

NACK, RICHARDSON & NACK, P.C.
ATTORNEYS AT LAW
Established 1896

Joseph M. Nack [1865-1939]
Louis A. Nack [1901-1981]
James W. Richardson [1925-1988]
Louis A. Nack, Jr.
James J. Nack
Joseph E. Nack
Thomas J. Nack

RECEIVED
CLERK'S OFFICE

JAN 31 2005

STATE OF ILLINOIS
Pollution Control Board

106 North Main Street
P. O. Box 336
Galena, IL 61036
815/777-1218
Fax 815/777-2609

ELIZABETH OFFICE
Elizabeth State Bank Building
P. O. Box 271
Elizabeth, IL 61028
815/858-3712
Fax 815/858-2671

Certified Mail Return Receipt

Clerk of Illinois Pollution
Control Board
State of Illinois
100 West Randolph
Suite 11-500
Chicago, IL 60601

Illinois EPA
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

RE: James A. Haas, Jr.
AC 05-32
(IEPA No. 532-04-AC)

Dear Sir or Madam:


We mailed the Joint Motion to Vacate Board Order to you on January 14, 2005, but failed to attached the exhibits. Enclosed herein are Exhibits A and B. We apologize for any inconvenience this may have caused.

Should you require anything further, please do not hesitate to contact us.

Very truly yours,

NACK, RICHARDSON & NACK. P.C.

BY:


Joseph E. Nack

JEN:kas
Enclosure(s)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE

JAN 31 2005

STATE OF ILLINOIS
Pollution Control Board
EXHIBIT "A"

815-987-7760
815-987-7005 (FAX)

December 28, 2004

Knack, Richardson and Knack
Attn: Joe Knack
106 North Main Street
Galena, IL 61036

Re: LPC #0150205024 – Carroll County
Mt. Carroll/Haas Property
Compliance File

Dear Mr. Knack:

On December 6, 2004, your facility was inspected by Kaare Jacobsen of the Illinois Environmental Protection Agency. The purpose of this inspection was to determine your facility's compliance with the Illinois Environmental Protection Act and 35 Illinois Administrative Code 812 regulations. At the time of the inspection, the following apparent violations were again viewed from the previous inspection: 21(1), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) of 35 Illinois Administrative Code.

The owner/operator of the site will be granted until December 16, 2004 to remove the remaining building debris from the pile of landscape waste.

For your information, a copy of this inspection report is enclosed. Please contact Kaare Jacobsen at 815/987-7760 if you have any questions regarding this inspection.

Sincerely,

David S. Retzlaff
Manager, Region 1
Field Operations Section
Bureau of Land

DR:KJ:bp

Enclosure

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463
BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Carroll LPC#: 0150205024 Region: 1 - Rockford
 Location/Site Name: Mt. Carroll/Haas Property
 Date: 12/06/2004 Time: From 9:40 am To 10:00 am Previous Inspection Date: 09/01/2004
 Inspector(s): Jacobsen Weather: 25 degrees
 No. of Photos Taken: # 3 Est. Amt. of Waste: 0 yds³ Samples Taken: Yes # _____ No
 Interviewed: James Haas & Joe Knack (attorney) Complaint #: _____

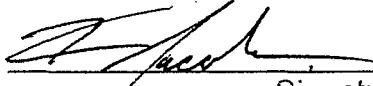
Responsible Party Mailing Address(es) and Phone Number(s):	Knack, Richardson and Knack Attn: Joe Knack 106 North Main Street Galena, IL 61036 815/777-1218	
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input 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 # 0150205024

Inspection Date: 12/16/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input checked="" 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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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 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"/>
OTHER REQUIREMENTS			
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.

**0150205024-Carroll County
Mt. Carroll/Haas Property**

NARRATIVE INSPECTION REPORT

On December 6, 2004, I (Kaare Jacobsen) conducted a meeting with James Haas (owner) and Joe Knack (representing attorney from Knack, Richardson and Knack) at the Haas Property in Mt. Carroll. Originally, this was a complaint (C-03-008R) was brought to attention to the Rockford Regional Office, on July 3, 2003. The complaint alleges that municipal waste has been open dumped into a ravine. The above referenced facility is located on the north side of Davis Road, just ¼ of a mile east of Zion Road. Agency correspondence should be addressed to the representing attorney, Joe Knack, at 106 North Main Street in Galena, Illinois.

Prior to this inspection, the owner/operator of the property was issued an Administrative Citation on October 22, 2004. A meeting was requested by the representing attorney, in order to resolve all outstanding violations sited in the initial letter.

Upon arrival at 9:40 a.m., I introduced myself to the owner of the property, James Haas, and the representing attorney, Joe Knack. The inspection began by discussing disposal procedures that taken place to remove the solid waste mixed with soil from the site. According to Mr. Haas, the soil and solid waste were brought to dumpster, that his construction business utilizes. Photograph 0150205024~120604-001 faces northwest indicating where soil mixed with solid waste was previously stored. Photographs 0150205024~120604-002 and 003 indicate building material mixed with on site generated landscape waste.

In conclusion, Mr. Knack indicated that Mr. Haas would need an extended period of time in order to remove the building material from the landscape waste. Mr. Knack and Haas was indicated that they would have until December 16, 2004 to remove all building material from the landscape waste pile. Both gentlemen, agreed to have the building material removed and disposed of by the given date. The following apparent solid waste violations have not been resolved since the original compliant investigation: 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) Environmental Protection Act and 812.101(a) of 35 Illinois Administrative Code.

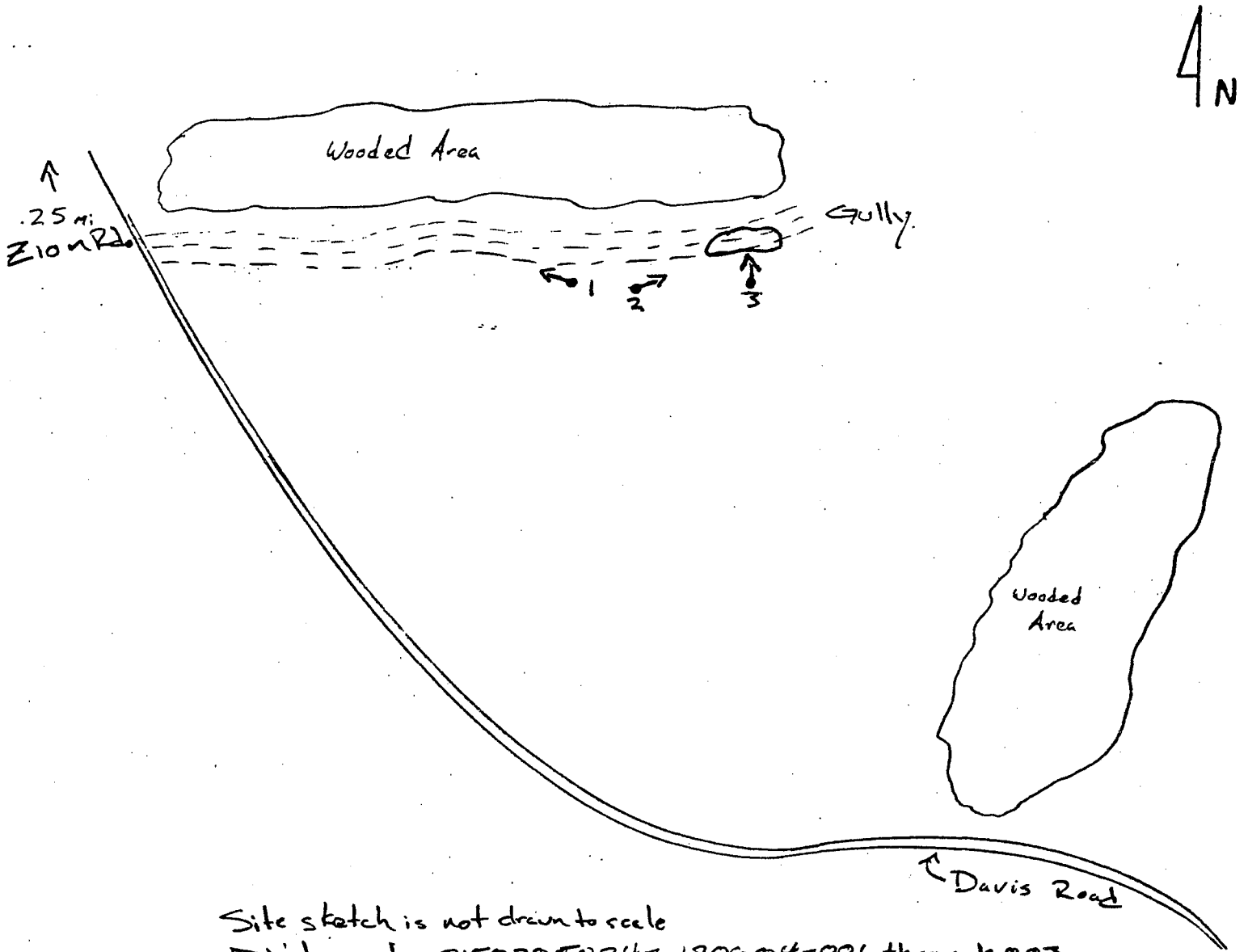
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 12-6-04 Inspector: Jacobsen

Site Code: 0150205024 County: Carroll

Site Name: Haas Property Time: 9:40am - 10:00am



Site sketch is not drawn to scale
Photographs 0150205024-120604-001 through 003

LPC # 0150205024 – Carroll County
Mt. Carroll/Haas Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 12-6-04
TIME: 9:45 a.m.
DIRECTION: northwest
PHOTO by: Jacobsen
PHOTO FILE NAME:
0150205024~120604-001
COMMENTS: Where solid waste,
mixed with soil, was previously stored.



DATE: 12-6-04
TIME: 9:45 a.m.
DIRECTION: northeast
PHOTO by: Jacobsen
PHOTO FILE NAME:
0150205024~120604-002
COMMENTS: Landscape waste pile
combined with building material.



LPC # 0150205024 – Carroll County
Mt. Carroll/Haas Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 12-6-04
TIME: 9:48 a.m.
DIRECTION: north
PHOTO by: Jacobsen
PHOTO FILE NAME:
0150205024-120604-003
COMMENTS: Landscape waste pile
combined with building material.





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE

JAN 31 2005

STATE OF ILLINOIS
EXHIBIT Pollution Control Board

815-987-7760
815-987-7005 (FAX)

December 28, 2004

Knack, Richardson and Knack
Attn: Joe Knack
106 North Main Street
Galena, IL 61036

Re: LPC #0150205024 – Carroll County
Mt. Carroll/Haas Property
Compliance File

Dear Mr. Knack:

On December 16, 2004, your facility was inspected by Kaare Jacobsen of the Illinois Environmental Protection Agency. The purpose of this follow-up inspection was to determine your compliance status with respect to the apparent violations cited in the Agency's September 12, 2003 letter. During the inspection it was determined that your facility has returned to compliance with the apparent violations of Sections 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) the Environmental Protection Act and Section 812.101(a) of 35 Illinois Administrative Code.

Please note, although you have returned to compliance for these apparent violations, the Agency reserves the right to pursue further enforcement.

For your information, a copy of the inspection report is enclosed. Please contact Kaare Jacobsen at 815-987-7760 if you have any questions regarding this inspection.

Sincerely,

David S. Retzlaff
Manager, Region 1
Field Operations Section
Bureau of Land

DR:KJ:bp

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Carroll LPC#: 0150205024 Region: 1 - Rockford
 Location/Site Name: Mt.Carroll/Haas Property
 Date: 12/16/2004 Time: From 11:50 am To 12:00 pm Previous Inspection Date: 12/06/2004
 Inspector(s): Jacobsen Weather: 20 degrees
 No. of Photos Taken: # 3 Est. Amt. of Waste: 0.25 yds³ Samples Taken: Yes # _____ No
 Interviewed: Joe Knack (via telephone) Complaint #: _____

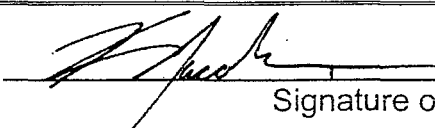
Responsible Party Mailing Address(es) and Phone Number(s):	Knack, Richardson and Knack Attn: Joe Knack 106 North Main Street Galena, IL 61036 815/777-1218	
---	---	--

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	(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 # 0150205024

Inspection Date: 12/16/2004

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

**0150205024-Carroll County
Mt. Carroll/Haas Property**

NARRATIVE INSPECTION REPORT

On December 16, 2004, I (Kaare Jacobsen) conducted a follow-up inspection at the Haas Property in Mt. Carroll. Originally, this was a complaint (C-03-008R) brought to the attention of the Rockford Regional Office, on July 3, 2003. The complaint alleges that municipal waste has been open dumped into a ravine. The above referenced facility is located on the north side of Davis Road, just ¼ of a mile east of Zion Road. Agency correspondence should be addressed to the representing attorney of the facility, Joe Knack, from Knack, Richardson and Knack at 106 North Main Street in Galena, Illinois.

Prior to this inspection, a meeting was held with James Haas (owner) and Joe Knack (representing attorney) at the present location. The meeting was based on what needed to be completed, in order to resolve the violations cited in the initial letter.

Upon arrival at 11:50 a.m., no one was present at the alleged open dump site. Since there were no "No Trespassing" signs present, I proceeded on with the follow-up inspection. Photograph 0150205024~121604-001 faces northeast indicating where a pile of solid waste combined with soil was previously stored. Photographs 0150205024~121604-002 and 003 indicate where building debris was combined with the on site generated landscape waste. The inspection concluded at 12:00 p.m., with the solid waste violations cited in the initial letter resolved.

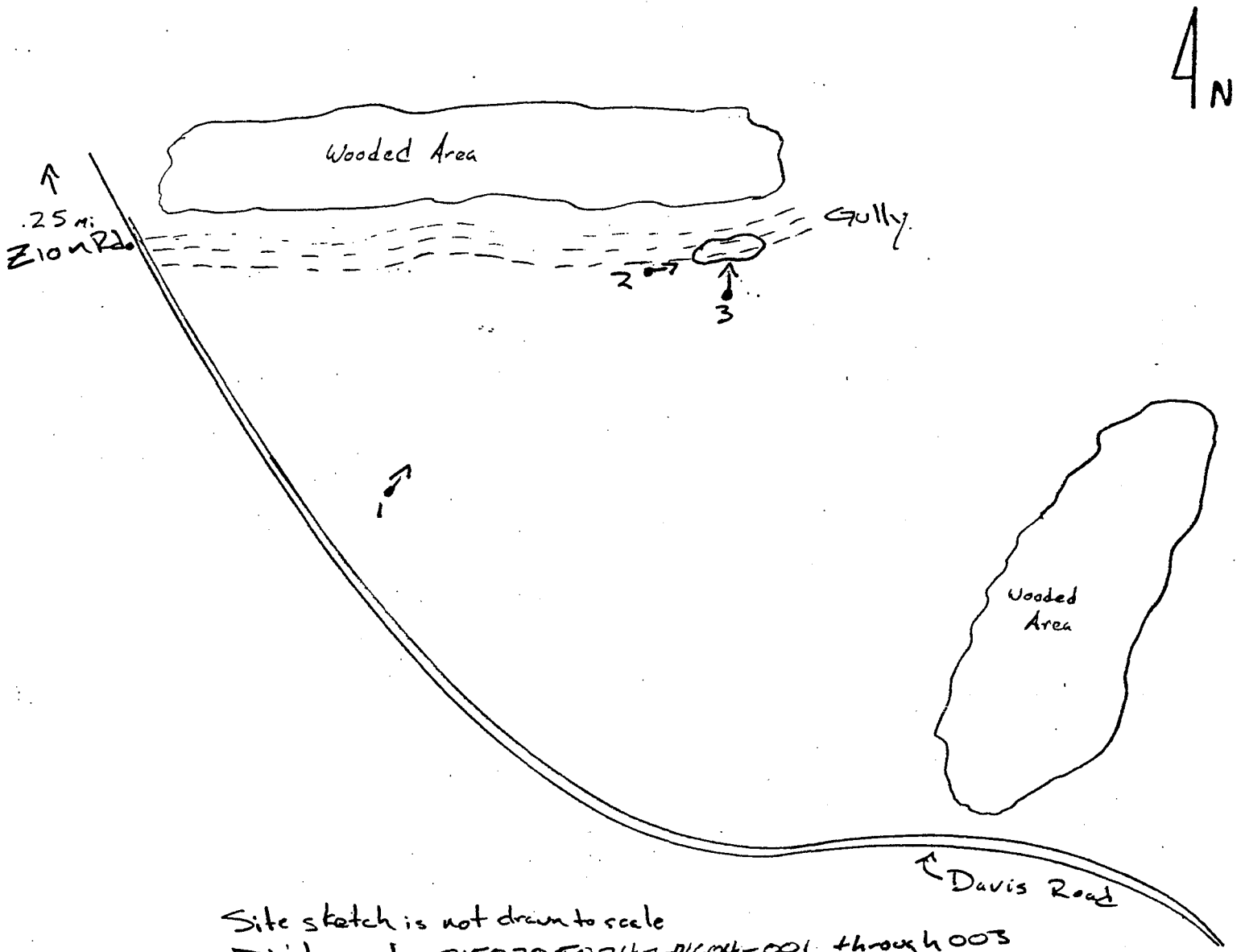
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 12-16-04 Inspector: Jacobsen

Site Code: 0150205024 County: Carroll

Site Name: Haas Property Time: 11:55 am - 12:00 pm



Site sketch is not drawn to scale
Photographs 0150205024-11604-001 through 003

LPC # 0150205024 – Carroll County
Mt. Carroll/Haas Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 12-16-04

TIME: 10:57 a.m.

DIRECTION: northeast

PHOTO by: Jacobsen

PHOTO FILE NAME:

0150205024~121604-001

COMMENTS: Where solid waste,
combined with soil, were previously
stored.



DATE: 12-16-04

TIME: 10:59 a.m.

DIRECTION: east

PHOTO by: Jacobsen

PHOTO FILE NAME:

0150205024~121604-002

COMMENTS: landscape waste



LPC # 0150205024 – Carroll County
Mt. Carroll/Haas Property
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 12-16-04
TIME: 10:59 a.m.
DIRECTION: north
PHOTO by: Jacobsen
PHOTO FILE NAME:
0150205024~121604-003
COMMENTS: landscape waste

