

Board's regulations, Respondents also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) by conducting waste and storage disposal at the Site without a permit;

Count V—Respondents violated Section 21(e) of the Act (415 ILCS 5/21(e) (2018)) by storing, disposing, and abandoning waste at the Site;

Count VI—Respondent's violated Section 808.121(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 808.121(a)). By violating Section 808.121(a) of the Board's regulations, Respondents also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) by conducting waste and storage disposal at the Site without a permit;

Count VII—Respondent's violated Section 722.111 of the Board's hazardous waste regulations (35 Ill. Adm. Code 722.11) by failing to test and evaluate the waste creosote-treated flooring blocks generated and dumped at the site. By violating Section 722.11 of the Board's regulations, Respondents also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) by conducting waste and storage disposal at the Site without a permit;

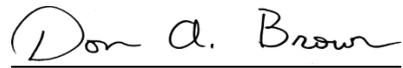
Count VIII—Respondent's violated Section 12(d) of the Act (415 ILCS 5/12(d) (2018)) by dumping heavily stained creosote-treated wood flooring blocks on the ground at the Site without providing any barrier to prevent creosote migration into storm sewers or groundwater underlying the Site thereby creating a water pollution hazard.

On January 21, 2020, the People and Bennett filed a stipulation and proposed settlement (Stip.), accompanied by a motion to request relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Bennett does not affirmatively admit nor deny the alleged violations and agrees to pay a civil penalty of \$12,500. The proposed settlement states that the alleged violations against Marino "are not resolved by the proposed Stipulation, and remain the subject of an ongoing enforcement case before the Board." Stip. at 1.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 6, 2020 by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board