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SEP 01 2005
STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 30, 2005

PCB06-33

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

Re: ***People v. J & S Companies, Inc., et al.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of an Entry of Appearance, Complaint and Notice of Filing 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,

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

KL/pp
Enclosures

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SEP 01 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 J & S COMPANIES, INC., a Missouri)
 corporation, and FIRST CHOICE)
 CONSTRUCTION, INC., an Illinois)
 corporation,)
)
 Respondents.)

PCB No. *06-33*
(Enforcement)

NOTICE OF FILING

To: J & S Companies, Inc.
c/o C T Corporation System, R.A.
208 S. LaSalle Street, Ste. 814
Chicago, IL 60604-1101

First Choice Construction, Inc.
c/o Thomas A. Lechien, R.A.
120 W. Main St., Ste. 110
Belleville, IL 62220

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.

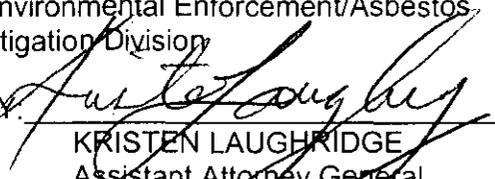
Respectfully submitted,

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
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 30, 2005

CERTIFICATE OF SERVICE

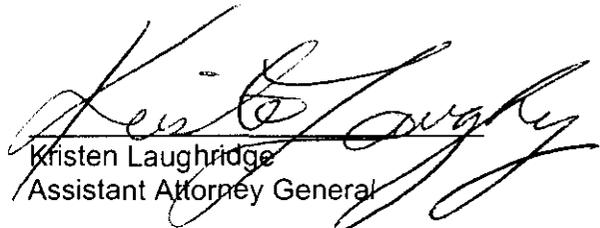
I hereby certify that I did on August 30, 2005, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: J & S Companies, Inc.
c/o C T Corporation System, R.A.
208 S. LaSalle Street Ste. 814
Chicago, IL 60604-1101

First Choice Construction, Inc.
c/o Thomas A. Lechien, R.A.
120 W. Main St., Ste. 110
Belleville, IL 62220

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
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 01 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 J & S COMPANIES, INC., a Missouri)
 corporation, and FIRST CHOICE)
 CONSTRUCTION, INC., an Illinois)
 corporation,)
)
 Respondent.)

PCB No. *06-33*
(Enforcement)

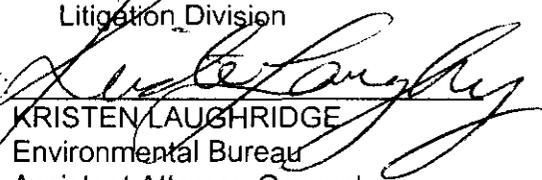
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE, 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
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 30, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 01 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
J & S COMPANIES, INC., a Missouri)
corporation, and FIRST CHOICE)
CONSTRUCTION, INC., an Illinois)
corporation,)
)
Respondents.)

No. PCB 06- 33
(Enforcement)

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, complains of the Respondents, J & S COMPANIES, INC., and FIRST CHOICE CONSTRUCTION, INC., as follows:

COUNT I
WASTE DISPOSAL VIOLATIONS

1. This Count is brought by 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 ("the Act"), 415 ILCS 5/31 (2002).

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 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), after providing the Respondents with notice and opportunity for a meeting with the Illinois EPA.

4. Section 21 of the Act, 415 ILCS 5/21 (2002), provides, in pertinent part, as follows:

No person shall:

a. Cause or allow the open dumping of any waste.

* * *

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

1. Without a permit granted by the Agency . . . ; 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 requirements of this Act and of regulations and standards thereunder.

* * *

p. In violation of subdivision (a) of this Section, 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;

* * *

7. Deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act;

* * *

5. Section 3.305 of the Act, 415 ILCS 5/3.305 (2002), 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.

6. Section 3.445 of the Act, 415 ILCS 5/3.445 (2002), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land . . . without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation.

7. Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2002), provides:

(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; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

8. During 2003, J & S COMPANIES, INC., demolished the Lansdowne Junior High School in East St. Louis, St. Clair County, Illinois, pursuant to a contract with the Board of Education—School District 189. FIRST CHOICE CONSTRUCTION, INC., was hired by J & S COMPANIES, INC., to haul the construction and demolition debris from the school demolition site.

9. FIRST CHOICE CONSTRUCTION, INC., with the knowledge of J & S COMPANIES, INC., hauled approximately 92 truckloads of construction and demolition debris from the school demolition site to a property at 7401 Bunkum Road in East St. Louis.

10. Starting on or about February 6, 2003 until about December 3, 2003 on dates better known to the Respondents, the Respondents caused or allowed the open dumping of waste and demolition debris at a disposal site. The property at 7401 Bunkum Road in East St. Louis is not permitted by the Illinois EPA as a sanitary landfill nor does the disposal site meet the requirements of the Act and of the regulations and the standards promulgated thereunder.

11. By causing or allowing the open dumping of waste, the Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2002).

12. Starting on or about February 6, 2003 until about December 3, 2003 on dates better known to the Respondents, the Respondents conducted a waste-storage or waste-disposal operation without a permit granted by the Illinois EPA or in violation of any regulations or standards adopted by the Board.

13. By conducting a waste-storage or waste-disposal operation upon its property without a permit granted by the Illinois EPA or in violation of any Board regulations or standards, the Respondents have violated Section 21(d) of the Act, 415 ILCS 21(d) (2002).

14. Starting on or about February 6, 2003 until about December 3, 2003 on dates better known to the Respondents, the Respondents disposed or stored waste at a site which did not meet the requirements of the Act and of the standards and regulations promulgated thereunder.

15. By disposing or storing or transporting waste at or to a site which did not meet the requirements of the Act and of the standards and regulations promulgated thereunder, the Respondents have violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2002).

16. Starting on or about February 6, 2003 until about December 3, 2003 on dates better known to the Respondents, the Respondents caused or allowed the open dumping of waste in a manner which has resulted in litter.

17. By causing or allowing the open dumping of waste in a manner which resulted in litter at or from the dump site, the Respondents have violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against J & S COMPANIES, INC., and FIRST CHOICE CONSTRUCTION, INC.:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondents 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) (2002), 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) (2002), award the Complainant its costs in this matter, including reasonable attorney's fees and costs; and
- F. Grant such other and further relief as the Board deems appropriate.

COUNT II
DEMOLITION DEBRIS VIOLATIONS

1 - 10. Complainant realleges and incorporates by reference herein paragraphs 1 through 10 of Count I as paragraphs 1 through 10 of this Count II.

11. During 2003, the Respondents caused or allowed the open dumping of general construction or demolition debris as defined in 3.160 of the Act, 415 ILCS 5/3.160 (2002).

12. By causing or allowing the open dumping of waste in a manner which has resulted in the deposition of general construction or demolition debris at the dump site, the Respondents have violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against J & S COMPANIES, INC., and FIRST CHOICE CONSTRUCTION, INC.:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Respondents have violated the Act and regulations as alleged herein;
- C. Ordering Respondents 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) (2002), impose upon the Respondents a monetary penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), award the Complainant its costs in this matter, including reasonable attorney's fees and costs; and
- F. Grant such other and further relief as the Board deems 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
Assistant Attorney General
Environmental Bureau

Of Counsel
KRISTEN LAUGHRIDGE
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 8/30/05