

ILLINOIS POLLUTION CONTROL BOARD  
September 16, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 11-11
	)	(Enforcement - Air)
CLINTON LANDFILL, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

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

On September 9, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Clinton Landfill, Inc. (Clinton). The complaint concerns Clinton's sanitary landfill near the Clinton in DeWitt County. The parties seek to settle without a hearing. For the reasons below, the Board accepts the complaint and 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 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege the following: (1) that Clinton violated Sections 811.311(d)(2) and 811.312(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.311(d)(2) and 811.312(c), and thus also violated Sections 9(a) and 21(d)(2) of the Act, 415 ILCS 5/9(a) and 21(d)(2) (2008), by operating Clinton Landfill's gas management system in a manner resulting in malodorous emissions beyond the property boundary; (2) that Clinton violated Section 811.106(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.106(a), and thus also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2008), by failing to provide an adequate amount of clean soil material on all exposed waste by the end of each day of operation; and (3) that Clinton caused air pollution and an odor nuisance, and violated the terms and conditions of its permit, and thus also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2008) by causing or allowing the emissions of offensive and malodorous landfill gas from Clinton to unreasonably interfere with the use and enjoyment of the neighbors' property.

On September 9, 2010, simultaneously with the People's complaint, the People and Clinton 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Clinton neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,000.00.

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) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 16, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board