ILLINOIS POLLUTION CONTROL BOARD January 17, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,))
V.) PCB 19-62) (Enforcement – RCRA)
JCC SERVICE, INC. f/k/a JOHNSON)
PAINTING AND SANDBLASTING,)
an Iowa corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by B.K. Carter):

On September 26, 2018, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against JCC Service, Inc. (JCC), an Iowa corporation, formerly known as Johnson Painting and Sandblasting. The complaint concerns JCC's metal fabrication facility located at 2750 Morton Drive in East Moline, Rock Island 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 (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 JCC:

Count I—Violated Sections 722.111, 728.107(a)(1), and 808.121(a) of the Board's waste regulations (35 Ill. Adm. Code 722.111, 728.107(a)(1), and 808.121(a)) and Section 21(i) of the Act (415 ILCS 5/21(i) (2016)) by failing to conduct a hazardous waste determination and a special waste determination for its still bottom waste and failing to properly treat the waste prior to disposing of it in a general refuse dumpster.

Count II—Violated Sections 722.120(a), 722.123(a), 808.122, and 809.301 of the Board's waste regulations (35 III. Adm. Code 722.120(a), 722.123(a), 808.122, and 809.301) and Section 21(i) of the Act (415 ILCS 5/21(i) (2016)) by failing to prepare a waste manifest form prior to offering hazardous waste for shipment and disposal.

Count III—Violated Sections 722.112(c) of the Board's waste regulations (35 Ill. Adm. Code 722.112(c)) and Section 21(i) of the Act (415 ILCS 5/21(i) (2016)) by offering hazardous waste to an unpermitted transporter or an unpermitted treatment, storage or disposal facility.

Count IV—Violated permit requirements in Section 703.121(a)-(b) of the Board's waste regulations (35 III. Adm. Code 703.121(a)-(b)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2016)) by operating a hazardous waste storage facility without a RCRA permit or without an exemption to the permit requirements.

On December 27, 2018, the People and JCC 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, JCC does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$25,000.

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 January 17, 2019, by a vote of 5-0.

) on a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board