ILLINOIS POLLUTION CONTROL BOARD July 20, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	
)	
D & L LANDFILL, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

PCB 06-136 (Enforcement - Land)

ORDER OF THE BOARD (by G.T. Girard):

On February 9, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against D & L Landfill, Inc. (D & L Landfill). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns D & L Landfill's landfill facility at 1212 Ayers Road, Greenville, Bond County.

The People allege that D & L Landfill violated Section Sections 21(d)(1), (d)(2), and (o)(5) of the Environmental Protection Act (Act) (415 ILCS 5/21(d)(1), (d)(2), and (o)(5) (2004)) and 35 Ill. Adm. Code 811.106(a) and 811.313(a). The People further allege that D & L Landfill violated these provisions by (1) failing to cover waste at the conclusion of an operational day; and (2) failing to cover waste with one foot of compacted clean soil within 60 days of placement in the fill.

On July 13, 2006, the People and D & L Landfill also 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, the D & L Landfill admits the alleged violations and agrees to pay a civil penalty of \$13,250.

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 July 20, 2006, by a vote of 4-0.

Durety In. Sun

Dorothy M. Gunn, Clerk Illinois Pollution Control Board