

ORIGINAL



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JUN 08 2007

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 6, 2007

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

PCB07-132

Re: **People v. C. Grantham Company**

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,

A handwritten signature in cursive script that reads "Michael D. Mankowski".

Michael D. Mankowski
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

MDM/pp
Enclosures

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUN 08 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF
ILLINOIS,

ORIGINAL

Complainant,

vs.

C. GRANTHAM COMPANY,
an Illinois corporation,

Respondent.

PCB No. 07-132
(Enforcement)

NOTICE OF FILING

To: C. Grantham Company
c/o Stephen Hedinger
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

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: 

MICHAEL D. MANKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 6, 2007

ORIGINAL
CERTIFICATE OF SERVICE

RECEIVED
CLERK'S OFFICE

JUN 08 2007

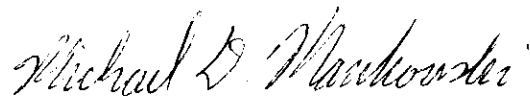
STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on June 6, 2007, 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: C. Grantham Company
c/o Stephen Hedinger
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

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



Michael D. Mankowski
Assistant Attorney General

This filing is submitted on recycled paper.

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUN 08 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 C. GRANTHAM COMPANY,)
 an Illinois corporation,)
)
 Respondent.)

PCB No. 67-132
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, MICHAEL D. MANKOWSKI, 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: Michael D. Mankowski
MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 6, 2007

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUN 08 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 C. GRANTHAM COMPANY, an)
 Illinois corporation,)
)
 Respondent.)

PCB No. 07-132

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, C. GRANTHAM COMPANY, an Illinois corporation, as follows:

COUNT I

UNPERMITTED WASTE TRANSPORTATION VIOLATIONS

BY C. GRANTHAM COMPANY

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (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. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.
4. C. GRANTHAM COMPANY ("Grantham") is an Illinois corporation in good

standing. At all times relevant to this complaint, Grantham owned and operated a truck terminal located at 7401 Bunkum Road, East St. Louis, St. Clair County, Illinois ("terminal").

5. On or before January 14, 2005, or a date better known to Respondent, Grantham was hired to haul groundwater from the former Beltline Shell gas station, 1000 Beltline Road, Collinsville, Madison County, Illinois ("site"). The site was operated as a gas station until 1994 and is currently being remediated and redeveloped.

6. On information and belief, groundwater located at the site is contaminated with Benzene, Ethylbenzene, Toluene and Xylenes ("BETX") compounds.

7. On information and belief, on or before January 14, 2005, or a date better known to Respondents, Grantham hauled four loads of BETX contaminated water from the site.

8. On January 18, 2005, the Illinois EPA inspected the site.

9. On January 18, 2005, a Grantham tanker truck was present at the site.

10. Section 21 of the Act, 415 ILCS 5/21 (2006), provides, in pertinent part, as follows:

No person shall:

j. Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act...

11. Section 3.475 of the Act, 415 ILCS 5/3.475 (2006), provides the following definition:

"Special waste" means any of the following:

* * *

(b) hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in Section 722.111 of Title 35 of the Illinois Administrative Code...

12. Section 809.201 of the Board's Solid Waste and Special Waste Hauling Regulations, 35 Ill. Adm. Code 809.201, provides:

No person may haul or otherwise transport any nonhazardous special waste generated within Illinois or any nonhazardous special waste to be disposed of, stored, or treated within Illinois without a current, valid nonhazardous special waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the transporter participates in the Uniform Program or is exempt from the nonhazardous special waste hauling permit requirements under this Subpart.

13. The BETX contaminated water at the site is a Special Waste under Section 3.475 of the Act, 415 ILCS 5/3.475 (2006).

14. On February 20, 2001, the Circuit Court for the Twentieth Judicial Circuit, St. Clair County, entered a Consent Order, ordering Grantham to refrain from applying for and obtaining from the Illinois EPA any permits of any kind so long as James R. Quirin is in any way connected to the company. The Consent Order also barred the Illinois EPA from issuing any permits to Grantham for any purpose under the same conditions.

15. In January 2005, Grantham did not have a non-hazardous special waste hauling permit.

16. On information and belief, on or before January 14, 2005, or a date better known to Respondents, Grantham hauled or otherwise transported nonhazardous special waste generated within Illinois without a current, valid nonhazardous special waste hauling permit issued by the Illinois EPA.

17. Grantham, hauled a special waste without a non-hazardous special waste hauling permit from the Illinois EPA, in violation of Section 809.201 of the Board's Solid Waste and Special Waste Hauling Regulations, 35 Ill. Adm. Code 809.201, and Section 21(j) of the Act, 415 ILCS 5/21(j) (2004).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against C. GRANTHAM COMPANY:

A. Authorizing a hearing in this matter at which time C. GRANTHAM COMPANY, will be required to answer the allegations herein;

B. Finding that C. GRANTHAM COMPANY has violated the Act and regulations as alleged herein;

C. Ordering C. GRANTHAM COMPANY to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), impose a civil penalty of up to fifty thousand dollars (\$50,000.00) for each violation that occurred, and an additional penalty of ten thousand (\$10,000.00) for each day during which such violations continued; and

E. Granting such other relief as the Board may deem appropriate.

COUNT II

FAILURE TO REGISTER A USED OR WASTE TIRE STORAGE SITE

BY C. GRANTHAM COMPANY

1-4. The Complainant realleges and incorporates by reference herein paragraphs 1 through 4 of Count I as if fully set forth herein as paragraphs 1 through 4 of this Count II.

5. Section 55(c) of the Act, 415 ILCS 5/55(c) (2006), provides as follows:

c. Any person who sells new or used tires at retail or operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. Any person engaging in such activity for the first time after January 1, 1990, shall give notice to the Agency within 30 days after the date of commencement of the activity. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

- (1) the name and address of the owner and operator;
- (2) the name, address and location of the operation;
- (3) the type of operations involving used and waste tires (storage, disposal, conversion or processing); and

- (4) The number of used and waste tires present at the location.
6. Section 55(d)(1) of the Act, 415 ILCS 5/55(d)(1) (2006), provides as follows:
- d. Beginning January 1, 1992, no person shall cause or allow the operation of:
- (1) a tire storage site which contains more than 50 used tires, unless the owner or operator, by January 1, 1992 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) certifies to the Agency that the site complies with any applicable standards adopted by the Board pursuant to Section 55.2, (iii) reports to the Agency the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires, and (iv) pays the fee required under subsection (b) of Section 55.6;
7. Section 55.6(b) of the Act, 415 ILCS 5/55.6(b) (2006), provides as follows:
- b. Beginning January 1, 1992, in addition to any other fees required by law, the owner or operator of each site required to be registered under subsection (d) of Section 55 shall pay to the Agency an annual fee of \$100. Fees collected under this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.
8. Section 21(k) of the Act, 415 ILCS 5/21(k) (2006), provides as follows:
- No person shall:
- k. Fail or refuse to pay any fee imposed under this Act.
9. On or before July 19, 2004, or a date better known to Grantham, Grantham piled waste tires, at its terminal located at 7401 Bunkum Road, East St. Louis, Madison County, Illinois.
10. The Illinois EPA conducted an inspection at the Grantham terminal on July 19, 2004.
11. On July 19, 2004, approximately 500 uncovered car and semi-truck waste tires

were piled at the east side of the property. The tires were not covered or otherwise prevented from accumulating water and stored over 14 days without altering, processing, converting or otherwise preventing the tires from accumulating water.

12. Grantham had not submitted a used tire notification form or the annual fee for a tire storage site.

13. Since at least July 19, 2004, or a date better known to Grantham, Grantham has failed to give the Illinois EPA proper notice of operation of a tire storage site that contains more than 50 used or waste tires.

14. By failing to give the Illinois EPA proper notice of the tire storage operation of more than 50 used or waste tires at the site, Grantham has violated Section 55(c) of the Act, 415 ILCS 5/55(c) (2006).

15. Since at least July 19, 2004, or a date better known to Grantham, Grantham has failed to register as a tire storage facility with more than 50 tires with the Illinois EPA, certify that the site complies with any applicable standards, report the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires.

16. By failing to properly register and certify the tire storage site, not reporting the number of tires accumulated, the status of vector controls, or the actions taken to handle and process the tires Grantham has violated Section 55(d)(1) of the Act, 415 ILCS 5/55(d)(1) (2006).

17. Grantham failed to pay the annual fee of \$100.00 to the Illinois EPA for the waste tire registration for operation in 2004.

18. By failing to pay the \$100 annual fee, Grantham has violated Sections 55.6(b), and 21(k) of the Act, 415 ILCS 5/55.6(d) and 21(k) (2006).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against C. GRANTHAM COMPANY:

- A. Authorizing a hearing in this matter at which time C. GRANTHAM COMPANY will be required to answer the allegations herein;
- B. Finding that C. GRANTHAM COMPANY has violated the Act and regulations as alleged herein;
- C. Ordering C. GRANTHAM COMPANY to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), impose a civil penalty of up to fifty thousand dollars (\$50,000.00) for each violation that occurred, and an additional penalty of ten thousand (\$10,000.00) for each day during which such violations continued; and
- E. Granting such other relief as the Board may deem appropriate.

COUNT III

TIRE MANAGEMENT VIOLATIONS BY C. GRANTHAM COMPANY

1-4. The Complainant realleges and incorporates by reference herein paragraphs 1 through 4 of Count I as if fully set forth herein as paragraphs 1 through 4 of this Count III.

5-12 The Complainant realleges and incorporates herein by reference paragraphs 5 through 12 of Count II as if fully set forth herein as paragraphs 5 through 12 of this Count III.

13. Section 55(e) of the Act, 415 ILCS 5/55(e) (2006), provides as follows:

- e) No person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

14. Section 55(a)(4) of the Act, 415 ILCS 5/55(a)(4) (2006), provides as follows:

- a) No person shall:

- 4) Cause or allow the operation of a tire storage site except in compliance with Board regulations.

15. Section 848.202(b) of the Board's Used and Waste Tires Regulations, 35 Ill.

Adm. Code 848.202(b), provides in pertinent part, as follows:

- (b) At sites at which more than 50 used or waste tires are located the owner or operator shall comply with the following requirements:

* * *

- (5) Used or waste tires received at the site shall not be stored unless within 14 days after the receipt of any used tire the used tire is altered, reprocessed, converted, covered or otherwise prevented from accumulating water. All used and waste tires received at the site before June 1, 1989, shall be altered reprocessed, converted, covered or otherwise prevented from accumulating water by January 1, 1992.

16. Since at least July 19, 2004, or a date better known to Grantham, Grantham has failed to alter, reprocess, convert, cover or otherwise prevent the waste tires stored on its site from accumulating water within 14 days of receipt.

17. By failing to alter, reprocess, convert, cover or otherwise prevent the waste tires from accumulating water within 14 days of receipt, Grantham has violated Section 848.202(b)(5) of the Board's Used and Waste Tires Regulations, 35 Ill. Adm. Code 848.202(b)(5).

18. By causing or allowing the storage of used or waste tires in violation of Board regulations, Grantham has violated Section 55(e) of the Act, 415 ILCS 5/55(e) (2006).

19. By not operating a tire storage site in compliance with Board regulations, Grantham has violated Section 55(a)(4) of the Act, 415 ILCS 5/55(a)(4) (2006).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against C. GRANTHAM COMPANY:

A. Authorizing a hearing in this matter at which time C. GRANTHAM COMPANY will be required to answer the allegations herein;

B. Finding that C. GRANTHAM COMPANY has violated the Act and regulations as alleged herein;

C. Ordering C. GRANTHAM COMPANY to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), impose a civil penalty of up to fifty thousand dollars (\$50,000.00) for each violation that occurred, and an additional penalty of ten thousand (\$10,000.00) for each day during which such violations continued; and

E. Granting such other relief as the Board may deem appropriate.

COUNT IV

OPEN DUMPING BY C. GRANTHAM COMPANY

1-4. The Complainant realleges and incorporates herein by reference paragraphs 1 through 4 of Count I as if fully set forth herein as paragraphs 1 through 4 of this Count IV.

5-7 The Complainant realleges and incorporates herein by reference paragraphs 9 through 11 of Count II as if fully set forth herein as paragraphs 5 through 7 of this Count IV.

8. Section 21 of the Act, 415 ILCS 5/21 (2006), provides, in pertinent part, as follows:

No person shall:

* * *

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

* * *

(5) proliferation of disease vectors;

9. On or before July 19, 2004, or a date better known to Grantham, Grantham open dumped waste in a manner which resulted in the proliferation of disease vectors at its facility in violation of Section 21(p)(5) of the Act, 415 ILCS 21(p)(5) (2006).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against C. GRANTHAM COMPANY:

A. Authorizing a hearing in this matter at which time C. GRANTHAM COMPANY will be required to answer the allegations herein;

B. Finding that C. GRANTHAM COMPANY has violated the Act and regulations as alleged herein;

C. Ordering C. GRANTHAM COMPANY to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), impose a civil penalty of up to fifty thousand dollars (\$50,000.00) for each violation that occurred, and an additional penalty of ten thousand (\$10,000.00) for each day during which such violations continued; and

E. Granting such other relief as the Board may deem 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
Assistant Attorney General

Of Counsel!

MICHAEL D. MANKOWSKI
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/ 557-0586

Dated: 6/04/07