

ILLINOIS POLLUTION CONTROL BOARD
May 6, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-14
)	(Enforcement - Land)
ECO-CLEAN ENVIRONMENTAL, INC.,)	
now d/b/a ECO ENVIORNMENTAL, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On August 7, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Eco-Clean Environmental, Inc. (Eco-Clean). *See* 415 ILCS 5/31(c)(1) (2008)¹; 35 Ill. Adm. Code 103.204. The complaint concerns Eco-Clean’s waste-storage facility at 402 East Broad Street, Raymond, Montgomery 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.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. The People allege that Eco-Clean violated Sections 21(d) and (e) of the Act (415 ILCS 5/21 (d) and (e)) and Sections 807.201 and 807.202(a) (35 Ill. Adm. Code 807.201 and 807.202(a)) of the Board’s regulations. The People further allege that Eco-Clean violated these provisions by conducting a waste storage or waste-disposal operation without a permit granted by the Illinois Environmental Protection Agency, and by disposing or storing or transporting waste at or to a site which does not meet the requirements of the Act and applicable regulations.

On April 16, 2010, the People and Eco-Clean 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 without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Eco-Clean admits the alleged violations and agrees to pay a civil penalty of \$10,250.

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.

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 May 6, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board