

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 03 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
-vs-)
)
)
HOMWOOD DISPOSAL SERVICE, INC.,)
an Illinois corporation,)
)
)
Respondent.)

No. 05-203

To: See Attached Service List.

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, June 3, 2005, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and four copies of our Complaint, a copy of which is attached herewith and 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 the 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.

NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 et seq.] to correct the alleged pollution.

Respectfully submitted,

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

BY: Paula Becker Wheeler
PAULA BECKER WHEELER
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-1511

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 HOMEWOOD DISPOSAL SERVICE, INC.,)
 an Illinois corporation,)
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)
 Respondent.)

No. PCB -05-203
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, HOMEWOOD DISPOSAL SERVICE, INC., an Illinois corporation, as follows:

COUNT I

MODIFICATION OF A WASTE MANAGEMENT SITE WITHOUT A PERMIT

1. This complaint is brought on behalf of 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 ("Illinois EPA") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

2. Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2002), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent HOMEWOOD DISPOSAL SERVICE, INC. ("HOMEWOOD") is an Illinois corporation, duly organized and existing under the

laws of the State of Illinois.

4. At all times relevant to this complaint, Homewood operated a solid waste transfer station business at the location of 25 South Park Street, Park Forest, Cook County, Illinois ("Site").

5. The Respondent receives approximately 275 to 300 tons of waste at the Site daily, including tires, landscape waste, scrap metals, and other general refuse. This refuse is accumulated from a number of off-site locations and shipped out daily.

7. On June 11, 1995, Illinois EPA issued Supplemental Permit No. 1995-020-SP ("Permit") to the Respondent. This permit supplemented Permit Nos. 1980-1-DE and 1980-1-OP, the original development and operating permits which authorized the Respondent to operate a waste transfer station for solid waste. The Supplemental Permit primarily allowed the change of name to the Respondent. Special Condition No. 5 of the Supplemental Permit requires that a closure plan be developed and submitted to the Agency within 90 days of the issue date of the permit pursuant to 35 Ill. Adm. Code 807.501.

8. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(2002) 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....

* * *

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides the following definition:

"PERSON" is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

10. Respondent's operation of the facility is subject to the Act and the Rules and Regulations promulgated by the Illinois Pollution Control Board ("Board"). The Board's regulations for Solid Waste and Special Waste Handling are found in Title 35, Subtitle G, Chapter I, Subchapter i, of the Illinois Administrative Code ("Board Regulations for Solid Waste Handling").

11. Section 807.210 of the Board Regulations for Solid Waste Handling, 35 Ill. Adm. Code 807.210, provides as follows:

Supplemental Permits

No person shall cause or allow modifications of any solid waste management site or accept any type of waste except under conditions specified in a permit issued by the Agency. Development, operating and experimental permits may be modified by a supplemental permit issued by the Agency to allow such modifications.

12. The Respondent, an Illinois corporation, is a "person" as that term is defined in the Act.

13. At some prior to February 6, 2004, at a time better known to Respondent, Respondent modified its site by adding an addition to the building to enlarge its operations approximately 30 feet beyond its permitted boundary. It did not seek or obtain a permit for said modifications before they were completed.

14. As of December of 2004, Respondent has obtained the requisite supplemental permit addressing the previous modification and several additional ones.

15. By adding an addition to its waste transfer station building without obtaining a Permit modification, Respondent has violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(2002), and Section 807.210 of the Board Regulations for Solid Waste Handling, 35 Ill. Adm. Code 807.210.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, HOMEWOOD DISPOSAL SERVICE, INC., on this Count I:

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

2. Finding that the Respondent has violated Section 21(d)(1) of the Act and Section 807.210 of the Board Regulations for Solid Waste Handling;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act and Section 807.210 of the Board Regulations for Solid Waste Handling;

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000) against the Respondent for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000) for each day of violation;

5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness, and consultant fees expended by the Complainant in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II
VIOLATION OF SPECIAL PERMIT CONDITION

1-12. Complainant realleges and incorporates by reference paragraphs 1 through 12, of Count I as paragraphs 1 through 12 of this Count II.

13. Respondent's Supplemental Permit No. 1995-020-SP issued June 11, 1995 contains Special Condition No. 5 which provides as follows:

A Closure Plan shall be developed and submitted to the Agency within 90 days of the issue date of this permit pursuant to Title 35 Ill. Adm. Code, Section 807.501.

14. A Closure Plan was received by the Illinois EPA on February 24, 1999 as part of a Permit Application. On April 9, 1999, the Illinois EPA notified the Respondent that the Permit Application was deemed NOT to have been filed because of incompleteness, therefore no Closure Plan was considered filed.

15. On June 28, 2004, Respondent filed a subsequent Closure Plan with another Permit Application which was accepted by the Illinois EPA.

16. By failing to submit a Closure Plan to the Agency, Respondent violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(2002) and Special Condition No. 5 of its Supplemental Permit No. 1995-020-SP.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, HOMEWOOD DISPOSAL SERVICE, INC. on this

Count II:

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

2. Finding that the Respondent has violated Section 21(d)(1) of the Act and Special Condition No. 5 of its Supplemental Permit No. 1995-020-SP;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act and Special Condition No. 5 of its Supplemental Permit No. 1995-020-SP; of the Act;

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000) against the Respondent for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000) for each day of violation;

5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness, and consultant fees expended by the Complainant in its pursuit of this action; and

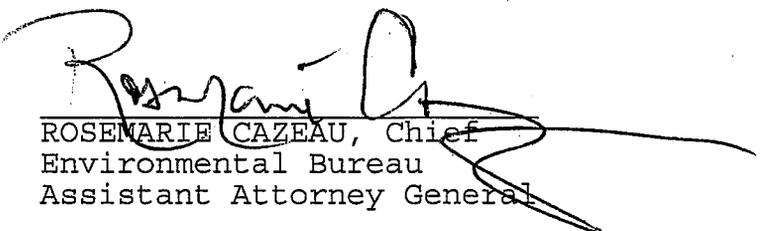
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

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

BY:

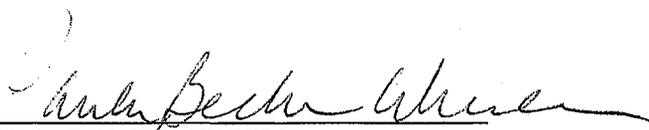

ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL

PAULA BECKER WHEELER
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-1511

CERTIFICATE OF SERVICE

I, PAULA BECKER WHEELER, an Assistant Attorney General in this case, do certify that I caused to be served this 3rd day of June, 2005, the foregoing Complaint and Notice of Filing upon the person listed on said Notice by depositing same in an envelope, by first class postage prepaid, with the United States Postal Service at 188 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.


PAULA BECKER WHEELER

June 3, 2005

SERVICE LIST

Mr. Charles F. Helsten
Attorney for Respondent
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105