



**RECEIVED**  
CLERK'S OFFICE

DEC 29 2005

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 27, 2005

PLB06-119

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

Re: ***People v. Strata Geologic Services, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Thomas Davis, Chief  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

TD/pp  
Enclosures

DEC 29 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 STRATA GEOLOGIC SERVICES, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. *06-119*  
(Enforcement)

NOTICE OF FILING

To: STRATA GEOLOGIC SERVICES, INC.  
an Illinois corporation  
c/o Roseanne M. Miller, R.A.  
8281 North Unity Road  
Lena, IL 61048

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.

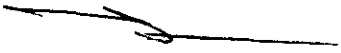
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

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:   
THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 27, 2005

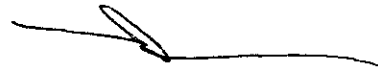
## CERTIFICATE OF SERVICE

I hereby certify that I did on December 27, 2005, 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: STRATA GEOLOGIC SERVICES, INC.  
an Illinois corporation  
c/o Roseanne M. Miller, R.A.  
8281 North Unity Road  
Lena, IL 61048

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



---

Thomas Davis, Chief  
Assistant Attorney General

This filing is submitted on recycled paper.

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DEC 29 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
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 Complainant, )  
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 vs. )  
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 STRATA GEOLOGIC SERVICES, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. 06-119  
(Enforcement)

**ENTRY OF APPEARANCE**

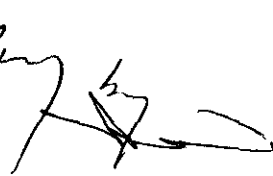
On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, RAYMOND J. CALLERY, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

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: Raymond Callery  
 RAYMOND J. CALLERY  
 Environmental Bureau  
 Assistant Attorney General



500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 27, 2005

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DEC 29 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
 Complainant, )  
 vs. )  
 STRATA GEOLOGIC SERVICES, INC., )  
 an Illinois corporation, )  
 Respondent. )

PCB No. 06-119  
(Enforcement)

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, STRATA GEOLOGIC SERVICES, INC., an Illinois corporation, as follows:

**COUNT I**  
**REPORTING VIOLATIONS-AUGUST 2000 RELEASE**

1. This Complaint is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).

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 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. The Respondent, Strata Geologic Services, Inc. ("Strata"), is, at all times relevant to this Complaint, an Illinois corporation in good standing.

4. Section 57.6 of the Act, 415 ILCS 5/57.6 (2004), provides , in pertinent part, as follows:

(a) Owners and operators of underground storage tanks shall, in response to all confirmed releases, comply with all applicable statutory and regulatory reporting and response requirements.

5. Section 57.7 of the Act, 415 ILCS 5/57.7 (2004), provides , in pertinent part, as follows:

(a) Physical soil classification and groundwater investigation.

\* \* \*

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority, or No Further Action.

(b) Site Classification.

(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer in accordance with the requirements of this Title and the Licensed Professional Engineer shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site classification inconsistent with the requirements of this Title.

\* \* \*

6. Section 731.112 of the Pollution Control Board's Waste Disposal Regulations, 35

Ill. Adm. Code 731.112, includes the following definitions:

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Owner" means:

In the case of an UST system in use on November 8, 1984, but no longer in use on that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the

discontinuation of its use.

"Person" means an individual, trust, firm joint stock company, federal agency, corporation, state, unit of local government, commission, political subdivision of a state or an interstate body. Person, also includes a consortium, a joint venture, a commercial entity and the United States Government.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Underground area" means an underground room, such as a basement, cellar shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below-ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation for regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface on the ground.

7. Section 732.100 of the Pollution Control Board's Waste Disposal Regulations, 35

Ill. Adm. Code 732.100, provides, in pertinent part, as follows:

\* \* \*

c) Owners or operators subject to this Part by law or by election shall proceed expeditiously to comply with all requirements of the Act and the regulations and to obtain the No Further Remediation Letter signifying final disposition of the site for purposes of this Part. The Agency may use its authority pursuant to the Act and Section 732.105 of this Part to expedite investigative, preventive or corrective action by an owner or operator or to initiate such action.

\* \* \*

8. Section 732.200 of the Pollution Control Board's Waste Disposal Regulations, 35

Ill. Adm. Code 732.200, provides as follows:



Owners and operators of underground storage tanks shall, in response to all confirmed releases of petroleum, comply with all applicable statutory and regulatory reporting and response requirements. (Section 57.6(a) of the Act) No work plan shall be required for conducting early action activities.

9. Section 732.202 of the Pollution Control Board's Waste Disposal Regulations, 35

Ill. Adm. Code 732.202, provides, in pertinent part, as follows:

- a) Upon confirmation of a release of petroleum from a UST system in accordance with the regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours after the release:
  - 1) Report the release to IEMA (e.g., by telephone or electronic mail);
  - 2) Take immediate action to prevent any further release of the regulated substance to the environment; and
  - 3) Identify and mitigate fire, explosion and vapor hazards.
  
- b) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator shall perform the following initial abatement measures:
  - 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
  - 2) Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
  - 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
  - 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815;
  - 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence

and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203.
- 
- c) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) above and any resulting information or data. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
  - d) Owners or operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections (a) and (b) above. This information must include, but is not limited to, the following:
    - 1) Data on the nature and estimated quantity of release;
    - 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
    - 3) Results of the site check required at subsection (b)(5) of this Section;
    - 4) Results of the free product investigations required at subsection (b)(6) of this section, to be used by owners or operators to determine whether free product must be recovered under Section 732.203.
  - e) Within 45 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit to the Agency the information collected in compliance with subsection (d) above in a manner that demonstrates

its applicability and technical adequacy. The information shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

10. Section 732.300 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.300, provides, in pertinent part, as follows:

- a) Except as provided in subsection (b) of this Section, the owner or operator of any site subject to this Part shall evaluate and classify the site in accordance with the requirements of this Subpart C. All such sites shall be classified as No Further Action, Low Priority or High Priority. Site classifications shall be based on the results of the site evaluation, including, but not limited to, the physical soil classification and the groundwater investigation, if applicable.

\* \* \*

11. Section 732.307 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.307, provides, in pertinent part, as follows:

- a) Except as provided in Section 732.300(b), or unless an owner or operator elects to classify a site under Section 732.312, the owner or operator of any site for which a release of petroleum has been confirmed in accordance with regulations promulgated by the OSFM and reported to IEMA shall arrange for site evaluation and classification in accordance with the requirements of this Section. A Licensed Professional Engineer (or, where appropriate, persons working under the direction of a Licensed Professional Engineer) shall conduct the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified by the supervising Licensed Professional Engineer.
- b) As a part of each site evaluation, the Licensed Professional Engineer shall conduct a physical soil classification in accordance with the procedures at subsection (c) or (d) of this Section. Except as provided in subsection (e) of this Section, all elements of the chosen method of physical soil classification must be completed for each site. In addition to the requirement for a physical soil classification, the Licensed Professional Engineer shall, at a minimum, complete the requirements at subsections (f) through (j) of this Section before classifying a site as High Priority or Low Priority and subsection (f) through (l) of this Section before classifying a site as No Further Action.

12. Section 732.309 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.309, provides, in pertinent part, as follows:

- a) Within 30 days after the completion of a site evaluation in accordance with Section 732.307, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by Section 732.307, as well as the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions. The report shall be submitted on forms prescribed and provided by the Agency, shall be signed by the owner or operator, and shall contain the certification of a Licensed Professional Engineer of the site's classification as No Further Action, Low Priority or High Priority in accordance with this Subpart C.

13. Strata was at all times relevant to this Complaint the owner of an underground storage tank system located at 3801 14<sup>th</sup> Avenue, Rock Island, Rock Island County, Illinois.

14. Strata removed the Rock Island underground storage tank system on August 28, 2000, and determined that there had been a release of gasoline from one of the tanks.

15. Strata reported and confirmed the release to the Illinois Emergency Management Agency on August 28, 2000.

16. Strata submitted a report dated September 11, 2000, to the Illinois EPA summarizing the initial abatement steps taken under 35 Ill. Adm. Code 732.202(c), this report was due within 20 days after the confirmation of the release, to wit: September 17, 2000.

17. Strata submitted a report dated October 15, 2000, to the Illinois EPA providing the information required by 35 Ill. Adm. Code 732.202(d). The Illinois EPA received this report on November 30, 2000. Pursuant to 35 Ill. Adm. Code 732.202(c), this report was due within 45 days after the confirmation of the release, to wit: October 12, 2000.

18. Strata timely submitted a site certification work plan required by 35 Ill. Adm. Code 732.301 to Illinois EPA on February 13, 2001.

19. On May 30, 2001, the Illinois EPA approved the work plan and directed Strata to submit the site classification completion report required by 35 Ill. Adm. Code 732.309(a) no later than August 28, 2001.

20. When the Illinois EPA did not receive the site classification completion report, it sent a violation notice to Strata on April 18, 2002.

21. Strata submitted a site classification completion report dated July 3, 2002, to the Illinois EPA. The Illinois EPA received this report on August 30, 2002, and rejected it on September 27, 2002.

22. Strata submitted an amended site classification completion report dated October 21, 2002, to the Illinois EPA. The Illinois EPA received this revised report on October 24, 2002, and subsequently approved it.

23. By failing to timely submit the reports, Strata has violated 35 Ill. Adm. Code 732.202(c), 732.202(e) and 732.309(a), and Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

24. These violations were knowingly or willfully committed by Strata, and Complainant is authorized to seek attorney's fees and costs pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004).

#### **PRAYER FOR RELIEF**

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board grant the following relief:

A. Find that Respondent, Strata Geologic Services, Inc., has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004), and 35 Ill. Adm. Code 732.202 and 732.309(a);

B. Order the Respondent to cease and desist from further violations of the Act and associated regulations;

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the adjudication of the violations, impose upon the Respondent a monetary penalty of not more

than the statutory maximum;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as the Board deems appropriate.

**COUNT II**  
**FAILURE TO INVESTIGATE AND REMEDIATE SITE**  
**AUGUST 2000 RELEASE**

1-22. Complainant realleges and incorporates herein by reference paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count II.

23. By delaying the submittal of the required reports, Strata has failed to proceed expeditiously to comply with all requirements of the Act and the regulations regarding site evaluation and classification, including physical soil classification and groundwater investigation, and has violated 35 Ill. Adm. Code 732.100(c), 732.300(a), 732.307(a), and 732.307(b), and Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

24. By failing to submit a physical soil classification and groundwater investigation report to the Illinois EPA, Strata has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

25. By failing to timely classify the site, Strata has violated Section 57.7(b)(1) of the Act, 415 ILCS 5/57.7(b)(1)(2004).

26. These violations were knowingly or willfully committed by Strata, and Complainant is authorized to seek attorney's fees and costs pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board grant the following relief:

- A. Find that Respondent, Strata Geologic Services, Inc., has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004), and 35 Ill. Adm. Code 732.202 and 732.309(a);
- B. Order the Respondent to cease and desist from further violations of the Act and associated regulations;
- C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the adjudication of the violations, impose upon the Respondent a monetary penalty of not more than the statutory maximum;
- D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and
- E. Grant such other and further relief as the Board deems appropriate.

**COUNT III**  
**REPORTING VIOLATIONS-JUNE 2003 RELEASE**

1-12. Complainant realleges and incorporates herein by reference paragraph 1 through 22 of Count III as paragraphs 1 through 22 of this Count III.

13. Strata was at all times relevant to this Complaint the owner of an underground storage tank system located at 210 East 1<sup>st</sup> Street, Milan, Rock Island County, Illinois.

14. On June 12, 2003, a gasoline leak from the Milan underground storage tank system was reported by Strata to Illinois Emergency Management Agency.

15. Pursuant to 35 Ill. Adm. Code 732.202(c) a report to the Illinois EPA summarizing the initial abatement steps taken under 35 Ill. Adm. Code 732.202(b) was due within 20 days after the release, to wit: July 2, 2003.

16. Pursuant to 35 Ill. Adm. Code 732.202(e) a report to the Illinois EPA summarizing the information collected in compliance with 35 Ill. Adm. Code 732.202(d) was due within 45 days after the release, to wit: July 27, 2003.

17. Strata submitted neither the 20 day report nor the 45 day report. No further information has been submitted to the Illinois EPA regarding the June 2003 release.

18. On October 8, 2003, Illinois EPA sent a Violation Notice ("VN") to Strata pursuant to the requirements of Section 31(a) of the Act. The Illinois EPA did not receive any response to the VN.

19. On June 15, 2004, the Illinois EPA sent a Notice of Intent to Pursue Legal Action ("NIPLA") to Strata, pursuant to Section 31(b) of the Act. The Illinois EPA did not receive a response to the NIPLA.

20. By failing to submit the required reports, Strata has violated 35 Ill. Adm. Code 732.202(c), and 732.202(e), and Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

21. These violations were knowingly or willfully committed by Strata, and Complainant is authorized to seek attorney's fees and costs pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004).

#### **PRAYER FOR RELIEF**

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board grant the following relief:

A. Find that Respondent, Strata Geologic Services, Inc., has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004), and 35 Ill. Adm. Code 732.202;

B. Order the Respondent to cease and desist from further violations of the Act and associated regulations;

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the



adjudication of the violations, impose upon the Respondent a monetary penalty of not more than the statutory maximum;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as the Board deems appropriate.

**COUNT IV**  
**FAILURE TO INVESTIGATE AND REMEDIATE SITE**  
**JUNE 2003 RELEASE**

1-12. Complainant realleges and incorporates herein by reference paragraphs 1 through 22 of Count I as paragraphs 1 through 12 of this Count IV.

13-19. Complainant realleges and incorporates herein by reference paragraphs 13 through 19 of Count III as paragraphs 13 through 19 of this Count IV.

20. By failing to demonstrate that immediate action to prevent any further release of the regulated substance into the environment was taken and by failing to identify and mitigate fire, explosion and vapor hazards, Strata has violated 35 Ill. Adm. Code 732.202(a) and Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

21. By failing to demonstrate that the required initial abatement measures have been adequately addressed, Strata has violated 35 Ill. Adm. Code 732.202(b) and Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004).

22. These violations were knowingly or willfully committed by Strata, and Complainant is authorized to seek attorney's fees and costs pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board grant the following relief:

- A. Find that Respondent, Strata Geologic Services, Inc., has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a)(2004), and 35 Ill. Adm. Code 732.202;
- B. Order the Respondent to cease and desist from further violations of the Act and associated regulations;
- C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the adjudication of the violations, impose upon the Respondent a monetary penalty of not more than the statutory maximum;
- D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2004), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and
- E. Grant such other and further relief as the Board deems appropriate.

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: \_\_\_\_\_  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
Raymond J. Callery  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
Dated: 12/23/05