

ILLINOIS POLLUTION CONTROL BOARD  
April 3, 2014

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 13-19
	)	PCB 13-20
SHERIDAN-JOLIET LAND	)	(Enforcement - Land)
DEVELOPMENT, LLC, an Illinois limited	)	(Consolidated)
liability company, and SHERIDAN SAND &	)	
GRAVEL CO., an Illinois corporation,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by J.D. O’Leary):

On October 31, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Sheridan-Joliet Land Development, LLC and Sheridan Sand & Gravel Co. (respondents). The complaint concerns respondents’ clean construction or demolition debris facility located at 2679 N. 4201 Road in Sheridan, LaSalle County. On October 31, 2012, the Office of the Attorney General, on behalf of the People, also filed a four-count complaint against respondents. The complaint concerns respondents’ clean construction or demolition debris facility located at 105 S. Wiensland Road in Sheridan, LaSalle County. The Board consolidated PCB 13-19 and PCB 13-20 on August 8, 2013. 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In PCB 13-19, the People allege that respondents violated Sections 21(k), 22.51(a), 22.51 (b)(3)(i) and (ii), 22.51(f)(2)(A)(i), 22.51(f)(2)(B), 22.51(f)(2)(C) of the Act (415 ILCS 5/21(k), 22.51(a), (b)(3)(i) and(ii), (f)(2)(A)(i), (f)(2)(B), (f)(2)(C) (2012)), 35 Ill. Adm. Code 1100.201(a), 1100.205(a), (b), and (c), 1100.205(b)(1), (c)(3), 1100.205(h), 1150.210(b),(c), 1150.215(b),(c), 1150.300(a) and permit condition I.1 of Permit No. CCDD2007-040-DE/OP. The People allege that respondents violated these provisions by failing:

- 1) to implement and document a load checking program;
- 2) to identify the site of origin and address from which the uncontaminated soil was removed;
- 3) to identify the name of the owner or operator of the site of origin of the uncontaminated soil;

- 4) to obtain a soil certification from the owner or operator of the site of origin or from a licensed professional engineer that the soil is uncontaminated;
- 5) to maintain any documentation confirming that the soil accepted at the CCDD facility was not removed from a site as part of a cleanup or removal of contaminants;
- 6) to conduct a random daily discharge inspection;
- 7) to document the results of the random daily discharge inspection for September 2, 2010;
- 8) to maintain and calibrate the photoionization device;
- 9) to submit monthly fill records to the Illinois Environmental Protection Agency (Agency) by October 15, 2010, January 15, 2011, and April 15, 2011; and
- 10) to submit Quarterly Fill Summaries to the Agency by October 15, 2010, January 15, 2011, and April 15, 2011, and by failing to submit quarterly fee payments.

In PCB 13-20, the People allege that respondents violated Sections 21(k), 22.51(a), 22.51(b)(3)(i) and (ii), 22.51(f)(2)(B)(i) and (ii) and 22.51(f)(3) of the Act (415 ILCS 5/21(k), 22.51(a), 22.51(b)(3)(i) and (ii), 22.51(f)(2)(B)(i) and (ii) and 22.51(f)(3) (2012)), 35 Ill. Adm. Code 1100.201(a), 1100.205(i), 1100.205(a), (b), and (c), 1150.110, 1150.200, 1150.205, 1150.210, 1150.215 and 1150.300(a), and permit condition 1.1 of Permit No. CCDD2007-042-DE/OP. The complaint alleges that respondents violated these sections by failing:


- 1) to implement and document a load checking program;
- 2) to obtain a soil certification from the owner or operator of the site of origin or from a licensed professional engineer that soil observed in a pile at the Wiensland site was uncontaminated;
- 3) to adhere to various record keeping requirements at the Wiensland site; and
- 4) to submit quarterly fee payments as required under 35 Ill. Adm. Code 1150.300(a).

On March 28, 2014, the People and respondents 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, respondents do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$17,500.00.

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 April 3, 2014 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, Clerk  
Illinois Pollution Control Board