

ILLINOIS POLLUTION CONTROL BOARD  
April 3, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-201  
) (Enforcement - Land)  
COALVILLE ROAD ENTERPRISES, )  
INC., an Illinois corporation, d/b/a )  
COALVILLE ROAD LANDFILL, f/k/a )  
STREATOR AREA LANDFILL #2, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On March 22, 1996, the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a three-count complaint against Coalville Road Enterprises, Inc. (Coalville), an Illinois corporation, d/b/a Coalville Road Landfill, f/k/a Streator Area Landfill #2 located in Reading Township, Livingston County, Illinois. The complaint alleges that Coalville has violated Sections 21(d)(1) and (2) and 21(o)(5) and (12) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(d)(1), (2), (o)(5) and (12)(1994)) and 35 Ill. Adm. Code 807.302, 807.305 and 807.306 in connection with its landfill by permitting uncovered refuse to remain from previous operating days, by failing to provide adequate depth of cover, by failing to collect, contain and cover litter at the end of an operating day and by violating operating permit conditions.

Pursuant to 415 ILCS 5/31(a)(2)(1994), the parties filed a joint motion requesting relief from the Act's hearing requirement on February 18, 1997. The Board published a notice of the requested waiver on February 27, 1997. No objection to granting the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Proposal for Settlement (Settlement Agreement) on February 18, 1997. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Coalville denies the alleged violations and agrees to pay a civil penalty of ten thousand dollars (\$10,000.00).

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. The Board notes, however, that for purposes of the Board's consideration of the appropriateness of the civil penalty, the parties set forth on pages 10 and 11 of the Settlement Agreement prior violations of the Act by Streator Area Landfill, Inc. (Streator). The parties here previously made a joint motion, which the Board granted by its order of February 6, 1997, in part to remove Streator from this matter's caption because Coalville has never been

known as Streator, the latter being a separate and still existing Illinois corporation, uninvolved in this proceeding. Moreover, Section 42(h)(5) of the Act, which the parties reference as authority for considering Streator's violations, refers to "previously adjudicated violations of this Act by the violator." (415 ILCS 5/42(h)(5)(1994)(emphasis added).) Here, Streator is not the alleged violator. The Board also notes that the signature block for Coalville on page 15 of the Settlement Agreement indicates that Coalville was formerly known as Streator. The Board assumes that this reference to Streator is an oversight. Accordingly, the Board considers the language designated by No. 5 and set forth on pages 10 and 11 of the Settlement Agreement, along with the reference to Streator in the signature block on page 15 of the Settlement Agreement, as mere surplusage.

The Settlement Agreement in no way affects Coalville's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

### ORDER

- 1) The Board hereby accepts the Stipulation and Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Coalville Road Enterprises, Inc. (Coalville), an Illinois corporation, d/b/a Coalville Road Landfill, f/k/a Streator Area Landfill #2 located in Reading Township, Livingston County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2) Coalville shall pay the sum of ten thousand dollars (\$10,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face the case name and number, along with Coalville's Federal Employer Identification Number 36-3944447. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Mary Rose D. Silva  
Assistant Attorney General

Environmental Bureau  
Attorney General's Office  
100 West Randolph Street, 11<sup>th</sup> Floor  
Chicago, IL 60601

Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a)(1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

3) Coalville shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board