

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
-vs-	)	PCB No. 2019-112
	)	
MARINO DEVELOPMENT LLC,	)	
an Arizona limited liability company, and	)	
AW BENNETT ENTERPRISES, INC.,	)	
an Oregon corporation,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

PLEASE TAKE NOTICE that today, February 13, 2020, Complainant filed its *Motion to Deem Facts Admitted and for Summary Judgment against Marino Development LLC* with the Office of the Illinois Pollution Control Board. A copy of the document so filed is attached hereto and served upon you.

PEOPLE OF THE STATE OF  
ILLINOIS by KWAME RAOUL  
Attorney General of the  
State of Illinois,

BY: /s/ Christopher J. Grant  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, #1800  
Chicago, IL 60602  
(312) 814-3532  
cgrant@atg.state.il.us

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 13th day of February, 2020, Complainant's Motion to Deem Facts Admitted and for Summary Judgment against Marino Development LLC, and Notice of Filing, upon the persons listed below by first class mail and/or electronic mail.

/s/ Christopher Grant  
CHRISTOPHER GRANT

**SERVICE LIST:**

Mr. William Marino  
Marino Development LLC  
4117 N. Lowell Avenue  
Chicago IL 60641-1936  
billymarino@gmail.com  
(by first class mail and electronic mail)

Marino Development LLC  
2077 E Warner Rd, #110  
Tempe AZ 85284  
(by first class mail only)

Mr. Andrew Vella  
Vella & Lund  
401 W. State Street  
Rockford IL 61101  
vella\_andrew@yahoo.com  
(by first class mail and electronic mail)

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
Brad.Halloran@illinois.gov  
(By electronic mail only)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**MOTION TO DEEM FACTS ADMITTED  
AND FOR SUMMARY JUDGEMENT AGAINST MARINO DEVELOPMENT LLC**

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and requests that the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 103.204 and 101.516, deem all material facts alleged in the Complaint against Respondent MARINO DEVELOPMENT LLC. (“Marino”) to be admitted, and grant summary judgment in favor of Complainant and against Respondent Marino on Counts I through VIII of the Complaint. In support thereof, Complainant states as follows:

**I. INTRODUCTION**

This enforcement case involves alleged violations of the Illinois Environmental Protection Act (“Act”) at a demolition/development site in Rockford, Winnebago County, Illinois (“Site”). Complainant brought this matter against both AW Bennett Enterprises Inc. (“Bennett”) and Marino Development LLC (“Marino”). Respondent Bennett is the owner of the Site, while Respondent Marino was the operator of the demolition project at the Site. As alleged in the Complaint, after creating numerous waste piles outdoors on the property, Marino

abandoned the Site in 2017 without removing the waste (Count I, Par. 12). In 2018, the City of Rockford brought legal action against Respondent Bennett, who eventually removed all of the waste (Count I, Par. 15).

Respondent Bennett has appeared, answered the Complaint and, on January 21, 2020, jointly filed a Stipulation and Proposal for Settlement with Complainant. Respondent Marino has neither appeared nor answered, and this Motion is brought solely against Respondent Marino.

In the Complaint, the State alleges violations against “Respondents” because the violations constitute an indivisible harm. However, because Respondent Bennett has reached settlement, Complainant now seeks an order against Respondent Marino only. Accordingly, in its citations to the Complaint, Complainant replaces “Respondents” with “Marino” or “Respondent Marino”.

## **II. REQUEST TO DEEM FACTS ADMITTED AGAINST RESPONDENT MARINO**

Complainant filed the Complaint in this matter on June 10, 2019. The Notice of Electronic Filing included all required Board admonishments to the Respondents. Complainant now moves to deem all material facts alleged in the Complaint to be admitted and for summary judgment solely against Respondent Marino.

Respondent Marino is an Arizona LLC (*Exhibit A*, copy of online corporate record searched February 7, 2020, <https://ecorp.azcc.gov/BusinessSearch/BusinessInfo?entityNumber=L18483480> ). Service on Respondent Marino was accomplished on July 25, 2019 by personally serving Mr. William

Marino, Manager and Statutory Agent of Marino Development LLC (*Exhibit B*).<sup>1</sup> Mr. Marino subsequently participated in a telephone status in the matter on behalf of Marino Development LLC (September 12, 2019 Hearing Officer Order attached as *Exhibit C*).

As of the date of filing this Motion, more than 60 days have passed since service of the Complaint on Respondent Marino. However Respondent Marino has failed to file an appearance, answer or other responsive pleading to the Complaint.

Section 103.204 of the Board Procedural Rules, 35 Ill. Adm. Code 103.204, provides, in pertinent part, as follows:

**Section 103.204 Notice, Complaint, and Answer**

\* \* \*

- d) Except as provided in subsection (e), the respondent must file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless the affirmative defense could not have been known before hearing.

Complainant requests that the Board find, pursuant to Section 103.204 of the Board Procedural Rules, 35 Ill. Adm. Code 103.204, that all material allegations of the complaint are deemed to be admitted by Respondent Marino.

**III. MOTION FOR SUMMARY JUDGMENT**

In the Complaint, Complainant sufficiently alleges the following violations of the Act, and Board regulations against Respondent Marino:

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<sup>1</sup> In Arizona, the registered agent for a corporation or LLC is referred to as a "Statutory Agent". See: Ariz. Rev. Stat. §29-604.

- Count I: OPEN DUMPING OF WASTE, violation of 415 ILCS 5/21(a) (2018);
- Count II: CAUSING AND ALLOWING LITTER, violation of 415 ILCS 5/21(p)(1) (2018);
- Count III: OPEN DUMPING OF CONSTRUCTION OR DEMOLITION DEBRIS, violation of 415 ILCS 5/21(p)(7) (2018);
- Count IV: CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT, violation of 415 ILCS 5/21(d)(1), 415 ILCS 5/21(d)(2) (2018), and 35 Ill. Adm. Code 812.101;
- Count V: WASTE STORAGE AND DISPOSAL AT AN IMPROPER SITE, violation of 415 ILCS 5/21(e) (2018);
- Count VI: FAILURE TO PERFORM A SPECIAL WASTE DETERMINATION, violation of 415 ILCS 5/21(d)(2) (2018), and 35 Ill. Adm. Code 808.121;
- Count VII: FAILURE TO PERFORM A HAZARDOUS WASTE DETERMINATION, violation of 415 ILCS 5/21(d)(2) (2018), and 35 Ill. Adm. Code 722.111;
- Count VIII: CREATING A WATER POLLUTION HAZARD, violation of 415 ILCS 5/12(d) (2018).

**A. The Board Should Grant Summary Judgment on the Open Dumping Violations Alleged in Counts I through III**

Count I, Count II, and Count III are all related to “open dumping” prohibited under Section 21(a) of the Act. “Open dumping” is “the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.” 415 ILCS 5/3.305 (2018). Complainant alleges that Respondent Marino caused mixed demolition debris and creosote-stained wood blocks to be dumped and discarded outdoors at the Site, exposed to the environment (Complaint, Count I, paragraph 21). The discarding of the debris on the ground at the Site constitutes “disposal”, and the Site is a “disposal site” (Count I, Paragraph 24), 415 ILCS 5/3.185 and 5/3.460 (2018). As discarded material, the debris is “waste” as defined in Section 3.535 of the Act, 415 ILCS t/3.535 (2018). The Site has never been covered by an

Illinois EPA permit for the storage, treatment or disposal of waste (Count I, paragraph 6).

Pursuant to Section 3.445 of the Act, 415 ILCS 5/3.445 (2018), a sanitary landfill requires an Illinois EPA Permit.

**Count I**

As alleged in the Complaint Respondent Marino dumped and disposed of waste at the Site, a facility not permitted by Illinois EPA for disposal. Respondent Marino thereby caused and allowed the open dumping of waste, and thereby violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count I.

**Count II**

The open dumping at the Site by Respondent Marino resulted in the accumulation of litter at the Site. The term “litter” is not defined in the Act. However, the term *is* defined in the Litter Control Act, 415 ILCS 105/1 *et seq.* Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a), provides, in pertinent part, as follows:

- (a) “Litter” means any discarded, used or unconsumed substance or waste. “Litter may include, but is not limited to ...debris, rubbish...or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly....

The definition of “litter” from the Litter Control Act has been accepted by the Board and reviewing courts as also applicable to the term “litter” used in the Act. See, e.g., *Northern Illinois Service Company v. Illinois Environmental Protection Agency*, 381 Ill. App.3d 171, 178 (2<sup>nd</sup> Dist. 2008).

As alleged by Complainant, Respondent Marino caused and allowed debris from the demolition of buildings and discarded creosote-stained wood flooring blocks to be discarded and

abandoned at the Site. These materials constitute a “discarded, used, or unconsumed substance or waste”, and therefore constitute “litter” as that term is defined in the Litter Control Act, and as applied in alleged violations of Section 21(p)(1) of the Act. Respondent Marino caused and allowed the open dumping of waste, resulting in litter, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count II of the Complaint.

### **Count III**

In Count III, Plaintiff alleges the open dumping of general construction or demolition debris, defined in the Act as “...uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads”. 415 ILCS 5/3.160(a) (2018). In the Complaint, Plaintiff alleges that the materials dumped resulted from the demolition of buildings at the Site, and consisted, in part of “waste brick, scrap metal, broken concrete, roofing material, siding, and other demolition debris...” (Count I, Par. 10, incorporated by reference into Count III).

The materials dumped by Respondent Marino meet the definition of “general construction or demolition debris”. Respondent Marino caused and allowed the open dumping of general construction or demolition debris at the Site, and thereby violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count III.

### **B. The Board Should Grant Summary Judgment on Count IV**

In Count IV, Complainant has alleged that Respondent Marino conducted a waste storage and disposal operation without first obtaining a permit to develop and operate a landfill, in violation of 415 ILCS 5/21(d)(2) and 35 Ill. Adm. Code 812.101. Complainant alleges that



Marino stored and disposed of waste at the Site, and thereby conducted a waste disposal operation (Count IV, paragraph 34). Complainant alleges that Marino operated the waste storage and disposal operation, and was therefore an “Operator” of the waste disposal operation, as that term is defined and used in the Board regulations (Count IV, par. 33). Waste was placed on the Site for an extended period, creating a “waste pile” and therefore a “landfill”. (Count IV, par. 31).

By developing and operating a landfill without obtaining permits from the Illinois EPA, Respondent Marino violated 35 Ill. Adm. Code 812.101. By conducting a waste storage and disposal operation in violation of the Board regulations, Marino also violated 415 ILCS 5/21(d)(2) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count IV.

**C. The Board Should Grant Summary Judgment on Count V**

In Count V the State alleges that Respondent Marino stored and abandoned waste at the Site, in violation of 415 ILCS 5/21(e). Complainant alleges that Marino commenced demolition activities in May 2016 and dumped the demolition waste on the ground at the Site (Count I, Par. 10.). The Site has never been permitted by Illinois EPA for the storage, treatment, or disposal of waste (Count I, Par. 6). Marino ceased demolition and development at the Site in May 2017 but took no action to remove the accumulated waste material. (Count I, Par. 12). Waste removal did not start until more than a year later, and only after the City of Rockford took the owner of Respondent Bennett to court to compel waste removal. (Count I, Par. 15). Plainly, after disposing of the waste at the Site, Marino simply abandoned it.

Because the Site was never permitted by Illinois EPA, it did not satisfy the Act’s requirements for the storage, disposal or abandonment of waste. By storing, disposing and

abandoning waste at the Site, Respondent Marino violated 415 ILCS 5/21(e) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count V.

**D. The Board Should Grant Summary Judgment on the Waste Characterization Violations Alleged in Counts VI and VII**

In Counts VI and VII, Complainant alleges violations related to Marino's failure to evaluate waste creosote-treated wooden flooring blocks that were dumped on the ground at the Site. Board regulations require a waste generator to determine whether generated waste constitutes a hazardous waste or a special waste, and therefore may require special handling and disposal. Respondent Marino did not test or otherwise evaluate the flooring blocks to determine whether the waste was a special waste or hazardous waste (Count VI, Par. 21).

**Count VI**

Respondent Marino was the generator of the creosote-treated flooring blocks (Count VI, Par.23). As discarded material, the treated flooring blocks are "waste" as defined by 415 ILCS 5/3.535 (Count I, Par. 21). As "generator", Marino was required under 35 Ill. Adm. Code 808.121 to determine whether the waste was a special waste. By failing to test or evaluate the creosote-treated flooring waste to determine whether it qualified as a "special waste", Respondent Marino violated 35 Ill. Adm. Code 808.121. There are no material facts at issue and complainant is entitled to summary judgment on Count VI.

**Count VII**

35 Ill. Adm. Code 722.111 requires "solid waste" generators to determine whether the waste is a hazardous waste. As abandoned material, the flooring blocks are "solid waste" as defined in 35 Ill. Adm. Code 721.102 (Count VII, Par. 24). Respondent Marino was a "generator" of the creosote-impacted waste, and therefore a "...person that generates a solid

waste”. (Count VII, Par. 23). By failing to test or evaluate whether the flooring blocks were a hazardous waste, Respondent Marino violated 35 Ill. Adm. Code 722.111 as alleged in Count VII. There are no material facts at issue, and Complainant is entitled to summary judgment on Count VII.

**E. The Board Should Grant Summary Judgment on Count VIII**

In Count VIII, Complainant alleges that Respondent Marino created a water pollution hazard, in violation of 415 ILCS 5/12(d) (2018). The relevant facts are as follows:

1. Creosote-treated wooden flooring blocks were dumped on the ground close to storm sewers at the Site (Count VIII, Par. 17; Count I, Par 11).
2. No barriers had been installed to prevent potential contamination from the creosote from entering the storm sewers during rain events or through other means (Count VIII, Par. 17).
3. Creosote has been determined to be a “probable human carcinogen” by the United States Environmental Protection Agency. If released into surface waters, creosote can be toxic to aquatic organisms (Count VIII, Par. 18).
4. Storm water in the storm sewers at the Site qualifies as a “water” of the State of Illinois (Count VIII, Par. 24).

Because of the potential harm to human health and aquatic organisms, the release of creosote into waters of the State of Illinois would constitute “water pollution”. Respondent Marino, who was the operator of the demolition project at the Site, created the threat of water pollution by dumping creosote treated and stained wooden blocks outdoors, on the ground, in the vicinity of storm sewers, and without taking any protective measures to prevent creosote migration into the storm sewers. Through its actions and omissions, Marino created a water pollution hazard in violation of 415 ILCS 5/12(d) (2018). There are no material facts at issue, and Complainant is entitled to summary judgment on Count VIII.

**F. Conclusion**

If the Board deems the facts alleged in the Complaint as admitted against Respondent Marino, it should grant summary judgment in favor of Complainant and against Respondent Marino on Counts I through VIII. Complainant has sufficiently alleged facts supporting the violations. There are no material facts at issue and Complainant is entitled to judgment.

#### **IV. REQUESTED REMEDY**

As remedy for the violations alleged in the Complaint, Complainant seeks a civil penalty against Respondent Marino in the amount of twenty-five thousand dollars (\$25,000) and an order directing the Respondent to cease and desist from future violations. Complaint requests that the Board consider Complainant's proposed findings regarding these factors and grant the requested relief without need for a hearing.

#### **Complainant's Review of Section 33(c) Factors**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

*In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:*

- 1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;*

Complainant asserts that Marino's abandonment of waste at the Site created a nuisance and appearance of blight, affecting property values near the Site.

- 2. the social and economic value of the pollution source;*

Complainant asserts that there was a negative economic value to the Site, and property in the vicinity, during the period that the demolition waste remained at the Site.

- 3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;*

The demolition waste piles abandoned at the Site were unsuitable for the area.

4. *the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source;*

Complainant asserts that orderly demolition, waste characterization and waste removal are technically feasible and economically reasonable.

5. *any subsequent compliance.*

Marino did not remove waste from the Site or bring the Site into Compliance.

Respondent Bennett removed waste after legal action by the City of Rockford.

#### **Complainant's Summary of Section 33(c) Factors**

Complainant asserts that the Section 33(c) factors support the imposition of a civil penalty and order to cease and desist from future violations.

#### **Complainant's Review of Section 42(h) Factors**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

*In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:*

1. *The duration and gravity of the violation;*

Respondent Marino's violations continued from soon after commencement of demolition in May 2016 and continued until 2019, when Respondent Bennett removed all waste.

2. *the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief there from as provided by this Act;*

Respondent Marino was not diligent in attempting to comply with the requirements of the Act and regulations. Marino abandoned the Site in May 2017 and made no effort to return to the

Site to remove and properly dispose of waste it generated through demolition activities.

Marino's failure to properly store and secure the creosote-stained wooden flooring blocks to prevent migration of contaminants into waters of the State also demonstrates a lack of diligence.

3. *any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;*

Complainant lacks specific information regarding the economic benefit accruing to Respondent Marino as a result of its violations.

4. *the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;*

Complainant asserts that, considering the facts of this case, a civil penalty of \$25,000.00 against Respondent will encourage voluntary compliance by the Respondent and others.

Complainant also notes that Respondent Bennett has settled the allegations against it for a civil penalty of \$12,500.00. Based on the facts of this case, particularly Marino's abandonment of the Site in May 2017, Complainant believes that an appropriate civil penalty against Marino should be higher than the penalty assessed against Respondent Bennett.

5. *the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;*

Complainant is not aware of any previously adjudicated violations of the Act by Respondent Marino.

6. *whether the respondent voluntarily self-disclosed, in accordance with subsection I of this Section, the non-compliance to the Agency; and*

Respondent Marino did not self-disclose the non-compliance to the Illinois EPA

7. *whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial*

*project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform;*

Respondent Marino has proposed no supplemental environmental project.

8. *whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.*

No Compliance Commitment Agreement has been proposed or completed by Respondent Marino.

### **Summary of Section 42(h) Factors**

Complainant asserts that the facts in this matter support civil penalty assessed against Respondent Marino in the amount of \$25,000.00, along with an order directing the Respondent to cease and desist from future violations.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board issue an order in favor of Complainant and against Respondent MARINO DEVELOPMENT LLC.:

- a. Deeming all material allegations in the Complaint to be admitted;
- b. Granting summary judgment in favor of Complainant and against Respondent Marino on Counts I through VIII;
- c. Ordering Respondent Marino to cease and desist from further violations of the Act and Board regulations;
- d. Assessing a civil penalty of \$25,000.00 against the Respondent Marino; and
- e. Granting such other relief as the Board deems appropriate and just.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS  
by KWAME RAOUL,  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief,  
Environmental Enforcement/  
Asbestos Litigation Division

ELIZABETH WALLACE, Chief  
Environmental Bureau North  
Assistant Attorney General

BY: /S/ Christopher J Grant  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, 18th Flr.  
Chicago, Illinois 60602  
(312) 814-5388

Primary e-mail address: cgrant@atg.state.il.us  
Secondary e-mail address: mcacaccio@atg.state.il.us



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
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Complainant,	)	
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-vs-	)	PCB No. 2019-112
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an Arizona limited liability company, and	)	
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	)	
Respondents.	)	

**MOTION TO DEEM FACTS ADMITTED  
AND FOR SUMMARY JUDGEMENT AGAINST MARINO DEVELOPMENT LLC**

EXHIBIT A

**ENTITY INFORMATION**

Search Date and Time: 2/7/2020 8:31:17 AM

**Entity Details:**

<b>Entity Name:</b>	MARINO DEVELOPMENT LLC	<b>Entity ID:</b>	L18483480
<b>Entity Type:</b>	Domestic LLC	<b>Entity Status:</b>	Active
<b>Formation Date:</b>	5/21/2013	<b>Reason for Status:</b>	In Good Standing
<b>Approval Date:</b>	6/14/2013	<b>Status Date:</b>	
<b>Original Incorporation Date:</b>	5/21/2013	<b>Life Period:</b>	Perpetual
<b>Business Type:</b>		<b>Last Annual Report Filed:</b>	
<b>Domicile State:</b>	Arizona	<b>Annual Report Due Date:</b>	
		<b>Years Due:</b>	
<b>Original Publish Date:</b>			

**Statutory Agent Information**

<b>Name:</b>	WILLIAM MARINO	<b>Appointed Status:</b>	Active
<b>Attention:</b>			
<b>Address:</b>	2077 E WARNER RD #110 , TEMPE, AZ 85284, USA	<b>E-mail:</b>	
<b>Agent Last Updated:</b>	6/14/2013	<b>Mailing Address:</b>	
<b>Attention:</b>			
<b>County:</b>			

**Principal Information**

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Manager	WILLIAM MARINO		2077 E WARNER RD #110, TEMPE, AZ, 85284, USA	5/21/2013	6/14/2013
Member	BOXMAN HOLDINGS LLC		2077 E WARNER RD #110, TEMPE, AZ, 85284, USA	5/21/2013	6/14/2013

Page 1 of 1, records 1 to 2 of 2

**Address**

**Attention:** **Address:** 2077 E WARNER RD #110, TEMPE, AZ, 85284, USA **County:** Maricopa **Last Updated:** 5/21/2013

**Entity Principal Office Address**

**Attention:** **Address:** **County:** **Last Updated:**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
-vs-	)	PCB No. 2019-112
	)	
MARINO DEVELOPMENT LLC,	)	
an Arizona limited liability company, and	)	
AW BENNETT ENTERPRISES, INC.,	)	
an Oregon corporation,	)	
	)	
Respondents.	)	

**MOTION TO DEEM FACTS ADMITTED  
AND FOR SUMMARY JUDGEMENT AGAINST MARINO DEVELOPMENT LLC**

EXHIBIT B

STATE OF ILLINOIS

)SS.

CASE NUMBER: PCB 2019 112 - Invest# 14406

COUNTY OF Cook )

**AFFIDAVIT OF SERVICE**

I, Barbara Healy #160, being first duly sworn, depose and state as follows:

I am an Investigator in the Office of the Attorney General, State of Illinois. Pursuant to 15 ILCS 205/4c investigators employed by the Attorney General have all the powers possessed by sheriffs.

I am over 21 years of age and not a party to this case.

I served the within Notice of Filing and a copy of the attached Complaint

upon R/A William MARINO, on the 25th day of July, 2019 at approximately 1225 hrs by:

PERSONAL service was made by giving a copy of the aforementioned \_\_\_\_\_ to \_\_\_\_\_ Race \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_ personally at \_\_\_\_\_ in \_\_\_\_\_ County, Illinois.

SUBSTITUTE service on \_\_\_\_\_ was made by handing the aforementioned \_\_\_\_\_ to \_\_\_\_\_, a member of the same household, (who is 13 years of age or older) \_\_\_\_\_ Race \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_ informing that person of the contents of the above cited document(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the hour of \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, County of \_\_\_\_\_, his/her usual place of residence and by placing the document(s) in the United States Mail on \_\_\_\_\_, with postage fully prepaid and addressed to the Respondent's last known address.

CORPORATION OR PARTNERSHIP service on Marino Development, LLC by leaving a copy of the Notice of Filing and Complaint and of the cited document(s) with R/A William MARINO, Registered Agent / Officer or Agent.

Barbara Healy #160  
Investigator  
*Barbara Healy*  
Office of the Attorney General

Subscribed and sworn to before me this 25<sup>th</sup> day of July, 2019 at \_\_\_\_\_

Dariusz Karmay  
Notary Public



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	)	
Complainant,	)	
	)	
-vs-	)	PCB No. 2019-112
	)	
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an Arizona limited liability company, and	)	
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an Oregon corporation,	)	
	)	
Respondents.	)	

**MOTION TO DEEM FACTS ADMITTED  
AND FOR SUMMARY JUDGEMENT AGAINST MARINO DEVELOPMENT LLC**

EXHIBIT C

ILLINOIS POLLUTION CONTROL BOARD  
September 12, 2019

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	PCB 19-112
MARINO DEVELOPMENT LLC, an Arizona	)	(Enforcement - Land)
limited liability company, and A-W-	)	
BENNETT ENTERPRISES, INC., an Oregon	)	
corporation.	)	
	)	
Respondents.	)	

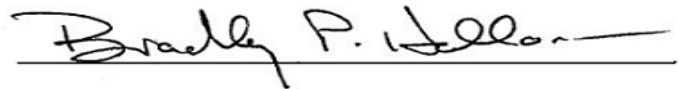
**HEARING OFFICER ORDER**

On September 12, 2019, all parties participated in a telephonic status conference with the hearing officer. Complainant stated that service of the complaint on respondent Marino Development LLC (Marino) was completed on July 21, 2019. Discussions between complainant and Marino continue. Mr. Marino was present at the status conference.

The complainant further stated that it has served written discovery on A-W-Bennett Enterprises, INC. (A-W-Bennett). The attorney for A-W-Bennett stated that he is in the process of responding.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on October 31, 2019, at 11:00 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



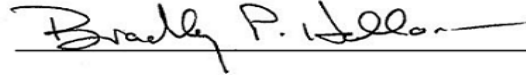
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed, on September 12, 2019, 2019, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on September 12, 2019:

Don Brown  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601



Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-8917

@ Consents to electronic service

SERVICE LIST

PCB 2019-112@  
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PCB 2019-112@  
William Marino  
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PCB 2019-112@  
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PCB 2019-112@  
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