ILLINOIS POLLUTION CONTROL BOARD June 3, 2004

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
CLINTON LANDFILL, INC.,)
an Illinois corporation,	
Desmondant)
Respondent.)

PCB 04-211 (Enforcement - Land)

ORDER OF THE BOARD (by J.P. Novak):

On May 25, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Clinton Landfill, Inc. (Clinton Landfill). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Clinton Landfill violated Section 21(d)(1), (e), (f)(1), and (f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(d)(1), (e), (f)(1), and (f)(2) (2002)); 35 Ill. Adm. Code 703.121; and conditions III.1 and III.2.f of permit number 1996-102, Modification 15. The People further allege that Clinton Landfill violated these provisions by conducting landfill operations in a way that resulted in acceptance of hazardous waste and by operating a hazardous waste treatment, storage, or disposal facility without a Resource Conservation and Recovery Act (RCRA) permit and in violation of RCRA regulations. The complaint concerns Clinton Landfill's landfill facility at Route 51, Clinton, DeWitt County.

On May 25, 2004, the People and Clinton Landfill also 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)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Clinton Landfill neither admits nor denies the alleged violations but agrees to engage in a supplemental environmental project (SEP) to the value of \$25,000, by accepting as much as 2,000 tons of waste from the People, to offset a civil penalty, and to pay any remaining balance as a civil penalty, calculated by multiplying the remaining tonnage of the SEP times \$20 per ton, up to a maximum of 1,250 tons.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board 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 June 3, 2004, by a vote of 5-0.

Driety Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board