



21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)). Furthermore, Magna also violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2018)) by failing to maintain a waste disposal permit for the Site.

**Count IV**—Magna violated Section 12(a) of the Act (415 ILCS 5/12(a) (2018)) by causing, threatening, or allowing, the discharge of contaminants in close proximity to groundwater.

**Count V**—Magna violated Section 12(d) of the Act (415 ILCS 5/12(d) (2018)) by depositing contaminants on the Site in such place and manner so as to create a water pollution hazard.

**Count VI**—Ballinger violated Section 21(a) of the Act (415 ILCS 5/21(a) (2018)) by causing or allowing dark liquid to be consolidated at the Site. Ballinger also violated Section 21(e) of the Act (415 ILCS 5/21(e) (2018)) by causing or allowing the UST to discharge, deposit, spill or leak waste material into the environment.

**Count VII**— Ballinger violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) and Section 722.111 of the Board's regulations (35 Ill. Adm. Code 722.111) by failing to determine whether the waste released from the UST was a hazardous waste or a special waste.

**Count VIII**—Ballinger violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) by failing to apply for a waste disposal permit for the Site. Ballinger also violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2018)) by failing to maintain a waste disposal permit for the Site;

**Count IX**—Ballinger violated Section 12(a) of the Act (415 ILCS 5/12(a) (2018)) by causing, threatening, or allowing a discharge of contaminants in close proximity to groundwater.

**Count X**—Ballinger violated Section 12(d) of the Act (415 ILCS 5/12(d) (2018)) by depositing contaminants on the Site in such place and manner so as to create a water pollution hazard.

On June 26, 2020, the parties filed a stipulation and proposed settlement, accompanied by a request for 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, the Respondents do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$3,000.

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 parties' 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 July 16, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

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Don A. Brown, Clerk  
Illinois Pollution Control Board