

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 17-
)	(Enforcement - Land)
)	
THE CARLE FOUNDATION HOSPITAL,)	
an Illinois not-for-profit corporation,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on April 3, 2017, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT, and MOTION FOR RELIEF FROM HEARING REQUIREMENT copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Rachel R. Medina
Rachel R. Medina, #6297171
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217-782-9031
rmedina@atg.state.il.us
ebs@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB NO.
)	(Enforcement – Land)
)	
THE CARLE FOUNDATION HOSPITAL,)	
an Illinois not-for-profit corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent, THE CARLE FOUNDATION HOSPITAL, an Illinois not-for-profit corporation, as follows:

COUNT I
HAZARDOUS WASTE LABELING VIOLATIONS

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2014).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2014), and charged *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board (“Board”).

3. The Carle Foundation Hospital (“Respondent”) is a not-for-profit corporation that owns and operates The Carle Foundation Hospital (“Hospital”) located at 611 West Park, Urbana, Champaign County, Illinois. The registered agent for the Respondent is James C. Leonard, 611 W. Park, Urbana, Illinois 61801.

4. On July 15, 2014, and June 8, 2015, the Illinois EPA conducted inspections of the Hospital, including of the Hospital’s hazardous waste storage areas and hazardous waste accumulation areas.

5. On and around the date of July 15, 2014, the Respondent stored the Hospital’s hazardous waste in a 90-day accumulation area located in the northeast corner of the Hospital’s North Parking Garage. Additionally, the Respondent maintained satellite accumulation areas within the Hospital, including but not limited to the pharmacy, each patient area at the respective drug storerooms, and the histology lab.

6. The Hospital generates approximately 353 pounds per month of warfarin and/or nicotine residue-filled containers, which are a class P-listed hazardous waste pursuant to Section 721.133 of the Board’s Waste Regulations, 35 Ill. Adm. Code 721.133.

7. The Hospital’s pharmaceutical wastes that contain warfarin and/or nicotine are acute hazardous wastes, pursuant to Section 721.133 of the Board’s Waste Regulations, 35 Ill. Adm. Code 721.133.

8. The Hospital generates approximately one (1) 55-gallon drum of waste solvent containing xylene and ethanol each month.

9. Spent solvent containing xylene generated on-site at the Hospital is designated as an F003-listed hazardous waste, pursuant to Section 721.131 of the Board’s Waste Regulations, 35 Ill. Adm. Code 721.131.

10. The Hospital also generates the following waste streams, including but not limited to: Safety-Kleen parts solvents; anti-freeze from the Hospital's chiller system, which is hazardous for lead and chromium; nonhazardous drugs and drug packaging; mercury-containing manometers; waste disinfectant cleaner-containing formalin; waste oil from the boiler; sodium hydroxide; paraformaldehyde; hydrochloric acid; and picric acid.

11. Mercury located at the Hospital is a hazardous waste, pursuant to Section 721.131 of the Board's Waste Regulations, 35 Ill. Adm. Code 721.131.

12. The Hospital's waste streams of sodium hydroxide, hydrochloric acid and picric acid are characteristically hazardous pursuant to Section 721.122 of the Board's Waste Regulations, 35 Ill. Adm. Code 721.222.

13. The Hospital's waste stream of paraformaldehyde is characteristically hazardous pursuant to Section 721.133 of the Board's Waste Regulations, 35 Ill. Adm. Code 721.133.

14. On July 15, 2014, the lab shelf on the north wall of the North Parking Garage accumulation area had multiple containers of sodium hydroxide, paraformaldehyde, hydrochloric acid, and picric acid, which were not labeled with the words "hazardous waste" and lacked a date representing the initial date of accumulation.

15. In addition, the containers located on the lab shelf on the north wall of the North Parking Garage were not segregated for incompatibility; bases and acids were stored together and oxidizers and organics were near each other.

16. On July 15, 2014, the drum containing P-listed pharmaceutical waste, located in the North Parking Garage accumulation area, did not exhibit a date upon which the accumulation started.

17. On a date better known by the Respondent, the Respondent built a locker room to store containers for some of the hazardous wastes generated on-site at the Hospital.

18. On June 8, 2015, hazardous waste containers stored in the newly-built locker room for waste containers at the Hospital were not labeled with the words "hazardous waste." In addition, the containers lacked an indication of the initial date of accumulation.

19. The Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* and its implementing regulations at 40 C.F.R. Parts 240-282 ("RCRA"), provide for the comprehensive regulation of hazardous waste and are administered by the Illinois EPA.

20. Section 702.110 of the Board's Waste Regulations, 35 Ill. Adm. Code 702.110, provides, in pertinent part, as follows:

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Hazardous waste management facility" or "HWM facility" (RCRA) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"Storage" (RCRA) means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

21. Section 702.110 of the Board's Waste Regulations, 35 Ill. Adm. Code 702.110, provides as follows:

"Hazardous waste" (RCRA and UIC) means hazardous waste as defined in 35 Ill. Adm. Code 721.103.

22. Section 3.220 of the Act, 415 ILCS 5/3.220 (2014) provides as follows:

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical,

or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), or pursuant to Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), or pursuant to Board regulations.

23. Section 3.480 of the Act, 415 ILCS 5/3.480 (2014) provides as follows:

“Storage” means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

24. The Respondent is a “generator” of “hazardous waste” and the Hospital is a “hazardous waste management facility” as those terms are defined under Sections 702.110 and 721.103 of the Board’s Waste Regulations, 35 Ill. Adm. Code 702.110 and 721.103, and Section 3.220 of the Act, 415 ILCS 5/3.220 (2014).

25. The Respondent conducts hazardous waste “storage” as that term is defined under Section 3.480 of the Act, 415 ILCS 5/3.480 (2014) and 35 Ill. Adm. Code 702.110.

26. Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), provides, in pertinent part, as follows:

No person shall:

- (f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance

- with this Act and with regulations and standards adopted thereunder; or
- (2) in violation of any regulations or standards adopted by the Board under this Act; or
- (3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or
- (4) in violation of any order adopted by the Board under this Act.

27. Section 703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), provides as follows:

- (a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:
 - (1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
 - (2) In violation of any condition imposed by a RCRA permit.
- (b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. An owner or operator of a surface impoundment, landfill, land treatment unit or a waste pile unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, must have a post-closure care permit, unless it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtains enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

28. Section 721.105(e)(1) of the Board's Waste Regulations, 35 Ill. Adm. Code 721.105(e)(1), provides as follows:

- (e) If a generator generates acute hazardous waste in a calendar month in quantities greater than those set forth in subsections (e)(1) and (e)(2) of this Section, all quantities

of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act (42 USC 6930).

- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131 or 721.133(e);

* * *

29. Section 722.134(a)(1)-(4) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(1)-(4), provides in pertinent part, as follows:

- a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:
 - 1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:
 - A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

 - 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste;" and
 - 4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107(a)(5).

30. By failing to mark hazardous waste containers with an accumulation start date, the Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(2) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(2).

31. By failing to mark hazardous waste containers with a label containing the words "Hazardous Waste," the Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(3) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(3).

32. Because the Respondent failed to have a RCRA permit for the Hospital and is not eligible for a permit exemption under Section 722.134(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a), Respondent violated the permit requirements in Section 703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an order against the Respondent:

A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(f) of the Act, 415 ILCS 5/21(f), and Sections 703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b);

D. Ordering the Respondent to take all necessary action in the generation and storage of hazardous waste to comply with RCRA;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing a civil penalty of not more than the statutory maximum; and

F. Granting such other relief as the Board may deem appropriate.

COUNT II
IMPROPER STORAGE OF INCOMPATIBLE WASTES

1-31. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 31 of Count I as paragraphs 1 through 31 of this Count II.

32. Section 725.277 of the Board's Waste Regulations, 35 Ill. Adm. Code 725.227, provides as follows:

- (a) Incompatible wastes or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same container, unless Section 725.117(b) is complied with.
- (b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 CFR 265, for examples), unless Section 725.117(b) is complied with.
- (c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

33. By storing incompatible wastes together, the Respondent violated Section 725.277(c) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.277(c), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

34. By storing incompatible wastes together, the Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(1)(A) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(1)(A).

35. Because the Respondent failed to have a RCRA permit for the Hospital and is not eligible for a permit exemption under Section 722.134(a) of the Board's Waste Regulations, 35

Ill. Adm. Code 722.134(a), Respondent violated the permit requirements in Section 703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an order against the Respondent:

A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), and 725.277(c) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and 725.277(c);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), and 725.277(c) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and 725.277(c);

D. Ordering the Respondent to take all necessary action in the generation and storage of hazardous waste to comply with RCRA;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing a civil penalty of not more than the statutory maximum; and

F. Granting such other relief as the Board may deem appropriate.

COUNT III
REPORTING VIOLATIONS

1-31. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 31 of Count I as paragraphs 1 through 31 of this Count III.

32. The Respondent did not submit an annual report for the Hospital for the year 2013 by March 1, 2014.

33. The Respondent manifests the Hospital's hazardous waste off-site.

34. Section 722.141(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.141(a), provides as follows:

- (a) A generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year....

* * *

35. By shipping hazardous waste off-site to a disposal facility and not submitting an annual report for the year 2013, the Respondent violated Section 722.141(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.141(a), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an order against the Respondent:

A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Section 722.141(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.141(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Section 722.141(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.141(a);

D. Ordering the Respondent to take all necessary action in the generation and storage of hazardous waste to comply with RCRA;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing a civil penalty of not more than the statutory maximum; and

F. Granting such other relief as the Board may deem appropriate.

COUNT IV
DEFICIENT CONTINGENCY PLAN

1-31. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 31 of Count I as paragraphs 1 through 31 of this Count IV.

32. On July 15, 2014, the Hospital's contingency plan failed to include the names and phone numbers for the emergency coordinators listed in the contingency plan.

33. On July 15, 2014, the Hospital's contingency plan failed to document the emergency equipment, the capabilities of such equipment, and the respective locations of such equipment within the Hospital.

34. Section 725.152(d) and (e) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.152(d) and (e), provides as follows:

- (d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155), and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

- (e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

35. By failing to document names and phone numbers for the emergency coordinators in the Hospital's contingency plan, the Respondent violated Section 725.152(d) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.152(d), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

36. By failing to document in the Hospital's contingency plan the emergency equipment, capabilities of such equipment, and their respective locations, the Respondent violated Section 725.152(e) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.152(e), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

37. Because it failed to document names and phone numbers for the emergency coordinators in the Hospital's contingency plan, the Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(4) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(4).

38. Because it failed to document in the Hospital's contingency plan the emergency equipment, capabilities of such equipment, and their respective locations, Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(4) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(4).

39. Because the Respondent failed to have a RCRA permit for the Hospital and is not eligible for a permit exemption under Section 722.134(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a), the Respondent violated the permit requirements in Section

703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board enter an order against the Respondent:

A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), 725.152(d), and 725.152(e) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), 725.152(d), and 725.152(e);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), 725.152(d), and 725.152(e) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), 725.152(d), and 725.152(e);

D. Ordering the Respondent to take all necessary action in the generation and storage of hazardous waste to comply with RCRA;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing a civil penalty of not more than the statutory maximum; and

F. Granting such other relief as the Board may deem appropriate.

COUNT V
TRAINING PROGRAM VIOLATION

1-31. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 31 of Count I as paragraphs 1 through 31 of this Count V.

32. On July 15, 2014, the Hospital's training records were devoid of any training materials or records for training employees regarding hazardous waste management procedures.

33. Section 725.116(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.116(a), provides as follows:

- a) Personnel training program.
 - 1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under subsection (d)(3) of this Section.
 - 2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

34. By failing to provide hazardous waste handling training to relevant Hospital personnel, the Respondent violated Section 725.116(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 725.116(a), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

35. By failing to provide hazardous waste handling training to relevant Hospital personnel, the Respondent is not eligible for a permit exemption, pursuant to Section 722.134(a)(4) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a)(4).

36. Because the Respondent failed to have a RCRA permit for the Hospital and is not eligible for a permit exemption under Section 722.134(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 722.134(a), the Respondent violated the permit requirements in Section

703.121(a) and (b) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent:

A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), and 725.116(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and 725.116(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), and 725.116(a) of the Board's Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b), and 725.116(a);

D. Ordering the Respondent to take all necessary action in the generation and storage of hazardous waste to comply with RCRA;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing a civil penalty of not more than the statutory maximum; and

F. Granting such other relief as the Board may deem appropriate.

COUNT VI
COMPLIANCE COMMITMENT AGREEMENT VIOLATION

1. This Complaint is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, the Attorney General of the State of Illinois, on her own motion.

2-31. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 31 of Count I as paragraphs 2 through 31 of this Count VI.

32. Section 31(a)(7.6) of the Board regulations, 35 Ill. Adm. Code 31(a)(7.6), provides as follows:

No person shall violate the terms or conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section. Successful completion of a Compliance Commitment Agreement or an amended Compliance Commitment Agreement shall be a factor to be weighed, in favor of the person completing the Agreement, by the Office of the Illinois Attorney General in determining whether to file a complaint for the violations that were the subject of the Agreement.

33. On October 30, 2014, Illinois EPA and the Respondent entered into a Compliance Commitment Agreement wherein the Respondent agreed to resolve violations identified in Violation Notice (“VN”) L-2014-01186, issued on September 2, 2014. Specifically Respondent agreed in paragraph III.5 of the Compliance Commitment Agreement to:

“Immediately label and date all containers of hazardous waste.”

34. During the June 8, 2015 inspection of the Site, Illinois EPA inspectors determined that the Respondent had failed to ensure that all hazardous waste containers stored in the newly-built locker room for waste containers at the Hospital were marked with the date of accumulation and labeled with the words “hazardous waste.”

35. By failing to immediately label and date all containers of hazardous waste in accordance with paragraph III.5 of the Compliance Commitment Agreement, the Respondent violated the terms of the Compliance Commitment Agreement.

36. By violating the terms of the Compliance Commitment Agreement, the Respondent violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent:

- A. Scheduling a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014);
- C. Ordering the Respondent to cease and desist from any further violations of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014);
- D. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2014), imposing a civil penalty of \$2,000.00; and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
RACHEL R. MEDINA, #6297171
500 South Second Street
Springfield, Illinois 62706
217/782-9031
rmedina@atg.state.il.us
ebs@atg.state.il.us
Dated: _____

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneous with this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2014), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2014).

3. At all times relevant to the Complaint, the Respondent was and is a not-for-profit corporation that owns and operates The Carle Foundation Hospital, located at 611 West Park, Urbana, Champaign County, Illinois ("Facility" or "Site"). The registered agent for the Respondent is James C. Leonard, 611 West Park, Urbana, Illinois 61801.

4. On July 15, 2014, Illinois EPA conducted an inspection of the Hospital's hazardous waste in its 90-day accumulation area. On that date, inspectors determined that multiple containers of hazardous waste were improperly labeled, lacked a date of accumulation, and were not segregated for incompatibility. In addition, the Respondent lacked an adequate contingency plan, failed to provide sufficient hazardous waste management training, and failed to submit an annual hazardous waste management report for the Hospital.

5. At the time of the July 15, 2014 inspection, the Respondent did not have a hazardous waste management permit from Illinois EPA, and was not in compliance with regulations allowing an exemption from the requirement for a permit for hazardous waste management.

6. Following the July 15, 2014 inspection, the Illinois EPA issued a violation notice on September 2, 2014. Thereafter on October 30, 2014, Illinois EPA and Respondent entered into a Compliance Commitment Agreement, and Respondent agreed to resolve the existing violations.

7. During a follow up inspection on June 8, 2015, Illinois EPA inspectors determined again that certain hazardous waste containers stored at the Hospital were not labeled with the words "hazardous waste" and lacked an indication of the initial date of accumulation, in violation of the October 30, 2014 Compliance Commitment Agreement.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

- Count I: **Hazardous Waste Labeling Violations** - Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b) of the Board regulations, 35 Ill. Adm. Code 703.121(a) and (b).
- Count II: **Improper Storage of Incompatible Wastes** - Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), and 725.277 of the Board regulations, 35 Ill. Adm. Code 703.121(a) and (b), and 725.277.
- Count III: **Reporting Violations** - Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Section 722.141(a) of the Board regulations, 35 Ill. Adm. Code 722.141(a).
- Count IV: **Deficient Contingency Plans** - Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 703.121(a) and (b), 725.152(d), and 725.152(e) of the Board regulations, 35 Ill. Adm. Code 703.121(a) and (b), 725.152(d), and 725.152(e).
- Count V: **Training Program Violation** – Section 21(f) of the Act, 415 ILCS 5/21(f) (2014), and Sections 725.116 of the Board regulations, 35 Ill. Adm. Code 725.116.
- Count VI: **Compliance Commitment Agreement Violation** - Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014).

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

As of the June 8, 2015 re-inspection, the Respondent had properly segregated incompatible wastes in the storage area and submitted its annual waste report for the previous and current years. The Respondent also had modified the contingency plan and training program to meet all applicable requirements. However, labeling deficiencies remained on small containers of waste, in violation of the October 30, 2014 Compliance Commitment Agreement. The Respondent has since corrected the deficiencies present during the June 8, 2015 re-inspection.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2014).

The Respondent shall notify each contractor to be retained to perform work required in this Stipulation of each of the requirements of this Stipulation relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and

shall provide a copy of this Stipulation to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Stipulation. In addition, the Respondent shall provide copies of all schedules for implementation of the provisions of this Stipulation to the prime vendor(s) supplying the control technology systems and other equipment required by this Stipulation.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer any real property or operations subject to this Stipulation, the Respondent shall notify the Complainant thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall request a change in the location of the relevant Community Sharps Collection container to another community location, subject to the approval of the Complainant. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of the facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations, thereby threatening human health and the environment.
2. The Facility is operating as a not-for-profit hospital. Such a facility carries both social and economic value.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Compliance with the permit exemption regulations is both technically practicable and economically reasonable.
5. Respondent has undertaken measures to resolve the violations. However, a re-inspection on June 8, 2015 indicated that Respondent had failed to properly label certain waste containers as "hazardous wastes" with the date of accumulation, in violation of its October 30, 2014 Compliance Commitment Agreement. The Respondent has since corrected the deficiencies noted during the June 8, 2015 re-inspection.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2014), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent failed to properly label and maintain hazardous waste in accordance with the permit exemption regulations. The violations alleged in the Complaint posed a major

potential for harm because Illinois EPA could not establish the dates of generation of the hazardous waste.

2. Respondent demonstrated some diligence in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance, but, as described in paragraph 8 below, did not comply in full with its October 30, 2014 Compliance Commitment Agreement.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Two Thousand Dollars (\$2,000.00) and the performance of a supplemental environmental project with a settlement value of Thirty-Five Thousand Dollars (\$35,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent entered a Stipulation and Proposal for Settlement on May 11, 2006, for violations of Section 56.1(b) of the Act, 415 ILCS 5/56.1(b) (2002), and Sections 1420.104, 1421.111 and 1421.121 of the Board regulations, 35 Ill. Adm. Code 1420.104, 1421.111 and 1421.121; and Sections 56.1(d) and (e) of the Act, 415 ILCS 5/56.1(d) and (e) (2002), and Section 1420.104 of the Board regulations, 35 Ill. Adm. Code 1420.104. Respondent was ordered to pay a civil penalty of \$6,200.00, and implement a supplemental environmental project providing for a Thermometer Exchange Marketing Plan.

6. Respondent did not voluntarily disclose the non-compliance to Illinois EPA.

7. The settlement of this matter includes a supplemental environmental project that implements a used needle collection program where the public may drop off used needles for

proper disposal. The proposed program duration is ten (10) years, at eight (8) sites throughout Illinois.

8. A Compliance Commitment Agreement was accepted by Illinois EPA. Upon the June 8, 2015 re-inspection, investigators determined that the Respondent had failed to label certain containers with the words "hazardous waste" and the date of accumulation, in violation of the Compliance Commitment Agreement. Respondent thereafter corrected the remaining deficiencies.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a penalty in the sum of Two Thousand Dollars (\$2,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Rachel R. Medina
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the

Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

E. Supplemental Environmental Project

1. In order to promote the goals of the Act to restore, protect and enhance the quality of the environment, the Respondent shall perform the following supplemental environmental project ("SEP" or "Community Sharps Container Program"). The settlement value of the SEP is Thirty Five Thousand Dollars (\$35,000.00), and will offset penalties sought by the Complainant and the Illinois EPA in this matter. The Parties to the Stipulation agree that this SEP shall consist of the following:

- a. For a period of five years, or ten years in accordance with paragraphs V.E. 3-4, below, Carle Foundation shall place small sharps collection containers in the lobby and public washrooms and large (18-gallon) containers located in proximity to the reception desk, for individuals who need to dispose of sharps from personal use.
- b. Implementation of the collection program will occur at the following locations:
 - Carle Foundation Hospital, 611 W. Park St. Urbana, IL 61801
 - Carle South Clinic, 690 W. University Ave. Urbana, IL 61801
 - Carle Curtis Clinic, 1701 W. Curtis Rd. Champaign, IL 61822
 - Carle Windsor Clinic, 1818 E. Windsor Rd. Urbana, IL 61802

- Carle Danville Clinic, 311 W. Fairchild Ave. Danville, IL
61832
 - Carle Ambulatory Surgery Center, Vermillion Ave. Danville,
IL 61832
 - Carle Hoopeston Hospital, 701 E. Orange St. Hoopeston, IL.
60942
 - Roberts Clinic, 1490 E. Walnut, Suite C, Watseka, IL 60971
- c. Respondent shall segregate and barcode the Community Sharps Containers (i.e., the small sharps collection containers located in the lobby and public washrooms) at each location to track and report usage separately.
- d. Respondent shall provide signage at the information desk at each location indicating that containers are for community members to bring in their used sharps or containers of used sharps.
- e. Respondent shall ensure that Community Sharps Containers are picked up by a transporter licensed by Illinois EPA to transport sharps, concurrently with the pick-up of Carle sharps containers at each location.
- f. Respondent shall ensure that replacement container stock is ordered by each location as stocks diminish.
- g. Respondent shall provide training for information desk staff on the collection program procedures.

h. Estimated costs of the collection program are:

18-gallon containers (2 per site) \$67.50

Pickup fee (site per month) \$38.00

Manifest fee per pickup \$8.00

Number of sites x 8 sites

Program Duration x 60 months (or 120 months)

Estimated program cost for 5 years \$54,480.00

Estimated program cost for 10 years \$108,960.00

2. The Respondent shall initiate the SEP no later than within thirty (30) days from the date the Board adopts and accepts this Stipulation, and execute the SEP on a continuous basis for five (5) years, or ten (10) years, in accordance with paragraphs V.E. 3-4, below. Within thirty (30) days of completion of the first continuous five (5) year period of the SEP, the Respondent shall submit a 5-year completion report, including a summary of all expenditures, to the contact persons identified in Section V.G for review and confirmation that the SEP has been performed in compliance with this Stipulation. The 5-year completion report shall include the following certification by a responsible corporate official of the Respondent:

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of those persons directly responsible for gathering the information, and that the information submitted in or accompanying this notification of compliance is to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

3. Within sixty (60) days of receiving Carle's 5-year completion report, Illinois EPA shall make a determination whether Carle's expenditures for the first five (5) years of the program exceed 150% of the estimated program cost for five (5) years identified in paragraph 1(h) above.

4. If Illinois EPA determines that Carle's expenditures for the first five years of the program exceed 150% of the estimated program cost for five (5) years, identified in paragraph 1(h) above, then Carle may discontinue the Community Sharps Container Program at its discretion. If Illinois EPA determines that the total expenditures do not exceed 150% of the estimated program cost for 5 years, then Carle shall immediately continue the program for an additional five (5) years.

5. If Carle is required to continue the program for an additional five (5) years pursuant to paragraph V.E.4, then within thirty (30) days of completion of the second continuous five (5) year period of the SEP, the Respondent shall submit a final completion report, including a summary of all expenditures, to the contact persons identified in Section V.G for review and confirmation that the SEP was performed in compliance with this Stipulation. The final completion report shall include the following certification by a responsible corporate official of the Respondent:

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of those persons directly responsible for gathering the information, and that the information submitted in or accompanying this notification of final compliance is to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

6. In the event that the SEP cannot be completed pursuant to the aforementioned terms, the Respondent shall pay the settlement value of the SEP (\$35,000.00) as an additional penalty pursuant to the procedures of Section V.C no later than thirty (30) days following Respondent's discontinuance of the SEP. By signature on this Stipulation, the Respondent certifies that, as of the date of entry of this Order, it is not required to perform or develop the foregoing SEP by any federal, state or local law or regulation, nor is it required to perform or develop the SEP by agreement or injunctive relief in any other case. The Respondent further certifies that it has not received, and is not presently negotiating to receive credit for, the SEP in any other enforcement action.

7. Any public statement, oral or written, in print, film or other media, made by the Respondent making reference to any SEP shall include the following language:

"This project was undertaken in connection with the settlement of an enforcement action taken by the Illinois Attorney General and the Illinois EPA for alleged violations of the Illinois Environmental Protection Act and regulations promulgated thereunder."

F. Release from Liability

In consideration of the Respondent's payment of the \$2,000.00 penalty, its commitment to cease and desist as contained in Section V.D.1 above, its performance of the SEP as contained in Section V.E above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneous with this Stipulation. The Complainant

reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

G. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Rachel R. Medina
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Kyle N. Davis
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

James C. Leonard
Carle Foundation Hospital
Registered Agent
611 West Park Street
Urbana, Illinois 61801

Tom Johnson
Executive Director Facilities Services
Carle Foundation Hospital
611 West Park Street
Urbana, Illinois 61801

H. Enforcement and Modification of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

I. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

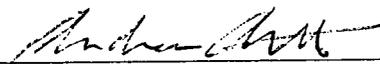
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

ALEC MESSINA, Director
Illinois Environmental Protection Agency

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

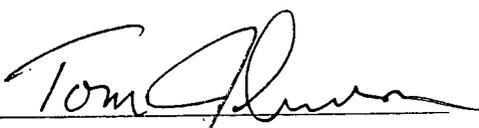
BY: 
JOHN J. KIM
Chief Legal Counsel

BY: 
ANDREW ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

DATE: 3/29/17

DATE: 03/30/2017

RESPONDENT
THE CARLE FOUNDATION
HOSPITAL

BY: 

DATE: 3-20-17

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 17-
)	(Enforcement - Land)
)	
THE CARLE FOUNDATION HOSPITAL,)	
an Illinois not-for-profit corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2014), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2014). In support of this motion, Complainant states as follows:

1. On today's date, April 3, 2017, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2014).

Respectfully submitted,

People of the State of Illinois, *ex rel.*, LISA MADIGAN, Attorney General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Rachel R. Medina
RACHEL R. MEDINA, 6297171
Environmental Bureau
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
rmedina@atg.state.il.us
ebs@atg.state.il.us

CERTIFICATE OF SERVICE

I hereby certify that I did on April 3, 2017, cause to be served by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT and MOTION FOR RELIEF FROM HEARING REQUIREMENT upon the following:

James E. Leonard, Agent
611 W. Park
Urbana, IL 61801

s/Rachel R. Medina
RACHEL R. MEDINA
Assistant Attorney General

This filing is submitted on recycled paper.