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CLERK'S OFFICE

OCT 16 2006

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

October 12, 2006

PCB07-25

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

Re: ***People v. Isaacson Construction, Inc.***

Dear Clerk Gunn:

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

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kristen Laughridge Gale".

Kristen Laughridge Gale  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

KLG/pp  
Enclosures

**RECEIVED**  
CLERK'S OFFICE

OCT 16 2006

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
ISAACSON CONSTRUCTION, INC., )  
an Illinois corporation, )  
 )  
Respondent. )

PCB No. 07-25  
(Enforcement)

**NOTICE OF FILING**

To: Issacson Construction, Inc.  
c/o David Edgar Issacson, R.A.  
Ft. Jesse Road & Blair Road  
P.O. Box 288  
Normal, IL 61761-0288

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

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

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY: 

KRISTEN LAUGHRIDGE GALE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 12, 2006

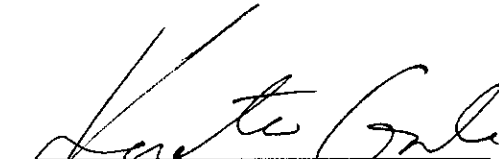
## CERTIFICATE OF SERVICE

I hereby certify that I did on October 12, 2006, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Issacson Construction, Inc.  
c/o David Edgar Issacson, R.A.  
Ft. Jesse Road & Blair Road  
P.O. Box 288  
Normal, IL 61761-0288

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

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



Kristen Laughridge Gale  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

OCT 18 2006

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
 ILLINOIS, )  
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 Complainant, )  
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 vs. )  
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 ISAACSON CONSTRUCTION, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. 07-25  
(Enforcement)

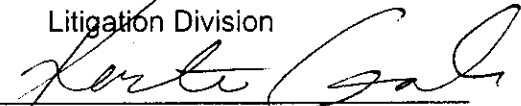
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE GALE, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General of the  
State of Illinois

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

BY:   
KRISTEN LAUGHRIDGE GALE  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 12, 2006

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 ISAACSON CONSTRUCTION, INC., an )  
 Illinois corporation, )  
 )  
 Respondent. )

No. PCB <sup>07-25</sup> 06-  
 (Enforcement)

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complain of the Respondent, ISAACSON CONSTRUCTION, INC., as follows:

COUNT I

HAZARDOUS WASTE DISPOSAL

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

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. The Respondent, ISAACSON CONSTRUCTION, INC. is an Illinois corporation in good standing and operates at 1300 Fort Jesse Road, Normal, McLean County, Illinois ("facility").

4. Section 21 of the Act, 415 ILCS 5/21 (2004), 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..., except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:  
1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act,...  
2) In violation of any regulations or standards adopted by the Board under this Act,...

\* \* \*

5. Section 3.385 of the Act, 415 ILCS 5/3.385 (2004), provides as follows:

"REFUSE" means waste.

6. Section 3.535 of the Act, 415 ILCS 5/3.535 (2004), provides as follows:

"WASTE" means any garbage . . . 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,

\* \* \*

7. Section 3.305 of the Act, 415 ILCS 5/3.305 (2004), provides as follows:

"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.

8. On October 23, 2003, Illinois EPA received a citizen complaint stating that approximately 15 to 20 drums of hazardous liquid were buried at the facility because of a pending inspection. The complainant detailed the location of the facility, the specific disposal area on-site, and the manner in which the wastes were disposed.

9. On November 18, 2003, Illinois EPA drove by the facility.

10. On November 18, 2003, the area at the facility that the complaint mentioned as the burial site had disturbed soils.

11. On November 19, 2003, Mr. David Isaacson, President of Isaacson Construction, Inc., stated that the employees had buried drums of used oil and concrete sealer in a hole in the area described by the complainant.

12. The drums contained used motor oil, rainwater, and two types of concrete sealant, Graywall Waterproofing and Rub-R-Wall Waterproofing.

13. On April 24, 2004, approximately 50 55-gallon drums were unearthed and placed into trucks for disposal at Clinton Landfill.

14. On April 24, 2004, approximately 12 used tires and some scrap metal was unearthed.

15. On April 24, 2004, all of the unearthed drums were crushed, but some still held liquids.

16. On April 24, 2004, one drum, when punctured during removal, leaked rainwater and used oil.

17. On April 24, 2004, several drums leaked green, thick, viscous liquid identified as concrete sealer.

18. On April 24, 2004, one drum leaked a silver-gray liquid.



19. On April 24, 2004, a sample of the silver-gray liquid was taken. Analysis of the sample revealed it had a flashpoint less than 70° Fahrenheit.

20. The silver-gray liquid is a hazardous waste pursuant to Section 721.103 of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 721.103, because it exhibited the characteristic of ignitability as defined by Section 721.121(a) of the Illinois Pollution Control Board's ("Board") Hazardous Waste Regulations, 35 Ill. Adm. Code 721.121(a).

21. The 55-gallon drums and their contents are waste and refuse as defined by Sections 3.535 and 3.385 of the Act, 415 ILCS 5/3.535, 3.385 (2004).

22. The facility is not permitted as a waste-disposal operation by the Illinois EPA.

23. By burying the waste, Respondent open dumped in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2004).

24. Respondent disposed of waste at a facility that does not meet the requirements of the Act or regulations thereunder, in violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2004).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

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

B. Finding that Respondent has violated the Act as alleged herein;

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

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and

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

**COUNT II**

**DISPOSAL OF HAZARDOUS WASTE WITHOUT A PERMIT**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count II.

23. Section 702.110 of the Board's RCRA and UIC Permit Programs Regulations, 35 Ill. Adm. Code 702.110, provides the following definitions:

"Hazardous waste management facility" or "HWM facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

24. Section 703.121 of the Board's RCRA Permit Program Regulations, 35 Ill. Adm. Code 703.121, provides in pertinent part, as follows:

- a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:
  - 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

\* \* \*

25. The facility does not have a RCRA permit to be a hazardous waste disposal operation.

26. By disposing hazardous waste without a RCRA permit, Respondent violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1)(2004), and Section 703.121(a)(1) of the Board's RCRA Permit Program Regulations, 35 Ill. Adm. Code 703.121(a)(1).

27. By conducting a hazardous waste disposal operation in violation of regulations adopted by the Board, Respondent violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT III**

**RCRA VIOLATIONS**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count III.

23. Section 725.113 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.113, provides, in pertinent part, as follows:

- a) Waste analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), the owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

\* \* \*

- b) The owner or operator must develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a) of this Section. The owner or operator must keep this plan at the facility....

24. Section 725.173(a) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.173(a), provides, in pertinent part, as follows:

- a) The owner or operator must keep a written operating record at the facility.

\* \* \*

25. Section 725.173(b) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.173(b), provides the information that must be recorded in the operating record, including but not limited to a description and quantity of the hazardous waste, the location, and the records and results of the waste analysis.

26. The Respondent's facility did not have on-site analysis results for the hazardous waste, nor kept an operating record containing the required information regarding the hazardous waste.

27. By failing to have on-site analysis results indicating that a detailed chemical and physical analysis of the facility wastes had been done, Respondent violated Section 725.113(a)(1) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.113(a)(1).

28. By failing to develop and follow a written analysis plan that describes the procedures to perform a chemical and physical analysis of the facility wastes, Respondent

violated Section 725.113(b) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.113(b).

29. By failing to maintain a written operating record containing the information required in Section 725.173(b), Respondent violated Section 725.173(a) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.173(a).

30. By disposing hazardous waste in violation of regulations adopted by the Court, Respondent violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).

### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT IV**

**HAZARDOUS WASTE EMPLOYEE TRAINING VIOLATIONS**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count IV.

23. Section 725.116(a) of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.116(a), requires facilities with hazardous waste to provide facility personal training in hazardous waste by a person trained in hazardous waste and designed to ensure that the facility personnel are able to respond effectively to emergencies.

24. There was no documentation at the facility indicating that the facility's personnel received the required training for hazardous waste.

25. By failing to administer the required training for hazardous waste to the facility personnel, Respondent violated Section 725.116(a) of the Board's Hazardous Waste Operating Regulations, 35 Ill. Adm. Code 725.116(a).

26. By conducting a hazardous waste disposal site in violation of regulations adopted by the Board, Respondent violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and

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

### COUNT V

#### HAZARDOUS WASTE REPORTING VIOLATIONS

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count V.

23. Section 725.111 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.111, provides as follows:

Every facility owner or operator must apply to USEPA for a USEPA identification number in accordance with the USEPA notification procedures.

24. Section 725.175 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.175, provides, in pertinent part, as follows:

The owner and operator must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form and instructions supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year...

\* \* \*

25. The Respondent failed to submit an annual report to the Illinois EPA for the year 2003 by March 2004 and failed to have a USEPA identification number for its facility.

26. By failing to submit an annual hazardous waste report, Respondent violated Section 725.175 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.175.

27. By failing to have a USEPA identification number for its facility, Respondent violated Section 725.111 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.111.

28. By conducting a hazardous waste disposal operation in violation of regulations adopted by the Board, Respondent violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

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

B. Finding that Respondent has violated the Act as alleged herein;

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

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and

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

**COUNT VI**

**HAZARDOUS WASTE CONTINGENCY PLAN VIOLATIONS**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count VI.



23. Section 725.151 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.151, provides in pertinent part, as follows:

- a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

24. Section 725.152 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.152, describes what must be included within the contingency plan, including by not limited to, the actions facility personnel must take in response to the release of hazardous waste, the arrangements with the local authorities, the emergency coordinator, and all emergency equipment.

25. Section 725.153 of the Board's Interim Status Standards For Owners And Operators of Hazardous Waste Treatment, Storage, And Disposal Facilities Regulations, 35 Ill. Adm. Code 725.153, provides, in pertinent part, as follows

A copy of the contingency plan and all revisions to the plan must be disposed as follows:

- a) They must be maintained at the facility; and
- b) They must be submitted to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.

26. The facility did not have a contingency plan.

27. By failing to have a contingency plan, Respondent violated Sections 725.151, 725.152, and 725.153 of the Board's Hazardous Waste Treatment, Storage, And Disposal Regulations, 35 Ill. Adm. Code 725.151, 725.152, 725.153.

28. By conducting a hazardous waste disposal operation in violation of regulations adopted by the Board, Respondent violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).

### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

### **COUNT VII**

#### **WATER POLLUTION**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count VII.

23. Section 12(a) of the Act, 415 ILCS 5/12(a) (2004), provides that:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution

in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

24. Section 3.550 of the Act, 415 ILCS 5/3.550 (2004), provides that:

“WATERS” means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

25. Section 3.545 of the Act, 415 ILCS 5/3.545 (2004), provides that:

“WATER POLLUTION” is such alteration of the physical, thermal, chemical , biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or the livestock, wild animals, birds, fish, or other aquatic life.

26. Residual contamination of soil and/or subsurface strata may be a continuing source of further releases to the waters of the State, including groundwater.

27. By causing or allowing the burial of waste, including hazardous waste, the Respondent has threatened, caused or allowed water pollution of the groundwater, potentially rendering such waters harmful.

28. By doing so, Respondent has violated and will continue to violate Section 12(a) of the Act, 415 ILCS 5/12(a) (2004).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

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

B. Finding that Respondent has violated the Act as alleged herein;

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

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and

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

### **COUNT VIII**

#### **WATER POLLUTION HAZARD**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as if fully set forth herein as paragraphs 1 through 22 of this Count VIII and paragraphs 23 through 26 of Count VII as if fully set forth herein as paragraphs 23 through 26 of this Count VIII.

27. Section 12(d) of the Act, 415 ILCS 5/12(d) (2004), provides as follows:

No person shall:

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

28. By burying waste, including hazardous waste, the Respondent has created a water pollution hazard.

29. By doing so, Respondent has violated and will continue to violate Section 12(d) of the Act, 415 ILCS 5/12(d) (2004).

**PRAYER FOR RELIEF**


WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), awarding to Complainant its costs and reasonable attorney fees; and
- F. Granting such other relief as the Board may deem appropriate.

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/Asbestos  
Litigation Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

KRISTEN LAUGHRIDGE GALE  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 10/12/06