## ILLINOIS POLLUTION CONTROL BOARD July 11, 2013

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
	)	
v.	)	PCB 13-64
	)	(Enforcement - Air)
SOUTHERN ILLINOIS REGIONAL	)	
LANDFILL, INC., an Illinois corporation,	)	
	)	
Respondent.	)	

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

On May 15, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Southern Illinois Regional Landfill, Inc. (SIRLI). The complaint concerns SIRLI's non-hazardous waste landfill located at 1540 Landfill Road in De Soto, Jackson County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that SIRLI violated Sections 9(a), 21(d)(1), 21(d)(2), 21(e), 21(o)(7), 21(o)(11), and 22.01 of the Act (415 ILCS 5/9(a), 21(d)(1), 21(d)(2), 21(e), 21(o)(7), 21(o)(11), 22.01 (2010)). The People further allege that SIRLI violated Sections 809.501(j), 809.501(k), 811.403, and 811.404(a) of the Board's solid waste and special waste hauling regulations (35 Ill. Adm. Code 809.501(j), 809.501(k), 811.403, 811.404(a)), as well as Conditions XI(A)(1)(a), XI(A)(2), XI(B)(3) of SIRLI's non-hazardous waste permit No. 1994-176-LF.

The People allege that SIRLI violated these provisions by (1) accepting wastewater with unknown chemical composition and unknown analytical characteristics for disposal, thereby causing, threatening, and allowing the discharge or emission of the odiferous contaminant or contaminants into the environment so as to cause or tend to cause air pollution; (2) accepting improperly manifested waste that was not analyzed in accordance with the requirements of SIRLI's permit and failing to comply with acceptance criteria in SIRLI's approved analysis plan; (3) failing to obtain a completed special waste pre-acceptance and pre-acceptance analysis for wastes; (4) treating waste that had not undergone a required hazardous waste determination; (5) accepting improperly manifested waste with manifests that did not include when and where the special waste was generated; (6) accepting improperly manifested waste with manifests that did not include special waste profiles and lacked required information; (7) failing to include all waste

generators from whom SIRLI had accepted waste in its Illinois Facility Nonhazardous Special Waste 2009 Annual Report (Annual Report); (8) failing to include in its Annual Report specific quantities and dispositions for all wastes accepted; and (9) failing to provide in its Annual Report all required information for special waste streams accepted.

On May 15, 2013, simultaneously with the People's complaint, the People and SIRLI 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 *Southern Illinoisan* on June 7, 2013. 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 III. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of SIRLI'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. SIRLI does not 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. SIRLI agrees to pay a civil penalty of \$28,733. The People and SIRLI have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

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. SIRLI must pay a civil penalty of \$28,733 no later than August 12, 2013, which is the first business day following the 30th day after the date of this order. SIRLI 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 SIRLI's federal tax identification number\_must appear on the face of the certified check or money order.
- 3. SIRLI 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

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

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)).

## IT IS SO ORDERED.

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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 11, 2013, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

John T. Therriant