

Lawsuit filed against 'dump'

Residents concerned about site along border of Bolingbrook

By Louise Brass
staff writer

A protest move by people who live near what they are calling a dump site in Bolingbrook has progressed into a lawsuit filed in Will County court against E.C. Rizzi and Associates of Naperville.

But the company's owner, J.R. Rizzi, told The Sun when the issue surfaced at a Bolingbrook Village Board meeting in 2005 that he believes the site, at 499 Murphy Road in Bolingbrook, is properly permitted and is not a dump site.

The complaint against E.C. Rizzi and Associates was filed by the Illinois attorney general's office Aug. 24 on behalf of the people of Illinois, said Karen Gormley of Woodridge.

She lives near the site, which is bordered by Murphy Road in Woodridge, Woodward Road and Interstate 355 in Bolingbrook and an unincorporated area near Downers Grove.

The Illinois Tollway Authority also owns some land near the property where new ramps are being constructed for the I-355 extension. Also nearby are some new model homes, Gormley said.

Residents of the area said dust and debris find their way onto their property and that they feel that the site is a problem.

The lawsuit claims that the site is accepting wastes such as wooden pallets, drywall, concrete, ground glass, sand, piles of aggregate and horse manure without obtaining a modification of the permit. Also claimed is consolidation of refuse from one or more sources.

A modification of the current permit and a supplemental permit are needed to store such wastes, the complaint reads.

According to Gormley, a case management hearing is possible in December or sooner.

Now the defendant has 30 days to file a response, said Assistant Attorney General Zemeheret Bereket-Ab of the Illinois Environmental Protection Agency.

He said the agency is also investigating Rizzi's other site, in DuPage County.

The village of Bolingbrook is not involved in the lawsuit, said Jim Boan, the village attorney, because the permits used by Rizzi were grandfathered in, as is legal, when the property was annexed into the village at least a decade ago.

"We can't strip someone of their livelihood," Boan said.

Rizzi did apply to the village of Bolingbrook, where the land is, for a new type of permit last year, which could have allowed a change in his operations, but he withdrew that request when the controversy occurred, Boan said.

Last year, about 100 people attended a Village Board meeting at Town Center asking the village not to allow the operations at the site, which they said was not properly screened and included large hills of construction waste and mulch.

Gormley said residents of Woodridge and unincorporated DuPage County were given only four hours' notice of Rizzi's request to ask the Bolingbrook Plan Commission for a special-use permit for a planned industrial development with variances at the site.

However, Bolingbrook Mayor Roger Claar called a special meeting to allow the residents to voice their concerns. On Oct. 6, 2005, E.C. Rizzi and Associates and the estate of Steve Tamelung withdrew their request for a special-use permit, Gormley said.

Gormley has since helped start the group Citizens Opposing Dump Expansion.

"I can't believe how far we have come," she said.

It is because of persistent e-mails, letters and phone calls to the IEPA and elected officials that the matter has progressed, Gormley said.

"Coming this far in a year's time is a major accomplishment for CODE. We cannot rest now," she said.

Twelve counts of violations of the Illinois Environmental Protection Act are listed in the complaint, including causing or allowing air pollution, causing or allowing open dumping, conducting a composing operation without a permit and waste storage without a permit.

Each offence carries a \$50,000 fine and an additional \$10,000 fine for each day of the violation, the complaint reads.

Rizzi's attorney, George Mueller of Naperville, declined to comment on the case this week.