

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
-vs-	)	PCB No. 19-
	)	(Enforcement - Land)
PEORIA DISPOSAL COMPANY, a Nevada	)	
Corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies of which are attached and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

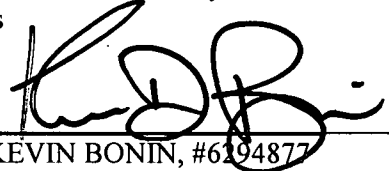
Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN, Attorney General of the State  
of Illinois

By:



KEVIN BONIN, #6194877  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington St., 18th Floor  
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Date: November 30, 2018.

**Service List**

For the Respondent

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**PEOPLE OF THE STATE OF ILLINOIS,** )  
**by LISA MADIGAN, Attorney General** )  
**of the State of Illinois,** )  
) )  
**Complainant,** )  
) )  
**v.** )  
) )  
**PEORIA DISPOSAL COMPANY, a Nevada** )  
**corporation,** )  
) )  
**Respondent.** )

**PCB No. 19 -  
(Enforcement – Land)**

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, PEORIA DISPOSAL COMPANY, a Nevada corporation, as follows:

**COUNT I**  
**IMPROPER DISPOSAL OF WASTE**

1. This Complaint is brought on behalf of the People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2016).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2016), and is charged, *inter alia*, with the duty of enforcing the Act.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2016), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent, PEORIA DISPOSAL COMPANY, was and is a Nevada corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

5. At all times relevant to this Complaint, Respondent was and is the operator of a hazardous waste treatment facility at 4349 West Southport Road, Peoria, Peoria County, Illinois ("Facility").

6. At all times relevant to this Complaint, Respondent operated the Facility pursuant to Permit Log No. B-24R-M-4, a Resource Conservation and Recovery Act ("RCRA") permit issued to Respondent by Illinois EPA pursuant to Section 39(d) of the Act, 415 ILCS 5/39(d) (2016) ("Permit").

7. At the Facility, Respondent treats wastewater treatment sludge from electroplating operations ("Wastewater Sludge").

8. Wastewater Sludge is a listed hazardous waste under RCRA, 42 U.S.C. § 6901 *et seq.*, under the waste code F006. *See* 42 U.S.C. § 6921(b); 40 CFR § 261.31(a).

9. Wastewater Sludge is also a listed hazardous waste under Part 721, Subtitle D, of the Board's regulations. *See* 35 Ill. Adm. Code 721.130, 721.131.

10. On March 1, 1990, the United States Environmental Protection Agency ("U.S. EPA") delegated to Illinois the authority to delist hazardous wastes in lieu of the U.S. EPA. *Illinois; Final Authorization of State Hazardous Waste Management Program*, 55 Fed. Reg. 7320-01 (Mar. 1, 1990).

11. Respondent's treatment process neutralizes Wastewater Sludge to render it legally nonhazardous, or "delisted," under Adjusted Standard No. 91-3, granted by order of the Board

dated February 4, 1993 ("Adjusted Standard"). *In re Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D*, PCB AS No. 91-3 (Feb. 4, 1993).

12. Under the Adjusted Standard, Wastewater Sludge is only delisted if the Toxicity Characteristic Leaching Procedure determines, *inter alia*, that the Wastewater Sludge's nickel concentration is at or below 0.32 parts per million. Any Wastewater Sludge with a nickel concentration above 0.32 parts per million is not delisted and remains a hazardous waste.

13. On January 6, 2016, Respondent delivered a batch of Wastewater Sludge to Indian Creek Landfill #2, located at 24501 McMullen Road, Hopedale, Tazewell County, Illinois, for disposal (the "Batch").

14. The Batch comprised 52.63 tons of Respondent's January 6, 2016 shipment to Indian Creek Landfill #2, which consisted of nine individual loads with a total weight of 180.29 tons.

15. Indian Creek Landfill #2 is owned and operated by Tazewell County Landfill, Inc.

16. Tazewell County Landfill, Inc. was and is an Illinois corporation registered and authorized to do business in the State of Illinois.

17. Section 21 of the Act, 415 ILCS 5/21 (2016), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- (e) Dispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- (f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

- (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

18. Section 3.105 of the Act, 415 ILCS 5/3.105 (2016), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

19. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

20. Respondent, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

21. Tazewell County Landfill, Inc., a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

22. Section 3.460 of the Act, 415 ILCS 5/3.460 (2016), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

23. Indian Creek Landfill #2 is a “site” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2016).

24. Section 3.535 of the Act, 415 ILCS 5/3.535 (2016), provides, in pertinent part, as follows:

“Waste” means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

25. The Batch is a discarded solid, liquid, or semi-solid material from industrial or commercial operations.

26. The Batch is a “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2016).

27. Section 3.220 of the Act, 415 ILCS 5/3.220 (2016), provides, in pertinent part, as follows:

“Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. . . .

28. The chemical characteristics of Wastewater Sludge may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness, and/or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of.

29. Wastewater Sludge has been identified as hazardous pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, and Section 721.131(a) of the Board’s regulations, 35 Ill. Adm. Code 721.131(a).

30. At the time of Respondent’s delivery of the Batch to Indian Creek Landfill #2, samples indicated that the Batch’s nickel concentration was 0.39 parts per million.

31. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, the Batch did not meet the requirements for delisting under the Adjusted Standard.

32. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, the Batch was a "hazardous waste" as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2016).

33. Section 3.185 of the Act, 415 ILCS 5/3.185 (2016), provides as follows:

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

34. The deposition, dumping, or placement of the Batch on land at Indian Creek Landfill #2, in a manner in which any constituent of the Batch may enter the environment, be emitted into the air, or be discharged into waters, constitutes "disposal" as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2016).

35. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, Tazewell County Landfill, Inc. was operating Indian Creek Landfill #2 without a RCRA permit issued by Illinois EPA pursuant to Section 39(d) of the Act, 415 ILCS 5/39(d) (2016).

36. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, Tazewell County Landfill, Inc. was not authorized under Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2016), to conduct hazardous waste-disposal operations at Indian Creek Landfill #2.

37. By disposing of hazardous waste at Indian Creek Landfill #2, Respondent disposed of waste at a site that did not meet the requirements for disposal of such waste under the Act or the Board's regulations.



38. By disposing of waste at a site that did not meet the requirements of the Act or the Board's regulations for disposal of such waste, Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2016).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against Respondent, PEORIA DISPOSAL COMPANY, on Count I:

- A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
- B. Finding that Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2016);
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2016), and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016);
- E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and
- F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT II**  
**IMPROPER OPERATION RESULTING IN RELEASE OF HAZARDOUS WASTE**

1-36. Complainant realleges and incorporates by reference herein paragraphs 1 through 36 of Count I as paragraphs 1 through 36 of this Count II.

37. Section 21(f)(2) of the Act, 415 ILCS 5/21(f) (2) (2016), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

\* \* \*

(2) in violation of any regulations or standards adopted by the Board under this Act; . . . .

38. Section 3.505 of the Act, 415 ILCS 5/3.505 (2016), provides as follows:

“Treatment” means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

39. Respondent’s operation to render Wastewater Sludge nonhazardous pursuant to the Adjusted Standard constitutes “treatment” as that term is defined in Section 3.505 of the Act, 415 ILCS 5/3.505 (2016).

40. Section 703.121(a)(2) of the Board’s regulations, 35 Ill. Adm. Code 703.121(a)(2), provides, in pertinent part, as follows:

- a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

\* \* \*

- 2) In violation of any condition imposed by a RCRA permit.

41. Condition VIII.35 of the Permit provides, in pertinent part, as follows:

The Permittee shall maintain and operate the facility to minimize the possibility of . . . any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. (35 Ill. Adm. Code 724.131).

42. Section 724.130 of the Board's regulations, 35 Ill. Adm. Code 724.130, provides as follows:

The regulations in this Subpart C apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

43. Section 724.131 of the Board's regulations, 35 Ill. Adm. Code 724.131, provides, in pertinent part, as follows:

Facilities must be designed, constructed, maintained and operated to minimize the possibility of . . . any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

44. Section 720.110 of the Board's regulations, 35 Ill. Adm. Code 720.110, provides, in pertinent part, as follows:

\* \* \*

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials

prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

\* \* \*

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

45. The Facility is a “facility” as that term is defined in Section 720.110 of the Board’s regulations, 35 Ill. Adm. Code 720.110.

46. The Facility engages in “hazardous waste management” as that term is defined in Section 720.110 of the Board’s regulations, 35 Ill. Adm. Code 720.110, and is therefore a “hazardous waste management facility.”

47. By disposing of hazardous waste at Indian Creek Landfill #2, Respondent disposed of hazardous waste at a site not permitted for the disposal of hazardous waste, and thereby failed to maintain or operate the Facility in a manner minimizing the possibility of an unplanned release of hazardous waste into the air, soil, or surface water that could threaten human health or the environment.

48. By failing to maintain or operate the Facility in a manner minimizing the possibility of an unplanned release of hazardous waste into the air, soil, or surface water that could threaten human health or the environment, Respondent violated Section 724.131 of the Board’s regulations, 35 Ill. Adm. Code 724.131.

49. By violating Section 724.131 of the Board’s regulations, 35 Ill. Adm. Code 724.131, Respondent conducted a hazardous waste treatment operation in violation of the Board’s regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2016).

50. By failing to maintain or operate the Facility in a manner minimizing the possibility of an unplanned release of hazardous waste into the air, soil, or surface water that could threaten human health or the environment, Respondent violated Condition VIII.35 of the Permit.

51. By violating Condition VIII.35 of the Permit, Respondent conducted a hazardous waste treatment operation in violation of a condition imposed by a RCRA permit, and thereby violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2016), and Section 703.121(a)(2) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2),

52. By violating Section 703.121(a)(2) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), Respondent conducted a hazardous waste treatment operation in violation of the Board's regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2016).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against Respondent, PEORIA DISPOSAL COMPANY, on Count II:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent violated Sections 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016); Sections 703.121(a)(2) and 724.131 of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 724.131, respectively; and Condition VIII.35 of the Permit;

C. Ordering Respondent to cease and desist from any further violations of the Act, the Board's regulations, and the Permit;

D. Assessing against Respondent a civil penalty of \$25,000.00 for each day of violation of Sections 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016); Sections 703.131(a)(2) and 724.131 of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 724.131, respectively; and Condition VIII.35 of the Permit, pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT III**  
**TRANSPORTATION OF HAZARDOUS WASTE**  
**WITHOUT A HAZARDOUS WASTE MANIFEST**

1-34. Complainant realleges and incorporates by reference herein paragraphs 1 through 14, 17 through 20, and 24 through 34 of Count I and paragraphs 37 through 39, 44, and 45 of Count II as paragraphs 1 through 34 of this Count III.

35. Section 724.170 of the Board's regulations, 35 Ill. Adm. Code 724.170, provides as follows:

The regulations in this Subpart E apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172, and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a). Section 724.173(b) only applies to permittees that treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

36. Section 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 724.171(c), provides as follows:

- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

37. Section 722.120(a)(1) of the Board's regulations, 35 Ill. Adm. Code 722.120(a)(1), provides, in pertinent part, as follows:

- a) Manifest form required.
  - 1) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal . . . must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

38. Section 720.110 of the Board's regulations, 35 Ill. Adm. Code 720.110, provides, in pertinent part, as follows:

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

39. Condition VIII.45 of the Permit provides, in pertinent part, as follows:

The Permittee shall comply with the manifest requirements of 35 Ill. Adm. Code 724.171. . . .

40. As a prerequisite to granting the Adjusted Standard to Respondent pursuant to Section 720.122(a) of the Board's regulations, 35 Ill. Adm. Code 720.122(a), the Board found that Respondent is a generator of the F006 wastes subject to the Adjusted Standard. *In re Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D, PCB AS No. 91-03, at 6 (Mar. 11, 1993).*

41. The Batch consists of F006 wastes subject to the Adjusted Standard.

42. Respondent was and is the "generator" of the Batch.

43. Respondent transported or arranged for the transportation of the Batch for disposal without indicating on the USEPA Form 8700-22 manifest that the waste being transported was a hazardous waste.

44. By transporting or arranging for the transportation of a hazardous waste, generated by Respondent, for disposal without indicating on the USEPA Form 8700-22 manifest that the waste being transported was a hazardous waste, Respondent violated Section 722.120(a)(1) of the Board's regulations, 35 Ill. Adm. Code 722.120(a)(1).

45. By violating Section 722.120(a)(1) of the Board's regulations, 35 Ill. Adm. Code 722.120(a)(1), Respondent conducted a hazardous waste treatment operation in violation of the Board's regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2016).

46. By initiating shipment of a hazardous waste from the Facility in violation of Section 722.120(a)(1) of the Board's regulations, 35 Ill. Adm. Code 722.120(a)(1), Respondent violated Section 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 724.171(c),

47. By violating Section 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 724.171(c), Respondent conducted a hazardous waste treatment operation in violation of the Board's regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2).

48. By violating Section 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 724.171(c), Respondent violated Condition VIII.45 of the Permit.

49. By violating Condition VIII.45 of the Permit, Respondent conducted a hazardous waste treatment operation in violation of a condition imposed by a RCRA permit, and thereby



violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2016), and Section 703.121(a)(2) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2).

50. By violating Section 703.121(a)(2) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), Respondent conducted a hazardous waste treatment operation in violation of the Board's regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2016).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against Respondent, PEORIA DISPOSAL COMPANY, on Count III:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent violated Sections 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016); Sections 703.121(a)(2), 722.120(a)(1), and 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 722.120(a)(1), 724.171(c), respectively; and Condition VIII.45 of the Permit;

C. Ordering Respondent to cease and desist from any further violations of the Act, the Board's regulations, and the Permit;

D. Assessing against Respondent a civil penalty of \$25,000.00 for each day of violation of Sections 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016); Sections 703.121(a)(2), 722.120(a)(1), and 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 722.120(a)(1), 724.171(c), respectively; and Condition VIII.45 of the Permit, pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT IV**  
**PRODUCTION OF HAZARDOUS WASTE**  
**IN VIOLATION OF THE BOARD'S REGULATIONS**

1-62. Complainant realleges and incorporates by reference herein paragraphs 1 through 36 of Count I, paragraphs 38 through 48, 50, and 51 of Count II, and paragraphs 35 through 44, 46, 48, and 49 of Count III as paragraphs 1 through 62 of this Count IV.

63. Section 21(i) of the Act, 415 ILCS 5/21(i) (2016), provides as follows:

No person shall:

\* \* \*

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

64. In generating the Batch, Respondent conducted processes and/or engaged in acts which produced a hazardous waste.

65. Respondent produced hazardous waste in violation of Sections 703.121(a)(2), 722.120(a)(1), 724.131, and 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 722.120(a)(1), 724.131, 724.171(c), respectively.

66. Sections 703.121(a)(2), 722.120(a)(1), 724.131, and 724.171(c) of the Board's regulations, 35 Ill. Adm. Code 703.121(a)(2), 722.120(a)(1), 724.131, 724.171(c), respectively, are regulations or standards adopted by the Board under subsections (a) and/or (c) of Section 22.4 of the Act, 415 ILCS 5/22.4(a), (c) (2016).

67. By producing hazardous waste in violation of regulations or standards adopted by the Board under subsections (a) and/or (c) of Section 22.4 of the Act, 415 ILCS 5/22.4(a), (c) (2016), Respondent violated Section 21(i) of the Act, 415 ILCS 5/21(i) (2016).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against Respondent, PEORIA DISPOSAL COMPANY, on Count IV:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent violated Section 21(i) of the Act, 415 ILCS 5/21(i) (2016);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Assessing against Respondent a civil penalty of \$25,000.00 for each day of violation of Section 21(i) of the Act, 415 ILCS 5/21(i) (2016), pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and

F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:



ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
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ebs@atg.state.il.us

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
v.	)	<b>PCB No. 19 –</b>
	)	<b>(Enforcement – Land)</b>
<b>PEORIA DISPOSAL COMPANY, a Nevada</b>	)	
<b>corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and PEORIA DISPOSAL COMPANY (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2016), and the Board's regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. Contemporaneous with the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of

Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2016), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2016).

3. At all times relevant to the Complaint, Respondent was and is a Nevada corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a hazardous waste treatment facility located at 4349 West Southport Road, Peoria, Peoria County, Illinois ("Facility" or "Site").

5. At all times relevant to this Complaint, Respondent operated the Facility pursuant to Permit Log No. B-24R-M-4, a Resource Conservation and Recovery Act ("RCRA") permit issued to Respondent by the Illinois EPA pursuant to Section 39(d) of the Act, 415 ILCS 5/39(d) (2016) ("Permit").

6. At the Facility, Respondent treats wastewater treatment sludge from electroplating operations ("Wastewater Sludge").

7. Wastewater Sludge is a listed hazardous waste under RCRA, 42 U.S.C. § 6901 *et seq.*, and Part 721, Subtitle D, of the Board's Regulations, 35 Ill. Adm. Code 721.130 *et seq.*

8. Respondent's treatment process treats Wastewater Sludge to render it legally nonhazardous, or "delisted," under Adjusted Standard No. 91-3, granted by order of the Board dated February 4, 1993 ("Adjusted Standard").

9. Under the Adjusted Standard, Wastewater Sludge is only delisted if the Toxicity Characteristic Leaching Procedure determines, *inter alia*, that the Wastewater Sludge's nickel concentration is at or below 0.32 parts per million.

10. On January 6, 2016, Respondent delivered a batch of Wastewater Sludge to Indian Creek Landfill #2, located at 24501 McMullen Road, Hopedale, Tazewell County, Illinois, for disposal (the "Batch").

11. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, samples indicated that the Batch's nickel concentration was 0.39 parts per million.

12. At the time of Respondent's delivery of the Batch to Indian Creek Landfill #2, the Batch did not meet the requirements for delisting under the Adjusted Standard, and was therefore a hazardous waste.

13. Indian Creek Landfill #2 is not a site permitted for the disposal of hazardous waste.

14. Respondent transported or arranged for the transportation of the Batch for disposal without indicating on a manifest that the waste being transported was a hazardous waste.

15. On April 13, 2016, Respondent discovered that the Batch had been transported and disposed of without meeting the delisting requirements of the Adjusted Standard. On April 14, 2016, Respondent reported the incident to the National Response Center, the Illinois Emergency Management Agency, the Tazewell County Emergency Management Agency and the Illinois EPA.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act, Board regulations, and the Permit:

Count I: Improper Disposal of Waste  
Section 21(e) of the Act, 415 ILCS 5/21(e) (2016).

Count II: Improper Operation Resulting in Release of Hazardous Waste

Section 21(f)(1), (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016);  
Sections 703.121(a)(2) and 724.131 of the Board's Regulations, 35 Ill.  
Adm. Code 703.121(a)(2) and 724.131;  
Condition VIII.35 of the Permit.

Count III: Transportation of Hazardous Waste Without a Hazardous Waste Manifest  
Section 21(f)(1), (2) of the Act, 415 ILCS 5/21(f)(1), (2) (2016);  
Sections 703.121(a)(2), 722.120(a)(1), and 724.171(c) of the Board's  
Regulations, 35 Ill. Adm. Code 703.121(a)(2), 722.120(a)(1), and  
724.171(c);  
Condition VIII.45 of the Permit.

Count IV: Production of Hazardous Waste in Violation of the Board's Regulations  
Section 21(i) of the Act, 415 ILCS 5/21(i) (2016).

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation and Proposal for Settlement for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint, and this Stipulation shall not be interpreted as including such admission.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2016).



**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2016), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Reducing or eliminating emissions, discharges, or deposits resulting from the pollution source is both technically practicable and economically reasonable.
5. Respondent disciplined the employees involved, instituted additional employee training, implemented automated laboratory email alerts upon testing of an exceedance, and added additional levels of review to disposal authorization procedures. Respondent has subsequently complied with the Act and the Board regulations.

**IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2016), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The non-compliance occurred on January 6, 2016 and was discovered on April 13, 2016. The disposed hazardous waste was not recoverable by the time the non-compliance was discovered.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations, and applicable federal regulations upon discovery of the non-compliance.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Thirty-Thousand Dollars (\$30,000.00) will serve to deter further non-compliance and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Respondent did not notify Complainant of the non-compliance in accordance with Section 42(i) of the Act, 415 ILCS 5/42(i) (2016). Respondent did notify Complainant of the non-compliance in accord with its obligations under the Act, Board regulations, and the Permit.

7. The settlement of this matter includes a supplemental environmental project. Respondent will provide the Illinois EPA with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of Sixty-Thousand Dollars (\$60,000.00).

8. A Compliance Commitment Agreement was proposed by Respondent but rejected by the Illinois EPA.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Thirty-Thousand Dollars (\$30,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin D. Bonin  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state, or local laws or regulations, including but not limited to the Act and the Board regulations.

3. The Respondent shall cease and desist from future violations of the Act and Board regulations that were the subject matter of the Complaint.

**E. Supplemental Environmental Project**

1. In order to promote the goals of the Act to restore, protect, and enhance the quality of the environment, the Respondent shall perform the following supplemental

environmental project ("SEP"). The settlement value of the SEP is Thirty-Six Thousand Dollars (\$36,000.00) and will offset penalties sought by the Complainant in this matter. The Parties to the Stipulation agree that this SEP shall consist of the following:

a. Respondent shall provide the Illinois EPA with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of Sixty-Thousand Dollars (\$60,000.00).

b. Non-hazardous waste disposal costs shall be provided as landfill disposal capacity at any or all of three landfills owned and/or operated by the Respondent or affiliates of the Respondent ("Landfill Facilities"). Landfill disposal capacity shall be valued at the rate of Thirty Dollars (\$30.00) per ton—up to 2,000 tons—of waste disposed ("Landfill Capacity").

c. The following Landfill Facilities shall be made available for the landfill disposal capacity governed by the terms of the SEP:

- Hickory Ridge Landfill, 32246 375th Street, Baylis, Illinois, 62314;
- Clinton Landfill No. 3, 9550 Heritage Road, Clinton, Illinois, 61727; and
- Indian Creek Landfill No. 2, 24501 McMullen Road, Hopedale, Illinois, 61747.

d. The Illinois EPA shall notify the Respondent that it intends to utilize landfill disposal capacity at least seven (7) business days prior to the date such services will be needed.

e. Upon disposal of any SEP waste, the Respondent shall obtain a gate receipt evidencing the amount of waste disposed and the date of receipt at the Landfill Facility. Copies of all receipts shall be forwarded to the parties listed in Section V.G of this Stipulation.

f. By March 1 following each year during which Respondent has performed this SEP, Respondent shall submit to Complainant a summary of all landfill disposal capacity it provided for the preceding year under this SEP, including copies of receipts from the disposed waste, and a running total of all waste disposal costs it has provided under the SEP.

g. The Illinois EPA shall utilize the above-noted landfill disposal capacity within five years from the date the Board adopts and accepts this Stipulation.

2. Upon completion of the SEP, the Respondent shall submit a project completion report to the representatives of Complainant identified in Section V.G for review and confirmation that the SEP was performed pursuant to this Stipulation. The project completion report shall include the following certification by a responsible corporate official of the Respondent:

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of those persons directly responsible for gathering the information, and that the information submitted in or accompanying this notification of final compliance is to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

3. In the event that the Illinois EPA is unable to utilize the Landfill Capacity within the five-year period provided in Section V.E.1.g above, then Respondent shall either:

- (i) pay the remaining amount of the SEP value, pursuant to Section V.E.4 below, or
- (ii) at Respondent's sole option, and upon receipt of a written request from the Illinois EPA, extend the term of the SEP for up to two (2) years, but in no event longer

than seven (7) years from the date the Board adopts and accepts this Stipulation.

Respondent shall notify the Illinois EPA of the remaining available Landfill Capacity and reference Section V.E of this Stipulation no earlier than 180 days but no later than 150 days prior to the expiration of the five-year period. The Illinois EPA shall make a written request to Respondent to extend the date no later than 90 days prior to the expiration of the five-year period. Respondent shall respond to the request within 30 days of receipt.

In the event that Respondent determines to extend the term of the SEP, then, at the expiration of the extension, Respondent shall pay the remaining amount of the SEP value, if any, pursuant to Section V.E.4 below.

4. In the event that the SEP cannot be completed pursuant to the aforementioned terms, the Respondent shall pay, as an additional penalty, the difference between (a) \$36,000.00, and (b) sixty-percent of the value of the disposal services actually rendered during the five year SEP term (calculated by multiplying the total number of tons of wastes disposed pursuant to the SEP by \$18/ton). Said payment shall be made pursuant to the procedures of Section V.C no later than thirty (30) days following the end of the SEP term.

5. By signature of this Stipulation, the Respondent certifies that, as of the date of entry of this Order, it is not required to perform or develop the foregoing SEP by any federal, state, or local law or regulation, nor is it required to perform or develop the SEP by agreement or injunctive relief in any other case. The Respondent further certifies that it has not received, and is not presently negotiating to receive credit for, the SEP in any other enforcement action.

6. Any public statement, oral or written, in print, film, or other media, made by the Respondent making reference to any SEP shall include the following language:

“This project was undertaken in connection with the settlement of an enforcement action taken by the Illinois Attorney General and the Illinois



EPA for alleged violations of the Illinois Environmental Protection Act and regulations promulgated thereunder.”

**F. Release from Liability**

In consideration of the Respondent's payment of the \$30,000.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, its performance of the SEP as contained in Section V.E above, and upon the Board's approval of this Stipulation, the Complainant releases, waives, and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), or entity other than the Respondent.

**G. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Kevin D. Bonin  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

Michelle Ryan  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Todd Marvel  
Manager, Bureau of Land Peoria Regional Office  
Illinois EPA, Mailcode 24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

As to the Respondent

Brian Meginnes  
Elias, Meginnes & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61602

Ronald J. Welk  
Vice President of Operations  
Peoria Disposal Company  
P.O. Box 9071  
Peoria, Illinois 61612-9071

**H. Enforcement and Modification of Stipulation**

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.G. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

**I. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

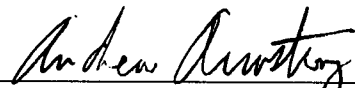
PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

ALEC MESSINA, Director  
Illinois Environmental Protection Agency

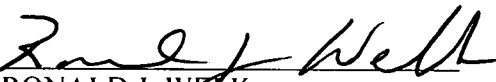
BY:   
ANDREW ARMSTRONG, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 11/20/2018

DATE: 11/16/18

PEORIA DISPOSAL COMPANY

BY:   
RONALD J. WELK  
Vice President of Operations

DATE: 11/08/2018

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by LISA MADIGAN, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	<b>PCB No. 19 -</b>
<b>v.</b>	)	<b>(Enforcement – Land)</b>
	)	
<b>PEORIA DISPOSAL COMPANY, a Nevada</b>	)	
<b>corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant filed on November 30, 2018 the initial Complaint in this matter and a Stipulation and Proposal for Settlement executed between Complainant and the Respondent, Peoria Disposal Company.

2. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2016), provides as follows:

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is scheduled in this matter.

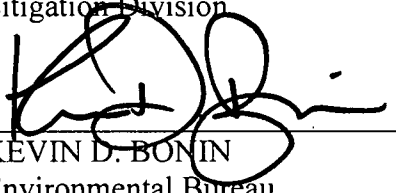
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2016).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:

  
\_\_\_\_\_  
KEVIN D. BONIN  
Environmental Bureau  
Assistant Attorney General

Kevin Bonin  
Assistant Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
ARDC# 6294877  
Ph: (217) 782-5055  
Fax: (217) 524-7740  
kbonin@atg.state.il.us  
ebs@atg.state.il.us

Dated: November 30, 2018