

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 2022

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

OPINION AND 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 Capital 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, the People and CRC now seek to settle without a hearing. Dale Rowden is not a party to this stipulation. For the reasons below, the Board accepts the stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), 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), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(f)(2), 21(p)(1) (2020)) and Sections 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.

The People ask the Board to order respondents to cease and desist from any further violations of the Act and Board regulations. The People also ask that the Board order respondents to pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which each violation continued. The People also ask that the Board order respondents to pay all costs, including expert witness, consultant, and attorney fees expended by the State in pursuit of this action.

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Springfield Journal-Register* on January 11, 2022. 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. 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 CRC'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) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. CRC 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) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, CRC agrees to pay a civil penalty of \$3,300 within 30 days after the date of this order. The People and CRC 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.<sup>1</sup>

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. CRC must pay a civil penalty of \$3,300 by April 4, 2022, which is the first business day following the 30th day after the date of this order. CRC must pay

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<sup>1</sup> The case against Dale Rowden continues. As the Board today accepts the stipulation and proposed settlement involving the People and CRC, the caption of subsequent orders issued in this docket will not include CRC.

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 number and case name must appear on the certified check or money order.

3. CRC 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

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

Emma Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701

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. CRC 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) (2020); *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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Illinois Attorney General's Office Attn: Emma Hudspath Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62701 Emma.hudspath@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Youth Fair Chance d/b/a Capital Reuse Center Attn: Danny Woodcock, Registered Agent 701 North Holt Road, Suite 1 Indianapolis, IN 46222-4139	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 3, 2022, by a vote of 5-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board