## ILLINOIS POLLUTION CONTROL BOARD September 4, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
v.	) PCB 07-25
ISAACSON CONSTRUCTION, INC., an Illinois corporation,	) (Enforcement - Land )
Respondent.	) )

## ORDER OF THE BOARD (by A.S. Moore):

On October 16, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed its original complaint against Isaacson Construction, Inc. (Isaacson Construction). See 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. On July 19, 2007, the People filed a motion to file an eight-count amended complaint (Mot.). The motion states that the Illinois Environmental Protection Agency (Agency) notified the People that Agency inspection reports relied upon in drafting the original complaint included an error. Mot. at 1. Specifically, the People state that removal of drums from Isaacson Construction's site took place not on April 24-25, 2004 but instead on April 26-27, 2004. Mot. at 1 (citing attached affidavit of Agency investigator). In an order dated August 13, 2007, the hearing officer accepted the amended complaint.

The People alleged in the amended complaint that Isaacson Construction violated Sections 12(a), 12(d), 21(a), 21(e), 21(f)(1), and 21(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 21(a), 21(e), 21(f)(1), 21(f)(2) (2006)) and Sections 703.121(a)(1), 725.111, 725.113(a)(1), 725.113(b), 725.116(a), 725.151, 725.152, 725.153, 725.173(a), and 725.175 of the Board's hazardous waste regulations (35 Ill. Adm. Code 703.121(a)(1), 725.111, 725.113(a)(1), 725.113(b), 725.116(a), 725.151, 725.152, 725.153, 725.173(a), 725.175). The People further alleged in the amended complaint that Isaacson Construction violated these provisions (1) by open dumping and disposing of waste at a facility that does not meet the requirements of the Act or Board regulations; (2) by disposing of hazardous waste without a Resource Conservation and Recovery Act (RCRA) permit and by conducting a hazardous waste disposal operation in violation of Board regulations; (3) by not having on-site analysis results for hazardous waste, by failing to develop and follow a written waste analysis plan, and by not keeping a written operating record; (4) by failing to administer hazardous waste training for facility personnel; (5) by failing to submit an annual hazardous waste report and by failing to have a United States Environmental Protection Agency (USEPA) facility identification number; (6) by failing to have a contingency plan; (7) by threatening, causing, or allowing water pollution; and (8) by creating a water pollution hazard. The amended complaint concerns Isaacson Construction's facility at 1300 Fort Jesse Road in Normal, McLean County.

On August 21, 2008, the People and Isaacson Construction 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Isaacson Construction admits the alleged violations of Section 21(a) and 21(e) of the Act (415 ILCS 5/21(a), 21(e) (2006)) as alleged in paragraphs 23 and 24 of Count 1 of the amended complaint and agrees to pay a civil penalty of \$100,000, with the first of five annual payments in the amount of \$20,000 due within 90 days from the date the Board accepts the stipulation and the next four payments due on the anniversary dates of the first payment.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 4, 2008, by a vote of 4-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board