

ILLINOIS POLLUTION CONTROL BOARD

February 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-42
)	(Enforcement - Land)
WASTE MANAGEMENT OF ILLINOIS,)	
INC., a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On September 13, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Waste Management of Illinois, Inc. (WMI). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns the Prairie Hill Recycling and Disposal facility, a municipal solid waste sanitary landfill operated by WMI and located in Morrison, Whiteside County.

The People allege that WMI violated the provisions of its landfill permit, Sections 21(d)(1), 21(f)(1), 21(f)(2), 21(o)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(d)(1), 21(f)(1), 21(f)(2), 21(o)(7) (2004)), and Sections 703.121(a), 723.111, and 723.120(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 703.121(a), 723.111, 723.120(a)). The People further allege that WMI violated these provisions by (1) accepting and disposing of hazardous waste in the form of Styrofoam at the Prairie Hill landfill; (2) accepting hazardous waste and conducting a hazardous waste disposal operation without a Resource Conservation and Recovery Act (RCRA) permit; and (3) accepting and transporting hazardous waste without a hazardous waste manifest and without first obtaining a United States Environmental Protection Agency identification number. The People allege that the Styrofoam contained toxic levels of benzene and that it came from repairing or rehabilitating petroleum product storage tanks at the distribution terminal of Magellan Pipeline Company, L.P. in Amboy, Lee County.¹

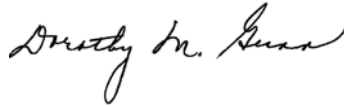
On January 18, 2006, the People and WMI filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, WMI neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$20,000.

¹ The People filed a separate complaint against Magellan Pipeline Company, L.P. That complaint alleges that Magellan's handling and disposal of the Styrofoam violated hazardous waste requirements. *See* People v. Magellan Pipeline Company, L.P., PCB 06-36.

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) (2004); 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 February 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board