

RECEIVED  
CLERK'S OFFICE

MAY 13 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
STATE OF ILLINOIS  
Pollution Control Board

KAPP, INC., an Illinois Corporation,  
Complainant,  
v.  
HARTLEY CARLTON, individually,  
and d/b/a ONE HOUR CLEANERS,  
Respondent.

PCB 05 - 196  
(Enforcement - Land)

**NOTICE OF FILING**

TO: SEE PERSONS ON ATTACHED SERVICE LIST

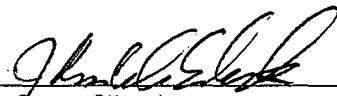
PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of the **COMPLAINT of KAPP, INC., ENTRY OF APPEARANCE OF CHRISTINE G. ZEMAN and ENTRY OF APPEARANCE OF J. RANDLE SCHICK**, copies of which are herewith served 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 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.

Respectfully submitted,

KAPP, INC.,  
Complainant,

Dated: May 11, 2005

By:   
One of Its Attorneys

Christine G. Zeman  
J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, J. Randle Schick, the undersigned, certify that I have served the attached  
COMPLAINT, ENTRY OF APPEARANCE OF CHRISTINE G. ZEMAN and ENTRY  
OF APPEARANCE OF J. RANDLE SCHICK, upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

by placing said copies in the United States Mail, postage prepaid, in Springfield, Illinois  
on May 11, 2005; and, upon:

Mr. Hartley L. Carlton  
91 Ridge Lane Drive  
Decatur, Illinois 62521

by registered certified mail by placing said copies in the United States Mail, postage  
prepaid, in Springfield, Illinois on May 11, 2005.

  
\_\_\_\_\_  
J. Randle Schick

KAPP:001/Fil/NOF & COS - Complaint

MAY 13 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS  
Pollution Control Board

KAPP, INC., an Illinois Corporation,  
Complainant,  
v.  
HARTLEY CARLTON, individually,  
and d/b/a ONE HOUR CLEANERS,  
Respondent.

PCB 05 - 196  
(Enforcement - Land)

**COMPLAINT**

NOW COMES the Complainant, KAPP, INC., by its attorneys, HODGE DWYER ZEMAN, pursuant to Section 31(d) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/31(d)), and 35 Ill. Admin. Code § 103.200, and for its Complaint against HARTLEY CARLTON, individually, and d/b/a ONE HOUR CLEANERS, states as follows:

**GENERAL ALLEGATIONS**

1. Complainant, KAPP, INC., (hereinafter referred to as "Kapp") is an Illinois Corporation in good standing.
2. Respondent, HARTLEY CARLTON, is an individual person, and at all time relevant herein was doing business as One Hour Cleaners (hereinafter referred to as "Carlton").
3. At all times relevant herein, Kapp has owned real estate which is located at the southwest corner of West Grand Avenue and North Oakland Avenue in Decatur, Macon County, Illinois (hereinafter referred to as "the Site" or "Kapp's property.")

4. The Site encompasses more than one (1) acre and is composed of eight (8) parcels, as shown on the plat and legal description attached hereto and made a part hereof as Exhibit A.

5. At all relevant times herein, Kapp has rented commercial retail and office space to various businesses and not-for-profit entities at each of five (5) addresses at the Site, and these five (5) rental spaces are depicted in Exhibit B, attached hereto and made a part hereof.

6. Starting on or before 1979, Carlton operated a coin operated Laundromat at the 1285 North Oakland address, and from 1989 to November 2001, Carlton operated a dry cleaning business at the 1133 West Grand address, depicted in Exhibit B, which he rented from Kapp ("Carlton's facility").

7. On or about May 2000, Kapp entered into negotiations with a potential buyer to purchase all or a portion of the Site from Kapp.

8. Preliminary to that sale of the Site, Kapp and potential buyer contracted with Environmental Audits and Consultants, Inc. ("EACI") to conduct a Phase I Environmental Site Assessment ("ESA" or "Phase I Report") of the Site.

9. The purpose of the ESA was to gather background information about the Site and the surrounding area and to identify any present or potential sources of adverse environmental impact on the soil, air, surface water and/or groundwater at, or adjacent to the Site.

10. Based upon its investigation, EACI found evidence of recognized environmental conditions at the Site, including Carlton's dry cleaning facility, that could potentially have impacted the Site and sale.

11. In its Phase I Report, dated May 18, 2000, EACI stated that at the Carlton dry cleaning facility that it found one (1) 100-gallon tank, which Mr. Carlton stated had contained and stored tetrachloroethene ("PERC") several months ago. EACI also found other chemicals in the chemical storage area of the Carlton facility, including bleach and trichloroethene ("TCE"), and observed staining on the concrete in this area.

12. Based on a recommendation in its Phase I Report, EACI conducted a Phase II Environmental Site Assessment ("Phase II Report") for Carlton's dry cleaning facility on June 7, 2000.

13. Two (2) soil borings were obtained by EACI from the south side of the Carlton facility at the location as shown in Exhibit B, and both borings exhibited dry cleaning contaminants (PERC and TCE) in excess of the 35 Ill. Admin. Code Part 742, Tier I Soil Remediation Objectives for Migration to Class I Groundwater and one (1) of the borings was found to contain groundwater with concentrations of PERC, TCE and chloroform in excess of Tier I groundwater remediation objectives.

14. The source of the release was identified in EACI's June 27, 2000, Phase II Report as Carlton's dry cleaning facility.

15. On or about June 2002, Carlton retained Northern Environmental Technologies, Inc. ("Northern") to conduct a Focused Site Investigation ("FSI") at 1133 West Grand Avenue, Decatur, Illinois.

16. Northern advanced fifteen (15) soil boreholes and installed ten (10) monitoring wells, and sampled them to investigate the horizontal and vertical extent of released PERC and TCE.

17. Northern in its June 18, 2002, FSI concluded from its investigation that the primary source of the release of PERC and TCE is located immediately outside the rear door of Carlton's dry cleaning facility, and that secondary sources of PERC and TCE contamination include the former coin-operated dry cleaning operations, sanitary sewer lines and the former dry cleaning machine and hazardous waste storage associated with Carlton's business.

18. Northern concluded in its June 18, 2002, FSI that approximately 15,000 cubic yards of soil at the Site exceed the 35 Ill. Admin. Code Part 742 Tier I Soil Component of the Groundwater Ingestion Remedial Objectives for Class II Groundwater for PERC and TCE, as well as the Remedial Objectives for residential inhalation and ingestion, industrial/commercial inhalation and ingestion and construction worker inhalation route for PERC. TCE in the soil at the Site also exceeds the Tier I Soil Component of the Groundwater Ingestion Remedial Objective for Class II groundwater, as well as chloroform in the soil at the Site for that objective.

19. Northern also concluded in the FSI that concentrations of PERC exceeded the Tier I Groundwater Remediation Objectives for Class II groundwater in an off-site monitoring well located south of 1133 West Grand Avenue.

20. Despite a finding of a "significant volume of contaminated soil at the Site" in the June 2002, FSI, Carlton has failed to initiate remedial actions, despite numerous communications from Kapp urging him to do so, at the Site.

21. Carlton has not prepared a final corrective action plan that has been approved by IEPA for the remediation of the PERC, TCE and chloroform contaminating the Kapp property and property adjoining it.

22. Carlton has filed claims for reimbursement and received reimbursement for the Focused Site Investigation and a Remedial Objectives Report, dated June 18, 2002, also prepared by Northern from the Drycleaners Environmental Response Trust Fund Council of Illinois.

23. The contamination of the Site was caused by the acts and omissions of Carlton, in whole or in part, in causing or allowing the improper disposal and release of PERC, TCE and chloroform waste into the environment from his dry cleaning and coin operated laundromat businesses.

**COUNT I: 415 ILCS 5/12(a)**

1-23. Complainant hereby realleges and incorporates the allegations of Paragraphs 1 through 23 of the General Allegations above as Paragraphs 1 through 23 of Count I.

24. Section 12(a) of the Act, 415 ILCS 5/12(a), provides that 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.

415 ILCS 5/12(a).

25. Section 3.165 of the Act, 415 ILCS 5/3.165, defines "contaminant" as follows:

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

415 ILCS 5/3.165.

26. Section 3.185 of the Act, 415 ILCS 5/3.185, defines “disposal” as follows:

“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.

415 ILCS 5/3.185.

27. Section 3.545 of the Act, 415 ILCS 5/3.545, defines “water pollution” as follows:

“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.

415 ILCS 5/3.545.

28. Section 3.550 of the Act, 415 ILCS 5/3.550, defines “water” as follows:

“WATER” 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.

415 ILCS 5/3.550.

29. The PCE, TCE and chloroform released and disposed of at the Site by Carlton’s dry cleaning business, resulting in levels of those chemicals in soil and groundwater above TACO Tier I levels, constitute “contaminants” as that term is defined in the Act, 415 ILCS 5/3.165.



30. The PCE, TCE and chloroform were disposed, deposited and placed upon or beneath the surface of the Site, and therefore were "discharged" into the environment.

31. As a result of his deposit of those material into the environment at the Site, Carlton caused or tended to cause water pollution as that term is defined in the Act, 415 ILCS 5/3.545.

32. By not removing the PCE, TCE and chloroform from the soil and groundwater of the Site and adjacent to the Site, Carlton continues to threaten and allow the discharge of such contaminants into the environment, so as to cause or tend to cause water pollution in the State of Illinois, and thereby continues to violate Section 12(a) of the Act, 415 ILCS 5/12(a).

WHEREFORE, for the above reasons, Complainant, Kapp prays that this Board enter an order on this Count I declaring, adjudging and decreeing as follows:

- (a) that Respondent violated Section 12(a) of the Illinois Environmental Protection Act, 415 ILCS 5/12(a);
- (b) that Respondent shall pay a civil penalty of \$50,000 for each such violation, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);
- (c) that Respondent shall pay an additional civil penalty of \$10,000 for each day during which each such violation continued, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);
- (d) that Respondent shall cease and desist from further violations of Section 12(a) and all other Sections of the Illinois Environmental Protection Act and the regulations promulgated under that Act, and shall remediate any contamination remaining on Kapp's Property and adjacent to Kapp's property to levels less than the TACO Tier I Residential Site Remediation Objective Levels for the Ingestion Exposure Route, contained in 35 Ill. Admin. Code Part 742, and shall take any other remedial actions in response to the contamination of Kapp's Property and adjacent to Kapp's property that the Board deems appropriate; and

- (e) that Complainant, Kapp, shall be entitled to recover all other relief that the Board deems just and proper in the premises.

**COUNT II: 415 ILCS 5/12(d)**

1-23. Complainant hereby realleges and incorporates the allegations of Paragraphs 1 through 23 of the General Allegations above as Paragraphs 1 through 23 of Count II and hereby realleges and incorporates the allegations of Paragraphs 25 through 33 of Count I as Paragraphs 25 through 33 of Count II.

- 34. Section 12(d) of the Act, 415 ILCS 5/12(d), provides that no person shall:

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

415 ILCS 5/12(d).

35. By not removing the PERC, TCE and chloroform deposited upon the land in an uncontrolled or uncontained manner, Respondent allowed such contaminants to remain deposited upon the land, so as to create a water pollution hazard, and thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d).

WHEREFORE, for the above reasons, Complainant, Kapp, prays that this Board enter an order on this Count II declaring, adjudging and decreeing as follows:

- (a) that Respondent violated Section 12(d) of the Illinois Environmental Protection Act, 415 ILCS 5/12(d);
- (b) that Respondent shall pay a civil penalty of \$50,000 for each such violation, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);
- (c) that Respondent shall pay an additional civil penalty of \$10,000 for each day during which each such violation continued, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);

- (d) that Respondent shall cease and desist from further violations of Section 12(d) and all other Sections of the Illinois Environmental Protection Act and the regulations promulgated under that Act, and shall remediate any contamination remaining on Kapp's Property and property adjacent to it to levels less than the TACO Tier I Residential Site Remediation Objective Levels for the Ingestion Exposure Route, contained in 35 Ill. Admin. Code Part 742, and shall take any other remedial actions in response to the contamination of Kapp's Property and property adjacent to it that the Board deems appropriate; and
- (e) that Complainant, Kapp, shall be entitled to recover all other relief that the Board deems just and proper in the premises.

**COUNT III: 415 ILCS 5/21(e)**

1-23. Complainant hereby realleges and incorporates the allegations of Paragraphs 1 through 23 of the General Allegations above as Paragraphs 1 through 23 of Count III.

43. Section 21(e) of the Act, 415 ILCS 5/21(e), provides that:

No person shall:

- (e) Dispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

415 ILCS 5/21(e).

44. Section 3.535 of the Act, 415 ILCS 5/3.535, defines "waste" as follows:

"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, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the

rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

415 ILCS 5/3.535.

45. Section 3.540 of the Act, 415 ILCS 5/3.540, defines “waste disposal site” as follows:

“WASTE DISPOSAL SITE” is a site on which solid waste is disposed.

415 ILCS 5/3.540.

46. Section 3.470 of the Act, 415 ILCS 5/3.470, defines “solid waste” as follows:

“SOLID WASTE” means waste.

415 ILCS 5/3.470.

47. Section 3.185 of the Act, 415 ILCS 5/3.185, defines “disposal” as follows:

“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.

415 ILCS 5/3.185.

48. Section 3.445 of the Act, 415 ILCS 5/3.445, defines “sanitary landfill” as follows:

“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.

415 ILCS 5/3.445.

49. The PCE, TCE and chloroform disposed of at the Site was “discarded material,” and therefore “waste” as that term is defined in Sections 3.535 of the Act, 415 ILCS 5/3.535.

50. By allowing such materials to be deposited at the Site, Respondent allowed the materials to remain in or on the land so that such materials and/or constituents thereof could enter the environment, and Kapp’s Property therefore constitutes a “waste disposal site” for purposes of 415 ILCS 5/21(e).

51. At the time that Respondent allowed the materials to be deposited on Kapp’s Property, the Site was not permitted as a sanitary landfill by the Illinois Environmental Protection Agency (“Agency” or “IEPA”) for the disposal of waste on land, and thus the Site does not meet the requirements of the Act or the regulations for waste disposal for purposes of 415 ILCS 5/21(e).

52. By allowing the disposal of waste PCE, TCE and chloroform at a disposal site that does not fulfill the requirements of a sanitary landfill, Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e).

WHEREFORE, for the above reasons, Complainant, Kapp, prays that this Board enter an order on this Count III declaring, adjudging and decreeing as follows:

- (a) that Respondent violated Section 21(e) of the Illinois Environmental Protection Act, 415 ILCS 5/21(e);
- (b) that Respondent shall pay a civil penalty of \$50,000 for each such violation, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);
- (c) that Respondent shall pay an additional civil penalty of \$10,000 for each day during which each such violation continued, pursuant to Section 42(a) of the Illinois Environmental Protection Act, 415 ILCS 5/42(a);

- (d) that Respondent shall cease and desist from further violations of Section 21(e) and all other Sections of the Illinois Environmental Protection Act and the regulations promulgated under that Act, and shall remediate any contamination remaining on Kapp's Property and property adjacent to it to levels less than the TACO Tier I Residential Site Remediation Objective Levels for the Ingestion Exposure Route, contained in 35 Ill. Admin. Code Part 742, and shall take any other remedial actions in response to the contamination of Kapp's Property and property adjacent to it that the Board deems appropriate; and
- (e) that Complainant, Kapp, shall be entitled to recover all other relief that the Board deems just and proper in the premises.

Respectfully submitted,

KAPP, INC.,  
Complainant,

By:   
One of Its Attorneys

Dated: May 11, 2005

Christine G. Zeman  
J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

KAPP:001/Fil/Complaint



**CHICAGO TITLE INSURANCE COMPANY**  
**COMMITMENT FOR TITLE INSURANCE**  
**SCHEDULE A (CONTINUED)**

ORDER NO. 1612 120086230 DEC

**5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:**

Parcel 1: Commencing 175.2 feet West and 285 feet South of the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence South 45 feet, thence West 145.2 feet, thence North 45 feet, thence East to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 2: Lot 1 in Block 13 of Hill's 2nd Addition of Outlots to the City of Decatur, Illinois, as per Plat recorded in Book 536, Page 24 of the Records in the Recorder's Office of Macon County, Illinois. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 3: beginning 30 feet South and 275.2 feet West of the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence South 143 feet, thence West 45.2 feet, thence North 143 feet; thence East 45.2 feet to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 4: Beginning 30 feet West and 30 feet South of a stone at the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence West 145.2 feet, thence South 140 feet, thence East 55.2 feet, thence North 60 feet, thence East 90 feet, thence North 80 feet to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 5: Beginning 30 feet West and 110 feet South of a stone at the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence South 60 feet, thence West 90 feet, thence North 60 feet to a point 110 feet South of the North line of said Southeast 1/4, thence East 90 feet to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 6: Beginning at a point 175.2 feet West and 173 feet South of the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence West 145.2 feet to the East line of Hill Avenue, thence South along said line 112 feet, thence East 145.2 feet, thence North 112 feet to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 7: Beginning at a point 30 feet West and 170 feet South of the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence West 145.2 feet, thence South 10 feet, thence East 145.2 feet, thence North to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the

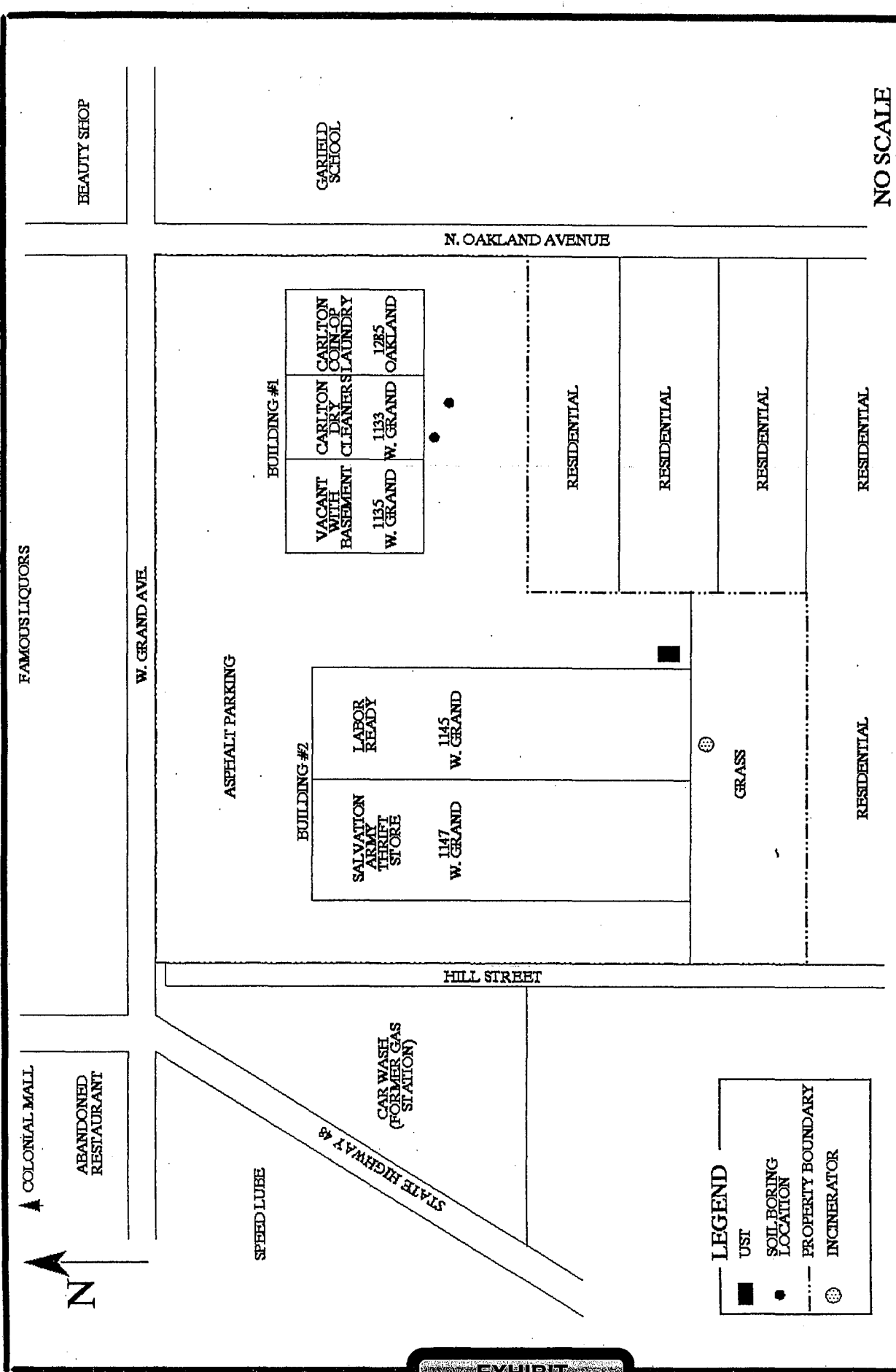


CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO. 1612 120086230 DEC

Estate of said coal and other minerals). Situated in Macon County, Illinois.

Parcel 8: Beginning at a point 175.2 feet West and 173 feet South of the Northeast corner of the Southeast 1/4 of Section 9, Township 16 North, Range 2 East of the 3rd P.M., thence West 100 feet, thence North 143 feet to the South line of Grand Avenue, thence East along said line 100 feet, thence S 143 feet to the point of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and other minerals). Situated in Macon County, Illinois.



NO SCALE

# FIGURE 1

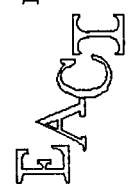
DWG BY: RVW DATE: 6/24/00

**PHASE II ESA**  
 KAPP PROPERTY  
 1133 W. GRAND AVENUE  
 DECATUR, ILLINOIS

## SITE MAP

WITH SOIL BORING LOCATIONS

ENVIRONMENTAL AUDITS  
 AND CONSULTANTS, INC.  
 1111 N. 5TH STREET  
 VANDALLA, ILLINOIS



**LEGEND**

- USE
- SOIL BORING LOCATION
- - - PROPERTY BOUNDARY
- ⊙ INCINERATOR

EXHIBIT

tabbles

B

RECEIVED  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **MAY 13 2005**

KAPP, INC., an Illinois Corporation,  
  
Complainant,  
  
v.  
  
HARTLEY CARLTON, individually,  
and d/b/a ONE HOUR CLEANERS,  
  
Respondent.

STATE OF ILLINOIS  
Pollution Control Board

PCB 05 - 196

(Enforcement - Land)

**ENTRY OF APPEARANCE OF CHRISTINE G. ZEMAN**

NOW COMES Christine G. Zeman, of the law firm of HODGE DWYER ZEMAN, and hereby enters her appearance on behalf of Complainant, KAPP, INC., in the above-referenced matter.

Respectfully submitted,

KAPP, INC.,  
Complainant,

By:   
Christine G. Zeman

Dated: May 11, 2005

Christine G. Zeman  
J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

KAPP:001/Fil/EOA - CGZ

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAY 13 2005

STATE OF ILLINOIS  
Pollution Control Board

KAPP, INC., an Illinois Corporation,  
 Complainant,  
 v.  
 HARTLEY CARLTON, individually,  
 and d/b/a ONE HOUR CLEANERS,  
 Respondent.

PCB 05 - 196  
 (Enforcement - Land)

**ENTRY OF APPEARANCE OF J. RANDLE SCHICK**

NOW COMES J. Randle Schick, of counsel to the law firm of HODGE DWYER ZEMAN, and hereby enters his appearance on behalf of Complainant, KAPP, INC., in the above-referenced matter.

Respectfully submitted,

KAPP, INC.,  
Complainant,

By: J. Randle Schick  
 J. Randle Schick

Dated: May 11, 2005

Christine G. Zeman  
 J. Randle Schick  
 Of Counsel  
 HODGE DWYER ZEMAN  
 3150 Roland Avenue  
 Post Office Box 5776  
 Springfield, Illinois 62705-5776  
 (217) 523-4900

KAPP:001/Fil/EOA - JRS