## ILLINOIS POLLUTION CONTROL BOARD September 3, 2009

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 0
	)	(Enfo
E.F. HEIL, LLC, an Illinois limited liability	)	
company,	)	
	)	
Respondent.	)	

PCB 09-110 (Enforcement – Land)

ORDER OF THE BOARD (by S.D. Linn):

On May 20, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against E.F. Heil, LLC, an Illinois limited liability company (Heil). *See* 415 ILCS 5/31(c)(1) (2008); 35 Ill. Adm. Code 103.204. The complaint concerns Heil's 93-acre clean construction and demolition debris (CCDD) facility, located at CR 089SE, in Kankakee, Kankakee County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)),<sup>1</sup> 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 21(d)(1) and (e), and 21.51(a) and (c) of the Act (415 ILCS 5/21(d)(1), 21(e), 22.51(a), 22.51(c) (2008)), and Sections 722.11 and 808.121(a) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 722.11, 808.121(a)). The People also allege that respondent violated Sections 1100.201(a) and 1100.205(a)(1), (b)(1), (c)(2), (c)(3), (f) and (g) of the Board's CCDD Regulations (35 Ill. Adm. Code 1100.201(a), 1100.205(a)(1), (c)(2), (f), (g) (2008)).

The People further allege that Heil violated these provisions by (1) conducting a waste disposal operation without a permit, by causing or allowing the disposal of a pile of painted brick and concrete blocks with protruding metal on his Kankakee site, (2) failing to determine if the waste accepted onto his site was hazardous or special, (3) disposing of non-clean construction or demolition debris, (4) failing to use a photo ionization detector or other equivalent device to check all incoming loads, and (5) failing to conduct daily discharge inspections.

On August 27, 2009, the People and Heil filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act

<sup>&</sup>lt;sup>1</sup> All citations to the Act will be to the 2008 compiled statutes, unless the provision at issue has been substantively amended in the 2008 compiled statutes.

(415 ILCS 5/31(c)(1) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Heil denies the alleged violations, but agrees to pay a civil penalty of \$20,000.

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) (2008); 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 3, 2009, by a vote of 4-0.

John T. Theriaut

John Therriault, Assistant Clerk Illinois Pollution Control Board