

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 2016

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 16-71
	)	(Enforcement - Land)
H & H OIL, LLC,	)	
	)	
Respondent.	)	

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

On December 23, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against H & H Oil, LLC (H & H). The complaint concerns soybean processing wastes allegedly dumped at a facility owned by Bunge North America, Inc. and located at 203 24th Street, Cairo, Alexander 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 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that H & H violated Section 21(a) of the Act (415 ILCS 5/21(a) (2014)) and Sections 809.201 and 809.501(e) of the Board's waste disposal regulations (35 Ill. Adm. Code 809.201, 809.501(e)), by open dumping waste at a site not permitted as a landfill, transporting special waste generated within Illinois, disposing of that special waste in Illinois without a special waste hauling permit, and failing to deliver and retain required hazardous waste manifests. 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).

Simultaneously with the People's complaint, the People and H & H 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, H & H admits to 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) (2014); 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 January 21, 2016, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Clerk  
Illinois Pollution Control Board