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JUL 06 2005

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

July 1, 2005

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

PCB06-02

Re: ***People v. Laidlaw Corporation***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, COMPLAINT and APPEARANCE in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 06 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)

Complainant,)

vs.)

LIDLAW CORPORATION, an Illinois)
corporation,)

Respondent.)

PCB No. 06-02
(Enforcement)

NOTICE OF FILING

To: Laidlaw Corporation
c/o S&R Registered Agent Services, Inc.
416 Main Street, Ste. 400
Peoria, IL 61602

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 (2002), to correct the pollution alleged in the Complaint filed in this case.

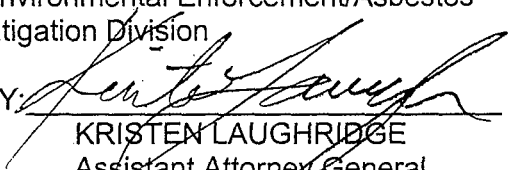
Respectfully submitted,

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: July 1, 2005

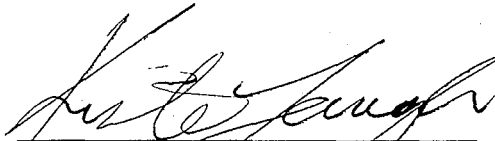
CERTIFICATE OF SERVICE

I hereby certify that I did on July 1, 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: Laidlaw Corporation
c/o S&R Registered Agent Services, Inc.
416 Main Street, Ste. 400
Peoria, IL 61602

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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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF
ILLINOIS,

Complainant,

vs.

LAIDLAW CORPORATION, an Illinois
corporation,

Respondent.

PCB No. 06-02
(Enforcement)

ENTRY OF APPEARANCE

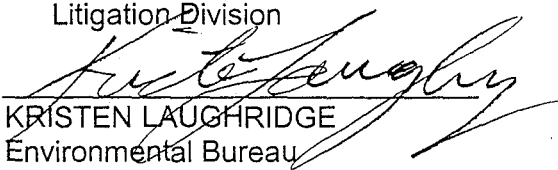
On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

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: July 1, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 06 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois,

Complainant,

vs.

LAIDLAW CORPORATION, an Illinois
corporation,

Respondent.

PLB No. 06-02

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* 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 Respondent, LAIDLAW CORPORATION, as follows:

COUNT I

HAZARDOUS WASTE RECORDS VIOLATIONS

1. This count is brought on behalf of the People of the State of Illinois, *ex rel.* 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 Sections 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 ("Board").

3. The Respondent, Laidlaw Corporation ("Laidlaw"), is an Illinois corporation in good standing. The registered agent is S&R Registered Agent Service, Inc. located at 416 Main St., Ste 400, Peoria, IL 61602.

4. The Respondent owns and operates a facility at 5326 Industrial Park Road, Metropolis, Massac County, Illinois. The facility manufactures wire hangers and dry cleaning chemicals for use in the retail dry cleaning and laundry industry. The facility is considered a large quantity generator due to the generation rates identified in the February 20, 2004 investigation. The facility has approximately 127 employees working in three shifts five to six days per week.

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

No person shall:

* * *

- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - 1. without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
 - 2. in violation of any regulations or standards adopted by the Board under this Act; or

* * *

- i. Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

6. Section 3.220 of the Act, 415 ILCS 5/3.220 (2002), provides as follows:

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial

present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

* * *

7. Section 722.111 of the Board's Hazardous Waste Operating Requirement

Regulations, 35 Ill. Adm. Code 722.111, provides, as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D.
- c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D, the generator shall then determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C by either:
 - 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or
 - 2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.
- d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725, 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

8. Section 722.140(c) of the Board's Hazardous Waste Operating Requirement

Regulations, 35 Ill. Adm. Code 722.140(c), provides as follows:

- c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

9. Section 722 of the Board's Hazardous waste Operating Requirement Regulations, 35 Ill. Adm. Code 722, is implemented under the authority of Section 22.4 of the Act, 415 ILCS 5/22.4 (2002).

10. On February 20, 2004, Illinois EPA conducted an inspection of the facility including a walk-through and a records review. Records inspected included personnel training records, limited waste profile information, waste manifests, inspection records for the hazardous waste accumulation area, and the facility's contingency plan.

11. Waste profile information in the records showed that the facility's waste paint liquid was hazardous for chromium. The waste paint was being handled as a non-hazardous waste. No other documentation was available for sample results prior to the waste profile indicating that the waste was hazardous.

12. By not maintaining records of any test results for the waste paint liquid for at least three years from the date that the waste paint liquid was last sent to off-site treatment or disposal, Respondent has violated Section 722.140(c) of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 722.140(c).

13. By determining the waste paint liquid was non-hazardous without supporting documentation stating thus, the Respondent has failed to perform an adequate hazardous waste determination in violation of Section 722.111 of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 722.111.

14. By storing hazardous waste in violation of regulations adopted by the Board, Respondent has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2002).

15. By conducting a process which produces hazardous waste in violation of regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act, Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i)(2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against the Respondent, LAIDLAW CORPORATION:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the 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) (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

HAZARDOUS WASTE TRAINING VIOLATIONS

1-11. Complainant realleges and incorporates herein by reference paragraphs 1 through 11 of Count I as paragraphs 1 through 11 of this Count II.

12. Section 725.116(c) of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 725.116(c), provides that a facility using hazardous waste must conduct update employee training on hazardous waste management procedures.

13. Section 725 of the Board's Hazardous waste Operating Requirement Regulations, 35 Ill. Adm. Code 725, is implemented under the authority of Section 22.4 of the Act, 415 ILCS 5/22.4 (2002).

14. On June 2001, Respondent conducted its the most recent personnel update training on hazardous waste management procedures at the facility.

15. By not conducting update employee training on hazardous waste management procedures, Respondent violated Section 725.116 of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 725.116.

16. By conducting a process which produces hazardous waste in violation of regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act, Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i)(2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against the Respondent, LAIDLAW CORPORATION:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the 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) (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 III

HAZARDOUS WASTE STORAGE AND PERMITTING VIOLATIONS

1-11. Complainant realleges and incorporates herein by reference paragraphs 1 through 11 of Count I as paragraphs 1 through 11 of this Count III. Complainant realleges and incorporates herein by reference paragraphs 12 through 15 of Count II as paragraphs 12 through 15 of this Count III.

16. Section 703.121 of the Board's RCRA Permit Program Regulations, 35 Ill. Adm. Code 703.121, provides in pertinent part, as follows:

- a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

- 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

* * *

17. Section 703 of the Board's RCRA Permit Program Regulations, 35 Ill. Adm. Code 703, is implemented under the authority of Section 22.4 of the Act, 415 ILCS 5/22.4 (2002).

18. Section 722.134(a)(4) of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 722.134(a)(4), provides that a facility may accumulate hazardous waste without a permit for less than 90 days provided that the facility complies with the requirements set forth in 35 Ill. Adm. Code 725.116.

19. By not conducting update employee training on hazardous waste management procedures, Respondent has not followed the requirements of Section 725.116 of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 725.116, therefore under Section 722.134(a)(4) of the Board's Hazardous Waste Operating Requirement

Regulations, 35 Ill. Adm. Code 722.134(a)(4), Respondent is not permitted to accumulate and store hazardous waste without a permit.

20. By storing hazardous waste without a permit, Respondent has violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1)(2002), and Sections 703.121(a) and 722.134(a)(4) of the Board's Hazardous Waste Operating Requirement Regulations, 35 Ill. Adm. Code 703.121(a), 722.134(a)(4).

21. By storing hazardous waste in violation of regulations adopted by the Board, Respondent has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2002).

22. By conducting a process which produces hazardous waste in violation of regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act, Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i)(2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against the Respondent, LAIDLAW CORPORATION:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the 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) (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.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. 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

KRISTEN LAUGHRIDGE
Senior Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/524-7506
Dated: June 30, 2005