

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 2018

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 19-52  
) (Enforcement - Land)  
VELOCITY SERVICES, LLC, an Illinois )  
limited liability company, )  
)  
Respondent. )

ORDER OF THE BOARD (by K. Papadimitriu):

On August 17, 2018, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Velocity Services, LLC (Velocity). The complaint concerns Velocity's coal tar storage terminal at 1450 Edwardsville Rd., Granite City, Madison 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Velocity violated Sections 21(e) and 21(f)(2) of the Act (415 ILCS 5/21(e), 21(f)(2) (2016)); and Sections 722.142(a)(2), 808.121(b), 808.121(c), 808.122, and 809.501(d) of the Board's waste disposal regulations (35 Ill. Adm. Code 722.142(a)(2), 808.121(b), 808.121(c), 808.122, 809.501(d)).

The People allege that Velocity committed these violations by failing to submit an Exception Report; failing to include Hazardous Waste Report Management Method Codes on manifests for shipments of hazardous waste; delivering special waste to a hauler that hauled the waste in vehicles not listed on its permit; designating on a manifest a site not permitted to receive special waste for disposal, treatment, or storage as the final destination; and delivering special waste to a hauler with manifests designating facilities not permitted to receive special waste, which then resulted in the hauler storing the waste at its own unpermitted facility.

On October 30, 2018, the People and Velocity 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, Velocity does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$5,000 and perform

a supplemental environmental project of purchasing and delivering two self-contained breathing apparatus for the Wood River Illinois Emergency Response Unit at a total cost of no less than \$8,000.

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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Member Zalewski abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2018 by a vote of 4-0.

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

Don A. Brown, Clerk  
Illinois Pollution Control Board