



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817  
TDD: (217) 782-9143

**ORIGINAL  
RETURN TO CLERK'S OFFICE**

**RECEIVED  
CLERK'S OFFICE**

**MAY 07 2012**

**STATE OF ILLINOIS  
Pollution Control Board**

*AC12-51*

May 2, 2012

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Northern Illinois Service Company  
IEPA File No. 87-12-AC; 2010301120—Winnebago County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

MAY 07 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 NORTHERN ILLINOIS SERVICE COMPANY, )  
 )  
 Respondent. )

AC

12-51

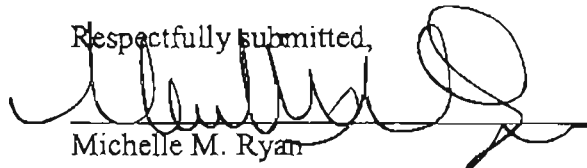
(IEPA No. 87-12-AC)

NOTICE OF FILING

To: Northern Illinois Service Company  
 President: Wayne Klinger  
 4781 Sandy Hollow Road  
 Rockford, IL 61109

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

Respectfully submitted,



Michelle M. Ryan  
 Assistant Counsel

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

Dated: May 2, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
MAY 07 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
NORTHERN ILLINOIS SERVICE )  
COMPANY, )  
 )  
 )  
 )  
Respondent. )

AC 12-51  
(IEPA No. 87-12-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act. 415 ILCS 5/31.1 (2010).

FACTS

1. That Northern Illinois Service Company is the current owner ("Respondent") of a facility located at 4781 Sandy Hollow Road, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Northern Illinois Service.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010301120.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on March 14, 2012, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of

her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 5-2-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 2446.

#### VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her March 14, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010).
- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than May 31, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

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

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

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

  
\_\_\_\_\_  
John J. Kim, Interim Director  
Illinois Environmental Protection Agency

Date: 4/30/2012

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

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MAY 07 2012

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
NORTHERN ILLINOIS SERVICE )  
COMPANY, )  
 )  
 )  
Respondent. )

AC

12-51

(IEPA No. 87-12-AC)

FACILITY: Rockford/Northern Illinois Service  
SITE CODE NO.: 2010301120  
COUNTY: Winnebago  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: March 14, 2012

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form; to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
CLERK'S OFFICE

MAY 07 2012

STATE OF ILLINOIS  
Pollution Control Board

AC12-51

AFFIDAVIT

IN THE MATTER OF: )  
 )  
Northern Illinois Service )  
 )  
Respondent )

IEPA DOCKET NO.

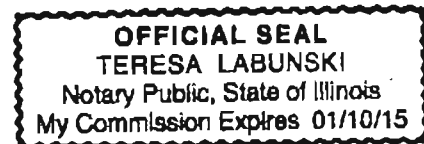
Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 14, 2012 between 9:35 am and 9:55 am, Affiant conducted an inspection of Northern Illinois Service located in Winnebago County, Illinois. Said site has been assigned site code number BOL# 2010301120 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said facility.

Donna Shehane  
Donna Shehane EPS III

Subscribed and Sworn to Before Me  
this 10 day of April, 2012

Teresa Labunski  
Notary Public







LPC # 2010301120

Inspection Date: 03/14/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:	55(k)(1) Cause or Allow water to accumulate in used or waste tires	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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.

**2010301120 – Winnebago County  
Rockford/Northern Illinois Service**

**NARRATIVE INSPECTION REPORT DOCUMENT**

On March 14, 2012, I (Donna Shehane) conducted a follow-up inspection at Northern Illinois Service, located at 4781 Sandy Hollow Road, Rockford, IL 61109. The last inspection of this facility occurred on December 7, 2011, for which an Open Dump Administrative Citation Warning Notice was issued. The weather at the time of this inspection was 61 °F with SSW winds at 15 mph and cloudy skies.

I drove onto the property at approximately 9:35 am and met with Mr. Paul Munson in the office. Mr. Munson provided me with a tire disposal receipt from S.T.A.R. Used Tire Disposal dated February 21, 2012 for the pickup of used tires, as well as two receipts from Veolia ES Orchard Hills Landfill dated February 8, 2012 for waste/construction and demolition debris disposal. Mr. Munson stated that he had not yet submitted the registration form and \$100 annual fee for 2011, but would submit them shortly. He then allowed me to access the yard area to conduct an inspection.

I observed four large tires at the southwest corner of the site and took two photographs which document water accumulation in the tires (See photos # 1 and # 2). I also observed a few on-rim tires, as well as several used tires hooked together with chains (See photo # 3).

As on December 7, 2011, and an earlier inspection on September 15, 2009, I observed a pile of open dumped waste, including construction or demolition debris, on the ground (See photo # 4). The waste in this pile included lumber, plastic, fabric, metal, white pipe, and other miscellaneous debris. Back in the office, I reminded Mr. Munson that this facility is not allowed to bring off-site generated waste to this property for disposal and/or further transfer to a disposal site, as that constitutes a waste transfer station that must be permitted by the Agency. Mr. Munson stated that “he tries to tell the guys” not to dump the materials from demolitions but they don’t always listen.

Photo # 5 was taken toward the southeast of a few piles of landscape waste on the property, which Mr. Munson stated were fly-dumped there. I then took photo # 6 of buckets/containers which, according to Mr. Munson contained mastic to be used by the facility.

I left the property at about 9:55 am

Northern Illinois Service was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Act.
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.

4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 55(k)(1) of the Act.
8. Section 812.101(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

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4781 Sandy Hollow Rd, IL 6110942.2239103168249 -89.0237476676703



State of Illinois  
 Environmental Protection Agency  
 Site Sketch

Date: 3/14/2012

County: Winnebago

Site Code: 2010301120

Inspector: Shehan

Site Name: Northern  
 Illinois  
 Service

Time: 9:35 - 9:55  
am am

NOT TO SCALE

2010301120 2031412-001-006

**RECEIVED**  
 Division of Legal Counsel

APR 09 2012

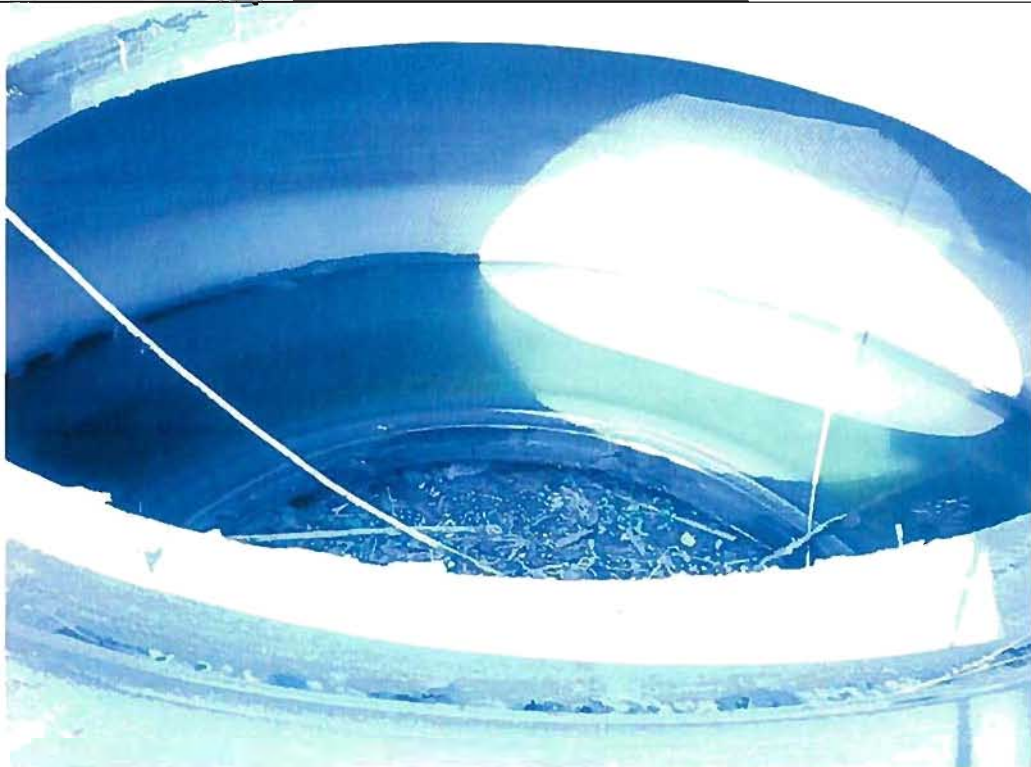
Environmental Protection  
 Agency





## DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006



Date: 03/14/2012  
Time: 9:40 am  
Direction: SW  
Photo by: Shehane  
Exposure #: 001  
Comments: water  
accumulation in  
used tire



Date: 03/14/2012  
Time: 9:40 am  
Direction: W  
Photo by: Shehane  
Exposure #: 002  
Comments: water  
accumulation in used  
tire



## DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006



Date: 03/14/2012  
Time: 9:43 am  
Direction: S  
Photo by: Shehane  
Exposure #: 003  
Comments: Used  
tires chained  
together



Date: 03/14/2012  
Time: 9:44 am  
Direction: S  
Photo by: Shehane  
Exposure #: 004  
Comments: pile of  
open dumped waste  
including plastic,  
lumber, metal, etc.





## DIGITAL PHOTOGRAPHS

File Names: 2010301120-031412-001-006



Date: 03/14/2012  
Time: 9:46 am  
Direction: SE  
Photo by: Shehane  
Exposure #: 005  
Comments:  
landscape waste  
piles



Date: 03/14/2012  
Time: 9:49 am  
Direction: N  
Photo by: Shehane  
Exposure #: 006  
Comments:  
containers of mastic



**PROOF OF SERVICE**

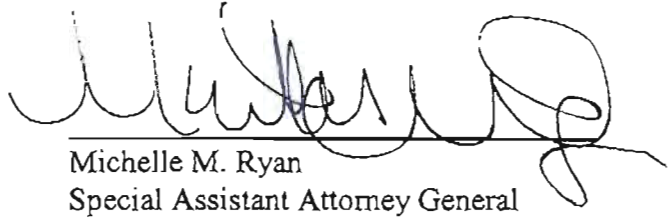
I hereby certify that I did on the 2nd day of May 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Northern Illinois Service Company  
President: Wayne Klinger  
4781 Sandy Hollow Road  
Rockford, IL 61109

**RECEIVED**  
**CLERK'S OFFICE**  
**MAY 07 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

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

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



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
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