LLINOIS POLLUTION CONTROL BOARD November 6, 2003

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ORDER OF THE BOARD (by W.A. Marovitz):

On August 12, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Riba-Fairfield, Inc. alleging hazardous waste violations, and subsequently filed an amended complaint. The amended complaint concerns Riba-Fairfield's fragrance and food flavoring manufacturing facility at 3210 Parkway Drive in Decatur, Macon County. 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 (2002)), 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 (2002); 35 Ill. Adm. Code 103. In this case, the People allege that Riba-Fairfield violated numerous provisions of the Act (415 ILCS 5/21(d), (f) (2002)) and Board hazardous waste regulations (35 Ill. Adm. Code 703.121(a), (b), 725.113(b), 725.115, 725.125, 725.173, 725.212(a), (b), 725.242(a), 725.243, 725.274) by improperly managing hazardous waste, including storing hazardous waste without a Resource Conservation and Recovery Act (RCRA) permit, failing to inspect containers, failing to have a written closure plan, and failing to establish financial assurance.

On October 31, 2003, the People and Riba-Fairfield 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)), 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, Riba-Fairfield does not admit the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2002); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2003, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board