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AUG 07 2009  
STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

ORIGINAL

Lisa Madigan  
ATTORNEY GENERAL

August 4, 2009

PLB 10-14

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

Re: ***People v. Eco-Clean Environmental, Inc.***

Dear Clerk:

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,

Christine Zeivel  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

CZ/pjk  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

AUG 07 2009

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
ECO-CLEAN ENVIRONMENTAL, INC., )  
now d/b/a ECO ENVIRONMENTAL, INC., )  
an Illinois corporation, )  
)  
Respondent. )

PCB No. 10-14  
(Enforcement)

ORIGINAL

NOTICE OF FILING

To: Eco-Clean Environmental, Inc.  
d/b/a Eco Environmental, Inc.  
c/o Tim Settles  
P.O. Box 551  
Raymond, IL 62560

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.

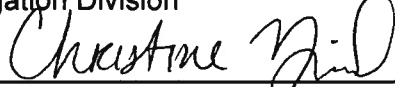
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2006), to correct the pollution alleged in the Complaint filed in this case.

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:   
CHRISTINE ZEIVEL  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 4, 2009

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STATE OF ILLINOIS  
Pollution Control Board

### CERTIFICATE OF SERVICE

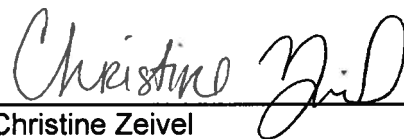
I hereby certify that I did on August 4, 2009, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Eco-Clean Environmental, Inc.  
d/b/a Eco Environmental, Inc.  
c/o Tim Settles  
P.O. Box 551  
Raymond, IL 62560

ORIGINAL

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

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



Christine Zeivel  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 07 2009

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 ECO-CLEAN ENVIRONMENTAL, INC., )  
 now d/b/a ECO ENVIRONMENTAL, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. 10-14  
(Enforcement)

ORIGINAL

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, CHRISTINE ZEIVEL, 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: Christine Zeivel  
CHRISTINE ZEIVEL  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 4, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ECO-CLEAN ENVIRONMENTAL, INC., )  
now d/b/a ECO ENVIRONMENTAL, INC., )  
an Illinois corporation, )  
)  
Respondent. )

PCB

10-14

ORIGINAL

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by 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, ECO-CLEAN ENVIRONMENTAL, INC., as follows:

COUNT I  
WASTE STORAGE AND DISPOSAL PERMIT VIOLATIONS

1. This action is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008).
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 (2008), and charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this Complaint, the Respondent, ECO-CLEAN ENVIRONMENTAL, INC., ("Eco-Clean") operated the site located at 402 East Broad Street, Raymond, Montgomery County, Illinois ("site").

4. On September 4, 2008, the Respondent, ECO-CLEAN, amended its name to Eco Environmental, Inc. with the Illinois Secretary of State. As of the date of filing of this Complaint, Tim Settles, owner of ECO-CLEAN at all times relevant to this Complaint, remains the owner of Eco Environmental, Inc.

5. The operations of the Respondent, ECO-CLEAN, at the site included leasing and servicing of solvent parts cleaners. The Respondent also collected and stored spent solvent, hazardous and non-hazardous wastes from its customers, including sludges, wastewater and used absorbents.

6. Section 21 of the Act, 415 ILCS 5/21 (2008), provides, in pertinent part, as follows:

No person shall:

\* \* \*

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit \* \* \*; or
2. In violation of any regulations or standards adopted by the Board under this Act; or

\* \* \*

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 requirement of this Act and of regulations and standards thereunder.

7. Section 807.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.201, provides:

Subject to such exemption as expressly provided in Section 21(e) . . . of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

8. Section 807.202(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm.

Code 807.202(a), provides:

**New Solid Waste Management Sites.**

Subject to such exemption as expressly provided in Section 21(e) . . . of the Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

9. On April 15, 2008, Illinois EPA inspected the site. On that date, non-hazardous wastes that had been generated off-site, including pit and waste water sludges and used absorbents, were being stored in drums at the site.

10. On April 15, 2008, the Respondent, ECO-CLEAN did not have an Illinois EPA Development or Operating Permit to develop or operate a non-hazardous waste storage facility.

11. By storing non-hazardous waste at the site which was allowed to be developed without a Development Permit issued by the Illinois EPA, the Respondent violated Section 807.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.201.

12. By operating a non-hazardous waste storage facility at its site without an Operating Permit issued by the Illinois EPA, the Respondent violated Section 807.202(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.202(a).

13. By conducting a waste-storage or waste-disposal operation at the site without a permit granted by the Illinois EPA and in violation of the regulations or standards adopted by the Board under this Act, the Respondent has violated Section 21(d) of the Act, 415 ILCS 5/21(d) (2008).

14. By disposing or storing or transporting waste at or to a site which does not meet the requirements of the Act and of the standards and regulations promulgated thereunder, the Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2008).



**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 and regulations 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) (2008), 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) (2008), 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  
LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

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

Of Counsel  
Christine Zeivel  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 4, 2009