## ILLINOIS POLLUTION CONTROL BOARD September 16, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 07-42
ENVIRONMENTAL RECLAMATION	)	(Enforcement – Land)
COMPANY, an Illinois corporation,	)	
Respondent.	)	

## ORDER OF THE BOARD (by T.E. Johnson):

On November 20, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Environmental Reclamation Company (ERC). The complaint concerns ERC's sanitary landfill located at West Route 316 in Charleston, Coles County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that ERC violated Sections 12(a), 12(f), 21(d), and 21(o) of the Act (415 ILCS 5/12(a) 12(f), 21(d), 21(o) (2006)) and Sections 811.103(a) and 811.106(a) of the Board's regulations (35 Ill. Adm. Code 811.103(a), 811.106(a)). The People further allege that ERC violated these provisions by (1) failing to properly cover landfill waste by placing a uniform layer of at least six inches of clean soil material on top of the landfill waste by the end of each day of operation; (2) causing, threatening, or allowing the discharge of contaminants into Riley Creek so as to cause or tend to cause water pollution; (3) causing, threatening, or allowing the discharge of contaminants into Riley Creek without a National Pollutant Discharge Elimination System (NPDES) permit for point source discharges issued by the Illinois Environmental Protection Agency; and (4) by failing to properly control storm water runoff from the site.

On September 2, 2008, the People and ERC 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)), 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). Under the proposed stipulation, ERC does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$8,500.

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. *See* 415 ILCS 5/31(c)(2); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 16, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board