

ILLINOIS POLLUTION CONTROL BOARD

April 3, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-28
)	(Enforcement - Water)
ATKINSON LANDFILL CO., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. O’Leary):

On December 17, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Atkinson Landfill Co. (respondent). On March 15, 2013, the Office of the Attorney General, on behalf of the People, filed a four-count first amended complaint against respondent. The complaint concerns respondent’s active municipal solid waste landfill located at 1378 Commercial Drive in Atkinson, Henry County. The parties now seek to settle without a hearing. For the reasons below, the Board 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a) and (b) of the Act (415 ILCS 5/12(a) and (b) (2012)) and Section 309.204(a) of the Board’s regulations (35 Ill. Adm. Code 309.204(a)). According to the complaint, respondent violated these provisions by threatening the discharge of a contaminant into waters of the State which could cause or tend to cause water pollution; operating trucks to haul leachate from the landfill in excess of permit limits; disposing of leachate without an Agency permit and threatening the discharge of a contaminant that could cause or tend to cause water pollution; and operating equipment to dispose of wastewater without an Agency operating permit.

On March 28, 2014, the People and respondent 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.00.

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) (2012); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 3, 2014 by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board