

CERTIFICATE OF SERVICE

I hereby certify that I did on August 10, 2012, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled **NOTICE OF ELECTRONIC FILING** and **MOTION FOR SUMMARY JUDGMENT AGAINST ALTVITY PACKAGING, LLC** a Delaware limited liability company, **INTRA-PLANT MAINTENANCE CORPORATION**, an Illinois corporation, **IRONHUSTLER EXCAVATING, INC.**, an Illinois corporation, and **RON BRIGHT, d/b/a QUARTER CONSTRUCTION**, upon the persons listed on the Service List.



Raymond J. Callery
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

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Carol Webb
Hearing Officer
Illinois Pollution Control Board
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 12-021
)	(Enforcement - Land)
ALTIVITY PACKAGING, LLC,)	
a Delaware limited liability company,)	
INTRA-PLANT MAINTENANCE)	
CORPORATION, an Illinois corporation,)	
IRONHUSTLER EXCAVATING, INC.,)	
an Illinois corporation, and RON BRIGHT,)	
d/b/a QUARTER CONSTRUCTION,)	
)	
Respondents.)	

MOTION FOR SUMMARY JUDGMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2010), and Section 101.516 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516, hereby moves for Summary Judgment against the Respondents, ALTIVITY PACKAGING, LLC, a Delaware limited liability company ("ALTIVITY"), INTRA-PLANT MAINTENANCE CORPORATION, an Illinois corporation ("INTRA-PLANT"), IRONHUSTLER EXCAVATING, INC., an Illinois corporation ("IRONHUSTLER"), and RON BRIGHT, d/b/a QUARTER CONSTRUCTION ("BRIGHT").

A. PROCEDURAL HISTORY

All four Respondents have answered the Complaint. Only ALTIVITY has asserted affirmative defenses. On February 16, 2012, the Board ordered ALTIVITY affirmative defenses 1, 2, 3, 4, 7, 9, and 10 stricken. ALTIVITY's three remaining affirmative defenses assert that

the "miscellaneous fill material" at issue is not a "waste" and that the TACO standards have no relevance to this case. These issues are directly addressed in this motion. On July 12, 2012, the Board dismissed the cross claims filed by ALTIVITY and INTRA-PLANT.

IRONHUSTLER and BRIGHT were served with requests for the admission of fact and the genuineness of documents. IRONHUSTLER and BRIGHT, through counsel, chose not to respond. Supreme Court Rule 216 and Section 101.618 of the Board's Procedural Rules state that each of the matters of fact and the genuineness of each document of which admission is requested are admitted unless, the party to whom the request is directed, files a sworn response within 28 days.

B. COMPLAINANT'S CASE

In support of this motion, Complainant relies upon the following documents which are incorporated herein as part of this Motion for Summary Judgment:

1. Complainant's July 26, 2011 Complaint ("Complaint");
2. Answer and Cross-Complaint by INTRA-PLANT (December 30, 2011) ("INTRA-PLANT Answer");
3. Answer and Affirmative Defenses by ALTIVITY (December 30, 2011) ("ALTIVITY Answer");
4. Affidavit of Jason Thorp with attachments (June 19, 2012) ("Thorp Affidavit"), attached hereto as Attachment "1";
5. Request for Admission of Fact and Genuineness of Documents To IRONHUSTLER served June 21, 2011 with exhibits ("IRONHUSTLER Admission"), attached hereto as Attachment "2"; and
6. Request for Admission of Fact and Genuineness of Documents To BRIGHT

served June 21, 2011 with exhibit ("BRIGHT Admission"), attached hereto as Attachment "3".

C. STATEMENT OF UNCONTESTED FACTS

1. ALTIVITY was a Delaware limited liability company. This entity has subsequently been merged into Graphic Packaging International, Inc. ALTIVITY Answer at ¶ 4.

2. Graphic Packaging International, Inc. is a Delaware corporation registered to do business in the State of Illinois.

3. ALTIVITY operated a wastewater treatment plant located at 1525 South Second Street, Pekin, Tazewell County, Illinois. ALTIVITY Answer at ¶ 5.

4. INTRA-PLANT is an Illinois corporation in good standing. INTRA-PLANT Answer at ¶ 22.

5. ALTIVITY contracted with INTRA-PLANT for the construction of a wastewater treatment plant at its Pekin, Illinois facility. ALTIVITY Answer at ¶ 7, INTRA-PLANT Answer at ¶ 7 and IRONHUSTLER Admission at ¶ 1.

6. INTRA-PLANT subcontracted the excavation and disposal of the miscellaneous fill material generated by the construction of the wastewater treatment plant to IRONHUSTLER. INTRA-PLANT Answer at ¶ 8 and IRONHUSTLER Admission at ¶ 3.

7. IRONHUSTLER is an Illinois corporation in good standing.

8. INTRA-PLANT retained the services of Testing Service Corporation ("TSC") to determine soil conditions at the location of the proposed new wastewater treatment plant. INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 2.

9. The Subcontract Agreement between INTRA-PLANT and IRONHUSTLER provided that "[a]ll unsuitable material shall be hauled off site and disposed of legally" by

IRONHUSTLER. INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 5.

10. The TSC "Report of Soils Exploration" dated January 4, 2008 was an exhibit to the Subcontract Agreement. INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 7.¹

11. INTRA-PLANT and IRONHUSTLER received a copy of the TSC Report of Soils Exploration prior to the excavation of the fill material. INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 8.

12. TSC determined that the "miscellaneous fill material" at location of the proposed treatment plant included "deposits of silt, sand and gravel along with notable amounts of cinders and brick" (TSC Report at p. 4). INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 9.

13. Because of the "miscellaneous debris within the fill," TSC recommended the material not be reused (TSC Report at p. 5). INTRA-PLANT Answer at Exhibit "A" and IRONHUSTLER Admission at ¶ 11.

14. IRONHUSTLER hauled the miscellaneous fill material from the ALTIVITY facility to the sand and gravel pit operated by BRIGHT between January 7, 2008 and January 24, 2008. IRONHUSTLER Admission at ¶ 14 and BRIGHT Admission at ¶ 2.

15. BRIGHT is an individual who operates the sand and gravel pit located at 10513 Levy Road, Hopedale, Tazewell County, Illinois. BRIGHT Admission at ¶ 4 and Thorp Affidavit at ¶ 5.

16. BRIGHT made the decision to allow IRONHUSTLER to haul fill material into

¹ The TSC Report of Soils Exploration was also provided to Complainant's counsel by ALTIVITY pursuant to a request for the production of documents.

the sand and gravel pit. BRIGHT Admission at ¶ 4.

17. In his March 19, 2008 letter to the Illinois EPA, BRIGHT stated that “this fill was to help raise the ground level to slop[e] [t]oward [an] existing pond.” BRIGHT Admission at ¶ 5.

18. On January 24, 2008, January 30, 2008 and August 24, 2010, the Illinois Environmental Protection Agency (“Illinois EPA”) inspected the sand and gravel pit located at 10513 Levy Road, Hopedale, Tazewell County, Illinois (“disposal site”). The initial inspection was prompted by an anonymous telephone complaint that numerous dump trucks were dumping soil into this sand and gravel pit. Thorp Affidavit at ¶ 3.

19. On January 24, 2008, BRIGHT told the Illinois EPA that the miscellaneous fill material being deposited at sand and gravel pit was generated by an IRONHUSTLER construction project at the ALTIVITY facility in Pekin, Illinois. Thorp Affidavit at ¶ 5.

20. The miscellaneous fill material observed at the disposal site on January 24, 2008, was dark brown in color and consisted of fine grained sand with medium to coarse grained brick and cinder fragments. The miscellaneous fill material also contained slag, brick and concrete. Thorp Affidavit at ¶ 6.

21. The miscellaneous fill material observed at the disposal site did not meet the definition of clean construction demolition debris (“CCDD”) under the Illinois Environmental Protection Act (“Act”). Thorp Affidavit at ¶ 7.

22. On January 30, 2008, the Illinois EPA returned to the disposal site to collect three soil samples of the miscellaneous fill material. Samples X101, X102 and X103 were randomly collected and hand delivered under chain of custody to Prairie Analytical Systems, Inc., Springfield, Illinois (“Prairie”), for RCRA Total Metals, RCRA TCLP Metals and pH analyses.

Thorp Affidavit at ¶ 12.

23. On February 11, 2008, the Illinois EPA received the analytical results from Prairie, which are summarized as follows:

	X101		X102		X103	
	Total (mg/kg)	TCLP (mg/L)	Total (mg/kg)	TCLP (mg/L)	Total (mg/kg)	TCLP (mg/L)
Cadmium	1.41	0.0071	10.0	0.0262	7.93	0.0278
Lead	16.2	U	113	0.0053	141	0.0039
Mercury	0.048	0.0002	0.046	0.0002	0.109	0.0002
Selenium	0.29	U	0.46	0.0041	0.600	0.0027

24. The Illinois EPA compared RCRA Total Metals results for analytes detected in the soil samples to the TACO Tier 1 Remediation Objectives for Concentrations of Inorganic Chemicals in Background Soils, 35 Ill. Adm. Code Part 742, Appendix A, Table G; pH Specific Soil Remediation Objectives for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater, 35 Ill. Adm. Code Part 742, Appendix B, Table C; Residential Properties for Ingestion and Inhalation Routes, 35 Ill. Adm. Code Part 742, Appendix B, Table A; and the Industrial/Commercial Properties for Ingestion and Inhalation Routes including the Construction Worker Route Scenario, 35 Ill. Adm. Code Part 742, Appendix B, Table B. Thorp Affidavit at ¶ 14.

25. Cadmium in soil samples X101, X102, and X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Inorganic Chemicals in Background Soils.

26. Lead in soil samples X102 and X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Inorganic Chemicals in Background Soils. Mercury in soil sample X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Inorganic Chemicals in Background Soils.

27. Selenium in soil sample X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Inorganic Chemicals in Background Soils. Thorp Affidavit at ¶ 15.

28. Lead in soil samples X102 and X103 exceeded the TACO Tier 1 Remediation Objectives for pH Specific Soil Remediation Objectives for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater. Thorp Affidavit at ¶ 16.

29. The Illinois EPA compared the RCRA TCLP Metals results for analytes detected in the soil samples to TACO Tier 1 Remediation Objectives for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater, 35 Ill. Adm. Code Part 742, Appendix B, Table A. Thorp Affidavit at ¶ 17.

30. Cadmium in soil samples X101, X102, and X103 exceeded the TACO Tier 1 Remediation Objectives for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater. Thorp Affidavit at ¶ 18.

31. On August 24, 2010, the Illinois EPA re-inspected the disposal site. The source site miscellaneous fill material had been committed to grade but was still easily identifiable against the contrasting yellowish-orange materials native to the disposal site. Thorp Affidavit at ¶ 19.

32. The disposal site has never been permitted by the Illinois EPA as a sanitary landfill and does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder. Thorp Affidavit at ¶ 20.

D. STANDARD OF REVIEW AND APPLICABLE LAW

Summary judgment is appropriate when the pleadings, depositions, admissions on file,

and affidavits disclose that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Dowd & Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 483, 693 N.E.2d 358, 370 (1998). A party opposing a motion for summary judgment may not rest on its pleadings, but must "present a factual basis which would arguably entitle [it] to a judgment." *Gauthier v. Westfall*, 266 Ill. App. 3d 213, 219, 639 N.E.2d 994, 999 (2nd Dist. 1994).

Sections 3.305, 3.380, 3.385 and 3.535 of the Act, 415 ILCS 5/3.305, 3.380, 3.385 and 3.535 (2010), respectively, provide the following definitions:

"Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

"Recycling, reclamation or reuse" means a method, technique, or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Refuse" means waste.

"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

...

Section 21 of the Act, 415 ILCS 5/21 (2010), provides in pertinent part, as follows:

No person shall:

(a) Cause or allow the open dumping of any waste.

* * *

e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards

thereunder.

* * *

E. ARGUMENT

The miscellaneous fill material which originated at the ALTIVITY construction site in Pekin, Illinois was and is a "waste" as defined by Section 3.535 of the Act, 415 ILCS 5/3.535 (2010). INTRA-PLANT retained Testing Services Corporation ("TSC") to study the soil conditions at the location of the proposed new treatment plant. TSC described the miscellaneous fill material as silt, sand, and gravel with "abundant" cinders and brick fragments. Illinois EPA Inspector Thorp further found the material to include slag, brick and concrete. TSC recommended that the miscellaneous fill material be excavated and removed from the construction site because it was unsuitable for the foundation of the new treatment plant. TSC further recommended that the fill material not be reused because of the debris material within the fill.

IRONHUSTLER transported the miscellaneous fill material to the sand and gravel quarry operated by BRIGHT. It was BRIGHT's decision to accept the material. When first observed by the Illinois EPA, the miscellaneous fill material at the disposal had been dumped into large piles. See digital photographs 1798095009~01242008-001 and -02 attached to the Thorp Affidavit. Subsequently, the fill material was reduced to grade although it remained easily distinguishable. See digital photographs 1798095009~08242010-001 through -009 attached to the Thorp Affidavit. BRIGHT in his March 19, 2008 letter to the Illinois EPA stated that "this fill was to help raise the ground level to slop[e] [t]oward [an] existing pond."

The Appellate Court and the Supreme Court have reviewed the issue of what constitutes "waste" under the Act. In *Northern Illinois Service Co. v. Environmental Protection Agency*,

381 Ill. App. 3d 171, 885 N.E.2d 447 (2nd Dist. 2008), the Court determined that uprooted, dead trees fell within the definition of "waste." The Appellate Court found that the dead trees were "other discarded material" and therefore "waste" because there was no evidence that the trees had ever been "collected, separated or processed and returned to the economic mainstream in the form of raw materials or products." 381 Ill. App. 3d at 176-177 (quoting 415 ILCS 5/3.380). As was the case with the dead trees in the *Northern Illinois Service Co.* case, the miscellaneous fill material in this case was clearly discarded material excavated from the site of the new wastewater treatment plant which was not to be reused as part of the construction project.

Respondents have made no credible argument that the miscellaneous fill material was to be "returned to the economic mainstream" after it was hauled to the sand and gravel pit and dumped. In *Alternative Fuels, Inc. v. Director of the Illinois Environmental Protection Agency*, 215 Ill. 2d 219, 830 N.E.2d 444 (2005), the Supreme Court found fuel material made from shredded containers was not "discarded" and, therefore, not "waste". However, in *Alternative Fuels, Inc.*, the defendant was processing the material for use as fuel by a power plant. The Supreme Court determined that because the defendant returned the material as a "product" into the economic mainstream, the material was not discarded. 215 Ill. 2d at 240. Here, the miscellaneous fill material was not "processed" or returned to the economic mainstream in anyway. ". . . materials are "discarded" unless they are returned to the economic mainstream." *Id.*

Using the miscellaneous fill material at the gravel and sand pit to create a sloping area is not returning the material to the "economic mainstream." In *People v. Lincoln, Ltd.*, 383 Ill. App. 3d 198, 890 N.E.2d 975 (1st Dist. 2008), the Appellate Court rejected the defendant's argument that the construction debris at issue had been returned to the "economic mainstream."

In *Lincoln, Ltd.*, the defendant argued that its debris material was being reused as part of an ongoing economic development activity because the debris was to be used as a foundation for a future snowsports facility. *Lincoln, Ltd.*, 383 Ill. App. 3d at 204. In rejecting this argument, the Appellate Court found:

. . . Lincoln has taken no further action other than to remove air pockets from the mound, and pushing or shifting the waste around the 40-acre site has not altered the material itself. . . . Lincoln is not returning the material to the stream of commerce when it permanently keeps the material on site for its own use.

383 Ill. App. 3d at 206.

BRIGHT's March 19, 2008 letter suggests no other plans for the miscellaneous fill material other than it remaining permanently at the sand and gravel pit. The facts in this case are analogous to those in *Lincoln, Ltd.* The Board should find that Respondents did not return the miscellaneous fill material to the stream of commerce but, rather it was permanently deposited at the sand and gravel pit.

Although not necessary to this determination, the exceedances of the TACO Tier 1 Remediation Objectives provide further confirmation that the miscellaneous fill material is a "waste" as defined by Section 3.535 of the Act. In the rule making proceeding concerning the proposed amendments to the clean construction demolition debris regulations, Michael Rapps, President of Rapps Engineering and Applied Science, Inc., submitted comments on behalf of IRONHUSTLER relating to the definition of "uncontaminated soil". *In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris Fill Operations (CCDD): Proposed Amendments to 35 Ill. Adm. Code 1100*, PCB No. R12-9, February 2, 2012 Opinion at pp. 49-50. Mr. Rapps argued that classifying soil excavated from construction sites with chemical constituents levels above TACO Tier 1 residential values as "waste" was inappropriate. The Board expressly rejected this argument and agreed with the Illinois EPA's position that the use

of TACO Tier 1 objectives to determine MACs (maximum allowable concentrations) was appropriate:

. . . the Board finds that the MACs for soil constituents must be based upon the TACO Tier 1 objectives, as proposed by IEPA. Further, the Board declines to define "uncontaminated" soil on a qualitative basis.

PCB No. R12-9, February 2, 2012 Opinion at p. 66.

There is no genuine issue of material fact that Respondents caused or allowed the open dumping of waste at the disposal site, a site which has never been permitted by the Illinois EPA as a sanitary landfill and does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder.

There is no genuine issue of material fact that Respondents, by causing or allowing the open dumping of waste, violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2010).

There is no genuine issue of material fact that Respondents, by disposing of waste at a site that does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder, violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2010).

F. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON COMPLIANCE

After the Board finds a violation, the Board considers the factors set forth in Section 33(c) of the Act, 415 ILCS 5/33(c) (2010), to create an appropriate remedy. Those factors are:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;

4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Complainant states the following:

1. Human health and the environment were threatened by Respondents' violations.
2. There is a social and economic benefit to the disposal of waste material at site permitted by the Illinois EPA as landfill and meeting the requirements of the Act and regulations.
3. The disposal site is not permitted by the Illinois EPA as a landfill, does not meet the requirements of the Act and of the regulations and is not suitable for the disposal of the miscellaneous material.
4. Disposal of the miscellaneous material at a permitted landfill meeting the requirements of the Act and regulations was and is both technically practicable and economically reasonable.
5. Respondents still have not complied with the Act and the Board Regulations. The violations were discovered by the Illinois EPA in January of 2008 and are ongoing.

G. CONSIDERATION OF SECTION 42(h) FACTORS

To impose a civil penalty, the Board must consider the factors contained within Section 42(h) of the Act, 415 ILCS 5/42(h) (2010). Those factors are:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

6. whether the respondent voluntarily self disclosed, in accordance with subsection (i) of this Section, the non compliance to the Agency; and

7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the Complainant states as follows:

1. Respondents still have not complied with the Act and the Board Regulations. The violations were discovered by the Illinois EPA in January of 2008 and are ongoing. The gravity of the violations is considered moderate in their potential for harm and moderate in their deviation from the statutory and regulatory requirements.

2. Respondents have not been diligent in attempting to come back into compliance with the Act and Board regulations.

3. There was an economic benefit to Respondents in disposing of the miscellaneous material at the disposal site instead of properly disposing of it at a permitted landfill.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Ten Thousand Dollars (\$10,000) as to each Respondent will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.

6. Respondents did not self report the violations.

7. Respondents have not offered to perform a Supplemental Environmental Project.

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter a final order:

A) Granting Complainant's motion for summary judgment;

B) Finding that the Respondents, ALTIVITY PACKAGING, LLC, a Delaware limited liability company, INTRA-PLANT MAINTENANCE CORPORATION, an Illinois corporation, IRONHUSTLER EXCAVATING, INC., an Illinois corporation, and RON BRIGHT, d/b/a QUARTER CONSTRUCTION, violated Section 21(a) and (e) of the Act, 415 ILCS 5/21(a) and (e) (2010);

C) Ordering the Respondents to remove the miscellaneous fill material from the disposal site and properly dispose of it in compliance with the Act.

D) Ordering the Respondents to cease and desist from any further violations of the Act and associated regulations;

E) Award the Complainant a penalty of \$10,000 from each Respondent for the violations of the Act;

F) Grant such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

RAYMOND J. CALLERY
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Dated: August 9, 2012.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 ALTIVITY PACKAGING, LLC,)
 a Delaware limited liability company,)
 INTRA-PLANT MAINTENANCE CORPORATION,)
 an Illinois corporation,)
 IRONHUSTLER EXCAVATING, INC.,)
 an Illinois corporation, and)
 RON BRIGHT, d/b/a Quarter Construction,)
)
 Respondents.)

PCB No. 12-21

AFFIDAVIT OF JASON THORP

Upon penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that he verily believes the same to be true:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA"), Bureau of Land, as an Environmental Protection Specialist in the Peoria Regional Office.
2. As an Environmental Protection Specialist with the Illinois EPA, my duties include, but are not limited to, the investigation and inspection of regulated facilities, such as open dumps, in the area of the Peoria region, including Tazewell County, Illinois.
3. On January 24, 2008, January 30, 2008 and August 24, 2010, I inspected the sand and gravel pit (40.47077, -89.43812) located contiguous to the property located at 10513 Levy Road, Hopedale, Tazewell County, Illinois ("disposal site"). My initial inspection was prompted by an anonymous telephone complaint that numerous dump trucks were dumping soil and asphalt into this sand and gravel pit.

4. My inspections of the disposal site included walking around the site, observing the conditions present, taking photographs, collecting soil samples and preparing reports documenting my observations and factual conclusions.

5. Upon my arrival at the disposal site on January 24, 2008, I spoke with the operator of the site, Ron Bright. Mr. Bright told me that the truck loads of "miscellaneous fill material" being deposited at the site were generated by an Ironhustler Excavating, Inc. ("Ironhustler") construction project at the Altivity Packaging, LLC ("Altivity") facility in Pekin, Illinois.

6. The miscellaneous fill material was dark brown in color and consisted of fine grained sand with medium to coarse grained brick and cinder fragments. The miscellaneous fill material also contained slag, brick and concrete.

7. The miscellaneous fill material did not meet the definition of clean construction or demolition debris ("CCDD") under the Illinois Environmental Protection Act ("Act").

8. During my initial inspection of the disposal site, I took digital photographs 1798095009~01242008-001 and -02. Both photographs depict stockpiles of the miscellaneous fill material generated from the Altivity plant construction activities.

9. I subsequently followed a semi-tractor trailer leaving the disposal site to the Altivity "source site" located at 1525 South Second Street, Pekin, Illinois.

10. After being directed to the Altivity office, I spoke with Altivity general managers William Dever and Mark Reed.

11. Mr. Dever and Mr. Reed told me that Altivity was working with Intra-Plant Maintenance Corporation ("Intra-Plant") on the construction of a new filter plant building. Because soil borings indicated that the miscellaneous fill material at source site did not meet necessary load bearing specifications the material was being excavated and replaced. Intra-Plant subcontracted the excavation work to Ironhustler.

12. On January 30, 2008, I returned to the disposal site to collect three soil samples of the miscellaneous fill material. Samples X101, X102 and X103 were randomly collected and hand delivered under chain of custody to Prairie Analytical Systems, Inc., Springfield, Illinois, for RCRA Total Metals, RCRA TCLP Metals and pH analysis. Digital photographs 1798095009-01302008-001 and -02 taken by me depict soil samples X101, X102 and X103 sealed with evidence tape.

13. On February 11, 2008, Prairie Analytical System, Inc. provided the Illinois EPA with the results of its analysis of soil samples X101, X102 and X103.

14. The Illinois EPA compared RCRA Total Metals results for analytes detected in the soil samples to the TACO Tier 1 Remediation Objectives for Concentrations of Chemicals in Background Soils Within MSA's, 35 Ill. Adm. Code Part 742, Appendix A, Table G; pH Specific Soil Remediation Objectives for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater, 35 Ill. Adm. Code Part 742, Appendix B, Table C; Residential Properties for Ingestion and Inhalation Routes, 35 Ill. Adm. Code Part 742, Appendix B, Table A; and the Industrial/Commercial Properties for Ingestion and Inhalation Routes including the Construction Worker Route Scenario, 35 Ill. Adm. Code Part 742, Appendix B, Table B.

15. Cadmium in soil samples X101, X102, and X103, exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Chemicals in Background Soils Within MSA's. Lead in soil samples X102 and X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Chemicals in Background Soils within MSA's. Mercury in soil sample X103 exceeded the TACO Tier 1 Remediation Objectives for Concentrations of Chemicals in Background Soils within MSA's. Selenium in soil sample X103 exceeded the

TACO Tier 1 Remediation Objectives for Concentrations of Chemicals in Background Soils Within MSA's.

16. Lead in soil samples X102 and X103 exceeded the TACO Tier 1 Remediation Objectives for pH Specific Soil Remediation Objectives for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater.

17. The Illinois EPA compared the RCRA TCLP Metals results for analytes detected in the soil samples to TACO Tier 1 Remediation Objectives for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater, 35 Ill. Adm. Code Part 742, Appendix B, Table A.

18. Cadmium in soil samples X101, X102, and X103, exceeded the TACO Tier 1 Remediation Objectives for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater.

19. On August 24, 2010, I re-inspected the disposal site. The source site miscellaneous fill material had been committed to grade but was still easily identifiable against the contrasting yellowish-orange materials native to the disposal site. I took digital photographs 1798095009~08242010-001 through -009 at the disposal site.

20. The disposal site has never been permitted by the Illinois EPA as a sanitary landfill and does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder.

21. Attached hereto are true and correct copies of my January 24, 2008 and August 24, 2010 inspection reports concerning both the source site and the disposal site. These reports prepared by me were maintained within the Illinois EPA's files during the normal course of business and accurately record my observations and factual conclusions.

22. Also attached hereto are copies of digital photographs 1798095009~01242008-001 and -02 taken by me on January 24, 2008, digital photographs 1798095009~01302008-001 and -02 taken by me on January 30, 2008 and digital photographs 1798095009~08242010-001 through -009 taken by me on August 24, 2010. These photographs fairly and accurately depict the scenes I observed at the disposal site on the dates and times indicated.

23. Finally, attached hereto are true and correct copies of Prairie Analytical Systems' February 11, 2008 report, chain of custody and analytical results concerning soil samples X101, X102 and X103. These records were provided to the Illinois EPA by Prairie Analytical Systems as part of the investigation of this matter and were maintained within the Illinois EPA's files during the normal course of business

FURTHER AFFIANT SAYETH NOT.



Jason Thorp
Illinois Environmental Protection Agency
Bureau of Land, Peoria Regional Office

Subscribed and sworn to before me
this 19th day of June, 2012.



NOTARY PUBLIC



1798095009 -- Tazewell County

Clouse, Darrell

FOS

Inspection Date: 01/24/2008

Prepared By: Jason Thorp

Page 1 of 12

Narrative

On 01/23/2008, the Illinois EPA's Peoria Field Office received an anonymous telephone complaint alleging numerous dump trucks were dumping soil and asphalt into an old sand/gravel pit owned by the respondent, Darrell Clouse. The subject complaint was assigned complaint number C-2008-009-P.

On 01/24/2008, I (Jason Thorp) conducted complaint investigation C-2008-009-P located on the north side of Iron Mountain Road where it turns north into Levy Road, in rural Hopedale, Illinois.

I arrived at the source of the complaint (Clouse Pit) Thursday morning at approximately 9:45a.m. The temperature was -3^oF with clear skies. The wind direction was west-northwest at approximately 10mph.

I spoke with Quarter Construction Company operator, Ron Bright (contact# 309-657-6158), regarding the complaint allegations. Mr. Bright indicated that the truck loads of fill material deposited at the Clouse Pit were being generated as a result of an Ironhustler construction project located at Altivity in Pekin, Illinois.

The complaint investigation revealed fill operations at the Clouse Pit sand/gravel quarry, referred to hereafter as the disposal site. Several semi-tractor trailers from various trucking companies were observed dumping loads of fill material not meeting the definition of clean construction and demolition debris (CCDD). The semi-tractor trailers were loaded with sand prior to departing from the disposal site and returning to Altivity. The "miscellaneous fill material" was dark brown in color and consisted of fine grained sand with medium to coarse grained brick and cinder fragments. The fill material also contained slag, brick, and concrete.

During the complaint investigation I collected digital photographs 1798095009~01242008-001 and -002 with an Olympus D-580 digital camera to document the investigation findings at the disposal site. A waypoint was collected at the disposal site fill area and the disposal site entrance with a Garmin GPSMap76S resulting in the following coordinates: N40.46903 W89.44142 and N40.47077 W89.43812, respectively. A site map with digital photograph locations has been included as an attachment to this complaint investigation report.

Digital photograph #1 depicts stockpiles of "miscellaneous fill material" generated from the Altivity Packaging, LLC, filter plant construction activities. Digital photograph #2 depicts stockpiles of "miscellaneous fill material" generated from the Altivity Packaging, LLC, filter plant construction activities.

The complaint investigation at the disposal site concluded at 10:15a.m.

A DoBolt Trucking semi-tractor trailer (trailer license 303265ST) was then followed from the disposal site to the source site, Altivity Packaging, LLC (Altivity). Altivity is located at 1525 S 2nd Street on the south side of Pekin, Illinois. I arrived at Altivity at 10:45a.m. I introduced

RELEASEABLE

MAR 23 2008

1798095009 -- Tazewell County

Clouse, Darrell

FOS

Inspection Date: 01/24/2008

Prepared By: Jason Thorp

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myself to one of the excavation site workers as a representative of the Illinois EPA conducting a complaint investigation. The site worker directed me to the location of the Altivity office. Once at the office I spoke with Mark Reed (contact# 269-569-0220) and William Dever (contact# 309-613-6157) regarding the complaint allegations and the findings at the disposal site. Mr. Reed and Mr. Dever are General Managers for Altivity's Michigan Paperboard Mill and Boxboard Mill Group, respectively. According to Mr. Reed and Mr. Dever, Altivity is currently working with Intra-Plant Maintenance on the construction of a new filter plant building to resolve their effluent exceedances. Soil borings completed by Testing Service Corporation (TSC) indicated that the "miscellaneous fill material" at the filter plant building site did not meet the necessary load bearing specifications for the filter plant foundation footings. TSC recommended the excavation and replacement of the "miscellaneous fill material" to a native soil depth of 16 feet below ground surface. Intra-Plant Maintenance subcontracted the excavation work to Ironhustler. The current excavation measures approximately 40 feet by 100 feet. Mr. Reed and Mr. Dever were not aware of a waste profile for the "miscellaneous fill material", as no laboratory analytical results were available.

During the complaint investigation I collected digital photographs 1798015045~01242008-001 and -002 with an Olympus D-580 digital camera to document the investigation findings at the source site. A waypoint was collected at the source site excavation area and the source site entrance with a Garmin GPSMap76S resulting in the following coordinates: N40.55186 W89.66658 and N40.55260 W89.66449, respectively. A site map with digital photograph locations has been included as an attachment to this complaint investigation report.

Digital photograph #1 depicts the excavation of the "miscellaneous fill material" not meeting the load bearing specifications for the foundation weight requirements of the new filter plant to be constructed on the west side of the Altivity boiler building. Digital photograph #2 depicts a close up of the previous digital photograph, 1798015045~01242008-001, showing a cross section of the east side wall and the "miscellaneous fill material" horizon commencing at approximately three feet below ground surface.

The complaint investigation at Altivity concluded at 11:20a.m. A memorandum regarding the complaint investigation findings at the source site will be forwarded to the BOL Records Unit and DLPC/FOS-Peoria Files and filed under Altivity Packaging LLC, BOL# 1798015045.

According to the Notice of Probate obtained from the Tazewell County Recorder's Office, Darrell Clouse is the Executor and Beneficiary of the disposal site. According to the Warranty Deed obtained from the Tazewell County Recorder's Office, the source site is owned by Pckin Properties LLC. A copy of the Clouse instrument for the disposal site has been included with this complaint investigation report as an attachment.

On 01/30/2008, I returned to the disposal site 9:00a.m. to collect three soil samples from the subject fill area. The temperature was 5⁰F with clear skies. The wind direction was west-northwest at approximately 10mph.

1798095009 -- Tazewell County

Clouse, Darrell

FOS

Inspection Date: 01/24/2008

Prepared By: Jason Thorp

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The three soil samples, labeled X101, X102 and X103, were randomly collected from the "miscellaneous fill material" observed during the initial complaint investigation on 01/24/2008. A clean stainless steel hand trowel was used to collect each soil sample. A fresh pair of nitrile gloves was worn during the collection of each soil sample to avoid any cross-contamination. The samples were sealed individually and then sealed within a cooler of blue ice; ensuring four degrees centigrade was maintained until arrival at the lab. The three samples were collected and hand delivered under chain of custody to Prairie Analytical Systems (Prairie), Inc., 1210 Capitol Airport Dr, Springfield, IL for RCRA Total Metals, RCRA TCLP Metals and pH analysis.

The Illinois EPA received the analytical results from Prairie on 02/11/2008. The analytical report package has been included with this complaint investigation report as an attachment. The analytical report package includes the sample results and chain of custody. The soil sample results indicate that fill operations have caused or allowed the deposition of contaminated soil at the disposal site.

The RCRA Total Metals results for analytes detected in soil samples X101, X102 and X103 were compared to the TACO Tier 1 Remediation Objectives (ROs) for Concentrations of Chemicals in Background Soils Within MSAs (35 IAC Part 742, Appendix A, Table G), pH Specific Soil ROs for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater (35 IAC Part 742, Appendix B, Table C), Residential Properties for Ingestion and Inhalation Routes (35 IAC Part 742, Appendix B, Table A), and the Industrial/Commercial Properties for Ingestion and Inhalation Routes including the Construction Worker Route Scenario (35 IAC Part 742, Appendix B Table B).

All RCRA Total Metals results were below the TACO Tier I ROs for Concentrations of Chemicals in Background Soils Within MSAs except for Cadmium in soil samples X101 (1.41mg/kg), X102 (10mg/kg) and X103 (7.93mg/kg); Lead in soil samples X102 (113mg/kg) and X103 (141mg/kg); Mercury in soil sample X103 (0.109mg/kg); and, Selenium in soil sample X103 (0.6mg/kg). All RCRA Metals results were below the TACO Tier I ROs for pH Specific Soil ROs for Inorganic and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route for Class I Groundwater except for Lead in soil samples X102 (113mg/kg) and X103 (141mg/kg). All RCRA Metals results were below the TACO Tier I ROs for Residential Properties for Ingestion and Inhalation and the Industrial/Commercial Properties for Ingestion and Inhalation including the Construction Worker Route Scenario.

The RCRA TCLP Metals results for analytes detected in soil samples X101, X102 and X103 were compared to TACO Tier 1 ROs for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater (35 IAC Part 742, Appendix A, Table A).

All RCRA TCLP Metals were below the TACO Tier I ROs for the Soil Component of the Groundwater Ingestion Exposure Route for Class I Groundwater except for Cadmium in soil samples X101 (0.0071mg/L), X102 (0.0262mg/L) and X103 (0.0278mg/L).

1798095009 -- Tazewell County

Clouse, Darrell

FOS

Inspection Date: 01/24/2008

Prepared By: Jason Thorp

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During the soil sampling event I collected digital photographs 1798095009~01302008-001 and -002 with an Olympus D-580 digital camera to document the collection of soil samples X101, X102 and X103. A site map with digital photograph locations has been included as an attachment to this complaint investigation report.

Digital photograph #1 depicts soil sample X101 sealed with evidence tape. Digital photograph #2 depicts soils samples X102 and X103 sealed with evidence tape.

Agency correspondence relating to the complaint investigation should be addressed to the owner, operator, contractor, and subcontractor as follows:

Disposal Site:

Owner: Darrell Clouse
10513 Levy Rd
Tremont, IL 61568

Operator: Quarter Construction Co.
Ron Bright
10731 Levy Rd
Tremont, IL 61568

Quarter Construction Co.
Attn: Ron Bright
P.O. Box 453
Hopdale, IL 61747

Source Site:

Owner: Pekin Properties, LLC
c/o Jim Driscoll, Registered Agent
1500 Nicholas Blvd.
Elk Grove Village, IL 60007

Pekin Properties, LLC
1525 S. Second St.
Pekin, IL 61544

Operator: Altivity Packaging, LLC
c/o CT Corporation, Registered Agent
208 S. LaSalle St., Suite 814
Chicago, IL 60604

Altivity Packaging, LLC
301 Commerce St., Suite 3300
Fort Worth, TX 76106

Contractor: Intra-Plant Maintenance Corp.
c/o Gregory A. Mescher, Registered Agent
108 S. Wood St.
Washington, IL 61547

Intra-Plant Maintenance Corp.
Attn: John C. LaReau, President
3116 N. Main
East Peoria, IL 61611

Subcontractor: Ironhustler Excavating, Inc.
c/o William H. Campbell, Registered Agent
401 Main St., Suite 1600
Peoria, IL 61602

Ironhustler Excavating, Inc.
Attn: David G. Schielein, President
1604 W. Detweiller Dr.
Peoria, IL 61615

1798095009 -- Tazewell County

Clouse Darrell

FOS.

Inspection Date: August 24, 2010

Prepared By: Jason Thorp

Page 1 of 10

RECEIVED

AUG 30 2010

EPA/BOL

Narrative

On August 24, 2010, I (Jason Thorp, BOL/FOS - Peoria) conducted a re-inspection at Clouse Darrell (40.47077, -89.43812), referred to hereafter as the disposal site, in response to an August 23, 2010 e-mail request received from Melanie Jarvis (DLC). The subject e-mail contained a request to determine whether or not the "miscellaneous fill material" generated from the construction of the Altivity Packaging, LLC filter plant was integrated into the disposal site in such a manner that it could not be removed.

I arrived at the disposal site Tuesday afternoon at approximately 1:15 p.m. The daily temperature was 83°F with scattered clouds. The wind direction was northeast at 5 mph.

Upon arrival at the disposal site, the gate at the entrance was open. I proceeded to check in at what appeared to be an on-site field trailer. No one was present in the field trailer. I then proceeded to the area where the violations were previously observed on January 24, 2008 and January 30, 2008. The re-inspection revealed that the responsible parties have failed to comply with the suggested resolutions cited in the March 5, 2008 Violation Notices (VNs) L-2008-01046, L-2008-01047, L-2008-01048, L-2008-01049, L-2008-01050, and L-2008-01051 as the "miscellaneous fill material" was again observed. The "miscellaneous fill material" is dark grey in color and easily identified by the contrasting yellowish-orange materials native to the quarry. The "miscellaneous fill material" has been committed to grade, but, does appear loose and not overly compacted which would allow the material to be excavated and properly disposed of at a permitted landfill. The surface area of the "miscellaneous fill material" measures approximately 0.5 acres.

Digital photographs 1798095009~08242010-001 through -009 were collected with an Olympus D-580 digital camera to document the observations and results of the re-inspection. Digital photograph #1 was collected from the same location as digital photograph 1798095009~01242008-001. The stockpiles of "miscellaneous fill material" generated from the Altivity Packaging, LLC filter plant were previously observed at this location. It appears the stockpiles have been committed to grade in the immediate surrounding area. Digital photograph #2 was collected from the same location as digital photograph 1798095009~01242008-002. The stockpiles of "miscellaneous fill material" generated from the Altivity Packaging, LLC filter plant were previously observed at this location. It appears the stockpiles have been committed to grade in the immediate surrounding area. Note the contrast in color between the subject material and the stockpile of native quarry material in the background. Digital photograph #3 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Digital photograph #4 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Digital photograph #5 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Digital photograph #6 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Digital photograph

1798095009 -- Tazewell County
 Clouse Darrell
 FOS
 Inspection Date: August 24, 2010
 Prepared By: Jason Thorp
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#7 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Note the contrast in color between the subject material and the stockpile of native quarry material in the background. Digital photograph #8 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Digital photograph #9 depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. The digital photograph locations have been plotted on the attached Illinois EPA Site Map.

Agency correspondence relating to the re-inspection should be addressed to the owner, operator, contractor, and subcontractor as follows:

RELEASABLE

Disposal Site:

SEP 21 2010

Owner: Darrell Clouse
 10513 Levy Rd.
 Tremont, IL 61568

REVIEWER MD

Operator: Quarter Construction Co.
 Ron Bright
 10731 Levy Rd
 Tremont, IL 61568

Quarter Construction Co.
 Attn: Ron Bright
 P.O. Box 453
 Hopedale, IL 61747

Source Site:

Owner: Pekin Properties, LLC
 c/o Jim Driscoll, Registered Agent
 1500 Nicholas Blvd.
 Elk Grove Village, IL 60007

Pekin Properties, LLC
 1525 S. Second St.
 Pekin, IL 61544

Operator: Altivity Packaging, LLC
 c/o CT Corporation, Registered Agent
 208 S. LaSalle St., Suite 814
 Chicago, IL 60604

Altivity Packaging, LLC
 301 Commerce St., Suite 3300
 Fort Worth, TX 76106

Contractor: Intra-Plant Maintenance Corp.
 c/o Gregory A. Mescher, Registered Agent
 108 S. Wood St.
 Washington, IL 61547

Intra-Plant Maintenance Corp.
 Attn: John C. LaReau, President
 3116 N. Main
 East Peoria, IL 61611

Subcontractor: Ironhustler Excavating, Inc.
 c/o William H. Campbell, Registered Agent
 401 Main St., Suite 1600
 Peoria, IL 61602

Ironhustler Excavating, Inc.
 Attn: David G. Schielein, President
 1604 W. Detweiller Dr.
 Peoria, IL 61615



1798095009 -- Tazewell County
Hopedale / Clouse Darrell
C-2008-009-P
FOS

Site Photographs
Page 1 of 1

DATE: 01/24/2008

TIME: 9:51 a.m.

PHOTOGRAPHED BY: Jason Thorp

DIRECTION: Photograph taken toward the southeast.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1798095009-01242008-001.jpg

COMMENTS: Digital photograph depicts stockpiles of "miscellaneous fill material" generated from the Alitivity Packaging, LLC, filter plant construction activities.



DATE: 01/24/2008

TIME: 10:07 a.m.

PHOTOGRAPHED BY: Jason Thorp

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1798095009-01242008-002.jpg

COMMENTS: Digital photograph depicts stockpiles of "miscellaneous fill material" generated from the Alitivity Packaging, LLC, filter plant construction activities.



DOCUMENT FILE NAME:
1798095009-01242008.doc



1798095009 -- Tazewell County
Hopedale / Clouse Darrell
C-2008-009-P
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Site Photographs
Page 1 of 1

DATE: 01/30/2008

TIME: 9:39 a.m.

PHOTOGRAPHED BY: Jason Thorp

DIRECTION: Photograph taken toward
the east.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1798095009-01302008-001.jpg

COMMENTS: Digital photograph
depicts soil sample X101 sealed with
evidence tape.



DATE: 01/30/2008

TIME: 9:47 a.m.

PHOTOGRAPHED BY: Jason Thorp

DIRECTION: Photograph taken toward
the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1798095009-01302008-002.jpg

COMMENTS: Digital photograph
depicts soil samples X102 and X103
sealed with evidence tape.



DOCUMENT FILE NAME:
1798095009-01302008.doc

DATE: 08/24/2010

TIME: 1:26 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southeast.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1798095009-08242010-001.jpg

COMMENTS: The digital photograph was collected from the same location as digital photograph 1798095009-01242008-001. The stockpiles of "miscellaneous fill material" generated from the Altivity Packaging, LLC filter plant were previously observed at this location. It appears the stockpiles have been committed to grade in the immediate surrounding area.



DATE: 08/24/2010

TIME: 1:26 p.m.

PHOTOGRAPHED BY: J.
Thorp

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1798095009-08242010-002.jpg

COMMENTS: The digital photograph was collected from the same location as digital photograph 1798095009-01242008-002. The stockpiles of "miscellaneous fill material" generated from the Aktivty Packaging, LLC filter plant were previously observed at this location. It appears the stockpiles have been committed to grade in the immediate surrounding area. Note the contrast in color between the subject material and the stockpile of native quarry material in the background.



DATE: 08/24/2010

TIME: 1:29 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the northeast.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1798095009-08242010-003.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



DATE: 08/24/2010

TIME: 1:29 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the north.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1798095009-08242010-004.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



DATE: 08/24/2010

TIME: 1:30 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southwest.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1798095009-08242010-005.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



DATE: 08/24/2010

TIME: 1:30 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1798095009-08242010-006.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



DATE: 08/24/2010

TIME: 1:32 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the south.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1798095009-08242010-007.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition. Note the contrast in color between the subject material and the stockpile of native quarry material in the background.



DATE: 08/24/2010

TIME: 1:32 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the southeast.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1798095009-08242010-008.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



DATE: 08/24/2010

TIME: 1:32 p.m.

PHOTOGRAPHED BY: J. Thorp

DIRECTION: Photograph taken toward the east.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1798095009-08242010-009.jpg

COMMENTS: The digital photograph depicts the immediate surrounding area where the "miscellaneous fill material" has been committed to grade. The subject material is easily identified by its dark grey color and composition.



Prairie



Analytical
Systems, INCORPORATE

February 11, 2008

Dave Reed
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

1210 Capital Airport Drive
Springfield, Illinois 62707
Phone: 217-753-1141
Fax: 217-753-1155
www.prairieanalytical.com

RE: BOL # 1798095009 / Clouse Darrell

PAS Order No.: 0801548

Dear Dave Reed:

Prairie Analytical Systems, Inc. received 3 samples on 1/30/2008 09:50:00 AM for the analyses presented in the following report.

All applicable quality control procedures met method specific acceptance criteria.

This report shall not be reproduced, except in full, without the prior written consent of Prairie Analytical Systems, Inc.

If you have any questions, please feel free to call me at (217) 753-1148.

Sincerely,

Jean-Pierre Rouanet
Laboratory Director

Illinois Environmental Protection Agency
 Bureau of Land, DLPC/FOS
 Chain of Custody Document
 Page 1 of 1

Fund LP43 BOL # 1798095009 County Tazewell Locality Hopedale
 Section F USEPA ID# Site Name Clouse Darrell File Category Groundwater*

Project Manager's Jason Thorp
 Name/Address/Phone #: 309-693-4984
 7620 N. University St., STE 201

IEPA Laboratory
 2125 S. First Street 62702 Champaign, IL 61820, 217/278-5858
 825 N. Rutledge Street, Springfield, IL 217/782-9780; 217/524-6377 &

Other Laboratory Name, Address, and Phone #
 Prairie Analytical Systems, Inc
 1265 Capitol Airport Dr, Springfield, IL

Delivered by
HAND
JASON THORP

Peoria, IL 61614 217/278-5800, fax 278-5808 Case # (if applicable)	Parameter Group & Other Analytes						Field Sample #	Legal Hold	Split	# Bottles	Volume (gve units)	Date Collected & Sealed	Time Collected 24 hour	Time Sealed 24 hour	Sampler's Initials	Collector or Laboratory Comments Do not include personal identifier information for samples collected on private residential property.	Seal Intact (y/n)
	TCLP METALS	TOTAL METALS	PH														
Lab Sample #																	
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X101	<input type="checkbox"/>	<input type="checkbox"/>	1	802	1/30/08	0930	0935	JT	Tier 1 TACO Limits	✓
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X102	<input type="checkbox"/>	<input type="checkbox"/>	1	802	1/30/08	0940	0945	JT		✓
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X103	<input type="checkbox"/>	<input type="checkbox"/>	1	802	1/30/08	0940	0945	JT		✓
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>							TCLP Metals = 8 RCR4	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>							Total Metals = 8 RCR4	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>							Per client req 1/30/08	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>								

Receipt for Samples: Collection of these sample(s) at the above-named site is hereby acknowledged. Split(s) Offered? Accepted?

Signature/Title of Facility Representative, Date
 Samplers (printed names and signatures) **NO FACILITY REPRESENTATIVE**

Sealer: I certify that I sealed the samples listed above and I wrote my initials, the date, and the time on the seal(s).
 Sealer's Signature **Jason Thorp** Date **1/30/08** Time (24 hr clock) **0950**

Carrier: I certify that I received the above sample(s) with the seal(s) intact and the sealer's initials and sealing date written on the seal(s).
 Relinquished by (Sealer) **JASON THORP** Date **1/30/08** Time (24 hr clock) **0950**
 Received by **Michael Bradley** Date **1/30/08** Time (24 hr clock) **11:05am**

Laboratory Custodian: I certify that I received the above sample(s) with the seal integrity as indicated and the sealer's initials and the date written on the seal(s). After being received, this/these same sample(s) will be retained by laboratory personnel at all times or locked in a secured area.
 Printed Name and Signature **Michael Bradley** Date **1/30/08** Time (24 hr clock) **11:09 am** Sample Temp. (°C) **2.3°C**

Signature of laboratory supervisor releasing results Date

Prairie Analytical Systems, Inc.

Date: 11-Feb-08

CLIENT: Illinois Environmental Protection Agency
 Project: BOL # 1798095009 / Clouse Darrell

Lab Order: 0801548

Lab ID: 0801548-001

Collection Date: 1/30/2008 09:30:00 AM

Client Sample ID: X101

Matrix: SOLID

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
METALS ANALYSIS		SW6020		(SW3050B)		Analyst: JTC
Arsenic	5.75	2.00		mg/Kg	2	1/31/2008 05:01:00 AM
Barium	23.0	0.500		mg/Kg	2	1/31/2008 05:01:00 AM
Cadmium	1.41	0.500		mg/Kg	2	1/31/2008 05:01:00 AM
Chromium	6.89	1.00		mg/Kg	2	1/31/2008 05:01:00 AM
Lead	16.2	0.500		mg/Kg	2	1/31/2008 05:01:00 AM
Mercury	0.048	0.100	J	mg/Kg	2	1/31/2008 05:01:00 AM
Selenium	0.29	0.500	J	mg/Kg	2	1/31/2008 05:01:00 AM
Silver	U	0.500		mg/Kg	2	1/31/2008 05:01:00 AM
TCLP METALS ANALYSIS		SW6020		(SW3005A)		Analyst: MCL
Arsenic	U	0.0050		mg/L	1	2/3/2008 05:50:00 AM
Barium	0.423	0.0020		mg/L	1	2/3/2008 05:50:00 AM
Cadmium	0.0071	0.0010		mg/L	1	2/3/2008 05:50:00 AM
Chromium	0.0026	0.0050	J	mg/L	1	2/3/2008 05:50:00 AM
Lead	U	0.0020		mg/L	1	2/3/2008 05:50:00 AM
Mercury	0.0002	0.0002	J	mg/L	1	2/3/2008 05:50:00 AM
Selenium	U	0.0050		mg/L	1	2/3/2008 05:50:00 AM
Silver	U	0.0050		mg/L	1	2/3/2008 05:50:00 AM
PH ANALYSIS		SW9045C				Analyst: RMN
pH	7.27	0.01		pH Units	1	1/31/2008 11:10:00 AM

Prairie Analytical Systems, Inc.

Date: 11-Feb-08

CLIENT: Illinois Environmental Protection Agency
 Project: BOL # 1798095009 / Clouse Darrell

Lab Order: 0801548

Lab ID: 0801548-002

Collection Date: 1/30/2008 09:40:00 AM

Client Sample ID: X102

Matrix: SOLID

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
METALS ANALYSIS		SW6020		(SWJ050B)		Analyst: JTC
Arsenic	4.11	2.00		mg/Kg	2	1/31/2008 05:10:00 AM
Barium	37.8	0.500		mg/Kg	2	1/31/2008 05:10:00 AM
Cadmium	10.0	0.500		mg/Kg	2	1/31/2008 05:10:00 AM
Chromium	6.34	1.00		mg/Kg	2	1/31/2008 05:10:00 AM
Lead	113	0.500		mg/Kg	2	1/31/2008 05:10:00 AM
Mercury	0.046	0.100	J	mg/Kg	2	1/31/2008 05:10:00 AM
Selenium	0.46	0.500	J	mg/Kg	2	1/31/2008 05:10:00 AM
Silver	U	0.500		mg/Kg	2	1/31/2008 05:10:00 AM
TCLP METALS ANALYSIS		SW6020		(SW3005A)		Analyst: MCL
Arsenic	0.0025	0.0050	J	mg/L	1	2/3/2008 06:09:00 AM
Barium	0.419	0.0020		mg/L	1	2/3/2008 06:09:00 AM
Cadmium	0.0262	0.0010		mg/L	1	2/3/2008 06:09:00 AM
Chromium	0.0040	0.0050	J	mg/L	1	2/3/2008 06:09:00 AM
Lead	0.0053	0.0020		mg/L	1	2/3/2008 06:09:00 AM
Mercury	0.0002	0.0002		mg/L	1	2/3/2008 06:09:00 AM
Selenium	0.0041	0.0050	J	mg/L	1	2/3/2008 06:09:00 AM
Silver	0.0203	0.0050		mg/L	1	2/3/2008 06:09:00 AM
PH ANALYSIS		SW9045C				Analyst: RMN
pH	7.41	0.01		pH Units	1	1/31/2008 11:12:00 AM

Prairie Analytical Systems, Inc.

Date: 11-Feb-08

CLIENT: Illinois Environmental Protection Agency
 Project: BOL # 1798095009 / Clouse Darrell

Lab Order: 0801548

Lab ID: 0801548-003

Collection Date: 1/30/2008 09:40:00 AM

Client Sample ID: X103

Matrix: SOLID

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
METALS ANALYSIS		SW6020		(SW3050B)		Analyst: JTC
Arsenic	10.3	2.00		mg/Kg	2	1/31/2008 05:19:00 AM
Barium	268	0.500		mg/Kg	2	1/31/2008 05:19:00 AM
Cadmium	7.93	0.500		mg/Kg	2	1/31/2008 05:19:00 AM
Chromium	12.1	1.00		mg/Kg	2	1/31/2008 05:19:00 AM
Lead	141	0.500		mg/Kg	2	1/31/2008 05:19:00 AM
Mercury	0.109	0.100		mg/Kg	2	1/31/2008 05:19:00 AM
Selenium	0.600	0.500		mg/Kg	2	1/31/2008 05:19:00 AM
Silver	U	0.500		mg/Kg	2	1/31/2008 05:19:00 AM
TCLP METALS ANALYSIS		SW6020		(SW3005A)		Analyst: MCL
Arsenic	U	0.0050		mg/L	1	2/3/2008 06:19:00 AM
Barium	0.401	0.0020		mg/L	1	2/3/2008 06:19:00 AM
Cadmium	0.0278	0.0010		mg/L	1	2/3/2008 06:19:00 AM
Chromium	0.0033	0.0050	J	mg/L	1	2/3/2008 06:19:00 AM
Lead	0.0039	0.0020		mg/L	1	2/3/2008 06:19:00 AM
Mercury	0.0002	0.0002		mg/L	1	2/3/2008 06:19:00 AM
Selenium	0.0027	0.0050	J	mg/L	1	2/3/2008 06:19:00 AM
Silver	U	0.0050		mg/L	1	2/3/2008 06:19:00 AM
PH ANALYSIS		SW9045C				Analyst: RMN
pH	7.32	0.01		pH Units	1	1/31/2008 11:13:00 AM

Prairie Analytical Systems, Inc.

Qualifiers:

B - Analyte detected in the associated method blank.

E - Value above quantitation range.

H - Analysis performed past holding time.

HT - Sample received past holding time.

J - Analyte detected between RL and MDL.

R - RPD outside acceptance limits.

S - Spike recovery outside acceptance limits.

U - Analyte not detected (i.e. less than RL or MDL).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

PCB No. 12-21

ALTIVITY PACKAGING, L.L.C.,)

a Delaware limited liability company,)

INTRA-PLANT MAINTENANCE)

CORPORATION, an Illinois corporation,)

IRONHUSTLER EXCAVATING, INC.,)

an Illinois corporation, and)

RON BRIGHT, d/b/a Quarter Construction,)

Respondents.)

REQUEST FOR ADMISSION OF FACT AND GENUINENESS OF DOCUMENTS TO IRONHUSTLER EXCAVATING, INC.

PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rule 216 and Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, submits to Respondent, IRONHUSTLER EXCAVATING, INC. ("IRONHUSTLER"), this request for the admission of the truth of the following specified relevant facts and the genuineness of the attached documents within 28 days after service hereof. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney:

1. ALTIVITY PACKAGING, L.L.C. ("ALTIVITY") contracted with INTRA-PLANT MAINTENANCE CORPORATION ("INTRA-PLANT") for the construction of a new wastewater treatment plant at the ALTIVITY facility located in Pekin, Illinois.

2. INTRA-PLANT retained the services of Testing Service Corporation ("TSC") to determine soil conditions at the location of the proposed new wastewater treatment plant.

3. INTRA-PLANT subcontracted the excavation and disposal of fill material generated in the construction of the new wastewater treatment plant to IRONHUSTLER.

4. Attached hereto as Exhibit "A" is a true and correct copy of the "Subcontract Agreement" between INTRA-PLANT and IRONHUSTLER.

5. The Subcontract Agreement provided that "[a]ll unsuitable material shall be hauled off site and disposed of legally" by IRONHUSTLER.

6. Attached hereto as Exhibit "B" is a true and correct copy of the TSC "Report of Soils Exploration" dated January 4, 2008.

7. The TSC "Report of Soils Exploration" dated January 4, 2008 was an exhibit to the Subcontract Agreement.

8. IRONHUSTLER received a copy of the TSC Report of Soils Exploration prior to the excavation of the fill material.

9. TSC determined that the "miscellaneous fill material" at location of the proposed treatment plant included "deposits of silt, sand and gravel along with notable amounts of cinders and brick" (page 4).

10. Because of the nature of the miscellaneous fill material, TSC recommended removal and replacement of this material or construction of a deeper foundation for the treatment plant extending below the material (page 4).

11. Because of the "miscellaneous debris within the fill," TSC recommended the material not be reused (page 5).

12. Attached hereto as Exhibit "C" is a true and correct copy of the INTRA-PLANT "scope letter Dated 1-7-08" referenced in the Subcontract Agreement.

13. On January 24, 2008, the Illinois EPA conducted an inspection of the sand and gravel pit located at Hopedale, Illinois, operated by RON BRIGHT, d/b/a Quarter Construction ("BRIGHT").

14. IRONHUSTLER hauled the miscellaneous fill material from the ALTIMITY facility to the sand and gravel pit operated by BRIGHT between January 7, 2008 and January 24, 2008.

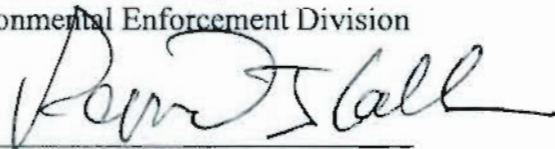
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN,

Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY:



RAYMOND J. CALLERY
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Date: June 20, 2012.



SUBCONTRACT AGREEMENT

Contract No. 07-231-6

Project Name: Treatment Building

Owner: Altiivity Packaging

Subcontractor: IronHustler Excavating *Inc.*
P.O. Box 120026 Peoria, IL. 61614
309-691-9894 Fax 309-691-2690

IPM Corp. Job #: 07-231

DOCUMENTS TO BE INCORPORATED INTO THIS AGREEMENT:

1. Soils Report as Produced By TSC Dated January 4, 2008
2. Attachment "C" - Contractor's Insurance Requirements

SCOPE OF WORK:

IronHustler shall provide all labor, material and equipment to excavate the building area approximately 50' wide x 100' long and 11' deep. The excavation shall be backfilled and compacted as per the soils engineer's requirements for materials and compaction. All unsuitable material shall be hauled off site and disposed of legally. *Backfill to -3' 0" per IPM scope letter Dated 1-7-08 RES. 1-29-08 (ATTACHED)*

Any obstructions encountered or utilities uncovered will be removed and repaired by IPM if required. The resulting downtime will be handled on a time and material basis with our on site supervision.

This agreement is made this 21 day of January, 2008, by and between IPM Corp. (hereafter called Contractor) and Ironhustler Excavating (hereafter called Subcontractor) to perform the work identified above under Scope of Work, in accordance with the Documents listed above. This is a tax exempt project the owner's tax exempt number is 2494-0658. We will bill Altiivity as soon as your work is complete the turnaround time on their purchase orders is usually 30 days. Please reference our job number on all invoicing.

Contract Amount: \$ 53,805.00 (Fifty Three Thousand Eight Hundred Five Dollars and xx/100)

In witness whereof, the parties have executed this Agreement under Seal, the day and year first written above.

Contractor:
IPM Corp.

By: Peter D. Wintersteen

Signed: *Peter D. Wintersteen*

Title: Proj. Mgr.

Subcontractor:

IronHustler Excavating *Inc.*

By: (print) Kenneth E Sidwell

Signed: *Kenneth E Sidwell*

Title: Vice-Pres.

Subcontractor's Fed. ID #: 37-1242591





Exhibit B



TESTING SERVICE CORPORATION

Corporate Office

360 S. Main Place, Carol Stream, IL 60188-2404
630.462.2600 • Fax 630.653.2988

Local Offices:

1701 W. Market Street, Suite B, Bloomington, IL 61701-2641
309.821.0430 • Fax 309.821.1242

457 E. Gundersen Drive, Carol Stream, IL 60188-2492
630.653.3920 • Fax 630.653.2726

209 Cleveland Street, Suite C, Cary, IL 60013-2978
847.516.0505 • Fax 847.516.0527

650 Peace Road, Suite D, DeKalb, IL 60115
815.748.2100 • Fax 815.748.2110

401 Riverside Drive, Suite 24, Gurnee, IL 60031-5906
847.249.6040 • Fax 847.249.6042

203 Earl Road, Suite A, Shorewood, IL 60431-9408
815.744.1510 • Fax 815.744.1728

8201 W. 183rd Street, Suite C, Tinley Park, IL 60477-9249
708.429.2080 • Fax 708.429.2144

Geotechnical & Environmental Engineering



Construction Materials Engineering & Testing



Laboratory Testing of Soils, Concrete & Asphalt



Geo-Environmental Drilling & Sampling

Report of Soils Exploration

**Treatment Building
Activity Packaging
Pekin, Illinois**

Intra-Plant Maintenance

January 4, 2008

L - 70,618

REPORT OF SOILS EXPLORATION
TREATMENT BUILDING
ACTIVITY PACKAGING
PEKIN, ILLINOIS

PREPARED FOR
INTRA-PLANT MAINTENANCE
3116 NORTH MAIN STREET
EAST PEORIA, ILLINOIS 61611

PREPARED BY
TESTING SERVICE CORPORATION
1701 WEST MARKET STREET
BLOOMINGTON, ILLINOIS 61701

January 4, 2008

L - 70,618

REPORT OF SOILS EXPLORATION
TREATMENT BUILDING
ACTIVITY PACKAGING
PEKIN, ILLINOIS

INTRODUCTION

This report presents results of our site exploration which was performed to determine subsurface soil and groundwater conditions for the proposed treatment building to be located at Activity Packaging in Pekin, Illinois. The geotechnical services were performed at the request of Mr. Pete Wintersteen of Intra-Plant Maintenance in accordance with the scope of services outlined in TSC Proposal No. 39,772, dated November 19, 2007, and the attached General Conditions which are incorporated herein by reference. Results of field and laboratory work and recommendations based upon that work are included in the following sections of this report.

SITE/PROJECT DESCRIPTION

The existing Activity Packaging facility is located at 1525 South Second Street in Pekin, Illinois. The new treatment building is planned on the south central portion of the facility directly west of the existing boiler house. At the time our field exploration was completed, preliminary site work including installation of new underground utility lines was in progress. Based upon ground surface elevations at the boring locations, the site was fairly level with a change in grade of less than one-half foot within the limits of our exploration. Ground surface elevations at each of the borings are shown on the Boring Location Plan included in the Appendix of this report.

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We understand that the new treatment building will be a pre-engineered metal building. It will be a single story, slab on grade structure with overall plan dimensions of 40' x 90'. We have assumed that minimal changes to the existing grades will be required to complete the planned construction. The proposed new site features are shown on the Boring Location Plan.

FIELD EXPLORATION

A total of three (3) soil test borings were completed on the project site near opposite corners and the center of the planned building. Two (2) of these borings were extended to a depth of 15 feet below the existing ground surface. The remaining boring was drilled to a depth of 20 feet in order to provide subsurface information below relatively loose deposits which were encountered in the upper zones. The boring locations are shown on the Boring Location Plan.

The borings were drilled and sampled according to currently recommended American Society for Testing and Materials (ASTM) specifications. Outlines of these procedures are included in the Appendix. Soil sampling was performed at 2-1/2 foot intervals to a depth of 15 feet and at 5 foot intervals thereafter to the termination depth of each boring. Samples were obtained in conjunction with the Standard Penetration Test, for which the driving resistance of a 2 inch diameter split-spoon sampler provides an indication of the relative density of granular materials and consistency of cohesive soils. Water level readings were taken during and following completion of the drilling operations.

LABORATORY TESTING

Soil samples were examined in the laboratory to verify field descriptions and to determine classifications in accordance with the Unified Classification System. Laboratory testing included moisture content determinations on all cohesive soil types. Measurements of unconfined compressive strengths on natural cohesive soil samples were made. A calibrated penetrometer was also utilized to provide estimates of the unconfined compressive strength.

All phases of the laboratory testing program were conducted in general accordance with applicable ASTM standards. The results of these tests are shown on the Boring Logs included in the Appendix.

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SUBSURFACE CONDITIONS

Deposits of miscellaneous fill materials were noted at the ground surface at each of the boring locations. The fill included deposits of silt, sand and gravel along with notable amounts of cinders and brick fragments. In the upper 3 to 7 feet, this fill is firm in relative density with N values in excess of 10 blows per foot. At greater depths, these deposits are loose in relative density with N values of 2 to 4 blows per foot. The fill appears to extend to depths ranging from approximately 7 to 11 feet below the ground surface.

The underlying native soils consist predominately of sand with some silt. These soils are also loose in relative density with N values between 2 and 6 blows per foot. These soils were sampled to the bottom of Borings B-1 and B-3 which were terminated at a depth of 15 feet. At Boring B-2, drilled in the approximate center of the planned building, the loose native soils were noted to a depth of approximately 16 feet. The underlying deposits consist of very tough silty clay which has an unconfined compressive strength of 3.0 tons per square foot (tsf). The clay soils were noted to a depth of slightly more than 19 feet where loose sand and gravel was noted to the termination depth of 20 feet.

Each of the bore holes were dry while drilling and upon completion and removal of the augers indicating that groundwater was in excess of 20 feet below grade at the time our field exploration was completed.

RECOMMENDATIONS

Foundation Recommendations

As previously noted, the near surface soils consist of previously placed fill which is generally very loose at and below conventional bearing depths typically associated with a shallow spread footing foundation system. Furthermore, the underlying native soils consist of loose silt and/or sand to a depth of approximately 15 feet with low strength clays to a depth of approximately 16 feet. Significant settlement of foundations bearing on or above these deposits is expected. To minimize the potential for excessive settlement, removal and replacement of the loose fill or construction of a deeper foundation extending below the fill to allow for bearing on the higher strength native clay soils found at a depth of about 16 feet at Boring B-2 will be required.

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In order to remove the existing fill, it appears that an excavation extending to a depth of approximately 11 feet below the existing ground surface will be required. In view of the miscellaneous debris within the fill, we do not recommend re-use of this material. After the existing fill is removed, we recommend that the exposed sand be densified in place with vibratory compaction equipment prior to placing new fill. The replacement fill may consist of clean crushed aggregate or sand and gravel. An aggregate gradation conforming to Illinois Department of Transportation (IDOT) criteria for CA-1, CA-3, CA-5 and CA-7 generally has a maximum size of 3 inches and a minimum size of 1/4 inch and contains no fines. This material type is not as sensitive to moisture conditions at the time of placement and generally required less compactive effort to obtain the required stability. If this type of material is used, it should be placed in 12 inch lifts and each lift should be compacted with vibratory compaction equipment to provide densification.

Sand and gravel with up to 15 percent fine material passing the #200 sieve may also be used as replacement fill. This material type does require a greater level of moisture control and more compactive effort to achieve the required stability. It is recommended that compaction be to a minimum of 95 percent of maximum dry unit weight as determined by the Modified Proctor Test (ASTM D 1557). The fill should also be placed in approximate 9-inch lifts loose measure, with each lift compacted to the specified dry unit weight prior to placement of additional fill. It is recommended the moisture content of the new fill be within 3 percent of the optimum moisture as established by the Modified Proctor Test. If the fill is compacted too dry, it will have an apparent stability which will be lost if it later becomes saturated. If the fill is too wet, the Contractor will not be able to achieve proper compaction.

Conventional spread footings bearing on the new fill may be designed using a net allowable bearing pressure of 3,000 pounds per square foot (psf). For frost considerations, all exterior footings should be constructed at least 3-1/2 feet below the exterior finished grade and 4 feet below grade for foundations located outside of heated building limits. Interior footings may be constructed at higher elevations as long as they are protected against frost heave in the event of winter construction.

An alternate to removal and replacement of the existing loose fill materials is to support the structure on a drilled pier foundation system. Based upon the subsurface conditions at Boring B-2, it appears that drilled piers extending to a depth of 16 feet will be required to provide support below the loose deposits. Should this foundation system be selected, a net allowable bearing pressure of 5,000 psf is recommended for design.

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In view of the presence of the loose fill and sand deposits above the recommended bearing depth, it is recommended that temporary steel casing be used to support the walls of the shaft. These loose overlying deposits will also make construction of belled caissons impractical. The use of casing will also reduce the inflow of water during drilling and cleaning operations should groundwater be encountered. Pumps may also be required to remove water that does seep into the shaft to allow placement of concrete under dry conditions.

Care should be exercised in the installation of the casing to make sure that it is sealed into a clay layer that will maintain a water-tight seal when the soil is removed from inside the casing. The last few feet of clay drilling and the removal of a portion of the clay from inside the casing should be delayed until concrete is on the job. When the drilling operations and inspections are complete, concrete should be placed inside the casing immediately. During simultaneous concrete placing and casing removal operations, sufficient concrete should be maintained inside the casing to offset the hydrostatic head of the groundwater outside the casing and prevent the intrusion of soil and groundwater in the pier concrete.

Drilled pier shafts must be clean and free of all loose material prior to the placement of concrete. A qualified representative of the soils engineer should document that the drilled piers are bearing on competent bearing materials and that the installation procedures meet specifications.

It should be noted that there is some risk of settlement resulting in cracking of the floor slab if it is supported on or above the existing loose fill. If a drilled pier foundation system is selected and the existing fill is not removed, design and construction of a structural slab supported on this foundation is suggested to minimize the potential of settlement and cracking.

Groundwater Control

Based upon measurements made during completion of the soil borings, minimal amounts of groundwater seepage are anticipated during site excavating and/or foundation construction. We anticipate that conventional sump and pump arrangements will be capable of removing groundwater seepage or surface runoff during periods of wet weather.

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CLOSURE

It is recommended that full time site observations and testing be provided by Testing Service Corporation personnel during foundation construction to document that soils capable of achieving the recommended bearing capacity have been encountered at the planned bearing elevation. In addition, monitoring of building materials and fill placement and compaction should be completed to document compliance with the recommended procedures and specifications.

The analysis and recommendations submitted in this report are based upon the data obtained from the three (3) soil borings performed at the locations indicated on the Boring Location Plan. This report does not reflect any variations which may occur between these borings, the nature and extent of which may not become evident until during the course of construction. If variations are then identified, the recommendations contained in this report should be reevaluated after performing on-site observations.

We are available to review this report with you at your convenience.

A handwritten signature in black ink, appearing to read "D. P. Ramsey", with a large, sweeping flourish extending to the right.

Douglas P. Ramsey
Registered Professional Engineer
Illinois No. 062-040905



TESTING SERVICE CORPORATION

GENERAL CONDITIONS

Geotechnical and Construction Services

1. PARTIES AND SCOPE OF WORK: If Client is ordering the services on behalf of another, Client represents and warrants that Client is the duly authorized agent of said party for the purpose of ordering and directing said services, and in such case the term "Client" shall also include the principal for whom the services are being performed. Prices quoted and charged by TSC for its services are predicated on the conditions and the allocations of risks and obligations expressed in these General Conditions. Unless otherwise stated in writing, Client assumes sole responsibility for determining whether the quantity and the nature of the services ordered by Client are adequate and sufficient for Client's intended purpose. Unless otherwise expressly assumed in writing, TSC's services are provided exclusively for client. TSC shall have no duty or obligation other than those duties and obligations expressly set forth in this Agreement. TSC shall have no duty to any third party. Client shall communicate these General Conditions to each and every party to whom the Client transmits any report prepared by TSC. Ordering services from TSC shall constitute acceptance of TSC's proposal and these General Conditions.

2. SCHEDULING OF SERVICES: The services set forth in this Agreement will be accomplished in a timely and workmanlike manner. If TSC is required to delay any part of its services to accommodate the requests or requirements of Client, regulatory agencies, or third parties, or due to any cause beyond its reasonable control, Client agrees to pay such additional charges, if any, as may be applicable.

3. ACCESS TO SITE: TSC shall take reasonable measures and precautions to minimize damage to the site and any improvements located thereon as a result of its services or the use of its equipment; however, TSC has not included in its fee the cost of restoration of damage which may occur. If Client desires or requires TSC to restore the site to its former condition, TSC will, upon written request, perform such additional work as is necessary to do so and Client agrees to pay to TSC the cost thereof plus TSC's normal markup for overhead and profit.

4. CLIENT'S DUTY TO NOTIFY ENGINEER: Client represents and warrants that Client has advised TSC of any known or suspected hazardous materials, utility lines and underground structures at any site at which TSC is to perform services under this agreement.

5. DISCOVERY OF POLLUTANTS: TSC's services shall not include investigation for hazardous materials as defined by the Resource Conservation Recovery Act, 42 U.S.C. § 6901, et. seq., as amended ("RCRA") or by any state or Federal statute or regulation. In the event that hazardous materials are discovered and identified by TSC, TSC's sole duty shall be to notify Client.

6. MONITORING: If this Agreement includes testing construction materials or observing any aspect of construction of improvements, Client's construction personnel will verify that the pad is properly located and sized to meet Client's projected building loads. Client shall cause all tests and inspections of the site, materials and work to be timely and properly performed in accordance with the plans, specifications, contract documents, and TSC's recommendations. No claims for loss, damage or injury shall be brought against TSC unless all tests and inspections have been so performed and unless TSC's recommendations have been followed.

TSC's services shall not include determining or implementing the means, methods, techniques or procedures of work done by the contractor(s) being monitored or whose work is being tested. TSC's services shall not include the authority to accept or reject work or to in any manner supervise the work of any contractor. TSC's services or failure to

perform same shall not in any way operate or excuse any contractor from the performance of its work in accordance with its contract. "Contractor" as used herein shall include subcontractors, suppliers, architects, engineers and construction managers.

Information obtained from borings, observations and analyses of sample materials shall be reported in formats considered appropriate by TSC unless directed otherwise by Client. Such information is considered evidence, but any inference or conclusion based thereon is, necessarily, an opinion also based on engineering judgment and shall not be construed as a representation of fact. Subsurface conditions may not be uniform throughout an entire site and ground water levels may fluctuate due to climatic and other variations. Construction materials may vary from the samples taken. Unless otherwise agreed in writing, the procedures employed by TSC are not designed to detect intentional concealment or misrepresentation of facts by others.

7. SAMPLE DISPOSAL: Unless otherwise agreed in writing, test specimens or samples will be disposed immediately upon completion of the test. All drilling samples or specimens will be disposed sixty (60) days after submission of TSC's report.

8. TERMINATION: This Agreement may be terminated by either party upon seven days prior written notice. In the event of termination, TSC shall be compensated by Client for all services performed up to and including the termination date, including reimbursable expenses.

9. PAYMENT: Client shall be invoiced periodically for services performed. Client agrees to pay each invoice within thirty (30) days of its receipt. Client further agrees to pay interest on all amounts invoiced and not paid or objected to in writing for valid cause within sixty (60) days at the rate of twelve (12%) per annum (or the maximum interest rate permitted by applicable law, whichever is the lesser) until paid and TSC's costs of collection of such accounts, including court costs and reasonable attorney's fees.

10. WARRANTY: TSC's professional services will be performed, its findings obtained and its reports prepared in accordance with these General Conditions and with generally accepted principles and practices. In performing its professional services, TSC will use that degree of care and skill ordinarily exercised under similar circumstances by members of its profession. In performing physical work in pursuit of its professional services, TSC will use that degree of care and skill ordinarily used under similar circumstances. This warranty is in lieu of all other warranties or representations, either express or implied. Statements made in TSC reports are opinions based upon engineering judgment and are not to be construed as representations of fact.

Should TSC or any of its employees be found to have been negligent in performing professional services or to have made and breached any express or implied warranty, representation or contract, Client, all parties claiming through Client and all parties claiming to have in any way relied upon TSC's services or work agree that the maximum aggregate amount of damages for which TSC, its officers, employees and agents shall be liable is limited to \$50,000 or the total amount of the fee paid to TSC for its services performed with respect to the project, whichever amount is greater.

In the event Client is unwilling or unable to limit the damages for which TSC may be liable in accordance with the provisions set forth in the preceding paragraph, upon written request of Client received within five days of Client's acceptance of TSC's proposal together with payment of an additional fee in the amount of 5% of TSC's estimated cost for its services (to be adjusted to 5% of the amount actually billed by TSC

for its services on the project at time of completion), the limit on damages shall be increased to \$500,000 or the amount of TSC's fee, whichever is the greater. This charge is not to be construed as being a charge for insurance of any type, but is increased consideration for the exposure to an award of greater damages.

11. INDEMNITY: Subject to the provisions set forth herein, TSC and Client hereby agree to indemnify and hold harmless each other and their respective shareholders, directors, officers, partners, employees, agents, subsidiaries and division (and each of their heirs, successors, and assigns) from any and all claims, demands, liabilities, suits, causes of action, judgments, costs and expenses, including reasonable attorneys' fees, arising, or allegedly arising, from personal injury, including death, property damage, including loss of use thereof, due in any manner to the negligence of either of them or their agents or employees or independent contractors. In the event both TSC and Client are found to be negligent or at fault, then any liability shall be apportioned between them pursuant to their pro rata share of negligence or fault. TSC and Client further agree that their liability to any third party shall, to the extent permitted by law, be several and not joint. The liability of TSC under this provision shall not exceed the policy limits of insurance carried by TSC. Neither TSC nor Client shall be bound under this indemnity agreement to liability determined in a proceeding in which it did not participate represented by its own independent counsel. The indemnities provided hereunder shall not terminate upon the termination or expiration of this Agreement, but may be modified to the extent of any waiver of subrogation agreed to by TSC and paid for by Client.

12. SUBPOENAS: TSC's employees shall not be retained as expert witnesses except by separate, written agreement. Client agrees to pay TSC pursuant to TSC's then current fee schedule for any TSC employee(s) subpoenaed by any party as an occurrence witness as a result of TSC's services.

13. OTHER AGREEMENTS: TSC shall not be bound by any provision or agreement (i) requiring or providing for arbitration of disputes or controversies arising out of this Agreement or its performance, (ii) wherein TSC waives any rights to a mechanics lien or surety bond claim; (iii) that conditions TSC's right to receive payment for its services upon payment to Client by any third party or (iv) that requires TSC to indemnify any party beyond its own negligence. These General Conditions are notice, where required, that TSC shall file a lien whenever necessary to collect past due amounts. This Agreement contains the entire understanding between the parties. Unless expressly accepted by TSC in writing prior to delivery of TSC's services, Client shall not add any conditions or impose conditions which are in conflict with those contained herein, and no such additional or conflicting terms shall be binding upon TSC. The unenforceability or invalidity of any provision or provisions shall not render any other provision or provisions unenforceable or invalid. This Agreement shall be construed and enforced in accordance with the laws of the State of Illinois. In the event of a dispute arising out of or relating to the performance of this Agreement, the breach thereof or TSC's services, the parties agree to try in good faith to settle the dispute by mediation under the Construction Industry Mediation Rules of the American Arbitration Association as a condition precedent to filing any demand for arbitration, or any petition or complaint with any court. Should litigation be necessary, the parties consent to jurisdiction and venue in an appropriate Illinois State Court in and for the County of DuPage, Wheaton, Illinois or the Federal District Court for the Northern District of Illinois. Paragraph headings are for convenience only and shall not be construed as limiting the meaning of the provisions contained in these General Conditions.

Important Information About Your

Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

The following information is provided to help you manage your risks.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *safely* for the client. *No one except you* should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one—not even you—*should apply the report for any purpose or project except the one originally contemplated.

Read the full report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, *do not rely on a geotechnical engineering report* that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when

it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions *only* at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an *opinion* about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are Not Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

A Geotechnical Engineering Report Is Subject To Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the

report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time to perform additional study.* Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce such risks, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations", many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Rely on Your Geotechnical Engineer for Additional Assistance

Membership in ASFE exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.

ASFE

8811 Colesville Road Suite G106 Silver Spring, MD 20910

Telephone: 301-565-2733 Facsimile: 301-589-2017

email: info@asfe.org www.asfe.org

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APPENDIX

PROCEDURES FOLLOWED IN FIELD
INVESTIGATION AND LABORATORY TESTING

UNIFIED CLASSIFICATION CHART

LEGEND FOR BORING LOGS

BORING LOGS

BORING LOCATION PLAN

PROCEDURES FOLLOWED IN

FIELD INVESTIGATION AND LABORATORY TESTING

These borings were made using a truck-mounted drill rig with the bore holes being advanced by continuous auger flight methods. Sample were taken according to currently recommended ASTM procedures for Split-Spoon Sampling of Soils. A copy of the procedure which is entitle "Standard Method of PENETRATION TEST AND SPLIT-BARREL SAMPLING OF SOILS, ASTM Designation: 1584-84" is included in the Appendix. The Split-Spoon sampler had an outside diameter of 2 inches, an inside diameter of 1-3/8 inches and a length of 2 feet. This sampler was advanced by driving with a 140-pound weight falling freely from a height of 30 inches. The penetration resistance of the "N" value is a measure of the softness or the toughness of a clay soil and is, in general, related to the bearing capacity of the materials. Other factors are usually taken into consideration in arriving at a design bearing capacity value and these include the type of soil, the type of loading, the dimensions and depths of footing below the ground surface and proximity of the ground water table to the base of footings.

Representative portions of the Split-Spoon samples were placed in placed in glass containers with screw-type lids and taken to the laboratory for further examination and testing. Laboratory work consisted of the water content determinations for most of the samples with unconfined compression strength tests being performed for representative samples. Also, approximate measurements of the unconfined compression strengths were made for some of the samples using a calibrated pocket penetrometer. The pocket penetrometer is an indirect method for evaluating the compression strength of a clay soil. Usually, the unconfined compression strength of a clay soil is considered to represent the bearing capacity which may be used for design purposes for footings placed on clay. All samples were examined by a qualified Geotechnical Engineer with a field classifications being verified.

TESTING SERVICE CORPORATION
UNIFIED CLASSIFICATION CHART

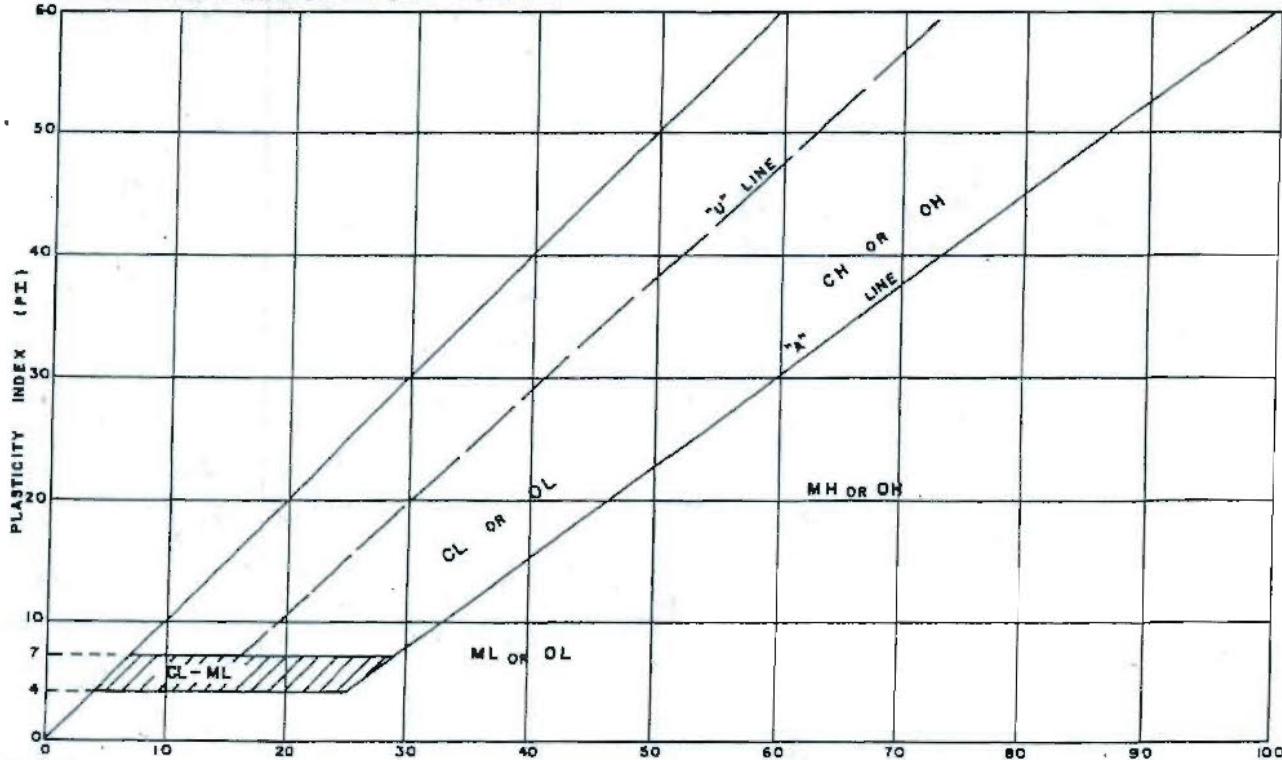
CRITERIA FOR ASSIGNING GROUP SYMBOLS AND GROUP NAMES USING LABORATORY TESTS ^a				SOIL CLASSIFICATION		
				GROUP SYMBOL	GROUP NAME ^b	
COARSE-GRAINED SOILS more than 50% retained on No. 200 sieve	GRAVELS More than 50% of coarse fraction retained on No. 4 sieve	CLEAN GRAVELS Less than 5% fines ^c	$C_u \geq 4$ and $1 \leq C_c \leq 3$ ^e	GW	Well graded gravel ^f	
			$C_u < 4$ and/or $1 > C_c > 3$ ^e	GP	Poorly graded gravel ^f	
		GRAVELS WITH FINES More than 12% fines ^c	Fines classify as ML or MH	GM	Silty gravel ^{f,g,h}	
			Fines classify as CL or CH	GC	Clayey gravel ^{f,g,h}	
	SANDS 50% or more of coarse fraction passes No. 4 sieve	CLEAN SANDS Less than 5% fines ^d	$C_u \geq 6$ and $1 \leq C_c \leq 3$ ^e	SW	Well-graded sand ⁱ	
			$C_u < 6$ and/or $1 > C_c > 3$ ^e	SP	Poorly graded sand ⁱ	
		SANDS WITH FINES More than 12% fines ^d	Fines classify as ML or MH	SM	Silty sand ^{g,h,f}	
			Fines classify as CL or CH	SC	Clayey sand ^{g,h,f}	
FINE-GRAINED SOILS 50% or more passed the No. 200 sieve	SILTS & CLAYS Liquid limit less than 50%	Inorganic	PI ≥ 7 and plots on or above "A" line ^j	CL	Lean clay ^{k,l,m}	
			PI < 4 or plots below "A" line ^j	ML	Silt ^{k,l,m}	
		Organic	$\frac{\text{Liquid limit - oven dried}}{\text{Liquid limit - not dried}} < 0.75$	OL	Organic clay ^{k,l,m,n} Organic silt ^{k,l,m,o}	
		SILTS & CLAYS Liquid limit 50% or more	Inorganic	PI plots on or above "A" line	CH	Fat clay ^{k,l,m}
	PI plots below "A" line			MH	Elastic silt ^{k,l,m}	
	Organic		$\frac{\text{Liquid limit - oven dried}}{\text{Liquid limit - not dried}} < 0.75$	OH	Organic clay ^{k,l,m,p} Organic silt ^{k,l,m,q}	
	Highly organic soils		Primarily organic matter, dark in color, and organic odor			PT

- a. Based on the material passing the 3-in (75-mm) sieve.
- b. If field sample contained cobbles and/or boulders, add "with cobbles and/or boulders" to group name.
- c. Gravels with 5 to 12% fines require dual symbols
GW-GM well graded gravel with silt
GW-GC well graded gravel with clay
GP-GM poorly graded gravel with silt
GP-GC poorly graded gravel with clay
- d. Sands with 5% to 12% fines require dual symbols
SW-SM well graded sand with silt
SW-SC well graded sand with clay
SP-SM poorly graded sand with silt
SP-SC poorly graded sand with clay

- i. If Atterberg Limits plot in hatched area, soil is o CL-ML, silty clay.
- k. If soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel" whichever is predominant.
- l. If soil contains $\geq 30\%$ plus No. 200, predominantly sand, add "sandy" to group name.
- m. If soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.
- n. PI ≥ 4 and plots on or above "A" line.
- o. PI ≥ 4 or plots below "A" line.
- p. PI plots on or above "A" line.
- q. PI plots below "A" line.

$$C_u = \frac{D_{60}}{D_{10}} \quad C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$$

- r. If soil contains $\geq 15\%$ sand, add "with sand" to group name.
- g. If fines classify as CL-ML, use dual symbol GC-GM, SC-SM.
- h. If fines are organic, add "with organic fines" to group name.
- i. If soil contains $\geq 15\%$ gravel, add "with gravel" to group name.



TESTING SERVICE CORPORATION

LEGEND FOR BORING LOGS



FILL



TOPSOIL



PEAT



GRAVEL



SAND



SILT



CLAY



DOLOMITE

SAMPLE TYPE:

- SS = Split Spoon
- ST = Thin-Walled Tube
- A = Auger

FIELD AND LABORATORY TEST DATA:

- N = Standard Penetration Resistance in Blows per Foot
- Wc = In-Situ Water Content
- Qu = Unconfined Compressive Strength in Tons per Square Foot
- * Pocket Penetrometer Measurement; Maximum Reading = 4.5 tsf
- γD = Dry Unit Weight in Pounds per Cubic Foot

WATER LEVELS:

- ▽ While Drilling
- ▽ End of Boring
- ▼ 24 Hours

SOIL DESCRIPTION:

MATERIAL

- BOULDER
- COBBLE
- Coarse GRAVEL
- Small GRAVEL
- Coarse SAND
- Medium SAND
- Fine SAND
- SILT and CLAY

PARTICLE SIZE RANGE

- Over 12 inches
- 12 inches to 3 inches
- 3 inches to ¾ inch
- ¾ inch to No. 4 Sieve
- No. 4 Sieve to No. 10 Sieve
- No. 10 Sieve to No. 40 Sieve
- No. 40 Sieve to No. 200 Sieve
- Passing No. 200 Sieve

COHESIVE SOILS

<u>CONSISTENCY</u>	<u>Qu</u>
Very Soft	Less than 0.3
Soft	0.3 to 0.6
Stiff	0.6 to 1.0
Tough	1.0 to 2.0
Very Tough	2.0 to 4.0
Hard	4.0 and over

COHESIONLESS SOILS

<u>RELATIVE DENSITY</u>	<u>N</u>
Very Loose	0 - 4
Loose	4 - 10
Firm	10 - 30
Dense	30 - 50
Very Dense	50 and over

MODIFYING TERM

- Trace
- Little
- Some

PERCENT BY WEIGHT

- 1 - 10
- 10 - 20
- 20 - 35

PROJECT Treatment Building, Activity Packaging, Pekin, Illinois

CLIENT Intra-Plant Maintenance, 3116 N. Main St., East Peoria, IL 61611



BORING B-1 DATE STARTED 12-21-07 DATE COMPLETED 12-21-07 JOB L-70,618

ELEVATIONS
 GROUND SURFACE 99.8
 END OF BORING 84.8

WATER TABLE
 ▽ WHILE DRILLING DRY
 ▽ AT END OF BORING DRY
 ▽ 24 HOURS _____

DISTANCE BELOW SURFACE IN FEET	LENGTH RECOVERY	SAMPLE		N	WC	Qu	Y _{DRY}	DEPTH	ELEV.	SOIL DESCRIPTIONS
		NO.	TYPE							
0										FILL - Brown SAND and GRAVEL (SP/GP)
1.1		1	SS	15					98.7	FILL - CNDERS and BRICK FRAGMENTS, trace silt
3.0		2	SS	4					96.8	FILL - Very loose CINDERS and BRICK FRAGMENTS, trace silt
5		3	SS	3						
8.5		4	SS	3	15.9	0.75*			91.3	Possible Fill - Stiff dark brown sandy CLAY, moist (CL)
11.0		5	SS	4	12.6				88.8	Very loose dark brown sandy SILT, moist (ML)
13.0		6	SS	5	11.3				86.8	Loose brown clayey SAND, trace gravel, moist (SC)
15										End of Boring at 15.0'
										* Approximate unconfined compressive strength based on measurements with a calibrated pocket penetrometer.

PROJECT Treatment Building, Activity Packaging, Pekin, Illinois

CLIENT Intra-Plant Maintenance, 3116 N. Main St., East Peoria, IL 61611



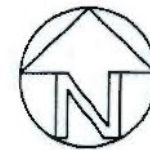
BORING B-2 DATE STARTED 12-21-07 DATE COMPLETED 12-21-07 JOB L-70,618

ELEVATIONS
 GROUND SURFACE 100.0
 END OF BORING 80.0

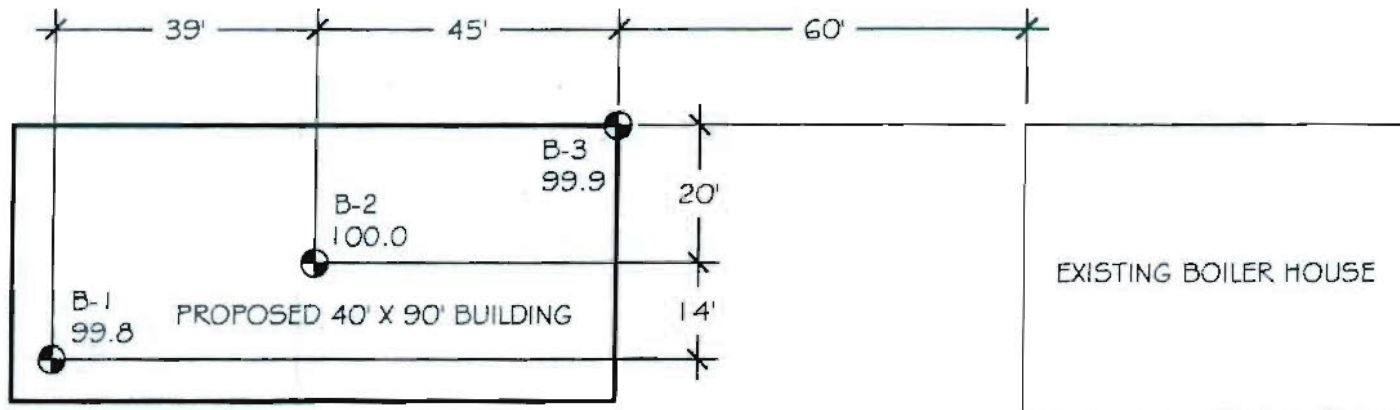
WATER TABLE
 ▽ WHILE DRILLING DRY
 ▽ AT END OF BORING DRY
 ▽ 24 HOURS _____

DISTANCE BELOW SURFACE IN FEET	LENGTH RECOVERY	SAMPLE		N	WC	O _u	γ _{DRY}	DEPTH	ELEV.	SOIL DESCRIPTIONS
		NO.	TYPE							
0										FILL - Brown SAND and GRAVEL (SP/GP)
1.2		1	SS	22	17.0			1.2	98.8	FILL - Firm brown clayey SILT, trace sand, gravel and cinders, moist (ML)
2.5								2.5	97.5	FILL - CINDERS and BRICK FRAGMENTS, trace silt
5.0		2	SS	11				5.0	95.0	FILL - Very loose brownish red silty SAND and BRICK FRAGMENTS
7.5		3	SS	2	21.3			7.5	92.5	FILL - Very loose dark brown sandy SILT and CINDERS, moist (ML)
11.0		4	SS	3	13.0			11.0	89.0	Very loose brown clayey fine SAND, moist (SC)
14.7		A 6 B	SS	4	9.2 12.8	0.75*		14.7	85.3	Stiff brown sandy CLAY, little gravel, moist (CL)
16.0								16.0	84.0	Very tough brown silty CLAY, trace sand, moist (CL)
19.3		A 7 B	SS	8	21.4 11.9	3.00 3.0*		19.3	80.7	Loose brown clayey SAND and GRAVEL, moist (SC/GC)
20										End of Boring at 20.0'

* Approximate unconfined compressive strength based on measurements with a calibrated pocket penetrometer.



NO SCALE



PROPOSED BUILDING CORNERS STAKED BY REPRESENTATIVES OF INTRA-PLANT MAINTENANCE.

BENCHMARK IS TOP OF FINISHED FLOOR AT WEST DOOR OF BOILER HOUSE ASSUMED ELEVATION = 100.0

BORING LOCATION PLAN
GEOTECHNICAL EXPLORATION
ACTIVITY PACKAGING
TREATMENT BUILDING
1525 SOUTH 2ND STREET
PEKIN, ILLINOIS



TESTING SERVICE CORPORATION
1701 W. MARKET STREET, SUITE B
BLOOMINGTON, ILLINOIS 61701

DRAWN BY: MKR

CHECKED BY: DPR

TSC JOB: 70,618

DATE: 12-21-2007



To: All Interested Bidders
From: Pete Wintersteen
Date: January 7, 2008
Re: Pekin Paper Products

We are the contractor for the construction of a new pre-engineered building at Pekin Paper in Pekin, IL. We had hoped for a better soils report for the foundations but that wasn't the case. Please give me a budgetary cost proposal for the excavation of the poor soils to an elevation of -11' - 0" and the compaction of the existing soil at elevation - 11' - 0" and the installation of granular fill and compaction of such up to elevation - 3' - 6". The site is accessible, open, has no overhead hazards, and would be ready for construction as soon as we decide on the best method. Please figure in hauling off all of the pour soil. The building area is fairly flat with a slight grade change of approximately 1' - 0"; the building will be 40' wide and 90' long. If you have any questions you may contact me at 309-472-9631.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 12-21
)	
ALTIVITY PACKAGING, L.L.C.,)	
a Delaware limited liability company,)	
INTRA-PLANT MAINTENANCE)	
CORPORATION, an Illinois corporation,)	
IRONHUSTLER EXCAVATING, INC.,)	
an Illinois corporation, and)	
RON BRIGHT, d/b/a Quarter Construction,)	
)	
Respondents.)	

REQUEST FOR ADMISSION OF FACT AND GENUINENESS OF DOCUMENTS TO RON BRIGHT

PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rule 216 and Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, submits to Respondent, RON BRIGHT, d/b/a Quarter Construction ("BRIGHT"), this request for the admission of the truth of the following specified relevant facts and the genuineness of the attached documents within 28 days after service hereof. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney:

1. On January 24, 2008, the Illinois EPA conducted an inspection of the sand and gravel pit located at Hopedale, Illinois, operated by BRIGHT.
2. IRONHUSTLER EXCAVATING, INC. ("IRONHUSTLER") hauled fill material to the sand and gravel pit sometime before January 24, 2008.

3. Attached hereto as Exhibit "A" is a true and correct copy of the letter and envelope sent by BRIGHT to the Illinois EPA on March 18, 2008.

4. BRIGHT made the decision to allow IRONHUSTLER to haul fill material into the sand and gravel pit.

5. BRIGHT in his March 19, 2008 letter to the Illinois EPA stated that "this fill was to help raise the ground level to slop [t]oward [an] existing pond."

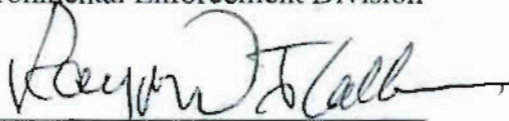
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN,

Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY:



RAYMOND J. CALLERY
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Date: June 20, 2012.

1798095009 -- Tazewell County
Hopedale / Clouse Darrell
FOS

Ron Bright
Quarter Construction Co.
10731 Levy Rd.
Tremont Il. 61568
Certified mail 7005 1820 0003 9021 9287
Violation Notice, L-2008-01047

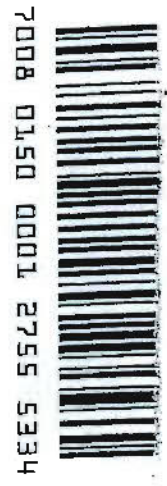
My name is Ron Bright, I own Quarter Const. Co. and I lease a gravel pit from Darrel Clouse. Who is very sick and in and out of the hospital and has no one close around here so I am ansering for both of us. I make the decisions about the pit and let them haul fill in. This is something that has been done in most pits and I had no idea it was something wrong. I always asked about the material coming in so it was clean and not from around a old gas station Or something like that. I live app. 1/2mile from the pit so I don't want my water polluted either. This is the bottom of the pit so there is no water run off from here. The main water is diverted into a existing pond, this fill was to help raise the ground level to slop Toward existing pond I don't want to take everyone's fill and have to make reports and all at This time so there will be no more hauled in. I did not charge for dumping, I did not knowingly Do anything wrong and will do whatever it takes to solve this problem. Please leave the Clouse family out of this, they have enough problems. Ironhustler Excavating Inc. assures me they will handle the problems. I will help as needed. If you need more from me please call 309-657 6158. I talk better than I write.

Thank you
Ron Bright
d.b.a. Quarter Coost. Co.

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QUARTER CONSTRUCTION
Hopedale
17231 Levee Rd
Tazewell, IL 61688



7008 0150 0001 2755 5334

*Mr. E. P. A.
Bureau of Land
7620 N. University St.,
Peoria, IL 61614*

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