

IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
KANKAKEE COUNTY, ILLINOIS  
CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS, )  
ex rel. LISA MADIGAN, Attorney )  
General of the State of Illinois, )

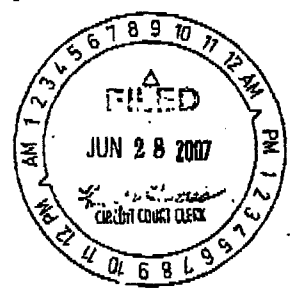
Plaintiff, )

v. )

TOWN & COUNTRY UTILITIES, INC., )  
a Maryland corporation, KANKAKEE )  
REGIONAL LANDFILL, LLC, a limited liability )  
company, EDWARD F. HEIL, an individual )  
and THOMAS A. VOLINI, an individual and )  
as President of Town & Country Utilities, Inc. )

Defendants. )

No. 07 CH 303



COMPLAINT FOR INJUNCTION AND CIVIL PENALTIES

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN,  
Attorney General of the State of Illinois on her own motion and at the request of the  
Illinois Environmental Protection Agency ("Illinois EPA"), complains of the Defendants,  
TOWN & COUNTRY UTILITIES, INC., KANKAKEE REGIONAL LANDFILL, LLC,  
EDWARD F. HEIL and THOMAS A. VOLINI as follows:

COUNT I  
OPEN DUMPING

1. This count is brought on behalf of the People of the State of Illinois, *ex rel.*  
Lisa Madigan, Attorney General of the State of Illinois, against Defendant, Town &  
Country Utilities, Inc., on her own motion and at the request of the Illinois EPA,  
pursuant to Section 42 of the Illinois Environmental Protection Act ("Act"), 415 ILCS

5/42(2004). This count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, against Defendants, Kankakee Regional Landfill, LLC, Edward F. Heil, and Thomas A. Volini, on her own motion.

2. The Illinois EPA is an administrative agency of the State of Illinois created by the Illinois General Assembly pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Defendant, Kankakee Regional Landfill, LLC ("KRL") has been and is a limited liability company registered in good standing with the Illinois Secretary of State and duly authorized to do business in the State of Illinois. Its corporate office is located at 1620 East Chicago Ave., East Chicago, Lake County, Indiana ("IN").

4. From September 2005 through November 2006, or dates better known to the Defendants, KRL leased two parcels of barren farm land located southwest of the intersection of South 1000W Road and West 3500S Road in the City of Kankakee, Kankakee County, Illinois ("Site"). From November 2006, dates better known to the Defendants, through the date of filing of this complaint, KRL purchased and acquired ownership of the Site.

5. At all times relevant to this Complaint, Defendant, Edward F. Heil, ("Heil") has been and is an individual and resident of the State of Illinois. From September 2005 through November 2006, or dates better known to the defendants, Heil owned the Site.

6. At all times relevant to this Complaint, Defendant, Town & Country Utilities, Inc. ("Town & Country") has been and is a Maryland corporation registered in good standing with the Illinois Secretary of State and duly authorized to do business in the State of Illinois. Its corporate office is located at 1620 East Chicago Ave., East Chicago, Lake County, IN. From September 2005, or a date better known to the Defendant, through the date of filing of this complaint, Town & Country has conducted operations at the Site.

7. At all times relevant to this Complaint, Defendant, Thomas A. Volini, ("Volini") has been and is an individual and resident of the State of Illinois, and

President of Town & Country. From September 2005, or a date better known to the Defendant, through the date of filing of this complaint, Volini has been and is in control of and is responsible for the day-to-day operations of Town & Country. On information and belief, Volini actively negotiated and arranged the acquisition of construction and demolition debris from local off site locations to be transported to and deposited on the Site. Additionally, Volini actively engaged in written communications with the Kankakee County Department of Public Health and the Illinois EPA that detailed the various local construction sites where the construction and demolition debris originated, the type of general construction and demolition debris located at the Site, the disposal sites where each piece general construction and demolition debris was transported to an appropriate disposal site, and the Illinois environmental regulations and applicable case precedent that Volini believed justified the legality of the deposition of construction and demolition debris at the Site. These actions and communications show Volini's active involvement in making decisions regarding environmental compliance in connection with activities at the Site.

8. On September 29, 2005, the Kankakee County Planning Department ("Kankakee CPD") conducted an inspection of the Site in response to a citizen complaint ("September 2005 Inspection").

9. During the September 2005 Inspection, there was an uncovered mound twenty (20) feet high and one hundred and fifty (150) feet in diameter equaling approximately eleven thousand cubic yards (11,000 yd<sup>3</sup>) of soil commingled with construction and demolition debris on the Site. The construction and demolition debris deposited at the Site, consisted of, but was not limited to, concrete, rock, reclaimed asphalt pavement, gravel and concrete commingled with concrete slabs/forms with protruding rebar, painted concrete, rubber or plastic hose, wire, metal pipe, plastic tarp and a tire.

10. On December 27, 2005, the Kankakee CPD conducted a second inspection of the Site ("December 2005 Inspection"). Conditions at the Site during the December 2005 Inspection were similar to conditions during the September 2005 Inspection except some small mounds were no longer there.

11. On December 14, 2005, the Illinois EPA conducted a third inspection of the Site. General construction or demolition debris and clean construction or demolition debris continued to be deposited at the Site.

12. Town & Country has conducted operations at the Site involving the deposition and accumulation of general and clean construction and demolition debris from at least September 29, 2005, or from a date better known to defendants, through the date of filing of this complaint.

13. Defendants' ownership and use of the Site are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Board's regulations for Waste Disposal are found in Title 35, Subtitle G, Chapter I of the Illinois Administrative Code ("Board Waste Disposal Regulations"), and the Illinois EPA rules and regulations for waste disposal are found in Title 35, Subtitle G, Chapter II of the Illinois Administrative Code ("Illinois EPA Waste Disposal Regulations").

14. Section 21(a) of the Act, 415 ILCS 5/21(a)(2004), provides as follows:

No person shall:

a. Cause or allow the open dumping of any waste.

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), provides the following definition:

"PERSON" is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust estate, political subdivision, state agency, or other legal entity, or their legal representative, agent or assigns.

16. Town & Country, KRL, Heil and Volini are each a "person" as that term is defined in Section 3.315 of the Act.

17. Section 3.305 of the Act, 415 ILCS 5/3.305 (2004), provides the following definition:

"OPEN DUMPING" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

18. Section 3.385 of the Act, 415 ILCS 5/3.385 (2004), provides the following definition:

"REFUSE" means waste.

19. Section 3.535 of the Act, 415 ILCS 5/3.535 (2004), provides the following definition:

"WASTE" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant hereto.

20. Section 3.160 of the Act, 415 ILCS 5/3.160 (2004), provides as follows:

Construction or demolition debris

a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures, and roads, limited to the following: bricks; concrete; and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and 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, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

21. Some of the discarded material deposited at the Site was and is "general construction or demolition debris" and some of the discarded material deposited at the

Site was and is "clean construction or demolition debris" and therefore "waste" and "refuse" as those terms are defined in the Act.

22. Section 3.185 of the Act, 415 ILCS 5/3.185 (2004), contains the following definition:

"DISPOSAL" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

23. The depositing and dumping of waste at the Site is "disposal" as that term is defined.

24. Section 3.445 of the Act, 415 ILCS 5/3.445 (2004), provides the following definition:

"SANITARY LANDFILL" means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580 and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

25. The Site is a facility which has never been permitted by the Illinois EPA for the disposal of waste and therefore is not a "sanitary landfill" as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445(2004).

26. The depositing, dumping, and accumulation of clean and general construction and demolition debris waste from one or more sources at the Site which has never been permitted by the Illinois EPA for the disposal of waste, constitutes "open dumping" as that term is defined in Section 3.305 of the Act, 415 ILCS 5/3.305(2004).

27. From at least September 2005 through the date of filing of this complaint, Defendant, Town & Country, caused or allowed clean and general construction and demolition debris commingled with soil to be deposited and to accumulate on the Site,

thereby causing or allowing open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004).

28. From at least September 2005 through the date of filing of this complaint, Defendant, Volini, caused or allowed clean and general construction and demolition debris commingled with soil to be deposited and to accumulate on the Site, and failed to take measures to remove such material from the Site, thereby causing or allowing open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004).

29. From at least September 2005 through November 2006, or a date better known to Defendant, Heil, as owner of the Site, allowed clean and general construction and demolition debris commingled with soil to be deposited and to accumulate on the Site. During the aforementioned time period Defendant, Heil, took no action to stop or to require remediation of the Site. By Heil's action as described herein, Heil caused or allowed open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004).

30. From at least September 2005 through the date of filing of this complaint, Defendant, KRL, initially as lessee and then as owner of the Site, allowed clean and general construction and demolition debris commingled with soil to be deposited and to accumulate on the Site. During the aforementioned time periods, KRL took no action to stop or to require remediation of the Site. By KRL's inaction as described herein, KRL caused or allowed open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004).

31. Plaintiff is without an adequate remedy-at-law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this court grant a permanent injunction, in favor of Plaintiff and against the Defendants, KANKAKEE REGIONAL LANDFILL, LLC, TOWN & COUNTRY UTILITIES, INC., EDWARD F. HEIL, and THOMAS A. VOLINI:

1. Finding that Defendants have violated Section 21(a) of the Act, 415 ILCS 5/21(a)(2004);
2. Enjoining the Defendants from any further violations of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004);
3. Ordering Defendants to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004), including but not limited to ceasing and desisting the deposition and accumulation of waste on the Site, removing all waste from the Site and disposing it at a waste disposal facility permitted by the Illinois EPA, and recording all shipments of waste with documentation of records provided to the Illinois EPA;
4. Assessing against the Defendants a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Defendants to pay all costs of this action, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

**COUNT II**

**CONDUCTING A WASTE DISPOSAL OPERATION  
AND OPERATING A LANDFILL WITHOUT A PERMIT**

1-23. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 13, paragraphs 15 and 16, and paragraphs 18 through 25 of Count I as paragraphs 1 through 23 of this Count II.

24. Section 21(d) of the Act, 415 ILCS 5/21(d)(2004), provides in pertinent part as follows:

No person shall:

- d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, . . . .

2. in violation of any regulations or standards adopted by the Board under this Act;

25. Section 812.101(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a), provides as follows:

All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act)(Ill. Rev. Stat. 1991, ch.111 ½, par.1021(d) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill

26. Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103(a), provides the following definitions:

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815 landfills include waste piles, as defined in this Section.

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations

"Disposal" means . . . . If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is

a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration must include photographs, records, or other observable or discernible information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

27. General and clean construction or demolition debris are an "inert waste" and a "solid waste" as those terms are defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103(a).

28. The Site, on which solid waste is and has been disposed of is a "facility" as that term is defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103(a).

29. The Site, on which non-containerized masses of general and clean construction or demolition debris are and have been placed for disposal, is a "waste pile" as that term is defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103(a).

30. The Site is a "landfill" as that term is defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103(a).

31. From at least September 29, 2005, and continuing until the date of filing of this Complaint, the Defendant, Town & Country, has disposed of solid waste at the Site without first obtaining a permit to develop or operate a landfill.

32. By their aforesaid actions, Defendant, Town and Country has conducted a waste disposal operation without a permit granted by the Illinois EPA in violation of Section 812.101(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a), and Sections 21(d)(1) and (2) of the Act, 415 ILCS 5/21(d)(1) and (2)(2004).

33. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this court grant a permanent injunction, in favor of Plaintiff and against the Defendant, TOWN & COUNTRY UTILITIES, INC.:

1. Finding that Defendant has violated Sections 21(d)(1) and (2) of the Act, 415 ILCS 5/21(d)(1) and (2)(2004), and Section 812.101(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a);

2. Enjoining the Defendant from any further violations of Sections 21(d)(1) and (2) of the Act, 415 ILCS 5/21(d)(1) and (2)(2004), and Section 812.101(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a);

3. Ordering Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Sections 21(d)(1) and (2) of the Act, 415 ILCS 5/21(d)(1) and (2)(2004), and Section 812.101(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a), including but not limited to ceasing and desisting the deposition and accumulation of waste on the Site, removing all waste from the Site and disposing it at a waste disposal facility permitted by the Illinois EPA, and recording all shipments of waste with documentation of records provided to the Illinois EPA;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations promulgated thereunder, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendant to pay all costs of this action, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

**COUNT III**

**DISPOSAL OF WASTE AT AN UNPERMITTED SITE**

1-29. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 13, paragraphs 15 and 16, and paragraphs 18 through 25 of Count I and paragraphs 26 through 31 of Count II as paragraphs 1 through 29 of this Count III.

30. Section 21(e) of the Act, 415 ILCS 5/21(e)(2004), provides in pertinent part as follows:

No person shall:

e. dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

31. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), provides the following definition:

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

32. From at least September 29, 2005, and continuing until the date of filing of this Complaint, the Defendant, Town & Country, has disposed of waste at the Site which was not permitted by the Illinois EPA for the disposal of waste.

33. Defendant, by its action as alleged herein violated and continues to violate Section 21(e) of the Act, 415 ILCS 5/21(e)(2004).

34. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this court grant a permanent injunction, in favor of Plaintiff and against the Defendants, KANKAKEE REGIONAL LANDFILL, LLC, TOWN & COUNTRY UTILITIES, INC., EDWARD F. HEIL and THOMAS A. VOLINI:

1. Finding that Defendant has violated Section 21(e) of the Act, 415 ILCS 5/21(e)(2004);
2. Enjoining the Defendant from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e)(2004);
3. Ordering Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Section 21(e) of the Act, 415 ILCS 5/21(e)(2004), including but not limited to ceasing and desisting the deposition and accumulation of waste on the Site, removing all waste from the Site and disposing it at a waste disposal facility permitted by the Illinois EPA, and recording all shipments of waste with documentation of records provided to the Illinois EPA;
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Defendant to pay all costs of this action, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

**COUNT IV**

**CAUSING OR ALLOWING LITTER AND THE DEPOSITION OF  
CONSTRUCTION OR DEMOLITION DEBRIS**

1-30. Plaintiff recites and incorporates by reference herein paragraphs 1 through 30 of Count I as paragraphs 1 through 30 of this Count IV.

31. Section 21(p) of the Act, 415 ILCS 5/21(p)(2004), provides in pertinent part as follows:

No person shall:

\* \* \*

p. In violation of subdivision (a) of this Section, 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.

32. From at least September 29, 2005 through the filing of this Complaint, the Defendants have caused or allowed the open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a)(2004).

33. The waste materials described in paragraphs 9 through 11 of Count I were deposited onto the ground at the Site, where they remained in a disordered, untidy manner and constituted litter.

34. Defendants by their actions as alleged herein, violated and continue to violate Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2004).

35. From at least September 29, 2005 through the filing of this Complaint, the Defendants, KRL, Town & Country, Heil and Volini, have caused or allowed the dumping of uncovered clean and general construction and demolition debris on the Site.

36. Defendants by their actions as alleged herein, violated and continue to violate Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7)(2004).

37. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this court grant a permanent injunction, in favor of Plaintiff and against the Defendants, KANKAKEE REGIONAL LANDFILL, LLC, TOWN & COUNTRY UTILITIES, INC., EDWARD F. HEIL and THOMAS A. VOLINI:

1. Finding that Defendants have violated Section 21(p)(1) and (7) of the Act, 415 ILCS 5/21(p)(1) and (7)(2004);

2. Enjoining the Defendants from any further violation of Section 21(p)(1) and (7) of the Act, 415 ILCS 5/21(p)(1) and (7)(2004);


3. Ordering Defendants to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violation Section 21(p)(1) and (7) of the Act, 415 ILCS 5/21(p)(1) and (7)(2004), including but not limited to ceasing and desisting the deposition and accumulation of waste on the Site, removing all waste from the Site and disposing it at a waste disposal facility permitted by the Illinois EPA, and recording all shipments of waste with documentation of records provided to the Illinois EPA;

4. Assessing against the Defendants a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation,

- 5. Ordering Defendants to pay all costs of this action, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
- 6. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN; Attorney  
 General of the State of Illinois

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

By:   
~~ROSEMARIE CAZEAU, Chief~~  
 Environmental Bureau  
 Assistant Attorney General

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