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## **Lawsuit alleges firm violated IEPA permit**

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**Bolingbrook's E.C. Rizzi  
& Associates faces steep fines**

Bolingbrook-based E.C. Rizzi & Associates, the target of the village of Woodridge and a Woodridge citizens advocacy group concerned over the operation of the firm's Murphy Road landscape waste transfer facility, could face civil fines of at least \$600,000 if the Will County Circuit Court rules in favor of a lawsuit filed by the Illinois attorney general's office.

The 12-count lawsuit, filed Aug. 24 in Will County Circuit Court by Illinois Attorney General Lisa Madigan, seeks \$50,000 in civil fines for each of the suit's 12 counts, and asks for an additional \$10,000 in fines "each day of the violation" for each count.

If the courts rule in favor of the state and additional fines are levied for each day of violations, "the overall fines could be in the millions of dollars," said Zemeheret Bereket-Ab, assistant attorney general for the Environmental Bureau of the attorney general's office.

The suit alleges E.C. Rizzi & Associates has operated in violation of its permit granted in 1997 by the Illinois Environmental Protection Agency to transfer landscape waste by allowing, among other things, nonlandscape waste to be stored on site.

"Contrary to what people say, we are not a solid waste dump. We operate a landscape waste transfer station, just like we have for the last 20 years," said J.R. Rizzi, owner of the business.

"We help recycle landscape materials," he said, although he added the business has been cited for IEPA violations several times in the past because of "bad management, paperwork, hours ... but not pollution. There is no potential for pollution. Our operation is recycling and helping the environment."

The facility in question is located on 3 acres of a 15-acre parcel just west of the intersection of Woodward Avenue and Murphy Road in Bolingbrook. The property is adjacent to Woodridge, near three residential subdivisions.

The property is owned by the Steve Tameling Estate, which was not mentioned in the lawsuit.

It is zoned I-1 Limited Industrial, and was annexed into

Bolingbrook in 1990, five years after the business began operating on a then-unincorporated site.

The first count of the suit states inspectors working as agents for the IEPA conducted eight on-site inspections between Aug. 11, 2005, and July 24, 2006, and found "nonlandscape waste consisting of wooden pallets, general construction and demolition debris ('C & D'), drywall, concrete, a pile of ground glass, a pile of sand, a pile of aggregate and horse manure piles" on site.

Among the other counts alleged in the lawsuit are that the business allowed open dumping of nonlandscape materials, performed open burning, failed to obtain necessary permits, caused or allowed air pollution, constructed and operated "emission sources," failed to file emission reports, and operated a new solid waste management site without an operating permit.

Rizzi and Bereket-Ab said representatives from the attorney general's office and E.C. Rizzi & Associates met prior to the filing of the lawsuit to try and work out a negotiated settlement, but to no avail.

"We did offer a chance for E.C. Rizzi & Associates to come into compliance, and they did not make a counteroffer. They still could do so before it gets to court," Bereket-Ab said. "It is our general policy before we file a complaint to invite the defendants for a meeting where we discuss a potential settlement and compliance terms."

Rizzi said his attorneys made no counteroffer because recent inspections of the facility were not included in the proposed settlement, and "there is no guarantee other violations might not be added after the deal is made."

"We are still hopeful something can be worked out so we don't have to go to court," Rizzi said.

If no settlement can be negotiated and the courts rule in favor of the state, the fines could be steep.

"The provision seeking \$10,000 per day per violation would be in effect from when we establish the business was in noncompliance until the time it is remedied and complies with the law," Bereket-Ab said.

Aug. 11, 2005, was cited often in the suit to establish dates of noncompliance.

Karen Gormley, Woodridge resident and spokeswoman for Citizens Opposed to Dump Expansion, said the advocacy group "is thrilled at the progress made over the past year, culminating with the lawsuit."

"Mr. Rizzi has said he doesn't like the word 'dump' used when describing his business, yet the use of the word dump is used about 15 times in the lawsuit," she said.

"We would be disappointed if the case does not make it into court and there is (a negotiated settlement) because Mr. Rizzi's focus isn't helping keep the environment clean or making our area safe while conducting business, it is about making money," Gormley said.

Gormley said the advocacy group, formed in September 2005 when the issue began receiving attention, will continue to contact local and state elected officials and environmental agencies to oppose the operation of the business.

"We'd like to see it brought into compliance as soon as possible," she said.

According to the suit, a date for case management has been set for Tuesday, Dec. 12, at the River Valley Justice Center in Joliet.

The case could begin sooner than that if both parties agree, Bereket-Ab said.