

ILLINOIS POLLUTION CONTROL BOARD  
April 18, 2013

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 12-21  
) (Enforcement - Land)  
ALTIIVITY PACKAGING, LLC, a Delaware )  
limited liability company, INTRA-PLANT )  
MAINTENANCE CORPORATION, an )  
Illinois Corporation, IRONHUSTLER )  
EXCAVATING, INC., an Illinois Corporation, )  
and RON BRIGHT, d/b/a Quarter )  
Construction, )  
)  
Respondents. )

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

On July 26, 2011, the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Altivity Packaging, LLC, (Altivity), Intra-Plant Maintenance Corporation (IPM), Ironhustler Excavating, Inc. (Ironhustler), and Ron Bright, d/b/a Quarter Construction (Bright) (collectively “respondents”). The complaint concerns the disposal of excavated materials at a disposal site known as “Clouse Quarry,” a sand and gravel pit located at 10513 Levy Road, Hopedale, Tazewell County. In a separate stipulation, the People and Altivity<sup>1</sup> now seek to settle without a hearing. Neither IPM, Ironhustler, nor Bright is a party to this stipulation. For the reasons below, the Board 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 (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 that Altivity violated the following provisions of the Act and Board regulations in the manner described: 1) Section 21(a) of the Act, by causing or allowing the open dumping of waste (415 ILCS 5/21(a)(2010)); and 2) Section 21(e) of the Act, by disposing of waste at a site that does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder (415 ILCS 5/21(e)(2010)).

---

<sup>1</sup> In December 2008, before the People filed the Complaint, Altivity merged into Graphic Packaging International, Inc., a Delaware corporation registered to do business in Illinois. As successor-in-interest to Altivity, Graphic Packaging International, Inc. has also agreed to the stipulation and proposal for settlement.

On April 10, 2013, the People and Altivity 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, Altivity neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$25,000.

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 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.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 18, 2013 by a vote of 5-0.



---

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board