## ILLINOIS POLLUTION CONTROL BOARD December 6, 2018

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	) )
V.	)
PEORIA DISPOSAL COMPANY, a Nevada corporation,	) ) )
Respondent.	)

PCB 19-77 (Enforcement - Land)

ORDER OF THE BOARD (by C.M. Santos):

On November 30, 2018, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Peoria Disposal Company (PDC). The complaint concerns PDC's hazardous waste treatment facility property located at 4349 West Southport Road in Peoria, Peoria 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that PDC violated Sections 21(e), 21(f)(1), 21(f)(2), and 21(i) of the Act (415 ILCS 5/21(e), 21(f)(1), 21(f)(2), 21(i) (2016)); Sections 722.120(a)(1), 703.121(a)(2), 724.131, and 724.171(c) of the Board's regulations (35 Ill. Adm. Code 722.120(a)(1), 703.121(a)(2), 724.131, 724.171(c)); and Conditions VIII.35 and VIII.45 of its Resource Conservation and Recovery Act (RCRA) Permit No. B-24R-M-4.

The People allege that PDC committed these violations by disposing of waste at a site that did not meet the requirements for disposal of such waste; failing to maintain or operate its facility in a manner minimizing the possibility of an unplanned release of hazardous waste that could threaten human health or the environment; conducting a hazardous waste treatment operation in violation of the Board's regulations and a RCRA permit; transporting or arranging for the transportation of a hazardous waste without indicating on the manifest that it is a hazardous waste; initiating shipment of hazardous waste in violation of Board regulations; and by producing hazardous waste in violation of Board standards.

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 30, 2018, simultaneously with the People's complaint, the People and PDC 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, PDC does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$30,000 and perform a supplemental environmental project providing the Illinois Environmental Protection Agency with disposal of 2,000 tons of non-hazardous waste with a market value of \$60,000.

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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2018, by a vote of 5-0.

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Don A. Brown, Clerk Illinois Pollution Control Board