

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2004

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 04-140
) (Enforcement - Land)
WHITEWAY SANITATION, Inc., an Illinois)
corporation,)
)
 Respondent.)

ORDER OF THE BOARD (by T.E. Johnson):

On February 9, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Whiteway Sanitation, Inc., an Illinois corporation (Whiteway). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns Whiteway’s garage facility located at 98 Curtis Street, Jerseyville, Jersey County.

The People allege that Whiteway violated Sections 21(a),(d),(e) and (p)(1) and (7); 22.14(a); and 55(a)(1) and (3) of the Environmental Protection Act (Act). 415 ILCS 5/21(a),(d),(e) and (p)(1) and (7); 22.14(a); and 55(a)(1) and (3) (2002); 35 Ill. Adm. Code 722.111, 739.122(c), 808.121 and 812.101(a) (1994); and 35 Ill. Adm. Code 739.122(d), 807.201 and 807.202(a) (2002). The People allege Whiteway violated these provisions by (1) causing, or allowing the open dumping of waste; (2) conducting a waste storage or waste disposal operation without a permit; (3) disposing, storing, or transporting waste at a site not meeting the requirements of the Act or Board regulations; (4) causing or allowing the open dumping of waste in a manner resulting in litter or deposition of construction debris; (5) developing and operating a landfill without a permit; (6) allowing the operation or use of a solid waste management site without an operating permit; (7) causing or allowing the open dumping of used waste tires; (8) establishing a pollution control facility for use as a garbage transfer station; (9) generating a waste and failing to determine if that waste is a special waste; (10) failing to label containers storing used oil; and (11) failing to stop, contain or cleanup the release of used oil.

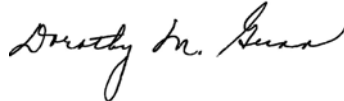
On June 9, 2004, the People and Whiteway filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2002). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Whiteway admits to the violations alleged in the complaint, and agrees to pay a civil penalty of \$4,500.

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 17, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board