



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

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

November 12, 2013

AC 2014-26

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

RECEIVED  
NOV 20 2013

STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v. G and E Five, LLC and Northwind RAS, LLC  
IEPA File No. 322-13-AC; 2010306637—Winnebago County

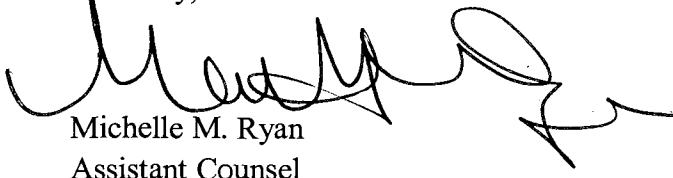
Dear Mr. Therriault:

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

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

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

Sincerely,



Michelle M. Ryan  
Assistant Counsel

Enclosures



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 14-26
	)	
v.	)	(IEPA No. 322 -13-AC)
	)	
G AND E FIVE, LLC and NORTHWIND RAS, LLC,	)	
	)	
	)	
	)	
Respondents.	)	

JURISDICTION

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

FACTS

1. That G and E Five, LLC is the current owner and Northwind RAS, LLC is the operator (“collectively Respondents”) of a facility located at 5728 Logistics Parkway, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Northwind RAS, LLC.
2. That said facility is designated with Site Code No. 2010306637.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on September 27, 2013, Kathy Geyer of the Illinois Environmental Protection Agency’s (“Illinois EPA”) Rockford Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 11-12-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2973 9170 - G & E.  
7012 0470 0001 2973 9187 - Northwind RAS  
VIOLATIONS

Based upon direct observations made by Kathy Geyer during the course of the September 27, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

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

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than December 16, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois

Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

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

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

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



REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
G AND E FIVE, LLC and NORTHWIND RAS, )  
LLC, )  
 )  
 )  
Respondents. )

AC **14-26**  
(IEPA No. 322-13-AC)

FACILITY: Rockford/Northwind RAS, LLC  
SITE CODE NO.: 2010306637  
COUNTY: Winnebago  
CIVIL PENALTY: \$3,000.00  
DATE OF INSPECTION: September 27, 2013

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:

Northwind RAS, LLC,

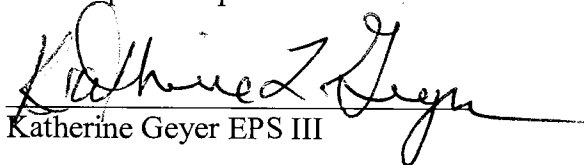
Respondent

)  
)  
)  
)  
)

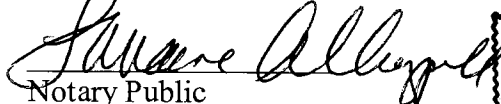
IEPA DOCKET NO.

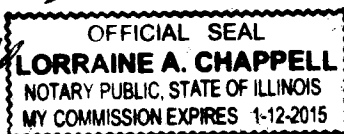
**Affiant, Katherine Geyer, being first duly sworn, voluntarily deposes and states as follows:**

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On September 27, 2013, between 8:25 a.m. and 8:45 a.m., Affiant conducted an inspection of the open dump in Winnebago County, Illinois, known as Northwind RAS, LLC, Illinois Environmental Protection Agency Site No. 2010306637.
3. Affiant inspected said Northwind RAS, LLC open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Northwind RAS, LLC open dump.

  
 Katherine Geyer EPS III

Subscribed and Sworn to before me this 10<sup>th</sup> day of October 2013

  
 Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Open Dump Inspection Checklist**

County: Winnebago LPC#: 2010306637 Region: 1 - Rockford  
 Location/Site Name: Rockford/Northwind RAS  
 Date: 9/27/13 Time: From 0825 To 0845 Previous Inspection Date: NA  
 Inspector(s): Geyer Weather: Sunny, 70° Fahrenheit  
 No. of Photos Taken: # 8 Est. Amt. of Waste: 100 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Greg Wilcox (phone) Complaint #: C-14-023R  
 Latitude: 42.199676 Longitude: -89.076468 Collection Point Description: Center  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: - Map

Responsible Party  
Mailing Address(es)  
and Phone Number(s):

Northwind RAS (operator) Attn: Greg Wilcox 2250 Southwind Blvd. Bartlett, IL 60103	G and E Five, LLC (owner) Attn: Edward Schmitt 2131 Harlem Road Loves Park, IL 61111
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	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

LPC # 2010306637

Inspection Date: 9/27/13

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS</b>			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
20.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

2010306637—Winnebago County  
Rockford/Northwind RAS  
September 27, 2013

On September 26, 2013, the Rockford Regional office received Complaint #C-14-023R. The complaint alleged there were huge piles of old asphalt roof shingles piled at a (now defunct) recycling center located at 5728 Logistics Parkway in Rockford.

On September 27, 2013, I drove to the Logistics Parkway address, arriving at 8:25 a.m. The weather was sunny, 70° Fahrenheit, and dry. The property is located just to the east of Chicago-Rockford International Airport. Logistics Parkway was formerly called "Ninth Street." The portion of the street running between Milford Avenue to the north and Blackhawk Road to the south was, at some point, officially re-named "Logistics Parkway," according to Winnebago County's mapping and assessment system.

The property is along the east side of Logistics Parkway. The property consists of a building with loading docks at the south one third of the property. The northern two thirds of the property consists of vacant land. The site is completely surrounded by chain link fence. Milford Avenue is at the north end of the property.

There was an open gate along Logistics Parkway with a sign stating, "Northwind RAS Recycled Shingles, hours of operation: contact 'Ody' at 630-669-5224." I walked a short distance past the gate, onto the property and could see large amounts of shingles piled on the property. There was also a truck scale present. I couldn't determine if anyone was onsite. I took photos of the piles of shingles, the truck scale, and the sign at the gate. I also noted a pile of approximately 2 cubic yards of "scraps" (or "tailings") located near the gate, inside of the fence. The pile consisted of what appeared to be litter and ground up non-asphalt trash. This pile was very small compared to the piles of asphalt shingles on the property. I left the site at 8:45 a.m.

When I returned to the office, I called 'Ody' and left a message for him to call me concerning the shingle piles at this address. I also found a website, <http://southwindras.com/locations.html>, advertising this address (as 5728 9<sup>th</sup> Street) as a collection point for used shingles. A short time after I left the message, Greg Wilcox of Winston Engineering and representing Northwind RAS called me back. I told Mr. Wilcox I was previously aware of the company's business of recycling asphalt shingles for use in asphalt road building material. I was specifically familiar with the company's facility located in South Beloit. I also advised Mr. Wilcox I was aware of the other locations having gone through the "Beneficial Use Determination" (BUD) process in order to allow the shingles to be handled as a non-waste product.<sup>1</sup> I could not find this property in any BUD documents. He told me he thought the site was "covered by" a BUD, but he would check and get back to me. At 10:13, Mr. Wilcox advised me through an email that the site did not have a BUD allowing the shingles to be handled as a non-waste, but the company is in the process of obtaining a BUD.

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<sup>1</sup> A "Beneficial Use Determination" is obtained in accordance with 415 ILCS 5/22.54.

Next, I looked at the County Treasurer's online records and found the property is Winnebago County parcel no. 15-13-302-001 and consists of +- 6 acres. The property is owned by G & E Five, LLC in Loves Park, IL. I emailed Mr. Wilcox at 11:00 a.m on September 27 to ask if Northwind is leasing the property from G & E Five. He emailed back at 2:15 p.m. and confirmed Northwind is leasing the property from G & E Five.

Next, I looked up the corporate information for Northwind RAS LLC at the Illinois Secretary of State's website. I found Brian Lansu, 2250 Southwind Blvd., Bartlett, IL 60103 is the Registered Agency for both Northwind RAS LLC and Southwind RAS LLC.

The shingles are a waste and also fit the definition of General Construction or Demolition Debris. The following is the definition of General Construction or Demolition Debris found in 415 ILCS 5/3.160(a):

“General Construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials, soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings, plaster; drywall; plumbing fixtures; non-asbestos insulation; **asphalt roofing shingles** and other roof coverings....”

Consequently, the facility is in apparent violation of the following provisions of the Illinois Environmental Protection Act:

415 ILCS 5/21(a): Causing or allowing open dumping;

415 ILCS 5/21(d)(1): Conducting a waste storage, treatment or disposal operation without a permit;

415 ILCS 5/21(e): Disposing, treating, storing or abandoning any waste, or transporting any waste in to the state at/to sites no meeting requirements of the Act and Regulations;

415 ILCS 5/21(p)(1): Causing or allowing the open dumping of waste in a manner which results in litter; and

415 ILCS 5/21(p)(7): Causing or allowing the open dumping of waste in a manner which results in the deposition of (i) General construction or demolition debris as defined in Section 3.160(b) of this Act.

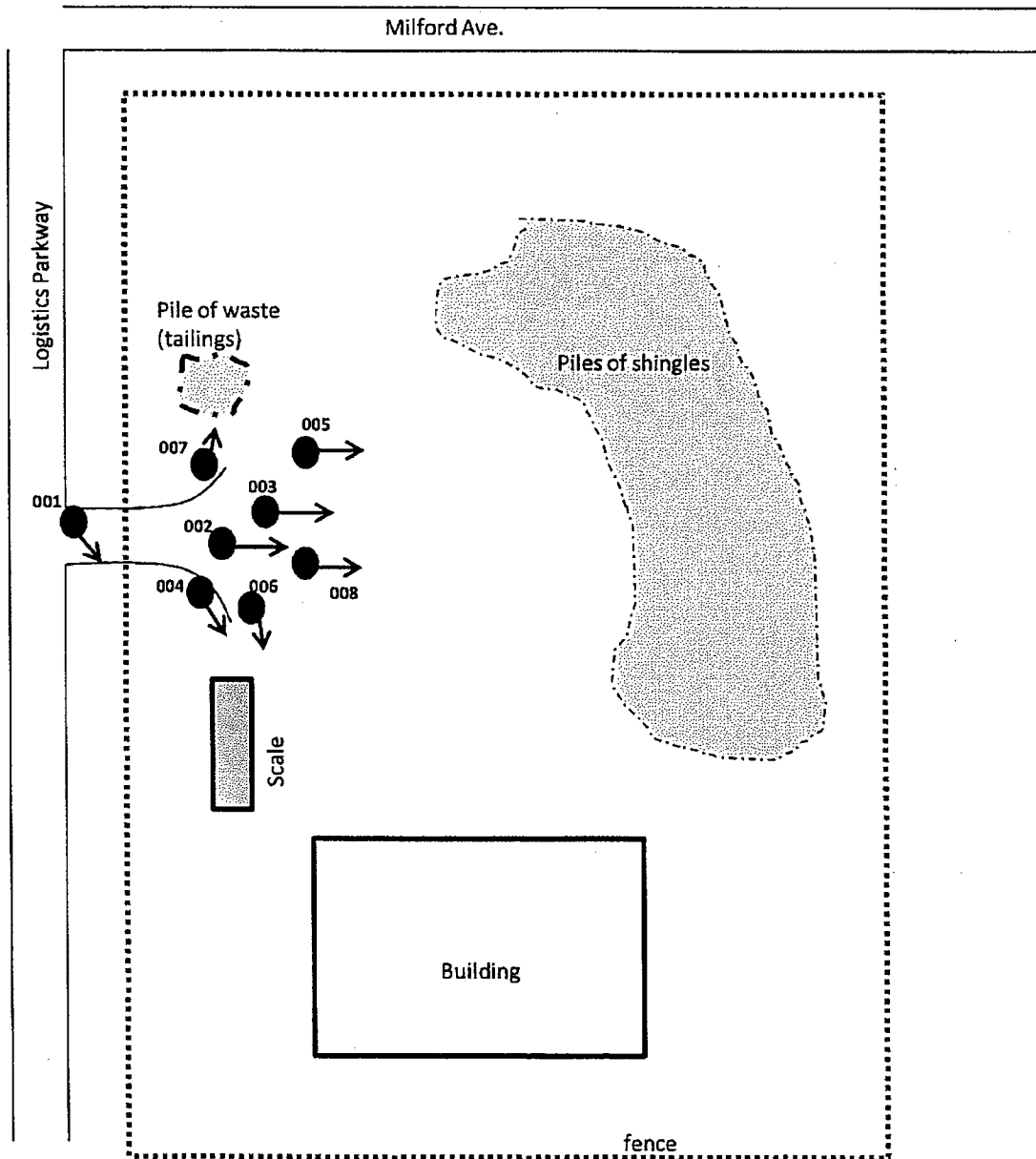


# 2010306637—Winnebago County Rockford/Southwind RAS



Date of Inspection: September 27, 2013  
Time of Inspection: 0825-0845

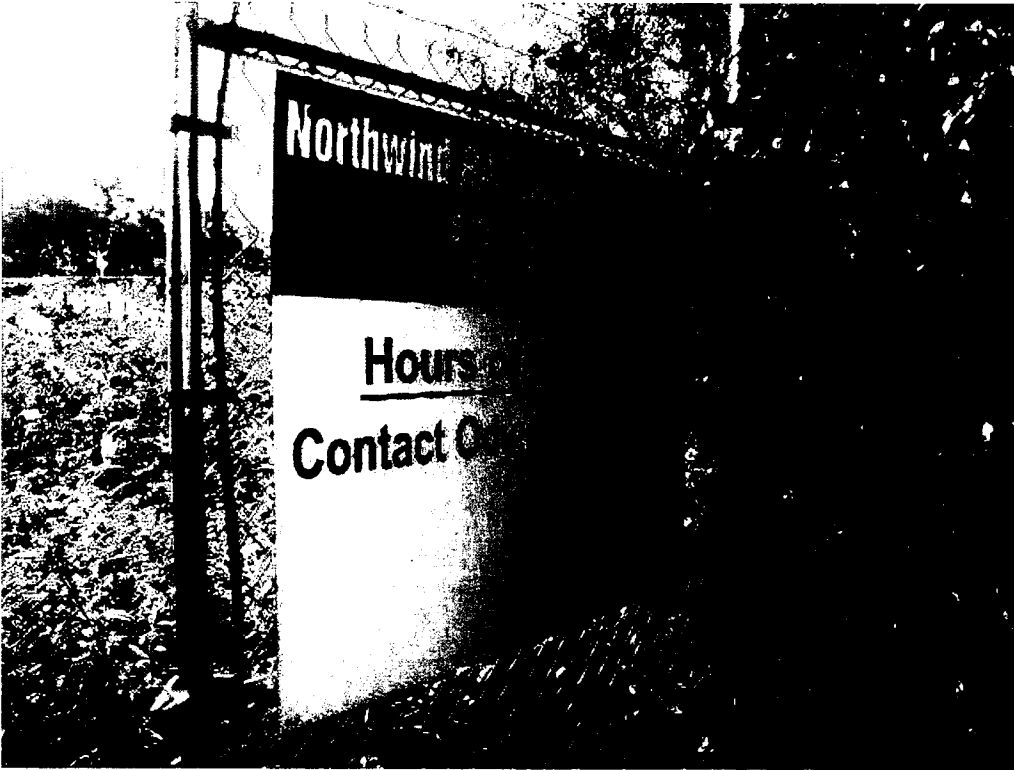
US Rte. 251 – 1200' →



(No scale)  
Arrow represents number and angle of photo(s)  
Photos are stored in digital file #2010306637~09272013



**DIGITAL PHOTOGRAPHS** File Names: 2010306637~09272013-[Exp. #].jpg



Date: 9/27/13  
Time: 0826  
Direction: southeast  
Photo by: Kathy  
Geyer  
Exposure #: 001  
Comments: Entrance  
Sign



Date: 9/27/13  
Time: 0826  
Direction: east  
Photo by: Kathy  
Geyer  
Exposure #: 002  
Comments: Piles of  
shingles



**DIGITAL PHOTOGRAPHS** File Names: 2010306637~09272013-[Exp. #].jpg



Date: 9/27/13  
Time: 0827  
Direction: east  
Photo by: Kathy  
Geyer  
Exposure #: 003  
Comments: shingles



Date: 9/27/13  
Time: 0827  
Direction: southeast  
Photo by: Kathy  
Geyer  
Exposure #: 004  
Comments: shingles  
and entrance to  
truck scale



**DIGITAL PHOTOGRAPHS** File Names: 2010306637~09272013-[Exp. #].jpg



Date: 9/27/13  
Time: 0828  
Direction: east  
Photo by: Kathy  
Geyer  
Exposure #: 005  
Comments: shingles



Date: 9/27/13  
Time: 0828  
Direction: southeast  
Photo by: Kathy  
Geyer  
Exposure #: 006  
Comments: truck  
scale, building in  
background,  
shingles on the  
left.





**DIGITAL PHOTOGRAPHS** File Names: 2010306637~09272013-[Exp. #].jpg



Date: 9/27/13  
Time: 0830  
Direction: northeast  
Photo by: Kathy  
Geyer  
Exposure #: 007  
Comments: Pile of  
"tailings" just  
inside of entrance.



Date: 9/27/13  
Time: 0831  
Direction: east  
Photo by: Kathy  
Geyer  
Exposure #: 008  
Comments: closeup  
of shingles.

## PROOF OF SERVICE

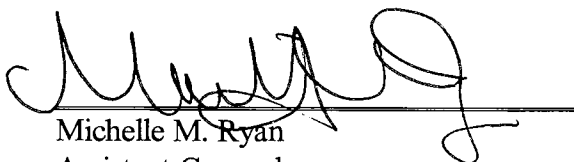
I hereby certify that I did on the 12th day of November 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: G and E Five, LLC  
Ed Schmitt, President  
2131 Harlem Road  
Loves Park, IL 61111

Brian Lansu, Registered Agent  
Northwind RAS, LLC  
2250 Southwind Blvd.  
Bartlett, IL 60103

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

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

  
Michelle M. Ryan  
Assistant Counsel

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