

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-203
)	(Enforcement - Land)
HOMEWOOD DISPOSAL SERVICE, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On June 3, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Homewood Disposal Service, Inc. (Homewood) (415 ILCS 5/31(c)(1) (2004)); 35 Ill. Adm. Code 103.204. The complaint concerns Homewood's solid waste transfer station at 25 South Park Street, Park Forest, Cook County. The Board accepted the complaint for hearing on June 16, 2005.

In the complaint, the People allege that Homewood violated Section 21(d)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(d)(1) (2004)); 35 Ill. Adm. Code 807.210; and special condition five of Supplemental Permit number 1995-020-SP. The People further allege that Homewood violated these provisions by (1) modifying a waste management site without a permit; and (2) violating a special permit condition requiring a closure plan.

On July 26, 2006, the People and Homewood 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). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Homewood does not affirmatively admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$20,000.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Daily Southtown* on July 28, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of the respondents' operations. Section 103.302 also requires that the parties stipulate to facts called

for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

As previously stated, Homewood does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$20,000. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004), which may mitigate or aggravate the civil penalty amount. The People determined that a civil penalty of \$20,000 was appropriate.

The People and Homewood have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Homewood Disposal Service, Inc. (Homewood) must pay a civil penalty of \$20,000 on or before October 10, 2006; the first business day following thirty (30) days after the date of this order.
3. Homewood must pay the civil penalty by certified check, money order or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to Homewood.
4. Homewood must submit the certified check, money order or electronic funds transfer to:

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

5. A copy of the certified check, money order or record of the electronic funds transfer and any transmittal letters must be sent to the following:

Ms. Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor

Chicago, Illinois 60601

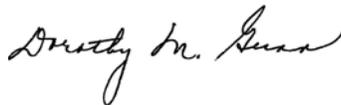
Mr. Mark Gurnik
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2004).
7. Homewood must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 7, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board