ILLINOIS POLLUTION CONTROL BOARD August 21, 2014

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)	PCB 14-14
)	(Enforcement – Land, Water)
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ORDER OF THE BOARD (by J.A. Burke):

On August 2, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Donley Trucking, Inc. (respondent). The complaint concerns respondent's trucking business located at 8998 West Outer Road, Williamsville, Sangamon County. 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 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 the following violations:

Count I:	Respondent violated Section 12(f) of the Act (415 ILCS 5/12(f) (2012)) by causing, threatening or allowing the discharge of a contaminant from a point source without a National Pollutant Discharge Elimination System permit;
Count II:	Respondent violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2012)) by failing to determine whether waste generated at the site is a hazardous or special waste, in violation of Sections 722.111 and 808.121 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121;
Count III:	Respondent violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2012)) by delivering waste to an unlicensed special waste hauler without a manifest, in violation of Sections 808.121(b), 808.122, and 809.301 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(b), 808.122, and 809.301; and

Count IV: Respondent violated Section 21(e) of the Act (415 ILCS 5/21(e) (2012)) by disposing of wastes, including wash water, oily residue, oil/water separator waste, fluorescent bulbs and various other materials, at a site that is not a sanitary landfill.

On August 12, 2014, 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, the respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$8,500.

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 August 21, 2014 by a vote of 4-0.

In T. Thereau

John T. Therriault, Clerk Illinois Pollution Control Board