## ILLINOIS POLLUTION CONTROL BOARD June 17, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 10-014
	)	(Enforcement)
ECO-CLEAN ENVIRONMENTAL, INC.,	)	
now d/b/a ECO ENVIRONMENTAL, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

## OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

On August 7, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Eco-Clean Environmental, Inc., now doing business as Eco Environmental, Inc. (Eco). The complaint concerns Eco's waste storage and disposal site at 402 East Broad Street, Raymond, Montgomery County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Eco violated Sections 807.201 and 807.202(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.201, 807.202(a); and Sections 21 (d) and 21(e) of the Act, 415 ILCS 5/21 (d) and 5/21 (e) (2008). According to the complaint, Eco violated these provisions by transporting or storing non-hazardous waste to or on its site and by operating a non-hazardous waste storage facility without a permit.

On April 16, 2010, the People and Eco 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Raymond News* on May 20, 2010. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the

nature of Eco's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2008)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Eco admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2008)), which may mitigate or aggravate the civil penalty amount. Eco resolved the violations by properly disposing of the waste, the costs of which prevented Eco from realizing value from noncompliance. Eco agrees to pay a civil penalty of \$10,250.00. The People and Eco have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Eco-Clean Environmental, Inc., now doing business as Eco Environmental, Inc. (Eco) must pay a civil penalty of \$10,250.00 no later than July 19, 2010, which is the first business day following the 30th day after the date of this order. Eco must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and number must appear on the face of the certified check or money order.
- 3. Eco must submit payment of the civil penalty by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Eco must send a copy of the certified check or money order and any transmittal letter to:

Christine Zeivel Environmental Bureau Illinois Attorney General's Office 500 South Second Street Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2008)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2008)).

5. Eco must cease and desist from future violations of the Environmental Protection Act and the Board regulations that were the subject of the complaint.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2008); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 17, 2010, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board