

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-132
) (Enforcement – Land)
MIDWEST TRAILER MANUFACTURING,)
LLC, an Illinois limited liability company,)
)
Respondent.)

ORDER OF THE BOARD (by M. Gibson):

On June 22, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Midwest Trailer Manufacturing, LLC (Midwest). The complaint concerns Midwest’s steel dump trailer manufacturing facility located at 2000 Kentville Road, Kewanee, Henry County (facility). 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Midwest violated the following Sections of the Act and Board Waste Disposal Regulations:

- Count I: Conducting hazardous waste storage operations at a facility without a Resource Conservation and Recovery Act (RCRA) permit in violation of Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (2022)) and Section 703.121(f) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 703.121(a)).
- Count II: Storing hazardous waste at a facility that does not meet the requirements of the Act and Board regulations in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2022)).
- Count III: Failing to conduct a hazardous waste determination on the solid waste generated from respondent’s operations in violation of Section 722.111 of the Board Waste Disposal Regulations (35 Ill. Adm. Code 722.111), thereby violating Section 21(i) of the Act (415 ILCS 5/21(i) (2022)).

Count IV: Failing to conduct a special waste determination on the waste generated and stored at its facility from its operations in violation of Section 808.121(a) of the Board Waste Disposal Regulations, thereby violating Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2022)).

On August 30, 2023, the People and Midwest 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, Midwest admits the alleged violations and agrees to pay a civil penalty of \$15,000.

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) (2022); 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 September 7, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board