## ILLINOIS POLLUTION CONTROL BOARD February 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 05-91
	)	(Enforcement - Air)
CLEAN HARBORS SERVICES, INC., a	)	
Massachusetts corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by G.T. Girard):

On November 12, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Clean Harbor Services, Inc. (Clean Harbor Services). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Clean Harbor Services' hazardous waste transfer, storage, and disposal facility at 11800 South Stoney Island Avenue, Chicago, Cook County.

The People allege that Clean Harbors Services violated Sections 9(a) and (b) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) and 9.1(d) (2004)); 35 Ill. Adm. Code 218.986; and 40 C.F.R. 63.9(b)(1)(i) and (h)(2), 63.685(g)(1)(ii) and (g)(1)(iii), 63.688(b)(3)(i), 63.923(d), 63.693, and 63.697(a)(10). The People further allege that Clean Harbors Services violated these provisions by (1) failing to adequately capture and control emissions of volatile organic material (VOM), thereby causing or allowing VOM emissions in excess of 0.1 pound per hour; (2) failing to comply with applicable emission standards for "other emission units"; (3) failing to comply with National Emission Standards of Hazardous Air Pollutants (NESHAPs) applicable to offsite waste and recovery operations, requirements for closed-vent systems and control devices, tanks, and containers and reporting requirements; (4) failing to comply with reporting requirements of national emission standards for hazardous air pollutants (NESHAPs); (5) failing to comply with requirements for tanks of NESHAPs; and (6) failing to comply with requirements for containers of NESHAPs.

On February 9, 2006, the People and Clean Harbors Services 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, the Clean Harbors Services neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$95,000. Clean Harbors Services further agrees to undertake and complete a supplemental environmental project and make improvements to the emissions control system for its flammable storage tank farm, having an approximate value of \$255,000.

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. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

## IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board