



WILL COUNTY LAND USE DEPARTMENT

58 E. Clinton Street, Suite 500
Joliet, Illinois 60432

October 7, 2005

Notice of Intent to Pursue Legal Action

E.C. Rizzi & Assoc., Inc.
Attn: J.R. Rizzi
31 W 310 Schoger Drive
Naperville, IL 60564

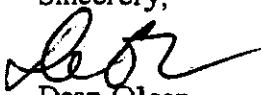
Re: Notice Of Intent To Pursue Legal Action
Violation Notice L2005-WL-124 **CERTIFIED MAIL #7001 1940 0000 3927 3868**
1974155082 – Will County **RETURN RECEIPT REQUESTED**
E.C. Rizzi & Assoc.
Permit No. 1997-225-DE/OP Log No. 1997-225
Compliance File

Dear Mr. Rizzi:

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b) (1994). The Will County Waste Services Division is providing this notice on behalf of the Illinois Environmental Protection Agency ("Illinois EPA") because:

You have failed to respond adequately to a Violation Notice dated July 14, 2005 and issued by this Department within the time frame required by Section 31 of the Act.

The Will County Waste Services Division is providing this notice because it may pursue legal action for the violation(s) of environmental statutes, regulations or permits specified in Attachment A. This Notice of Intent to Pursue Legal Action provides the opportunity to schedule a meeting with representatives of the Will County Waste Services Division to attempt to resolve the violations of the Act, regulations and permits specified in Attachment A. If a meeting is requested, it must be held within 30 days of receipt of this notice unless the Will County Waste Services Division agrees to an extension of time. If you wish to schedule a meeting with representatives of the Will County Waste Services Division or have any questions, please contact Matt Guzman at (815) 727-8751 within 20 days of your receipt of this notice.

Sincerely,

Dean Olson
Waste Services Manager

Matt Guzman/Will County State's Attorney's Office
IEPA/Springfield/Des Plaines

ATTACHMENT A

< Pursuant to Section 21(a) of the [Illinois] Environmental Protection Act: Cause or allow the open dumping of any waste.

You are in apparent violation of Section 21(a) of the [Illinois] Environmental Protection Act, for the following reason: you are causing or allowing open dumping of waste at the site.

< Pursuant to Section 21(d) 1 of the [Illinois] Environmental Protection Act, Conduct any waste storage, waste-treatment, or Waste-Disposal Operation:

- (1) Without a Permit or in Violation of Any Conditions of a Permit.

You are in apparent violation of Section 21 (d) 1 of the [Illinois] Environmental Protection Act, for the following reason: The facility has not obtained a permit or siting for acceptance of certain waste materials. Prior to accepting additional waste such as manure, broken glass/sand mixture, drywall, sod in large quantities, and commingled general construction and demolition debris, you must obtain an IEPA permit (or permission from the IEPA Permits Section in some cases). Additionally, if you accept commingled general construction and debris, you must obtain local siting approval.

< Pursuant to Section 21 (e) of the [Illinois] Environmental Protection Act: Dispose, Treat, Store, or Abandon any waste, or Transport any waste into the state at/to sites not meeting requirements of the Act and Regulations.

You are in apparent violation of Section 21 (e) [Illinois] Environmental Protection Act, for the following reason: The facility is storing waste at a site not meeting regulations set forth by the Act.

< Pursuant to Section 21 (p) [Illinois] Environmental Protection Act: 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

- (7) Deposition of:

- (i) general construction or demolition debris as defined in Section 3.160 (a) of this Act
or
- (ii) clean construction or demolition debris as defined in Section 3.160 (b) of this Act

< Pursuant to Section 21 (w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycling, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. The subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, (3) the Illinois Department of Transportation, or (4) a municipality or county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, or the Illinois Department of Transportation, or a municipal utility or county highway department. The terms "generation" and

"recycling" as used in this subsection do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and "recycling", as used in this subsection, do not apply to uncontaminated soil that is commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.

You are in apparent violation of these sections for the following reasons: litter at the site, deposition of general construction debris and clean construction debris having protruding rebar. Supply documentation listed in (w) above should you intend to continue to recycle clean construction debris.

< Pursuant to Section 39.2 of the [Illinois] Environmental Protection Act: Local Siting Review.

You are in apparent violation of this section due to meeting the definition of Section 3.330 (a) "Pollution Control Facility" or Section 3.330 (b) "New Pollution Control Facility" and not obtaining local siting approval. The definition of a pollution control facility is: any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. The definition of a new pollution control facility is:

- (1) a pollution control facility initially permitted for development or construction after July 1, 1981; or**
- (2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or**
- (3) a permitted pollution control facility requesting approval.**

Since the site does fall under (13) of this section, it is applicable to local siting approval.

You have not met Section 3.330 (a) (13), which reads: The following are not pollution control facilities:

The portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act.

< Pursuant to Sections 807.201 & 807.202 of the Regulations: Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency.

You are in apparent violation of Sections 807.201 & 202 of the Regulations for the following reason: You have not obtained a permit from the Agency to accept commingled general construction and demolition debris wastes, manure, broken glass/sand mixture, drywall and large quantities of sod.

< Pursuant to Section 807.210 of the Regulations: Supplemental Permits

You have not complied with your Permit #1997-225-DE/OP, Log No. 1997-225 by accepting waste other than landscape waste at your site. You must apply and receive approval from the Agency before accepting wastes other than landscape waste.

SUGGESTED RESOLUTIONS REQUIRED

- a) **Immediately cease from accepting general construction and demolition debris as defined in the Illinois Environmental Protection Act.**
- b) **Indicate in your response what corrective actions you plan to take to comply with your Permit #1997-225-DE/OP/OP, log no. 1997-225, Sections 21(a), 21 (d) 1, 21 (e), 21 (p) 1, 7 (i)(ii), (w), 39.2 & 3.330 (13) of the Act. & 807.201, 807.202 and 807.210 of the Regulations.**
- c) **Indicate in your response how you plan to operate in the future to comply with your permit, the Act and the Regulations.**
- d) **Within 60 days you must prove compliance with your permit, the Act and the Regulations. This includes applying to the IEPA for any necessary permits or amendments to your current permit.**
- e) **A written response has still not been received for a Non-Compliance Advisory Letter dated 3/3/05 in regards to permit violations observed during a 12/8/04 inspection. You must include this in your response to this Violation Notice.**