

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois)	
)	
Complainant,)	
)	PCB No. 2016-107
v.)	
)	
JONES HYDROBLAST, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

NOTICE OF FILING

Scott M. Marsik, Assistant Attorney General, hereby certifies that he has filed and served a copy of the Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon:

Larry Jones and Ruth Ann Jones
111 S Main St.
Royalton, IL 62983

by placing a copy of the same in the United States Mail in Springfield, Illinois with postage fully prepaid on June 2, 2016.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

By: /s/ Scott M. Marsik
SCOTT M. MARIK
Assistant Attorney General
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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, JONES HYDROBLAST, INC., as follows:

COUNT I
VIOLATIONS OF RCRA PERMIT PROGRAM REGULATIONS

1. This Count is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2014).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2014), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2014), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2014), after providing Respondent, Jones Hydroblast, Inc., an Illinois corporation, with notice and the opportunity for a meeting with the Illinois EPA.

5. Respondent, Jones Hydroblast, is an active Illinois corporation and a commercial hydroblast and sandblast cleaning facility located at 111 S. Main Street, Royalton, Franklin Co., Illinois 62983 (the "facility").

6. Respondent generates quantities of waste paint at the facility.

7. Respondent has not applied for and the Illinois EPA has not issued a RCRA permit for the facility.

8. Respondent has notified the Illinois EPA that it is a Small Quantity Generator of hazardous waste under the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6901 *et seq.*

9. The Illinois EPA conducted a routine RCRA Compliance Evaluation Inspection on April 12, 2012 and a follow-up inspection on January 9, 2013, during which times an Illinois EPA inspector reviewed facility records.

10. At the time of the April 12, 2012 inspection, the facility was intermittently generating enough waste paint to be classified as a Large Quantity Generator.

11. According to facility records made available to the Illinois EPA inspector on April 12, 2012, the facility disposed of 6,000 lbs. of waste paint on February 11, 2011.

12. According to facility records made available to the Illinois EPA inspector on April 12, 2012, the facility disposed of 3,000 lbs. of waste paint on October 1, 2009.

13. At the time of the April 12, 2012 inspection, the facility did not have documentation showing its employee training met the requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

14. At the time of the April 12, 2012 inspection, the facility did not have documentation showing its employees had completed the training requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), within six months of assignment or were not working in unsupervised positions.

15. At the time of the April 12, 2012 inspection, the facility did not have documentation showing its employees took part in annual review of the initial training required by Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

16. At the time of the April 12, 2012 inspection, the facility did not have documentation showing job titles and employee names for positions related to hazardous waste, descriptions of these positions, and the applicable training required and given for the positions.

17. At the time of the April 12, 2012 inspection, the facility did not have training records for current or former employees.

18. At the time of the April 12, 2012 inspection, the facility did not have documentation showing that training was provided for fires, explosions, or unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water that could threaten human health or the environment.

19. At the time of the April 12, 2012 inspection, the facility did not have spill control equipment or decontamination equipment.

20. At the time of the April 12, 2012 inspection, the facility did not have documentation showing testing and maintenance of all alarm systems, fire protection equipment, spill control equipment, and decontamination equipment.

21. At the time of the April 12, 2012 inspection, the facility did not have documentation showing all personnel had immediate access to an alarm or emergency communication device whenever hazardous waste is being handled.

22. At the time of the April 12, 2012 inspection, some of the facility's waste storage areas were partially obstructed and not easily accessible.

23. At the time of the April 12, 2012 inspection, the facility did not have documentation showing arrangements had been made or attempted to be made to familiarize local emergency services and hospitals with the facility, properties of hazardous waste handled at the facility, places where personnel would be working, and facility entrances and evacuation routes.

24. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water.

25. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan to be carried out immediately whenever there was a fire, explosion, or release of hazardous waste.

26. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that described the actions personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste.

27. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that described arrangements agreed to by local emergency services and hospitals to coordinate responses.

28. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that listed names and contact information of all persons qualified to act as emergency coordinators.

29. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that included a list of all emergency equipment at the facility.

30. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that included an evacuation plan for facility personnel.

31. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan with copies both maintained at the facility and submitted to local emergency services and hospitals.

32. At the time of the April 12, 2012 inspection, the facility did not have a contingency plan that was updated when the facility entered Large Quantity Generator status.

33. At the time of the April 12, 2012 inspection, the facility did not have documentation showing that at least one employee had the responsibility for coordinating all emergency response measures, who was familiar with all aspects of the contingency plan and who had the authority to commit the resources necessary to carry out the plan.

34. The Illinois EPA sent a Violation Notice ("VN"), VN L-2012-01048, for the violations observed during the April 12, 2012 inspection. Respondent did not request a Section 31 meeting.

35. Respondent sent a written proposal in response to the VN to the Illinois EPA, which was received on July 23, 2012.

36. In Respondent's letter to the Illinois EPA, Respondent agreed to modify its operations to ensure that Small Quantity Generator Status would be maintained and that the requirements for that status, including labeling of hazardous waste, would be met. Respondent also agreed to begin recycling its universal waste.

37. Based on the content of the VN and Respondent's letter, a Compliance Commitment Agreement ("CCA") was entered into between Respondent and the Illinois EPA.

38. The CCA was executed by Respondent on August 14, 2012 and by the Illinois EPA on August 17, 2012.

39. At the time of the January 9, 2013 follow-up inspection, five sealed 55-gallon drums were present in the hazardous waste storage area of the facility.

40. At the time of the January 9, 2013 follow-up inspection, none of the five sealed drums in the hazardous waste storage area had any labeling on them. Respondent's failure to label the sealed drums in the hazardous waste storage area violated the terms of the CCA.

41. Because a 55-gallon drum of waste paint can weigh between 400 and 600 pounds, the total amount of hazardous waste being stored at the facility at the time of the January 9, 2013 follow-up inspection was unknown.

42. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing its employee training met the requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

43. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing its employees had completed the training requirements of Section

725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), within six months of assignment or were not working in unsupervised positions.

44. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing its employees took part in annual review of the initial training required by Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

45. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing job titles and employee names for positions related to hazardous waste, descriptions of these positions, and the applicable training required and given for the positions.

46. At the time of the January 9, 2013 follow-up inspection, the facility did not have training records for current or former employees.

47. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing that training was provided for fires, explosions, or unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water that could threaten human health or the environment.

48. At the time of the January 9, 2013 follow-up inspection, the facility did not have spill control equipment or decontamination equipment.

49. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing testing and maintenance of all alarm systems, fire protection equipment, spill control equipment, and decontamination equipment.

50. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing all personnel had immediate access to an alarm or emergency communication device whenever hazardous waste is being handled.

51. At the time of the January 9, 2013 follow-up inspection, some of the facility's waste storage areas were partially obstructed and not easily accessible.

52. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing arrangements had been made or attempted to be made to familiarize local emergency services and hospitals with the facility, properties of hazardous waste handled at the facility, places where personnel would be working, and facility entrances and evacuation routes.

53. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water.

54. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan to be carried out immediately whenever there was a fire, explosion, or release of hazardous waste.

55. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that described the actions personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste.

56. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that described arrangements agreed to by local emergency services and hospitals to coordinate responses.

57. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that listed names and contact information of all persons qualified to act as emergency coordinators.

58. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that included a list of all emergency equipment at the facility.

59. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that included an evacuation plan for facility personnel.

60. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan with copies both maintained at the facility and submitted to local emergency services and hospitals.

61. At the time of the January 9, 2013 follow-up inspection, the facility did not have a contingency plan that was updated when the facility entered Large Quantity Generator status.

62. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation showing that at least one employee had the responsibility for coordinating all emergency response measures, who was familiar with all aspects of the contingency plan and who had the authority to commit the resources necessary to carry out the plan.

63. At the time of the January 9, 2013 follow-up inspection, one 55-gallon drum of waste paint at the facility had an open bung with an open funnel in it.

64. On March 27, 2013, the Illinois EPA sent a Notice of Intent to Pursue Legal Action to Respondent.

65. A meeting pursuant to Section 31(b) of the Act, 415 ILCS 5/31(b) (2014), was requested by Respondent and held by conference call on May 30, 2013.

66. Section 21(f)(1)–(2) of the Act, 415 ILCS 5/21(f)(1)–(2) (2014), provides:

No person shall:

- (f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

- (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
- (2) in violation of any regulations or standards adopted by the Board under this Act

* * *

67. Section 3.220 of the Act, 415 ILCS 5/3.220 (2014), provides the following definition:

“Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

68. Section 3.370 of the Act, 415 ILCS 5/3.370 (2014), provides the following definition:

“RCRA Permit” means a permit issued by the Agency pursuant to authorization received by the Agency from the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) (RCRA) and which meets the requirements of Section 3005 of RCRA and of this Act.

69. Section 3.205 of the Act, 415 ILCS 5/3.205 (2014), provides the following definition:

“Generator” means any person whose act or process produces waste.

70. Sections 703.121(a)–(b) of the Board Regulations, Part 703: RCRA Permit Program, 35 Ill. Adm. Code 703.121(a)–(b), provide:

(a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

- (1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
- (2) In violation of any condition imposed by a RCRA permit.

(b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. An owner or operator of a surface impoundment, landfill, land treatment unit or a waste pile unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, must have a post-closure care permit, unless it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtains enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

71. Section 721.121 of the Board Regulations, Part 721: Identification and Listing of Hazardous Waste, 35 Ill. Adm. Code 721.121, provides in pertinent part:

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

- (1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D 93-85 (Standard Test Methods for Flash Point by Pensky-Martens Closed Tester), or a Setaflash Closed Cup Tester, using the test method specified in ASTM D 3828-87, (Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).
- (2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.
- (3) It is a flammable gas, as defined in federal 49 CFR 173.115 (Class 2, Divisions 2.1, 2.2, and 2.3 - Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).

* * *

- (4) It is an oxidizer, as defined in federal 49 CFR 173.127 (Class 5, Division 5.1 - Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

* * *

- (b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

72. Section 721.124 of the Board Regulations, Part 721: Identification and Listing of Hazardous Waste, 35 Ill. Adm. Code 721.124, provides in pertinent part:

- (a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA 530/SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111(a), the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) of this Section at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this Section.

* * *

- (b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number	Note Regulatory Level (mg/l)
* * *	* * *	* * *	* * *
D005	Barium	7440-39-3	100.0
* * *	* * *	* * *	* * *
D006	Cadmium	7440-43-9	1.0
* * *	* * *	* * *	* * *
D007	Chromium	7440-47-3	5.0
* * *	* * *	* * *	* * *
D035	Methyl ethyl ketone	78-93-3	200.0
* * *	* * *	* * *	* * *

73. Section 722.134(b) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.134(b), provides:

A generator of 1,000 kilograms [(2,200 lbs.)] or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).

74. Sections 725.116(a)–(e) of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.116(a)–(e), provide:

- (a) Personnel training program.
 - (1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under subsection (d)(3) of this Section.
 - (2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

- (3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including the following where applicable:
 - (A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;
 - (B) Key parameters for automatic waste feed cut-off systems;
 - (C) Communications or alarm systems;
 - (D) Response to fires or explosions;
 - (E) Response to groundwater contamination incidents; and
 - (F) Shutdown of operations.
- (4) For facility employees that receive emergency response training pursuant to the federal Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility OSHA emergency response training meets all the requirements of this Section.
 - (b) Facility personnel must successfully complete the program required in subsection (a) of this Section upon the effective date of these regulations or six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of subsection (a) of this Section.
 - (c) Facility personnel must take part in an annual review of the initial training required in subsection (a) of this Section.

- (d) The owner or operator must maintain the following documents and records at the facility:
 - (1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - (2) A written job description for each position listed under subsection (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;
 - (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (d)(1) of this Section;
 - (4) Records that document that the training or job experience required under subsections (a), (b), and (c) of this Section has been given to and completed by facility personnel.
- (e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

75. Section 725.131 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.131, provides:

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

76. Section 725.132 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill.

Adm. Code 725.132, provides:

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- (a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- (c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
- (d) Water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems.

77. Section 725.133 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill.

Adm. Code 725.133, provides:

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

78. Section 725.134 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill.

Adm. Code 725.134, provides:

- (a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 725.132.
- (b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 725.132.

79. Section 725.135 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.135, provides:

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

80. Section 725.137 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.137, provides:

- (a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of the following organizations:
 - (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

- (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;
- (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
- (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

- (b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

81. Sections 725.151(a)–(b) of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.151(a)–(b), provide:

- (a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- (b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

82. Sections 725.152(a) and (c)–(f) of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.152(a) and (c)–(f), provide:

- (a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

* * *

- (c) The plan must describe arrangements agreed to by local police department, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.
- (d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155), and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
- (e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.
- (f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

83. Section 725.153 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.153, provides:

The facility owner or operator must undertake each of the following actions with regard to copies of the contingency plan and all revisions to the plan:

- (a) It must maintain a copy at the facility; and
- (b) It must submit a copy to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility.

84. Section 725.154 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.154, provides:

The contingency plan must be reviewed and immediately amended, if necessary, whenever any of the following occurs:

- (a) Applicable regulations are revised;
- (b) The plan fails in an emergency;
- (c) The facility changes - in its design, construction, operation, maintenance, or other circumstances - in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;
- (d) The list of emergency coordinators changes; or
- (e) The list of emergency equipment changes.

85. Section 725.155 of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.155, provides:

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar

with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: The emergency coordinator's responsibilities are more fully spelled out in Section 725.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of wastes handled by the facility and type and complexity of the facility.

86. Section 725.273(a) of the Board Regulations, Part 725: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 35 Ill. Adm. Code 725.273(a), provides:

- (a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

87. Waste paint is "hazardous waste" as that term is defined by Section 3.220 of the Act, 415 ILCS 5/3.220 (2014), and its characteristics identified by Sections 721.121 and 721.124 of the Board Regulations, 35 Ill. Adm. Code 721.121 and 721.124.

88. Respondent is a "generator" of hazardous waste as that term is defined by Section 3.205 of the Act, 415 ILCS 5/3.205 (2014).

89. Because facility records showed Respondent was intermittently generating enough waste paint to be classified as a Large Quantity Generator, namely by the dispositions recorded on February 11, 2011 and October 1, 2009, which both exceeded 2,200 lbs., Section 722.134(b) of the Board Regulations, 35 Ill. Adm. Code 722.134(b), requires Respondent to comply with the rules set forth in Part 725 of the Board Regulations.

90. The facility did not have documentation showing its employee training met the requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

91. By not having at the facility documentation showing its employee training met the requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), Respondent violated Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

92. The facility did not have documentation showing its employees had completed the training requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), within six months of assignment or were not working in unsupervised positions.

93. By not having at the facility documentation showing its employees had completed the training requirements of Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), within six months of assignment or were not working in unsupervised positions, Respondent violated Section 725.116(b) of the Board Regulations, 35 Ill. Adm. Code 725.116(b), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

94. The facility did not have documentation showing its employees took part in the annual review of the initial training required by Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a).

95. By not having at the facility documentation showing its employees took part in the annual review of the initial training required by Section 725.116(a) of the Board Regulations, 35 Ill. Adm. Code 725.116(a), Respondent violated Section 725.116(c) of the Board Regulations, 35 Ill. Adm. Code 725.116(c), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

96. The facility did not have documentation showing job titles and employee names for positions related to hazardous waste, descriptions of these positions, and the applicable training required and given for the positions.

97. By not having at the facility documentation showing job titles and employee names for positions related to hazardous waste, descriptions of these positions, and the applicable training required and given for the positions, Respondent violated Section 725.116(d) of the Board Regulations, 35 Ill. Adm. Code 725.116(d), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

98. The facility did not have training records for current or former employees.

99. By not having at the facility training records for current or former employees, Respondent violated Section 725.116(e) of the Board Regulations, 35 Ill. Adm. Code 725.116(e), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

100. The facility did not have documentation showing that training was provided for fires, explosions, or unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water that could threaten human health or the environment.

101. By not having at the facility documentation showing that training was provided for fires, explosions, or unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water that could threaten human health or the environment, Respondent violated Section 725.131 of the Board Regulations, 35 Ill. Adm. Code 725.131, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

102. The facility did not have spill control equipment or decontamination equipment.

103. By not having at the facility spill control equipment or decontamination equipment, Respondent violated Section 725.132 of the Board Regulations, 35 Ill. Adm. Code 725.132, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

104. The facility did not have documentation showing testing and maintenance of all alarm systems, fire protection equipment, spill control equipment, and decontamination equipment.

105. By not having at the facility documentation showing testing and maintenance of all alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, Respondent violated Section 725.133 of the Board Regulations, 35 Ill. Adm. Code 725.133, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

106. The facility did not have documentation showing all personnel had immediate access to an alarm or emergency communication device whenever hazardous waste was being handled.

107. By not having at the facility documentation showing all personnel had immediate access to an alarm or emergency communication device whenever hazardous waste was being handled, Respondent violated Section 725.134 of the Board Regulations, 35 Ill. Adm. Code 725.134, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

108. Some of the facility's waste storage areas were partially obstructed and not easily accessible.

109. By causing or allowing some of the facility's waste storage areas to be partially obstructed and not easily accessible, Respondent violated Section 725.135 of the Board Regulations, 35 Ill. Adm. Code 725.135, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

110. The facility did not have documentation showing arrangements were made or attempted to be made to familiarize local emergency services and hospitals with the facility,

properties of hazardous waste handled at the facility, places where personnel would be working, and facility entrances and evacuation routes.

111. By not having at the facility documentation showing arrangements were made or attempted to be made to familiarize local emergency services and hospitals with the facility, properties of hazardous waste handled at the facility, places where personnel would be working, and facility entrances and evacuation routes, Respondent violated Section 725.137 of the Board Regulations, 35 Ill. Adm. Code 725.137, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

112. The facility did not have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water.

113. By not having at the facility a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water, Respondent violated Section 725.151(a) of the Board Regulations, 35 Ill. Adm. Code 725.151(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

114. The facility did not have a contingency plan to be carried out immediately whenever there was a fire, explosion, or release of hazardous waste.

115. By not having at the facility a contingency plan to be carried out immediately whenever there was a fire, explosion, or release of hazardous waste, Respondent violated Section 725.151(b) of the Board Regulations, 35 Ill. Adm. Code 725.151(b), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

116. The facility did not have a contingency plan that described the actions personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste.

117. By not having at the facility a contingency plan that described the actions personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste, Respondent violated Section 725.152(a) of the Board Regulations, 35 Ill. Adm. Code 725.152(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

118. The facility did not have a contingency plan that described arrangements agreed to by local emergency services and hospitals to coordinate responses.

119. By not having at the facility a contingency plan that described arrangements agreed to by local emergency services and hospitals to coordinate responses, Respondent violated Section 725.152(c) of the Board Regulations, 35 Ill. Adm. Code 725.152(c), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

120. The facility did not have a contingency plan that listed names and contact information of all persons qualified to act as emergency coordinators.

121. By not having at the facility a contingency plan that listed names and contact information of all persons qualified to act as emergency coordinators, Respondent violated Section 725.152(d) of the Board Regulations, 35 Ill. Adm. Code 725.152(d), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

122. The facility did not have a contingency plan that included a list of all emergency equipment at the facility.

123. By not having at the facility a contingency plan that included a list of all emergency equipment at the facility, Respondent violated Section 725.152(e) of the Board

Regulations, 35 Ill. Adm. Code 725.152(e), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

124. The facility did not have a contingency plan that included an evacuation plan for facility personnel.

125. By not having at the facility a contingency plan that included an evacuation plan for facility personnel, Respondent violated Section 725.152(f) of the Board Regulations, 35 Ill. Adm. Code 725.152(f), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

126. The facility did not have a contingency plan with copies both maintained at the facility and submitted to local emergency services and hospitals.

127. By not having a contingency plan with copies both maintained at the facility and submitted to local emergency services and hospitals, Respondent violated Section 725.153 of the Board Regulations, 35 Ill. Adm. Code 725.153, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

128. The facility did not have a contingency plan that was updated when the facility entered Large Quantity Generator status.

129. By not having at the facility a contingency plan that was updated when the facility entered Large Quantity Generator status, Respondent violated Section 725.154 of the Board Regulations, 35 Ill. Adm. Code 725.154, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

130. The facility did not have documentation showing that at least one employee had the responsibility for coordinating all emergency response measures, who was familiar with all aspects of the contingency plan and who had the authority to commit the resources necessary to carry out the plan.

131. By not having at the facility documentation showing that at least one employee had the responsibility for coordinating all emergency response measures, who was familiar with all aspects of the contingency plan and who had the authority to commit the resources necessary to carry out the plan, Respondent violated Section 725.155 of the Board Regulations, 35 Ill. Adm. Code 725.155, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

132. At the time of the January 9, 2013 follow-up inspection, Respondent caused or allowed one 55-gallon drum of waste paint at the facility to have an open bung with an open funnel in it.

133. By causing or allowing one 55-gallon drum of waste paint at the facility to have an open bung with an open funnel in it, Respondent violated Section 725.273(a) of the Board Regulations, 35 Ill. Adm. Code 725.273(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

134. Respondent operated a hazardous waste facility without a RCRA permit issued by the Illinois EPA and without meeting the exemption requirements set forth in Part 725 of the Board Regulations, as alleged in paragraphs 90 through 133 of this Count.

135. By operating a hazardous waste facility without a RCRA permit issued by the Illinois EPA and without meeting the exemption requirements set forth in Part 725 of the Board Regulations, as alleged in paragraphs 90 through 133 of this Count, Respondent violated Sections 703.121(a) and 703.121(b) of the Board Regulations, 35 Ill. Adm. Code 703.121(a)–(b), and Sections 21(f)(1) and 21(f)(2) of the Act, 415 ILCS 5/21(f)(1)–(2).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JONES HYDROBLAST, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Sections 21(f)(1) and 21(f)(2) of the Act, 415 ILCS 5/21(f)(1)–(2) (2014), and Sections 703.121(a), 703.121(b), 725.116(a), 725.116(b), 725.116(c), 725.116(d), 725.116(e), 725.131, 725.132, 725.133, 725.134, 725.135, 725.137, 725.151(a), 725.151(b), 725.152(a), 725.152(c), 725.152(d), 725.152(e), 725.152(f), 725.153, 725.154, 725.155, and 725.273(a) of the Board Regulations, 35 Ill. Adm. Code 703.121(a)–(b), 725.116(a)–(e), 725.131, 725.132, 725.133, 725.134, 725.135, 725.137, 725.151(a)–(b), 725.152(a) and (c)–(f), 725.153, 725.154, 725.155, and 725.273(a);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent for violating provisions of the Act and associated regulations a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continues;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT II
VIOLATIONS OF STANDARDS FOR HAZARDOUS WASTE GENERATORS

1–27. Complainant adopts and incorporates by reference herein paragraphs 1 through 12, 34 through 38, 64 through 69, 71, 72, 87, and 88 of Count I as paragraphs 1 through 27 of this Count II.

28. According to records made available to the Illinois EPA at the time of the April 12, 2012 inspection, the facility did not make the correct certification as to quantity on the

manifest for the waste paint disposed of on February 11, 2011, which exceeded the quantity allowable for Small Quantity Generators.

29. According to records made available to the Illinois EPA at the time of the April 12, 2012 inspection, the facility did not make the correct certification as to quantity on the manifest for the waste paint disposed of on October 1, 2009, which exceeded the quantity allowable for Small Quantity Generators.

30. At the time of the April 12, 2012 inspection, the facility did not have copies of the hazardous waste annual reports that are required to be created and retained by all hazardous waste generators.

31. At the time of the April 12, 2012 inspection, the facility did not have any records of hazardous waste test results, analyses, or other determinations made in the previous three years, as is required of all hazardous waste generators.

32. At the time of the April 12, 2012 inspection, the facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste that was shipped off-site.

33. At the time of the April 12, 2012 inspection, the facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste that was disposed of on-site.

34. At the time of the January 9, 2013 follow-up inspection, the facility was not labeling each package of hazardous waste being transported off-site with the applicable United States Department of Transportation ("USDOT") regulations.

35. At the time of the January 9, 2013 follow-up inspection, the facility was not marking on each container of hazardous waste the date upon which each period of accumulation began.

36. At the time of the January 9, 2013 follow-up inspection, the facility was not marking on each container and tank of hazardous waste the words "Hazardous Waste."

37. At the time of the January 9, 2013 follow-up inspection, the facility was not marking on each container of hazardous waste, including amounts accumulated that totaled less than and in excess of 55 gallons, the words "Hazardous Waste" or other words that identify the containers' contents.

38. At the time of the January 9, 2013 follow-up inspection, the facility did not have copies of the hazardous waste annual reports that are required to be created and retained by all hazardous waste generators.

39. At the time of the January 9, 2013 follow-up inspection, the facility did not have any records of hazardous waste test results, analyses, or other determinations made in the previous three years, as is required of all hazardous waste generators.

40. At the time of the January 9, 2013 follow-up inspection, the facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste that was shipped off-site.

41. At the time of the January 9, 2013 follow-up inspection, the facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste that was disposed of on-site.

42. Section 722.127 of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.127, provides:

A generator that initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

- (a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the

degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment”; or

- (b) “I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.”

BOARD NOTE: 35 Ill. Adm. Code 720.110 defines a “small quantity generator” as a generator that generates less than 1,000 kilograms of hazardous waste in any calendar month. There is no corresponding definition of “large quantity generator” in the federal regulations, but the Board interprets the term to mean a hazardous waste generator that is not a small quantity generator.

- 43. Section 722.131 of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.131, provides:

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable USDOT [(United States Department of Transportation)] regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- 44. Sections 722.134(a)(2)–(3) and (c) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.134(a)(2)–(3) and (c), provide:

- (a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

* * *

- (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"

* * *

(c) Accumulation near the point of generation.

- (1) A generator may accumulate as much as 55 gallons (208 l) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) or (d) of this Section, provided the generator does the following:
 - (A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and
 - (B) The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- (2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

45. Sections 722.140(b)–(c) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.140(b)–(c), provide:

- (b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).
- (c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

46. Sections 722.141(a)–(b) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.141(a)–(b), provide:

- (a) A generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - (1) The USEPA [(United States Environmental Protection Agency)] identification number, name, and address of the generator;
 - (2) The calendar year covered by the report;
 - (3) The USEPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;
 - (4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;
 - (5) A description, USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721), USDOT hazard class and quantity of each

hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by USEPA identification number of each off-site facility to which waste was shipped;

- (6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
 - (7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
 - (8) The certification signed by the generator or the generator's authorized representative.
- (b) Any generator that treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth at Section 722.156.

47. The facility was not certifying to the Large Quantity Generator statement on hazardous waste manifests for shipments that exceeded 2,200 pounds.

48. By not certifying to the Large Quantity Generator statement on hazardous waste manifests for shipments that exceeded 2,200 pounds, Respondent violated Section 722.127 of the Board Regulations, 35 Ill. Adm. Code 722.127, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

49. The facility was not labeling each package of hazardous waste being transported off-site with the applicable USDOT regulations.

50. By not labeling each package of hazardous waste being transported off-site with the applicable United States Department of Transportation ("USDOT") regulations, Respondent

violated Section 722.131 of the Board Regulations, 35 Ill. Adm. Code 722.131, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

51. The facility was not marking on each container of hazardous waste the date upon which each period of accumulation began.

52. By not marking on each container of hazardous waste the date upon which each period of accumulation began, Respondent violated Section 722.134(a)(2) of the Board Regulations, 35 Ill. Adm. Code 722.134(a)(2), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

53. The facility was not marking on each container and tank of hazardous waste the words "Hazardous Waste."

54. By not marking on each container and tank of hazardous waste the words "Hazardous Waste," Respondent violated Section 722.134(a)(3) of the Board Regulations, 35 Ill. Adm. Code 722.134(a)(3), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

55. The facility was not marking on each container of hazardous waste, including amounts accumulated that totaled less than and in excess of 55 gallons, the words "Hazardous Waste" or other words that identified the containers' contents.

56. By not marking on each container of hazardous waste, including amounts accumulated that totaled less than and in excess of 55 gallons, the words "Hazardous Waste" or other words that identified the containers' contents, Respondent violated Section 722.134(c) of the Board Regulations, 35 Ill. Adm. Code 722.134(c), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

57. The facility was not keeping a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report.

58. By not keeping a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report, Respondent violated Section 722.140(b) of the Board Regulations, 35 Ill. Adm. Code 722.140(b), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

59. The facility was not keeping records of test results, waste analyses, and other determinations for at least three years from the date the waste was last sent to on-site or off-site treatment, storage, or disposal.

60. By not keeping records of test results, waste analyses, and other determinations for at least three years from the date the waste was last sent to on-site or off-site treatment, storage, or disposal, Respondent violated Section 722.140(c) of the Board Regulations, 35 Ill. Adm. Code 722.140(c), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

61. The facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste shipped off-site.

62. By not preparing and submitting to the Illinois EPA annual reports on hazardous waste shipped off-site, Respondent violated Section 722.141(a) of the Board Regulations, 35 Ill. Adm. Code 722.141(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

63. The facility had not prepared and submitted to the Illinois EPA annual reports on hazardous waste disposed on-site.

64. By not preparing and submitting to the Illinois EPA annual reports on hazardous waste disposed on-site, Respondent violated Section 722.141(b) of the Board Regulations, 35 Ill. Adm. Code 722.141(b), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JONES HYDROBLAST, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014), and Sections 722.127, 722.131, 722.134(a)(2), 722.134(a)(3), 722.134(c), 722.140(b), 722.140(c), 722.141(a), and 722.141(b), 35 Ill. Adm. Code 722.127, 722.131, 722.134(a)(2)–(3) and (c), 722.140(b)–(c), and 722.141(a)–(b);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent for violating a provision of the Act and associated regulations a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continues;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT III
VIOLATIONS OF STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

1–18. Complainant adopts and incorporates by reference herein paragraphs 1 through 9, 34 through 38, and 64 through 67 of Count I as paragraphs 1 through 18 of this Count III.

19. At the time of the April 12, 2012 inspection, the facility was disposing of lower-mercury (“green-tip”) fluorescent light bulbs.

20. At the time of the April 12, 2012 inspection, the facility was disposing of green-tip fluorescent light bulbs in the facility's general trash.

21. At the time of the April 12, 2012 inspection, the facility did not have documentation to show that the green-tip fluorescent light bulbs being disposed of were below the required mercury level.

22. At the time of the April 12, 2012 inspection, the facility did not contain all green-tip fluorescent light bulbs in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the bulbs.

23. At the time of the April 12, 2012 inspection, the facility was not immediately cleaning up and placing in a structurally sound container any green-tip fluorescent light bulb that was broken or showed evidence of breakage, leakage, or damage that could cause the release of mercury.

24. At the time of the April 12, 2012 inspection, the facility was not informing all employees who handled the green-tip fluorescent light bulbs of the proper handling and emergency procedures appropriate to such waste.

25. At the time of the January 9, 2013 follow-up inspection, the facility was disposing of green-tip fluorescent light bulbs.

26. At the time of the January 9, 2013 follow-up inspection, the facility was disposing of green-tip fluorescent light bulbs in the facility's general trash.

27. At the time of the January 9, 2013 follow-up inspection, the facility did not have documentation to show that the green-tip fluorescent light bulbs being disposed of were below the required mercury level.

28. At the time of the January 9, 2013 follow-up inspection, the facility did not contain all green-tip fluorescent light bulbs in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the bulbs.

29. At the time of the January 9, 2013 follow-up inspection, the facility was not immediately cleaning up and placing in a structurally sound container any green-tip fluorescent light bulb that was broken or showed evidence of breakage, leakage, or damage that could cause the release of mercury.

30. At the time of the January 9, 2013 follow-up inspection, the facility was not informing all employees who handle green-tip fluorescent light bulbs of the proper handling and emergency procedures appropriate to such waste.

31. Section 733.105(a) of the Board Regulations, Part 733: Standards for Universal Waste Management, 35 Ill. Adm. Code 733.105(a), provides in pertinent part:

- (a) Lamps covered under this Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109

* * *

32. Section 733.109 of the Board Regulations, Part 733: Standards for Universal Waste Management, 35 Ill. Adm. Code 733.109, provides in pertinent part:

* * *

“Lamp” or “universal waste lamp” is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

* * *

33. Section 733.111(a) of the Board Regulations, Part 733: Standards for Universal Waste Management, 35 Ill. Adm. Code 733.111(a), provides in pertinent part:

A small quantity handler of universal waste is prohibited from the following acts:

- (a) Disposing of universal waste

* * *

34. Sections 733.113(d)(1)–(2) of the Board Regulations; Part 733: Standards for Universal Waste Management, 35 Ill. Adm. Code 733.111(d)(1)–(2), provide in pertinent part:

- (d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
- (2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions

* * *

35. Section 733.116 of the Board Regulations, Part 733: Standards for Universal Waste Management, 35 Ill. Adm. Code 733.116, provides:

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

36. The green-tip fluorescent light bulbs that were being disposed of at the facility are “universal waste lamps” as that term is defined by Section 733.109 of the Board Regulations, 35 Ill. Adm. Code 733.109.

37. The facility disposed of universal waste lamps in the form of green-tip fluorescent light bulbs.

38. By disposing of universal waste lamps in the form of green-tip fluorescent light bulbs, Respondent violated Section 733.111(a) of the Board Regulations, 35 Ill. Adm. Code 733.111(a), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

39. The facility did not contain all green-tip fluorescent light bulbs in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the bulbs.

40. By not containing all green-tip fluorescent light bulbs in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the bulbs, Respondent violated Section 733.113(d)(1) of the Board Regulations, 35 Ill. Adm. Code 733.113(d)(1), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

41. The facility was not immediately cleaning up and placing in a structurally sound container any green-tip fluorescent light bulb that was broken or showed evidence of breakage, leakage, or damage that could cause the release of mercury.

42. By not immediately cleaning up and placing in a structurally sound container any green-tip fluorescent light bulb that was broken or showed evidence of breakage, leakage, or damage that could cause the release of mercury, Respondent violated Section 733.113(d)(2) of the Board Regulations, 35 Ill. Adm. Code 733.113(d)(2), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

43. The facility was not informing all employees who handled green-tip fluorescent light bulbs of the proper handling and emergency procedures appropriate to such waste.

44. By not informing all employees who handled green-tip fluorescent light bulbs of the proper handling and emergency procedures appropriate to such waste, Respondent violated Section 733.116 of the Board Regulations, 35 Ill. Adm. Code 733.116, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JONES HYDROBLAST, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014), and Sections 733.111(a), 733.113(d)(1), 733.113(d)(2), and 733.116 of the Board Regulations, 35 Ill. Adm. Code 733.111(a), 733.113(d)(1)–(2), and 733.116;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent for violating a provision of the Act and associated regulations a civil penalty of fifty

thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continues;

- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT IV
VIOLATIONS OF THE TERMS OF A COMPLIANCE COMMITMENT AGREEMENT

1-45. Complainant adopts and incorporates by reference herein paragraphs 1 through 12, 34 through 41, 64 through 67, 69, 71, 72, 87, and 88 of Count I, paragraphs 35 through 37 and 44 of Count II, and paragraphs 25 through 36 of Count III as paragraphs 1 through 45 of this Count IV.

46. Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014), provides:

No person shall violate the terms or conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section. Successful completion of a Compliance Commitment Agreement or an amended Compliance Commitment Agreement shall be a factor to be weighed, in favor of the person completing the Agreement, by the Office of the Illinois Attorney General in determining whether to file a complaint for the violations that were the subject of the Agreement.

47. Section II of the CCA alleges violations of the following Board Regulations:

- (a) 35 Ill. Adm. Code 703.121(a)
- (b) 35 Ill. Adm. Code 703.121(b)
- (c) 35 Ill. Adm. Code 722.127
- (d) 35 Ill. Adm. Code 722.140(b)
- (e) 35 Ill. Adm. Code 722.140(c)
- (f) 35 Ill. Adm. Code 722.141(a)
- (g) 35 Ill. Adm. Code 722.141(b)

- (h) 35 Ill. Adm. Code 733.111(a)
- (i) 35 Ill. Adm. Code 733.113(d)(1)
- (j) 35 Ill. Adm. Code 733.133(d)(2) [sic]
- (k) 35 Ill. Adm. Code 733.116
- (l) 35 Ill. Adm. Code 725.116(a)
- (m) 35 Ill. Adm. Code 725.116(b)
- (n) 35 Ill. Adm. Code 725.116(c)
- (o) 35 Ill. Adm. Code 725.116(d)
- (p) 35 Ill. Adm. Code 725.116(e)
- (q) 35 Ill. Adm. Code 725.131
- (r) 35 Ill. Adm. Code 725.132
- (s) 35 Ill. Adm. Code 725.133
- (t) 35 Ill. Adm. Code 725.134
- (u) 35 Ill. Adm. Code 725.135
- (v) 35 Ill. Adm. Code 725.137
- (w) 35 Ill. Adm. Code 725.151(a)
- (x) 35 Ill. Adm. Code 725.151(b)
- (y) 35 Ill. Adm. Code 725.152(a)
- (z) 35 Ill. Adm. Code 725.152(c)
- (aa) 35 Ill. Adm. Code 725.152(d)
- (bb) 35 Ill. Adm. Code 725.152(e)
- (cc) 35 Ill. Adm. Code 725.152(f)
- (dd) 35 Ill. Adm. Code 725.153

(ee) 35 Ill. Adm. Code 725.154

(ff) 35 Ill. Adm. Code 725.155

48. Paragraph 5 of the CCA, under Section III. Compliance Activities, provides:

Respondent agrees to undertake and, complete and continue to maintain the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in VN L-2012-01048:

* * *

(b) Per Respondent's letter dated July 23, 2012, by September 21, 2012 Jones Hydroblast will have finished modifications to their operations to meet Small Quantity Generator requirements.

(c) Per Respondent's letter dated July 23, 2012, by September 21, 2012 Jones Hydroblast will handle Universal Wastes in a manner prescribed by [Illinois EPA] rules and regulations.

49. At the time of the January 9, 2013 follow-up inspection, Respondent was not fulfilling the hazardous waste labeling requirements applicable to Small Quantity Generators set forth in Sections 722.134(a)(2)–(3) and (c) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.134(a)(2)–(3) and (c).

50. By not fulfilling the hazardous waste labeling requirements applicable to Small Quantity Generators set forth in Sections 722.134(a)(2)–(3) and (c) of the Board Regulations, Part 722: Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722.134(a)(2)–(3) and (c), at the time of the January 9, 2013 follow-up inspection, Respondent breached the term contained in Paragraph 5(b) of the CCA, and thereby violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014).

51. At the time of the January 9, 2013 follow-up inspection, Respondent was handling universal waste in the form of green-tip fluorescent light bulbs in a manner that violated Board

Regulations on universal waste, namely Sections 733.111(a), 733.113(d)(1), 733.113(d)(2), and 733.116 of the Board Regulations, 35 Ill. Adm. Code 733.111(a), 733.113(d)(1)–(2), and 733.116.

52. By handling universal waste in the form of green-tip fluorescent light bulbs in a manner that violated Board Regulations on universal waste, namely Sections 733.111(a), 733.113(d)(1), 733.113(d)(2), and 733.116 of the Board Regulations, 35 Ill. Adm. Code 733.111(a), 733.113(d)(1)–(2), and 733.116, at the time of the January 9, 2013 follow-up inspection, Respondent breached the term contained in Paragraph 5(c) of the CCA, and thereby violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JONES HYDROBLAST, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2014), imposing upon Respondent for violating Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014), a civil penalty of two thousand dollars (\$2,000);


- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

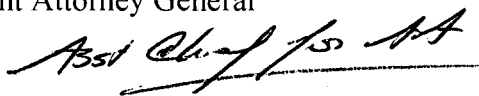
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:


ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General


Asst. Chief / S. A.

Scott M. Marsik
Assistant Attorney General
Environmental Bureau
Illinois Attorney General
500 South Second Street
Springfield, Illinois 62701
(217) 557-9457
smarsik@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	PCB No.
v.)	
)	
JONES HYDROBLAST, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and JONES HYDROBLAST, INC. (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, *et seq.* (2014), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneously with the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of

Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2014), against Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2014).

3. Respondent, Jones Hydroblast, is an active Illinois corporation and a commercial hydroblast and sandblast cleaning facility located at 111 S. Main Street, Royalton, Franklin Co., Illinois 62983 (the "facility").

4. The Illinois EPA conducted a routine RCRA Compliance Evaluation Inspection on April 12, 2012 and a follow-up inspection on January 9, 2013.

B. Allegations of Non-Compliance

Complainant contends that Respondent has violated the following provisions of the Act and Board regulations:

- Count I: Violations of RCRA Permit Program Regulations – Sections 21(f)(1) and 21(f)(2) of the Act, 415 ILCS 5/21(f)(1)–(2) (2014), and Sections 703.121(a), 703.121(b), 725.116(a), 725.116(b), 725.116(c), 725.116(d), 725.116(e), 725.131, 725.132, 725.133, 725.134, 725.135, 725.137, 725.151(a), 725.151(b), 725.152(a), 725.152(c), 725.152(d), 725.152(e), 725.152(f), 725.153, 725.154, 725.155, and 725.273(a) of the Board Regulations, 35 Ill. Adm. Code 703.121(a)–(b), 725.116(a)–(e), 725.131, 725.132, 725.133, 725.134, 725.135, 725.137, 725.151(a)–(b), 725.152(a) and (c)–(f), 725.153, 725.154, 725.155, and 725.273(a).
- Count II: Violations of Standards for Hazardous Waste Generators – Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014), and Sections 722.127, 722.131, 722.134(a)(2), 722.134(a)(3), 722.134(c), 722.140(b), 722.140(c), 722.141(a), and 722.141(b), 35 Ill. Adm. Code 722.127, 722.131, 722.134(a)(2)–(3) and (c), 722.140(b)–(c), and 722.141(a)–(b).
- Count III: Violations of Standards for Universal Waste Management – Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2014), and Sections 733.111(a), 733.113(d)(1), 733.113(d)(2), and 733.116 of the Board Regulations, 35 Ill. Adm. Code 733.111(a), 733.113(d)(1)–(2), and 733.116.

Count IV: Violations of the Terms of a Compliance Commitment Agreement – Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2014).

C. Admission of Violations

Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

Respondent has resolved all of the violations cited in the Complaint. Respondent currently maintains Small Quantity Generator Status for the facility.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2014).

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of Respondent under this Stipulation. In the event that Respondent proposes to sell or transfer any real property or operations subject to this Stipulation, Respondent shall notify the Complainant thirty calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. Respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent site access and all cooperation necessary for Respondent to perform to completion any

compliance obligation(s) required by this Stipulation. Respondent shall provide a copy of this Stipulation to any such successor in interest and Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, Respondent and a proposed purchaser or operator of the facility may jointly request, and Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, Respondent. This provision does not relieve Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were not substantially threatened by the

violations by Respondent cited in the Complaint.

2. Respondent's facility is currently operating as a commercial hydroblast facility.

Such a facility carries both social and economic value.

3. Since Respondent corrected the violations, the facility has been suitable for its activity in the area in which it is located.

4. It is technically practicable and economically reasonable for Respondent to maintain compliance with applicable regulations.

5. Respondent has undertaken measures to bring the facility into compliance and will continue to maintain this compliance.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2014), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;

7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The violations alleged in the Complaint existed, at a minimum, at the time of the April 12, 2012 inspection, and from January 9, 2013 until February 6, 2013.
2. Respondent demonstrated diligence by taking steps to bring its facility back into compliance in a reasonable period of time, after the violations were brought to its attention.
3. The civil penalty takes into account any economic benefit realized by Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of \$7,500.00 will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Illinois EPA has no previously adjudicated violations against Respondent.
6. Respondent did not voluntarily disclose the non-compliance to Illinois EPA.
7. The settlement of this matter does not include a supplemental environmental project.
8. Respondent entered into a Compliance Commitment Agreement prior to the commencement of this litigation, but subsequently violated the Agreement.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of \$7,500.00 within thirty days of the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

2. The case name and case number shall appear on the face of the certified check or

money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Scott M. Marsik
Assistant Attorney General
Environmental Bureau South
Illinois Attorney General's Office
500 South 2nd Street
Springfield, IL 62701

D. Future Compliance

1. Respondent shall continue to maintain Small Quantity Generator Status for its facility according to Part 721 of the Board Regulations, or if it does not, shall bring the facility into compliance with all requirements of a Large Quantity Generator set forth in Part 725 of the Board Regulations.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board regulations.

4. Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondent's payment of the \$7,500.00 penalty, its commitment to cease and desist as contained in Paragraph V.D.4 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, Complainant releases, waives, and discharges Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in the Complaint filed contemporaneously with this Stipulation. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), or entity other than Respondent.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to Complainant

Scott M. Marsik
Assistant Attorney General
Environmental Bureau South
Illinois Attorney General's Office
500 South 2nd Street
Springfield, IL 62701

James Kropid
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to Respondent

Ruth Ann Jones
Larry Jones
111 S Main St.
Royalton, IL 62983

G. Enforcement and Modification of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

H. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are

fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

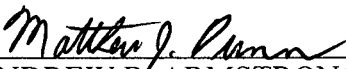
WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

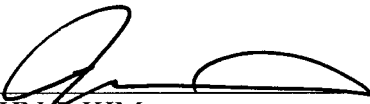
PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

LISA BONNETT, Director
Illinois Environmental Protection Agency

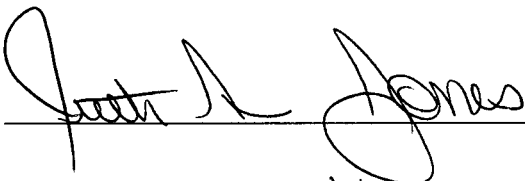
BY: 
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 5/23/16

DATE: 5/19/16

RESPONDENT



DATE: 3-21-16

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois)	
)	
Complainant,)	
)	PCB No.
v.)	
)	
JONES HYDROBLAST, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, Complainant states as follows:

1. On May 31, 2016, Complainant filed the initial Complaint in this matter as well as a Stipulation and Proposal for Settlement executed between Complainant and Respondent, Jones Hydroblast, Inc.

2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2014), provides:

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving

the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is scheduled in this matter.

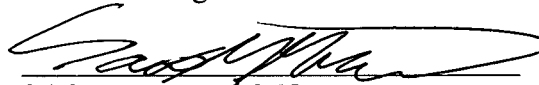
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2014).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:



SCOTT M. MARSIK
Environmental Bureau
Assistant Attorney General

Dated: May 31, 2016

Scott M. Marsik
Assistant Attorney General
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