



three random loads on a random day each week, and Section 21(o)(7) of the Act (415 ILCS 5/21(o)(7) (2008)) by conducting a sanitary landfill operation which resulted in accepting hazardous waste without having a permit to accept hazardous waste.

On September 12, 2012, the People and Roxana Landfill 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Telegraph* on October 26, 2012. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Roxana Landfill's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Roxana Landfill does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Roxana Landfill agrees to pay a civil penalty of \$7,000.00. Additionally, to offset additional penalties, Roxana Landfill must perform a Supplemental Environment Project (SEP), with a value of \$7,000.00. Under the SEP, over the next 3 years Roxana Landfill must provide 200 tons of landfill disposal capacity valued at a gate rate of \$35.00 per ton. The People and Roxana Landfill have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

As this action has now been settled by the People and all respondents, the docket is now closed.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Roxana Landfill, Inc. (Roxana Landfill) must pay a civil penalty of \$7,000.00 no later than January 7, 2013, which is the first business day following the 30th day after the date of this order. Roxana Landfill must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case

name, case number, and Roxana Landfill's federal tax identification number must appear on the face of the certified check or money order.

3. Roxana Landfill must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Roxana Landfill must send a copy of the certified check or money order and any transmittal letter to:

Rachel R. Medina  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. To offset additional penalties, Roxana Landfill must perform a Supplemental Environment Project (SEP), with a value of \$7,000.00. Under the SEP, over the next 3 years Roxana Landfill must provide 200 tons of landfill disposal capacity valued at a gate rate of \$35.00 per ton.
6. Roxana Landfill must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Chairman Holbrook Abstains

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2012 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board