

ILLINOIS POLLUTION CONTROL BOARD
March 2, 2006

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

OPINION AND 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 complaint against Waste Management of Illinois, Inc. (WMI). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c).

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 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.

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in

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.*

the *Whiteside News Sentinel* on January 24, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of WMI's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and WMI have satisfied Section 103.302. WMI neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$20,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. WMI must pay a civil penalty of \$20,000 no later than Monday, April 3, 2006, which is the first business day after the 30th day after the date of this order. WMI must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and WMI's social security number or federal employer identification number must be included on the certified check or money order.
3. WMI must send the certified check or money order to:

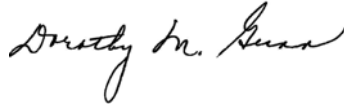
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. WMI must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706.

Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 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