

ILLINOIS POLLUTION CONTROL BOARD

March 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-49
)	(Enforcement - Land)
PREMIER WASTE & RECYCLING, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On October 6, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Premier Waste & Recycling, Inc., and Illinois Corporation (Premier). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns a site operated by Mr. Willie Carter and located at 15600 Commercial Street, Harvey, Cook County (Carter site). The People allege the Carter site is an unpermitted waste disposal operation where Premier deposited waste. Premier is in the business of waste removal, transportation, and disposal.

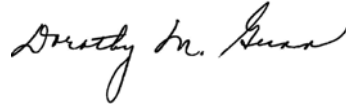
Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Premier violated Sections 21(a) and (e) of the Environmental Protection Act (415 ILCS 5/21(a) and (e) (2004)) by causing or allowing the consolidation of waste at one or more places at the Carter site, an operation that was not permitted by the Illinois Environmental Protection Agency (Agency) to conduct waste disposal. The People allege that approximately 308 truckloads of mixed debris were deposited at the Carter site.

On March 3, 2006, the People and Premier 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, Premier neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$30,000.

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. 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 March 16, 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