

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-71
)	(Enforcement - Land)
87th & GREENWOOD, LLC, a Delaware)	
Limited Liability Company, INNOVATIVE)	
RECYCLING TECHNOLOGIES, INC., a)	
Connecticut corporation, and LAND)	
RECLAMATION SERVICES, INC., an)	
Illinois corporation,)	
)	
Respondents.)	

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

On March 19, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against 87th & Greenwood, LLC (87th & Greenwood), Innovative Recycling Technologies, Inc. (IRT), and Land Reclamation Services, Inc. (LRS) (collectively, respondents). The complaint concerns 87th & Greenwood’s storage facility at 1040 E. 87th Street, Chicago, Cook County (Excavation Site) and LRS’s clean construction and demolition debris fill business at 1127 South Chicago Street, Joliet, Will County (LRS Site). The Board previously found that LRS had violated Sections 21(a), (d)(1), and (e) of the Environmental Protection Act (415 ILCS 5/21(a), (d)(1). (e) (2008)) as alleged in the complaint. The Board ordered LRS to pay a total civil penalty of \$20,000, and to cease and desist from further violations.¹ The remaining parties now seek to settle without a hearing as to 87th & Greenwood and IRT. 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)), 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 respondents violated Section 21(a) and (e) of the Act (415 ILCS 21(a), (e) (2008)) by causing and allowing the disposal of waste from the Excavation Site at the LRS Site (count 1) and disposing of waste at the LRS Site which was not permitted for waste disposal by the Illinois Environmental Protection Agency (count 2).

¹ People of the State of Illinois v. 87th & Greenwood, LLC, a Delaware Limited Liability Company, Innovative Recycling Technologies, Inc., a Connecticut corporation, and Land Reclamation Services, Inc., an Illinois corporation, PCB 10-71, August 19, 2010.

On April 21, 2011, the parties 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, 87th & Greenwood and IRT do not affirmatively admit the alleged liability but agree to pay a civil penalty of \$15,000.

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 May 5, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board