

**RECEIVED**  
CLERK'S OFFICE

OCT 06 2005

STATE OF ILLINOIS  
Pollution Control Board

**INFORMATIONAL NOTICE !!!**

AC06-10

**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 James R. Thompson 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**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

OCT 06 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 GUIFFRE II, LLC, )  
 )  
 Respondent. )

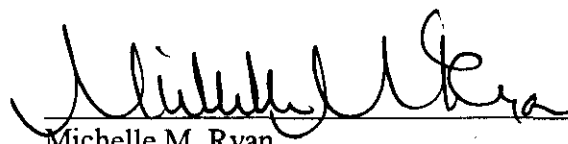
AC 06-10  
 (IEPA No. 351-05-AC)

**NOTICE OF FILING**

To: Guiffre II, LLC  
 ATTN: Nicholette G. Rinhardt  
 445 West Oklahoma Ave.  
 Milwaukee, WI 53207

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: October 3, 2005

ADMINISTRATIVE CITATION

OCT 06 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
GUIFFRE II, LLC, )  
) )  
) )  
) )  
Respondent. )

AC 06-10  
(IEPA No. 351-05-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 (2004).

FACTS

1. That Guiffre II, LLC ("Respondent") is the present owner of a facility located at 1165 Prairie Hill Road in Rockton, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockton/Beloit Corporation (Guiffre II, LLC).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010355004.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on August 9, 2005, Jason Thorp 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 Jason Thorp during the course of his August 9, 2005 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) (2004).
  
- (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) (2004).

## CIVIL PENALTY

On January 6, 2005, the Board found Guiffre II, LLC in violation of Section 21(p)(1) and Section 21(p)(7) of the Act in AC 05-31.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1) and 21(p)(7), pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). 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 October 31, 2005, 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 (2004), 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 Six Thousand Dollar (\$6,000.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), 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 (2004). 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.

Douglas P. Scott  
Douglas P. Scott, Director *by wec*  
Illinois Environmental Protection Agency

Date: 10/3/05

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

OCT 06 2005

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
GUIFFRE II, LLC, )  
Respondent. )

AC *06-10*  
(IEPA No. 351-05-AC)

FACILITY: Rockton/Beloit Corp. (Guiffre II, LLC) SITE CODE NO.: 2010355004

COUNTY: Winnebago CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: August 9, 2005

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: )  
 )  
Guiffre II, LLC )  
 )  
Respondent )


IEPA DOCKET NO.

Affiant, Jason Thorp, being first duly sworn, voluntarily deposes and states as follows:

1. -Affiant is a field inspector employed by the Remediation Management Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 09, 2005, between 16:00 and 16:30 hours, Affiant conducted an inspection of an open dump, located in Winnebago County, Illinois known as the Beloit Corporation Superfund Site (owned by Guiffre II, LLC) by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 2010355004 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.

  
\_\_\_\_\_  
Jason Thorp, EPS III

Subscribed and Sworn to Before Me  
this 7<sup>th</sup> day of Sept, 2005

  
\_\_\_\_\_  
Notary Public

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



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: Winnebago      LPC#: 2010355004      Region: 1 - Rockford  
 Location/Site Name: Rockton / Beloit Corporation (Guiffre II, LLC)  
 Date: 08/09/2005    Time: From 16:00    To 16:30    Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): Thorp      Weather: 95°F, Scattered Clouds, WSW Wind ~ 10mph  
 No. of Photos Taken: # 2    Est. Amt. of Waste: 125 yds<sup>3</sup>    Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: \_\_\_\_\_      Complaint #: \_\_\_\_\_

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

Guiffre II, LLC 445 West Oklahoma Avenue Milwaukee, WI 53207 Attn: Nicholette G. Rinhardt	
--	--

	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 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 # 2010355004

Inspection Date: 08/09/2005

	(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 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)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input checked="" type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<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.

2010355004 – Winnebago County  
Rockton / Beloit Corporation (Guiffre II, LLC)  
FOS File

**NARRATIVE INSPECTION REPORT**

On August 9, 2005, Jason Thorp observed and documented the presence of open dumped solid waste on the Beloit Corporation NPL Site located at 1165 Prairie Hill Road in Rockton, Illinois. Guiffre II, LLC, currently owns the Beloit Corporation NPL Site property.

Mr. Thorp observed the open dumped solid waste during a separate site reconnaissance search for the on-site monitoring wells for an upcoming quarterly ground water sampling. The solid waste, consisting of heavily saturated wood block flooring, measures approximately 125yd<sup>3</sup> in volume (42.46598, -89.06745). The wood block flooring will require a hazardous waste characterization analysis for proper disposal at a permitted facility.

Digital photographs 2010355004~08092005-001 through -002 depict the solid waste piles of wood block flooring located on the subject property. The following solid waste violations were observed and cited: 21(a), 21(d)(1), 21(d)(2), 21(p)(1) and 21(p)(7) of the Environmental Protection Act and 812.101(a) and 722.111 of the Illinois Administrative Code.

Correspondence relating to this matter should be directed to the owner of the property as follows:

**Owner**

Guiffre II, LLC  
445 West Oklahoma Avenue  
Milwaukee, WI 53207  
Attn: Nicholette G. Rinhardt

2010355004 – Winnebago County  
Rockton / Beloit Corporation (Guiffre II, LLC)  
FOS File

### DIGITAL PHOTOGRAPHS

**DATE:**

08/09/2005

**TIME:**

16:20

**DIRECTION:**

South

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08092005-001

**COMMENTS:**

Photo taken towards the open  
dumped solid waste pile  
containing stained wood block  
flooring.



**DATE:**

08/09/2004

**TIME:**

16:20

**DIRECTION:**

North

**PHOTO by:**

Jason Thorp

**PHOTO FILE NAME:**

2010355004~08092005-002

**COMMENTS:**

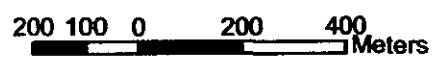
Photo taken towards the open  
dumped solid waste pile  
containing stained wood block  
flooring.





**Legend**

- BELOIT CORP PROPERTY LINE
- Open Dumping Location
- Photo Events



2010355004 / Winnebago County  
 Rockton - Beloit Corporation  
 SF Tech

GUIFFRE II, LLC  
 Open Dumping Map - August 2005  
 -features plotted on 1998 USGS aerial photograph

Drawn By: JT  
 Date: 08/09/2005  
 Comments:

Sheet No.  
 1



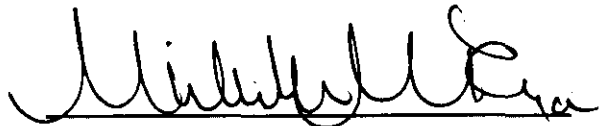
**PROOF OF SERVICE**

I hereby certify that I did on the 3rd day of October 2005, 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: Guiffre II, LLC  
ATTN: Nicholette G. Rinhardt  
445 West Oklahoma Ave.  
Milwaukee, WI 53207

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

THIS FILING SUBMITTED ON RECYCLED PAPER