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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 24, 2007

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

Re: ***People v. Strata Geologic Services, Inc.***
PCB No. 06-119

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of COMPLAINANT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT and AMENDED COMPLAINT in regard to the above-captioned matter. Please file the original and return a file-stamped copy to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Raymond J. Callery", with a long horizontal line extending to the right.

Raymond J. Callery
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

RJC/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

vs.

STRATA GEOLOGIC SERVICES, INC.,
an Illinois corporation,

Respondent.

PCB No. 06-119
(Enforcement)

RECEIVED
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APR 27 2007
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Charles E. Miller III
President
Strata Geologic Services, Inc.
8281 N. Unity Road
Lena, IL 61048

Roseanne M. Miller
Registered Agent
Strata Geologic Services, Inc.
8281 N. Unity Road
Lena, IL 61048


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT and AMENDED COMPLAINT, copies of which are attached hereto and herewith served upon you.

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: 
RAYMOND J. CALLERY
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that I did on April 24, 2007, send by First Class 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, COMPLAINANT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT and AMENDED COMPLAINT

To: Charles E. Miller III President Strata Geologic Services, Inc. 8281 N. Unity Road Lena, IL 61048	Roseanne M. Miller Registered Agent Strata Geologic Services, Inc. 8281 N. Unity Road Lena, IL 61048
--	--

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

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


RAYMOND J. CALLERY
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 STRATA GEOLOGIC SERVICES, INC.,)
)
 Respondent.)

RECEIVED
CLERK'S OFFICE
APR 27 2007
STATE OF ILLINOIS
PCB NO. 00-161101
(Enforcement Control Board
Pollution Control)

COMPLAINANT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully moves, pursuant to Section 103.206(d) of the Board's Procedural Rules, 35 Ill. Adm. Code 103.206(b) and Section 2-616 of the Code of Civil Procedure, 735 ILCS 5/2-616, for leave to file the attached Amended Complaint modifying its claims in this action, and in supports states as follows:

1. This action concern releases from underground storage tanks owed by Strata at two different locations.
2. On August 28, 2000, Strata reported to the Illinois Emergency Management Agency ("IEMA") the release of gasoline from an underground storage tank owned by it and located at 3801 14th Avenue, Rock Island, Illinois. On June 12, 2003, Strata reported to the IEMA the release of gasoline from an underground storage tank owned by it and located at 210 East 1st Street, Milan, Illinois.
3. No Answer or responsive pleading to the Complaint has been filed by Strata.
4. The original Complaint plead four counts, Count I-Reporting Violations-August 2000 Release, Count II-Failure to Investigate and Remediate Site-August 2000 Release, Count

III-Reporting Violations June 2003 Release, and Count IV-Failure to Investigate and Remediate Site-June 2003 Release.

5. Complainant has now determined that although filed late, Strata did file a 20 Day Certification, 45 Day Report and Site Classification Complete Report regarding the August 2000 release. Remediation has not been completed regarding the August 2000 release.

6. Complainant also has now determined that although neither a 20 Day Certification nor a 45 Day Report were ever submitted, Strata did submit a Corrective Action Completion Report regarding the June 2003 release. A No Further Remediation Letter has been issued regarding the June 2003 release.

7. The attached Amended Complaint pleads two counts, Count I-August 2000 Release and Count II-June 2003 Release.

8. Pursuant to Section 103.204(f) of the Board's Procedural Rules, the Respondent is hereby notified: 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.

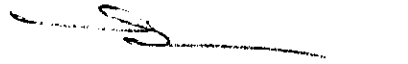
WHEREFORE, Complainant respectfully asks that this Motion to File Amended Complaint be granted and that the Amended Complaint be allowed in this pending matter.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
Raymond J. Callery
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Dated: April 20, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 27 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 STRATA GEOLOGIC SERVICES, INC.,)
 an Illinois corporation,)
)
 Respondent.)

PCB No. 06-119
(Enforcement-UST)

AMENDED COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, for its amended complaint against Respondent, STRATA GEOLOGIC SERVICES, INC., an Illinois corporation, states as follows:

COUNT I

AUGUST 2000 RELEASE

1. This Complaint is brought on behalf of the People of the State of Illinois, by 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 Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).

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 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. The Respondent, Strata Geologic Services, Inc. ("Strata"), is, at all times relevant to this Complaint, an Illinois corporation in good standing.

4. Section 57.6 of the Act, 415 ILCS 5/57.6 (2004), provides, in pertinent part, as follows:

(a) Owners and operators of underground storage tanks shall, in response to all confirmed releases, comply with all applicable statutory

and regulatory reporting and response requirements.

5. Section 731.112 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 731.112, includes the following definitions:

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Owner" means:

In the case of an UST system in use on November 8, 1984, but no longer in use on that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"Person" means an individual, trust, firm joint stock company, federal agency, corporation, state, unit of local government, commission, political subdivision of a state or an interstate body. Person, also includes a consortium, a joint venture, a commercial entity and the United States Government.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Underground area" means an underground room, such as a basement, cellar shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below-ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation for regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface on the ground.

6. Section 732.100 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.100, provides, in pertinent part, as follows:

* * *

c) Owners or operators subject to this Part by law or by election shall proceed expeditiously to comply with all requirements of the Act and the regulations and to obtain the No Further Remediation Letter signifying final disposition of the site for purposes of this Part. The Agency may use its authority pursuant to the Act and Section 732.105 of this Part to expedite investigative, preventive or corrective action by an owner or operator or to initiate such action.

* * *

7. Section 732.200 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.200, provides as follows:

Owners and operators of underground storage tanks shall, in response to all confirmed releases of petroleum, comply with all applicable statutory and regulatory reporting and response requirements. (Section 57.6(a) of the Act) No work plan shall be required for conducting early action activities.

8. Section 732.202 of the Pollution Control Board's Waste Disposal Regulations, 35

III. Adm. Code 732.202, provides, in pertinent part, as follows:

* * *

c) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) above and any resulting information or data. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

* * *

e) Within 45 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit to the Agency the information collected in compliance with subsection (d) above in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

9. Section 732.301 of the Pollution Control Board's Waste Disposal Regulations, 35

Ill. Adm. Code 732.301, provides as follows:

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate corrective action activities in accordance with the remainder of this Subpart C.

10. On August 28, 2000, Strata reported to the Illinois Emergency Management Agency ("IEMA") the release of gasoline from an underground storage tank owned by it and located at 3801 14th Avenue, Rock Island, Rock Island County, Illinois. During a tank removal, it was determined that there had been a release of gasoline from one or more of four underground tanks.

11. Illinois EPA did not receive a 20-Day Certification from Strata concerning the August 28, 2000 release until October 10, 2000. Pursuant to 35 Ill. Adm. Code 732.202(c) (as in effect prior to March 1, 2006) the owner or operator shall submit the 20-Day Certification to Illinois EPA within 20 days after confirmation of the release. The 20-Day Certification was due by no later than September 17, 2000.

12. Illinois EPA did not receive a 45-Day Report from Strata concerning the August 28, 2000 release until November 30, 2000. Pursuant to 35 Ill. Adm. Code 732.202(e) (as in effect prior to March 1, 2006) the owner or operator shall submit the 45-Day Report to Illinois EPA within 45 days after confirmation of the release. The 45-Day Report was due by no later than October 15, 2000.

13. By letter dated May 30, 2001, Illinois EPA approved the Site Classification Work Plan and notified Strata that the Site Classification Completion Report was due by no later than August 28, 2001, pursuant to 35 Ill. Adm. Code 732.301.

14. By letter dated February 26, 2002, Illinois EPA notified Strata that the Site Classification Completion Report had not been received and that this report was now due by no

later than March 15, 2002.

15. On April 18, 2002, the Illinois EPA sent a Violation Notice ("VN") to Strata concerning the August 28, 2000 release. The VN requested a response by no later than June 2, 2002. Strata never responded to the VN.

16. On August 30, 2002, Illinois EPA received a Site Classification Completion Report from Strata concerning the August 28, 2000 release. On September 27, 2002, the Illinois EPA rejected the report.

17. On October 24, 2002, the Illinois EPA received an Amended Site Classification Completion Report. The amended report was approved on December 10, 2002.

18. Strata exceeded the deadline for the 20-Day Certification, exceeded the deadline for the 45-Day Report, and exceeded two deadlines for the Site Classification Completion Report.

19. To date, Strata has not submitted to Illinois EPA the required Corrective Action Completion Report concerning the August 28, 2000 release.

20. By failing to timely submit the required reports, Strata has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a) (2004) and 35 Ill. Adm. Code 732.200, 732.202(c), and 732.202(e).

21. By failing to proceed in a timely manner to complete remediation, Strata has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a) (2004) and 35 Ill. Adm. Code 732.100(c).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter an order against the Respondent, STRATA GEOLOGIC

SERVICES, INC.:

- 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 the Respondent to cease and desist from further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the adjudication of the violations, imposing upon the Respondent a monetary penalty of not more than the statutory maximum; and
- E. Granting such other and further relief as the Board deems appropriate.

COUNT II

JUNE 2003 RELEASE

- 1-9. Complainant realleges and incorporates herein by reference paragraph 1 through 9 of Count I as paragraphs 1 through 9 of this Count II.
- 10. On June 12, 2003, Strata reported to the Illinois Emergency Management Agency the release of gasoline from an underground storage tank owned by it and located at 210 East 1st Street, Milan, Rock Island County, Illinois. The extent of release was unknown, but the tank system at the site included one 4000 gallon gasoline tank and one 6000 gallon gasoline tank, as well as a 4000 gallon diesel tank and an 8000 gallon kerosene tank.
- 11. Strata has never submitted to Illinois EPA the 20-Day Certification concerning the June 12, 2003 release. Pursuant to 35 Ill. Adm. Code 732.202(c) (as in effect prior to March 1, 2006) the owner or operator shall submit the 20-Day Certification to Illinois EPA within 20 days

after confirmation of the release. The 20-Day Certification was due by no later than July 2, 2003.

12. Strata has never submitted to Illinois EPA the 45-Day Report concerning the June 12, 2003 release. Pursuant to 35 Ill. Adm. Code 732.202(e) (as in effect prior to March 1, 2006) the owner or operator shall submit the 45-Day Report to Illinois EPA within 20 days after confirmation of the release. The 45-Day Report was due by no later than July 27, 2003.

13. On October 8, 2003, Illinois EPA sent a Violation Notice ("VN") to Strata. Strata never responded to the VN.

14. On October 5, 2006, Illinois EPA received from Strata a Corrective Action Completion Report concerning the June 12, 2003 release.

15. On October 23, 2006, Illinois EPA issued a No Further Remediation letter concerning the June 12, 2003 release.

16. By failing to submit the required reports, Strata has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a) (2004) and 35 Ill. Adm. Code 732.100(c), 732.200, 732.202(c), and 732.202(e).

17. By failing to proceed in a timely manner to complete remediation, Strata has violated Section 57.6(a) of the Act, 415 ILCS 5/57.6(a) (2004) and 35 Ill. Adm. Code 732.100(c).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter an order against the Respondent, STRATA GEOLOGIC SERVICES, INC.:

- A. Authorizing a hearing in this matter at which time the Respondent will be required

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B. Finding that the Respondent has violated the Act and regulations as alleged herein;

C Ordering the Respondent to cease and desist from further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2004), and after the adjudication of the violations, imposing upon the Respondent a monetary penalty of not more than the statutory maximum; and

E. 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
Environmental Bureau
Assistant Attorney General

Of Counsel

Raymond J. Callery
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Dated: 4/20/07