ILLINOIS POLLUTION CONTROL BOARD September 7, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 06-117
SALINE COUNTY LANDFILL,)	(Enforcement - Land)
Respondent.)	

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

On December 28, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Saline County Landfill, Inc. (Saline County Landfill). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Saline County Landfill's landfill at 5000 Whitesville Road, Harrisburg, Saline County.

The People allege that Saline County Landfill violated its permit, Section 21(o)(5) of the Environmental Protection Act (Act) (415 ILCS 5/21(o)(5) (2004)) and 35 Ill. Adm. Code 811.106(a). The People further allege that Saline County Landfill violated these provisions by conducting operations at a permitted landfill in such manner that uncovered refuse remained from a previous operating day. The People ask the Board to order Saline County Landfill to cease and desist from further violation and pay a civil penalty in accordance with statute.

On August 2, 2006, the People and Saline County Landfill 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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Harrisburg Daily Register* on August 4, 2006; any timely hearing request was due to be filed August 25, 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 respondents 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)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The stipulation also addresses the factors of

Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), which may mitigate or aggravate the civil penalty amount.

Saline County Landfill admits the alleged violations. Saline County Landfill agrees to pay a civil penalty of \$8,000. The People assert this penalty will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

The People and Saline County Landfill have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. Consistent with the stipulation, the Board orders Saline County Landfill to pay the civil penalty for the admitted violations within ten days, rather than within 30 days as is the Board's usual custom. This docket is now closed.

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. Saline County Landfill must pay a civil penalty of \$8,000 no later than September 18, 2006, which is the first business day after the 10th day after the date of this order. Saline County Landfill must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Saline County Landfill's federal employer identification number must be included on the certified check, money order, or electronic funds transfer statement.
- 3. Saline County Landfill must send the certified check, money order, or electronic funds transfer to the indicated address:

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

4. Saline County Landfill must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following person at the indicated address:

P. Poitevint
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

James Kropid, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

- 5. 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)).
- 6. Saline County Landfill 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 September 7, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

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Illinois Pollution Control Board