ILLINOIS POLLUTION CONTROL BOARD May 19, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 10-109 (Enforcement - RCRA)
ROCK RIVER BLENDING COMPANY, an)	(Elliorcement - KCKA)
Illinois corporation,)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On June 29, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Rock River Blending Company (RRB). The complaint concerns RRB's industrial product and detergent manufacturing facility located at 1515 Cunningham Street in Rockford, Winnebago 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 5/1 et seq. (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 103.100 - 103.504 (Enforcement). In this case, the People allege that RRB violated the following provisions in the manner described: Section 21(a) of the Act (415 ILCS 5/21(a) (2008)) by causing and allowing the open dumping of waste (count I); Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2008)) by conducting a waste disposal operation without a permit from the Illinois Environmental Protection Agency (Agency) (count II); Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (2008)) and Section 703.121 of the Board's Resource Conservation and Recovery Act (RCRA) permit program regulations (35 Ill. Adm. Code 703.121) by conducting a hazardous waste disposal operation without a RCRA permit (count III); Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2008)) and Section 722.112 of the Board's hazardous waste generator regulations (35 III. Adm. Code 722.112) by disposing of hazardous waste without having received an identification number from the United States Environmental Protection Agency (count IV); Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2008)) and Section 808.121(a) of the Board's special waste classification regulations (35 Ill. Adm. Code 808.121(a)) by generating waste but failing to perform a special waste determination (count V); Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2008)) and Section 722.111 of the Board's hazardous waste generator regulations (35 Ill. Adm. Code 722.111) by generating solid waste but failing to perform a hazardous waste determination (count VI); Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2008)) and Sections 724.401, 724.414, and 728.137 of the Board's hazardous waste operating regulations (35 Ill. Adm. Code 724.401, 724.414, 728.137) by disposing of

hazardous waste in an unlined hazardous waste landfill, disposing of bulk liquid hazardous waste in a hazardous waste landfill, and disposing of D002 liquid hazardous waste through land disposal (count VII); and Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2008)) and 19 sections of the Board's hazardous waste treatment, storage, and disposal regulations (35 Ill. Adm. Code 724.113(a), 724.113(b), 724.114(a), 724.114(b), 724.114(c), 724.115(a), 724.115(b), 725.116(a), 724.131, 724.132, 724.137, 724.151, 724.155, 724.173, 724.175, 724.212(a), 724.218(a), 724.242(a), 724.244) by failing to comply with waste disposal requirements and procedures (count VIII).

On May 6, 2011, the People and RRB 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, RRB neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$30,000.

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. 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b). Any person may file a written demand for hearing within 21 days after receiving the notice. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b). 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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 19, 2011, by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therrank