DIRECTION:**

Northeast

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08232004-031

**COMMENTS:**

Photo taken towards the open dumped solid waste pile containing landscape waste, OSB, metal scrap, metal chain-link fencing and wood pallets/crating.



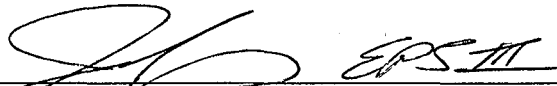
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT


IN THE MATTER OF: )  
 )  
 Guiffre II, LLC )  
 ) IEPA DOCKET NO.  
 )  
 Respondent )

Affiant, Jason Thorp, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Remediation Management Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 23, 2004, between 1:30 p.m. and 2:35 p.m., Affiant conducted an inspection of an open dump, located in Winnebago County, Illinois known as Mallory Properties (owned by Guiffre II, LLC) by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 2010355004 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the inspection Report form 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 open dump.

  
 \_\_\_\_\_  
 Jason Thorp, EPS III

Subscribed and Sworn to Before Me  
 this 30 day of September, 2004

  
 \_\_\_\_\_  
 Notary Public

"OFFICIAL SEAL"  
 TERESA LABUNSKI  
 Notary Public, State of Illinois  
 My Commission Expires 1/10/2007

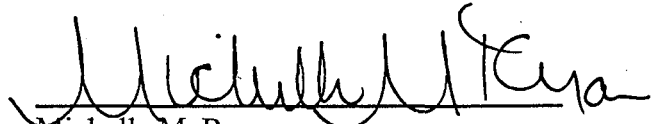
**PROOF OF SERVICE**

I hereby certify that I did on the 7th day of October 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Guiffre II, LLC  
ATTN: Nicholette G. Rinhardt  
445 West Oklahoma Ave.  
Milwaukee, WI 53207

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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

  
Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544