

ILLINOIS POLLUTION CONTROL BOARD
October 19, 2023

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

OPINION AND 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 accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State’s Attorneys may bring actions before the Board on behalf of the People to enforce Illinois’ environmental requirements. *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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Star Courier* on September 14, 2023. 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) (2022); 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 Midwest'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) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Midwest admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Midwest agrees to pay a civil penalty of \$15,000 within 30 days after the date of this order. The People and Midwest 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. Midwest must pay a civil penalty of \$15,000 no later than November 20, 2023, which is the first business day following the 30th day after the date of this order. Midwest 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 and case number must appear on the certified check or money order.
3. Midwest 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

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

Audrey Avila
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington Street, Suite 1800
 Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. Midwest must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

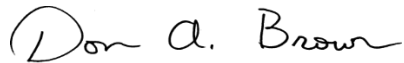
IT IS SO ORDERED.

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) (2022); *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
Illinois Attorney General's Office Attn.: Audrey Avila Senior Assistant Attorney General 69 W. Washington St., Suite 1800 Chicago, Illinois 60602	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov

Audrey.Avila@ilag.gov	
Midwest Trailer Manufacturing, LLC Justin M. Raver Barash & Everett, LLC 211 W. Second Street Kewanee, IL 61443 Justin@barashlaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 19, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board