

hazardous waste. By violating Section 722.11 of the Board's regulations, Pitchford also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018));

Count VI—Pitchford violated Section 21(e) of the Act (415 ILCS 5/21(e) (2018)) by disposing, storing, and/or abandoning wastes at the Site;

Count VII—Pitchford violated Section 55(a)(1) of the Act (415 ILCS 5/55(a)(1) (2018)) by causing or allowing open dumping of used or waste tires at the Site;

Count VIII—Pitchford violated Section 9(a) of the Act (415 ILCS 5/9(a) (2018)) by causing, threatening, or allowing the discharge of emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois. Pitchford also violated Section 9(c) of the Act (415 ILCS 5/9(c) (2018)) by causing or allowing the open burning of refuse in a manner that was not approved by the Agency or the Board; and

Count IX—Pitchford violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2018)) by causing or allowing open dumping at the Site that resulted in open burning.

On February 14, 2020, the People and Pitchford 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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 Nashville News* on February 26, 2020. 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) (2018); 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 Pitchford'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) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Pitchford does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Pitchford agrees to pay a civil penalty of \$40,000 within 30 days after the date of this order. The People and Pitchford 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. Pitchford must pay a civil penalty of \$40,000 no later than May 18, 2020, which is the first business day following the 30th day after the date of this order. Pitchford 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, case number, and Pitchford's federal employer identification number or federal tax identification number must appear on the face of the certified check or money order.
3. Pitchford 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

Pitchford must send a copy of the certified check or money order and any transmittal letter to:

Christina L. Nannini
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62701
cnannini@atg.state.il.us

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. Pitchford must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

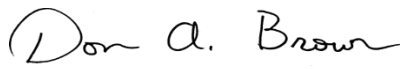
IT IS SO ORDERED.

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) (2018); *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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Office of the Attorney General Attn: Christina L. Nannini 500 South Second Street Springfield, Illinois 62706 cnannini@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Pitchford Elevator Company Attn: Brian Grathwohl 880 South Locust Street Richview, Illinois 62877	
Weinheimer Law Firm Attn: Mark Weinheimer 1121 University Drive Suite B Edwardsville, Illinois 62025 mark@weinheimerlaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 16, 2020 by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board