

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2024

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 23-112
)	(Enforcement - Land, Water)
INLAND-FRYCEK, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Van Wie):

On April 17, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Inland-Frycek, Inc. (IFI) and 969 Northwest Hwy LLC (969 LLC). The complaint concerns property owned by 969 LLC that is a former gasoline station located at 969 Northwest Highway in Park Ridge, Cook County (Site). IFI is an environmental remediation consultant and practitioner that assisted in remediation of residual petroleum contamination at the Site in 2019. The People and 969 LLC have entered into a stipulation and settlement, leaving only IFI as a respondent in this matter.¹ The People and IFI 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 IFI violated the Act and Board Waste Disposal Regulations as follows:

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|-----------|---|
| Count I: | Causing or allowing the open dumping of waste by causing or allowing the dumping and discarding of calcium peroxide at the Site, and failing to remove the waste until compelled to by the Village of Park Ridge's ordinance enforcement, in violation of Section 21(a) of the Act (415 ILCS 5/21(a) (2022)). |
| Count II: | Disposing of and abandoning waste at a site not permitted for the disposal of waste in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2022)). |

¹ *See* People v. Inland-Frycek, Inc. and 969 Northwest Hwy LLC, PCB 23-112 (Feb. 15, 2024).

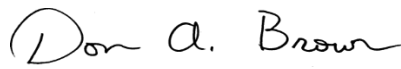
- Count III: Failing to evaluate or characterize the waste generated on or about July 17, 2019 to determine whether it was special waste in violation of Section 808.121(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 808.121(a)) and Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2022)).
- Count IV: Creating a water pollution hazard by depositing up to 20,000 pounds of powdered calcium peroxide upon the land throughout the Site, failing to immediately remove the calcium peroxide from the ground at the Site, and maintaining a pile of calcium peroxide on the ground at the Site from at least July 17, 2019, to December 4, 2020, in violation of Section 12(d) of the Act (415 ILCS 5/12(d) (2022)).
- Count V: Causing and allowing litter by causing or allowing the dumping and discarding of calcium peroxide at the Site, and failing to remove the waste until compelled to by the Village of Park Ridge's ordinance enforcement, in violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)).

On July 17, 2024, the People and IFI 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, IFI does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$8,800.

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 August 8, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board