

ILLINOIS POLLUTION CONTROL BOARD
August 5, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 11-04
)	(Enforcement - Land)
ROXANA LANDFILL, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On July 27, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Roxana Landfill, Inc. (Roxana). The complaint concerns Roxana’s municipal solid waste and non-hazardous special waste landfill located at 4601 Cahokia Road in Roxana, Madison County. Accompanying the complaint was a stipulation, proposed settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint as meeting the applicable content requirements of the Board’s procedural rules. *See* 35 Ill. Adm. Code 103.204(c). The Board further directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, count I of the People’s complaint alleges that Roxana violated Sections 811.311(b)(1) and (b)(2) of the Board’s waste disposal regulations (35 Ill. Adm. Code 811.311(b)(1), (b)(2)) by failing to notify the Illinois Environmental Protection Agency within two business days of observed exceedences of methane gas limits, thereby failing to implement regulatory requirements to ensure the protection of human health. The People also allege in count I that as a result, Roxana violated Sections 21(d)(2) and 21(e) of the Act (415 ILCS 5/21(d)(2), 21(e) (2008)) by conducting a waste-storage, waste-treatment, or waste-disposal operation in violation of regulations or standards adopted by the Board and disposing, treating, storing, or abandoning waste at a facility that does not meet the requirements of the Act and regulations. In count II of the complaint, the People allege that Roxana violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2008)) by conducting a waste-storage, waste-treatment, or waste-disposal operation in violation of a condition imposed within its operating permit. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

As noted above, also on July 27, 2010, the People and Roxana 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). Under the proposed stipulation, Roxana does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$10,000. In addition, the settlement includes a supplemental environmental project (SEP) consisting of landfill disposal services with a settlement value of \$18,000.

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) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

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



John Therriault, Assistant Clerk
Illinois Pollution Control Board