ILLINOIS POLLUTION CONTROL BOARD December 5, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 14-40
)	(Enforcement)
ST. ELIZABETH'S HOSPITAL OF THE)	
HOSPITAL SISTERS OF THE THIRD)	
ORDER OF ST. FRANCIS, an Illinois)	
nonprofit corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On November 27, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, an Illinois nonprofit corporation (respondent). The complaint concerns respondent's property located at 211 S. Third Street, Belleville, St. Clair 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 21(f) of the Act, 415 ILCS 5/21(f) (2012), Sections 703.121(a), 722.134(a)(2) and (3), 722.140(c), 725.116(a), (c), and (d), 725.132, 725.134(a)(2) and (3), 725.135, 725.151(a), 725.274, 733.113(c)(1), 733.114(a) and (d)(1), and 809.501(h), of the Board's waste regulations, (35 Ill. Adm. Code 703.121(a), 722.134(a)(2) and (3), 722.140(c), 725.116(a), (c), and (d), 725.132, 725.134(a)(2) and (3), 725.135, 725.151(a), 725.274, 733.113(c)(1), 733.114(a) and (d)(1), and 809.501(h)). According to the complaint, respondent violated these provisions by:

- 1) causing or allowing hazardous waste management violations,
- 2) causing or allowing universal waste management violations,
- 3) causing or allowing waste manifest and reporting violations,
- 4) failing to maintain Resource Conservation and Recovery Act Contingency Plan.
- 5) causing or allowing training violations, and,
- 6) failing to maintain spill control equipment.

The People ask the Board to issue an order requiring respondent to cease and desist from further violations and pay civil penalties of not more than the statutory maximum. 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 November 27, 2013, simultaneously with the People's complaint, the People and respondent 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,000.

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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 5, 2013, by a vote of 4-0.

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John T. Therriault, Clerk Illinois Pollution Control Board