

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 2022

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 21-45  
) (Enforcement - Land)  
YOUTH FAIR CHANCE, INC. d/b/a )  
CAPITOL REUSE CENTER, and Indiana not- )  
for-profit corporation, and DALE ROWDEN, )  
and individual, )  
)  
Respondents. )

ORDER OF THE BOARD (by M. Gibson):

On December 22, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Youth Fair Chance, Inc. d/b/a Capitol Reuse Center (CRC) and Dale Rowden (collectively, respondents). The complaint concerns CRC's building materials sales operation located at 2130 East Clear Lake Avenue in Springfield, Sangamon County. In a separate stipulation and proposal, the People and CRC now seek to settle without a hearing. Rowden is not a party to this stipulation. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2020); 35 Ill. Adm. Code 103.

In this case, the People allege that respondents violated Sections 21(a), 21(e), 21(f)(2), 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(f)(2), 21(p)(1) (2018)) and Section 722.111, 722.118(a), 722.118(c), 808.121(b), 808.121(c)(1), 808.122, and 809.301 of the Board's waste disposal regulations (35 Ill. Adm. Code 722.111, 722.118(a), 722.118(c), 808.121(b), 808.121(c)(1), 808.122, 809.301).

The People allege that respondents committed these violations by causing or allowing the open dumping of waste; causing or allowing the open dumping of waste in a manner that resulted in litter; storing and disposing of hazardous waste without having a United States Environmental Protection Agency (USEPA) identification number; offering its hazardous waste to a transporter that did not have a USEPA identification number; conducting a hazardous waste storage operation at CRC's site; causing, threatening, or allowing the storage and disposal of special waste; delivering special waste to a transporter without an accompanying manifest; not preparing a manifest prior to the shipment of special waste; not concurrently delivering a manifest to a

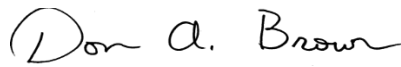
hired special waste transporter; delivering special waste to a transporter who did not hold a special waste hauling permit issued by the Illinois Environmental Protection Agency; not making a determination as to whether paint constituted hazardous waste; and not making a determination as to whether paint constituted special waste.

On December 20, 2021, the People and CRC 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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 settlement, CRC does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$3,300.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2022, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board