

ILLINOIS POLLUTION CONTROL BOARD

April 20, 2006

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

OPINION AND 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily Southtown* on March 15, 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

Premier'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 Premier have satisfied Section 103.302. Premier neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$30,000. 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. Premier Waste & Recycling, Inc. (Premier) must pay a civil penalty of \$30,000 no later than May 20, 2006, which is the 30th day after the date of this order. Premier must pay the civil penalty by certified check, money order, electronic funds transfer. The case number, case name, and Premier's social security number or federal employer identification number must be included with the method payment.
3. Premier must send the certified check, money order, or electronic funds transfer payable the Illinois EPA, designated to the Environmental Protection Trust Fund and submitted to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the certified check, money order or record of electronic funds transfer must be sent to:

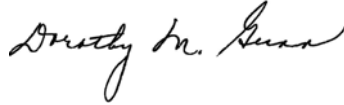
Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

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. Premier 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 April 20, 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