

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-29
)	(Enforcement - Water)
WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Respondent.)	

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

On November 2, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Waste Management of Illinois, Inc., (Waste Management). See 415 ILCS 5/31(c)(1) (2008); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns a site located in Galesburg, Knox County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

The People allege that Waste Management violated Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act)¹ (415 ILCS 5/12(a), 12(d), 12(f) (2008)) and Sections 304.106 and 309.102(a) of the Board’s public water supply regulations (35 Ill. Adm. Code 304.106, 309.102(a)). The People further allege that Waste Management violated these provisions by discharging material containing solids and liquids of obvious color from the garbage truck into a storm sewer inlet. This discharge caused, allowed or threatened: 1) a water pollution hazard, 2) offensive discharges into waters of the State, 3) discharge of contaminants so as to cause water pollution, and 4) discharges of contaminants into waters of the State from a point source without coverage under a National Pollutant Discharge Elimination System permit. The Board finds that the complaint meets the content requirements of the Board’s procedural rules and accepts the complaint for hearing. See 35 Ill. Adm. Code 103.204(c), (f), 103.212(c).

On November 2, 2009, the People and Waste Management 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) (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

¹ All citations to the Act will be to the 2008 compiled statutes, because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Waste Management admits the alleged violations and agrees to pay a civil penalty of \$9,500.

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) (2006); 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 November 5, 2009, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board