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NOV 22 2004

STATE OF ILLINOIS  
Pollution Control Board

INFORMATIONAL NOTICE !!!

ACOS-40

**IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.**

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 22 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

NORTHERN ILLINOIS SERVICE  
COMPANY,

Respondent.

AC 05-40  
(IEPA No. 567-04-AC)

NOTICE OF FILING

To: Northern Illinois Service Company  
Attn: Wayne Klinger  
4781 Sandy Hollow Road  
Rockford, Illinois 61109

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
Special Assistant Attorney General

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

Dated: November 18, 2004

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NOV 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

NORTHERN ILLINOIS SERVICE  
COMPANY,

Respondent.

AC

05-40

(IEPA No. 567-04-AC)

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 (2002).

FACTS

1. That Northern Illinois Service Company ("Respondent") is the present owner of a facility located at 4960 Rockton Road, Roscoe, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Roscoe/Northern Illinois Service Company (Roscoe Quarry).

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010405051.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on October 4, 2004, Kaare Jacobsen of the Illinois Environmental Protection Agency's Rockford Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

## VIOLATIONS

Based upon direct observations made by Kaare Jacobsen during the course of his October 4, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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) (2002).
- (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) (2002).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is 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 Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than December 15, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing,

Respondent 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) (2002), if Respondent fails to petition or elects 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, Respondent's 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, Respondent 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 Respondent 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Renee Cipriano  
Renee Cipriano, Director *by wcc*  
Illinois Environmental Protection Agency

Date: 11/18/04

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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**NOV 22 2004**

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

NORTHERN ILLINOIS SERVICE  
COMPANY,

Respondent.

AC

05-40  
(IEPA No. 567-04-AC)

FACILITY: Northern IL Service Co. (Roscoe Quarry)

SITE CODE NO.: 2010405051

COUNTY: Winnebago

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: October 4, 2004

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: )

Northern Illinois Service Co. )

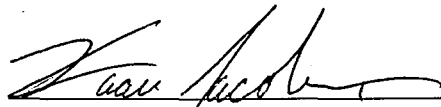
Respondent. )

IEPA DOCKET NO.

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Affiant, Kaare Jacobsen, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 4, 2004, between 10:12 a.m. and 10:25 a.m., Affiant conducted an inspection of an open dump, located in Winnebago County, Illinois and known as Northern Illinois Service Co. by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 2010405051 by the Agency.
3. Affiant inspected said 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 open dump.

  
Kaare Jacobsen, EPS III

Subscribed and Sworn to Before Me  
this 16<sup>th</sup> day of November, 2004

  
Notary Public

"OFFICIAL SEAL"  
TERESA LABUNSKI  
Notary Public, State of Illinois  
My Commission Expires 1/10/2007



## Open Dump Inspection Checklist

County: Winnebago LPC#: 2010405051 Region: 1 - Rockford

Location/Site Name: Roscoe/Northern Illinois Service Co. (Roscoe Quarry)

Date: 10/04/2004 Time: From 10:12 am To 10:25 am Previous Inspection Date: 07/15/2004

Inspector(s): Jacobsen Weather: 60 degrees

No. of Photos Taken: # 8 Est. Amt. of Waste: 10,000 yds<sup>3</sup> Samples Taken: Yes # No ☒

Interviewed: Complaint #:

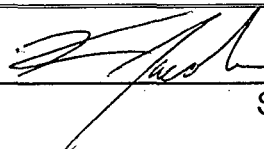
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	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, 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 checked="" 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	<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"/>

LPC # 2010405051

Inspection Date: October 4, 2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	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"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>



Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
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 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**2010405051 – Winnebago County  
Roscoe/Northern Illinois Service, Co. (Roscoe Quarry)**

**NARRATIVE INSPECTION REPORT**

On October 4, 2004, I (Kaare Jacobsen) conducted a follow-up inspection at a quarry owned by Northern Illinois Service Co. located in Roscoe, Illinois. Originally, this was a complaint (C-04-105R) brought to the attention of the Rockford Regional Office on May 5, 2004. The complaint alleges that the company has been open dumping construction debris and landscape waste throughout different locations of the quarry. The referenced facility is located at 4960 Rockton Road in Roscoe, Illinois. Agency correspondence should be addressed to the owner/operator of the property, Wayne Klinger, at 4781 Sandy Hollow Road, in Rockford, Illinois.

Upon arrival at 10:12 a.m., an attendant from Northern Illinois Service, Co. was on site during the course of the inspection, but did not partake in the tour of the facility with me. During the course of the inspection, located on the north central section of the quarry, was an estimated 10,000 <sup>yds<sup>3</sup></sup> of unprocessed landscape waste (i.e. uprooted whole trees). Photographs 2010405051~100404-004 through 006 indicate the open dumped landscape waste on the premises. Approximately 290 meters southeast from the pile of landscape debris and located on the southeast section was 150+ cubic yards of concrete debris with protruding rebar. Photograph 2010405051~100404-007 faces northeast indicating protruding rebar from clean construction or demolition debris. Photograph 2010405051~100404-008 faces southwest indicating open dumped recyclable metals. The inspection concluded at 10:25 a.m. The following solid waste violations were cited during the inspection: 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) of 35 Illinois Administrative Code.

The owner/operator of Northern Illinois Service, Co, failed to properly dispose of trade waste and remove all of the protruding rebar from the clean construction debris or demolition debris from the quarry. Further legal actions will be pursued in order to get this manner resolved.

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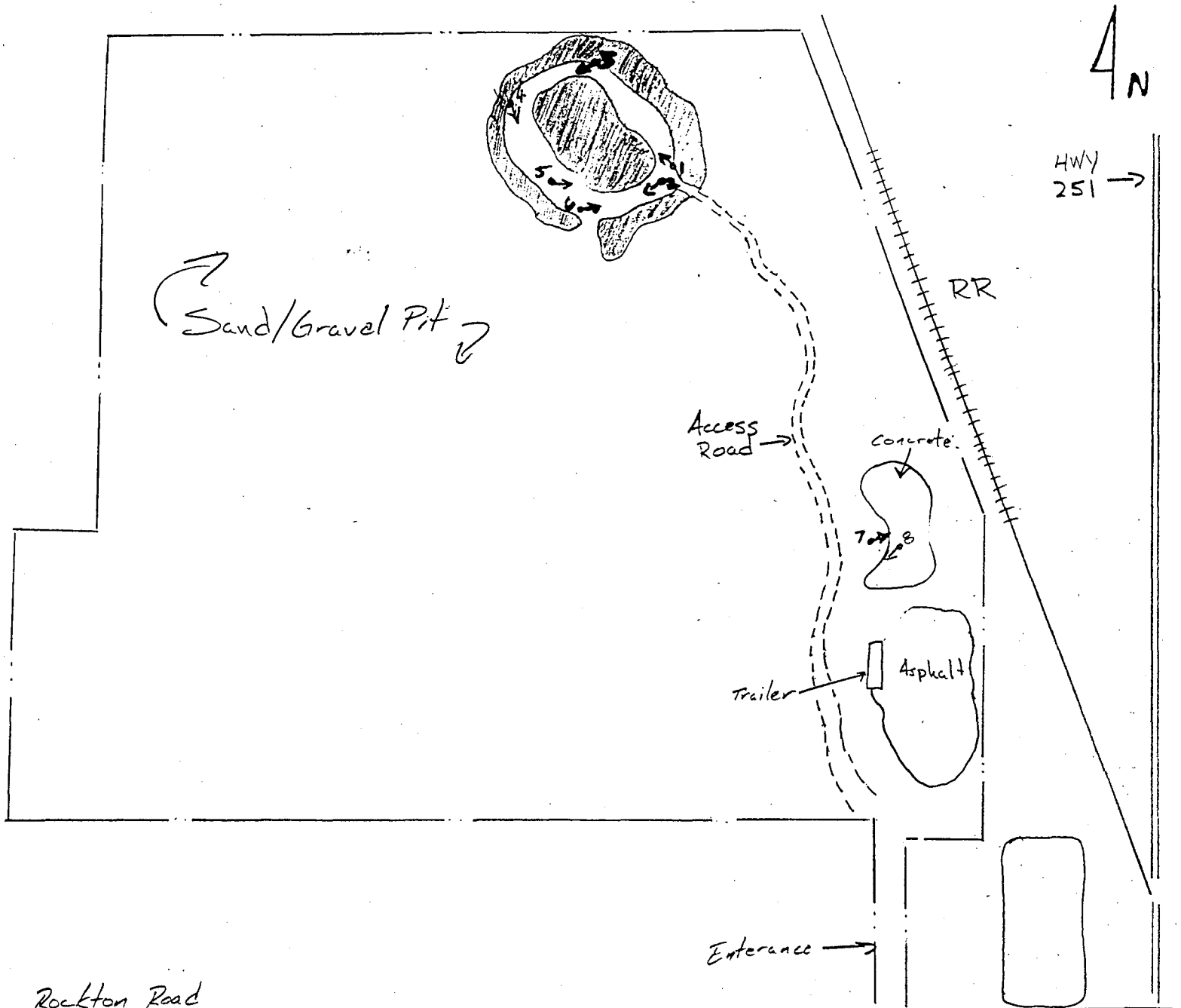
STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: October 4, 2004 Inspector: Jacobsen

Site Code: 2010405051 County: Winnebago

Site Name: Northern Illinois Service Co (Quarry) Time: 10:12am → 10:25am



Site sketch is not drawn to scale  
Photographs 2010405051-100404-001  
through 008

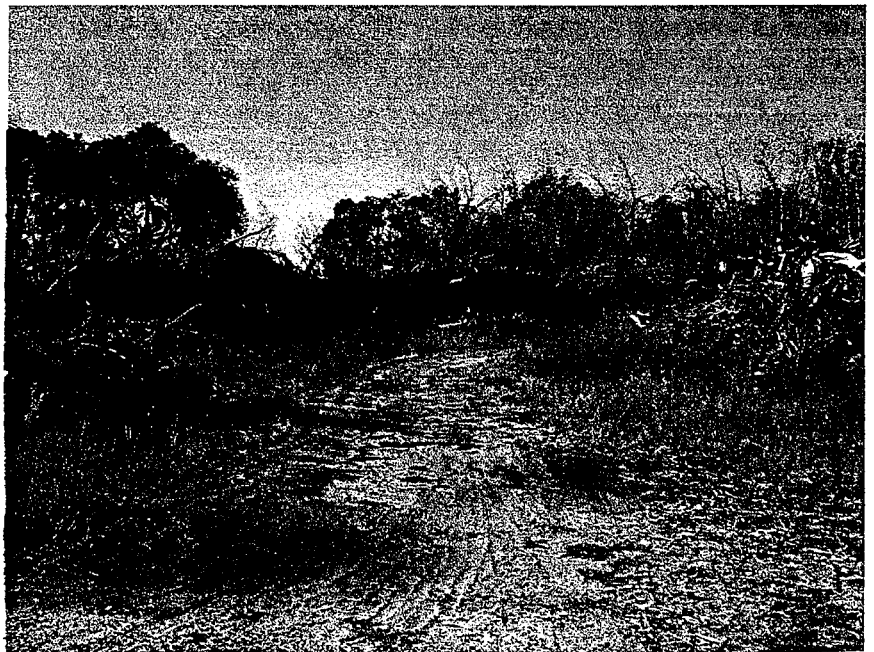
LPC # 2010405051 – Winnebago County  
Roscoe/Northern Illinois Service, Co.  
FOS File

### DIGITAL PHOTOGRAPH PHOTOCOPIES

**DATE:** 10-04-04  
**TIME:** 10:13 a.m.  
**DIRECTION:** northwest  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-001  
**COMMENTS:** landscape waste



**DATE:** 10-04-04  
**TIME:** 10:13 a.m.  
**DIRECTION:** southwest  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-002  
**COMMENTS:** landscape waste



LPC # 2010405051 – Winnebago County  
Roscoe/Northern Illinois Service, Co.  
FOS File

### DIGITAL PHOTOGRAPH PHOTOCOPIES

**DATE:** 10-04-04  
**TIME:** 10:14 a.m.  
**DIRECTION:** southwest  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-003  
**COMMENTS:** landscape waste



**DATE:** 10-04-04  
**TIME:** 10:15 a.m.  
**DIRECTION:** southeast  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-004  
**COMMENTS:** landscape waste



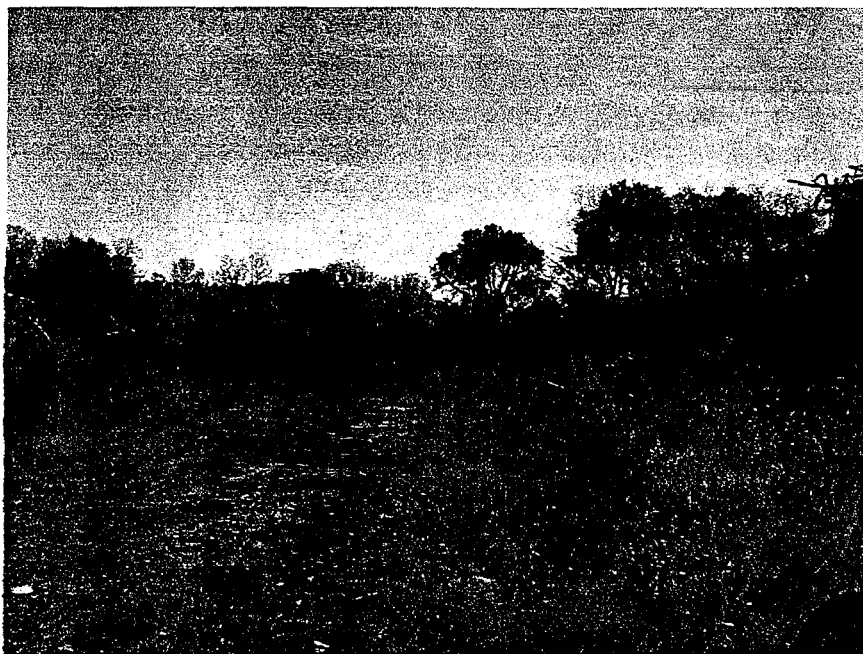
LPC # 2010405051 – Winnebago County  
Roscoe/Northern Illinois Service, Co.  
FOS File

### DIGITAL PHOTOGRAPH PHOTOCOPIES

**DATE:** 10-04-04  
**TIME:** 10:16 a.m.  
**DIRECTION:** east  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-005  
**COMMENTS:** landscape waste



**DATE:** 10-04-04  
**TIME:** 10:17 a.m.  
**DIRECTION:** east  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-006  
**COMMENTS:** landscape waste



LPC # 2010405051 – Winnebago County  
Roscoe/Northern Illinois Service, Co.  
FOS File

### DIGITAL PHOTOGRAPH PHOTOCOPIES

**DATE:** 10-04-04  
**TIME:** 10:20 a.m.  
**DIRECTION:** northeast  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-007  
**COMMENTS:** concrete with  
protruding rebar



**DATE:** 10-04-04  
**TIME:** 10:22 a.m.  
**DIRECTION:** southwest  
**PHOTO by:** Jacobsen  
**PHOTO FILE NAME:**  
2010405051~100404-008  
**COMMENTS:** open dumped  
recyclable metals





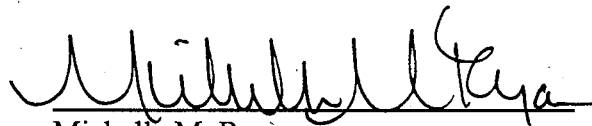
## PROOF OF SERVICE

I hereby certify that I did on the 18th day of November 2004, 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: Northern Illinois Service Company  
Attn: Wayne Klinger  
4781 Sandy Hollow Road  
Rockford, Illinois 61109

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



Michelle M. Ryan  
Special Assistant Attorney General

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