

ILLINOIS POLLUTION CONTROL BOARD

July 7, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 11-103
)	(Enforcement - Land)
MARKHAM TRANSFER & RECYCLING,)	
LLC,)	
)	
Respondent.)	

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

On June 24, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Markham Transfer & Recycling, LLC (MTR). The complaint concerns MTR's general construction or demolition debris recycling facility located at 2300 West 167th Street, Markham, Cook County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that MTR violated the Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 22.38(b)(4) and 22.38(b)(6) of the Act (415 ILCS 5/21(a), 21(d)(1), 21(d)(2), 21(e), 22.38(b)(4), and 22.28(b)(6) (2010)) and the Board waste disposal rules at Section 807.201 and 807.202(a) (35 Ill. Adm. Code 807-201 and 807.202(a)). The complaint alleges that MTR violated these provisions by openly dumping waste, conducting a waste disposal operation without a permit, disposing and storing waste at an unpermitted facility, and failing to comply with general construction and demolition debris requirements. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 24, 2011, simultaneously with the People's complaint, the People and MTR 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, MTR does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$25,000.

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) (2010); 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 July 7, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board