



violated Section 9(b) of the Act Act (415 ILCS 5/9(b) (2006)) by failing to comply with Condition 2(d) of its construction permit (Count II).

The People further allege that Vertellus Industries violated Sections 12(d) and 21(e) of the Act (415 ILCS 5/12(d) and 21(e) (2006)) by allowing releases at various times in the year 2000 of electro binder pitch, crude coal tar and creosote, upon the land so as to create a water pollution hazard (Count X), and by allowing hazardous waste to leak upon the ground at a disposal site that did not meet the requirements of the Act and associated regulations (Count IV). The People also allege that Vertellus Industries violated Section 21(f) of the Act in conjunction with several Board Rules: Section 703.121(a) by operating a hazardous waste facility without a permit issued by the Illinois EPA (Count V); Section 725.131 by failing to maintain and operate said facility in a manner to minimize the possibility of a sudden release of hazardous waste to the soil or air (Count VI); Sections 725.151(b) and 725.156(j) by failing to report the release of a hazardous waste in June and July 2000 to the proper authorities, and failing to submit a written report to the Illinois EPA 15 days after the implementation of the facility contingency plan (Count VII); Section 725.273(a) by failing to manage hazardous waste in a closed container during storage (Count VIII); Section 722.123(a) by failing to timely send a copy of a June 2000 manifest to the Illinois EPA (Count IX); and, Section 725.131 by allowing the release of crude coal tar in July 2003, thereby failing to maintain and operate a facility in a manner to minimize the release of hazardous waste to the soil or air (Count XIII<sup>3</sup>). The stipulation also notes that count XII of the complaint is withdrawn.

On January 13, the People and Vertellus Industries, Inc. 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, Vertellus Industries neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$140,000.00.

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) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

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<sup>3</sup> Count XIII referenced here is the first Count XIII listed in the Stipulation and Proposal for Settlement. *See also* footnote 1, page 1.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 22, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board