

failing to document in the hospital's contingency plan the emergency equipment, capabilities of such equipment, and their respective locations;

Count V—Violated Sections 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)) by failing to provide hazardous waste handling training to relevant hospital personnel; and

Count VI—Violated Section 31(a)(7.6) of the Act (415 ILCS 5/31(a)(7.6) (2014)), by failing to immediately label and date all containers of hazardous waste in accordance with paragraph III.5 of a Compliance Commitment Agreement entered into on October 30, 2014 to resolve previous violations.

On April 3, 2017, simultaneously with the People's complaint, the People and the 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 *News-Gazette* on April 16, 2017. 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) (2014); 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 the respondent'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) (2014)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The respondent admits to the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2014)), which may mitigate or aggravate the civil penalty amount. The respondent agrees to pay a civil penalty of \$2,000. The respondent also agrees to perform a supplementary environmental project concerning needle collection and disposal with a value of \$35,000 for a period of up to ten years, as specified by the stipulation. The People and the respondent 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. The Carle Foundation Hospital must pay a civil penalty of \$2,000 no later than June 19, 2017, which is the first business day following the 30th day after the date

of this order. The Carle Foundation Hospital 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 case number must appear on the face of the certified check or money order.

3. The Carle Foundation Hospital must submit payment of the civil penalty to:

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

The Carle Foundation Hospital must send a copy of the certified check or money order and any transmittal letter to:

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

5. The Carle Foundation Hospital must cease and desist from future violations of the Act and Board regulations that were the subject of the complaint.
6. The Carle Foundation Hospital must perform a supplemental environmental project referred to in the stipulation as the "Community Sharps Container Program." The program must be initiated no later than June 19, 2017, which is the first business day following the 30th day after the date of this order. If the program cannot be completed, the Carle Foundation Hospital must pay \$35,000, as required by the stipulation.
7. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).

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) (2014); *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, Don Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 18, 2017 by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, looped initial "D".

Don Brown, Clerk
Illinois Pollution Control Board