

ILLINOIS POLLUTION CONTROL BOARD
September 20, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 12-123
)	(Enforcement - Land)
ROXANA LANDFILL, INC., an Illinois)	
corporation.)	
)	
Respondents.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On April 23, 2012 the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a ten-count complaint against Roxana Landfill, Inc. (Roxana Landfill), Midwest Sanitary Service, Inc. (Midwest), WRB Refining, LP (WRB), and ConocoPhillips Company (Conoco). The complaint concerns the transportation of alleged hazardous waste from the ConocoPhillips-Wood River Refinery, which is located at 900 South Central Avenue in Roxana, Madison County, to the Roxana Landfill, which is located at 4601 Cahokia Road in Roxana, Madison County.

The People and Roxana Landfill now seek to settle without a hearing. Neither Midwest, nor WRB, nor Conoco is party to this stipulation, as the People and each of these respondents have previously reached a settlement, accepted by the Board.¹ For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege in counts I through V of the complaint that Roxana Landfill violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2010)) by accepting hazardous waste for disposal in violation of its permit, Sections 21(d)(2) and (f) of the Act (415 ILCS 5/21(d)(2) and (f) (2010)) and Section 703.121(a) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 703.121(a)) by accepting hazardous waste for disposal without a RCRA permit for hazardous waste management, Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2010)) and Section 809.302(a) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 809.302(a)) by accepting hazardous special waste for disposal without the appropriate manifest, Section 811.323(c) of the Board's Waste Disposal Regulations (35 Ill.

¹ The Board previously accepted stipulated settlements from Midwest, WRB and Conoco. *See People v. Roxana Landfill, Inc. et al.*, PCB 12-123 (June 7, 2012). At that time, the settling respondents were removed from the caption in this case.

Adm. Code 811.323(c)) by not examining at least three random loads on a random day each week, and Section 21(o)(7) of the Act (415 ILCS 5/21(o)(7) (2010)) by conducting a sanitary landfill operation which resulted in accepting hazardous waste without having a permit to accept hazardous waste.

On September 12, 2012, the People and Roxana Landfill 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Roxana does not affirmatively admit the alleged violations, but agrees to pay a civil penalty of \$7,000. Additionally, to offset additional penalties, Roxana Landfill must perform a Supplemental Environment Project (SEP), with a value of \$7,000. Under the SEP, over the next 3 years Roxana Landfill must provide 200 tons of landfill disposal capacity valued at a gate rate of \$35.00 per ton.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Chairman Holbrook Abstained

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 20, 2012 by a vote of 3-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board