

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General of the)	
State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 16-
)	(Enforcement)
LANGMAN CONSTRUCTION, INC., an Iowa)	
Corporation, and RICHARD LANGMAN,)	
)	
Respondents.)	

NOTICE OF FILING

To: See attached service list.

PLEASE TAKE NOTICE that on September 7, 2016, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Notice of Filing, Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

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

By: /s/ Scott Marsik
SCOTT MARSIK
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Dated: September 7, 2016

CERTIFICATE OF SERVICE

I hereby certify that I did on April 27, 2016, caused to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF FILING, COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT, and MOTION FOR RELIEF FROM HEARING REQUIREMENT, upon the following persons:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218
(Via Electronic Filing)

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794
carol.webb@ipcb.state.il.us
(Via E-Mail)

Bill Stengel
Stengel, Bailey & Robertson
100 17th Street, Suite 405
Rock Island, IL 61201
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/s/ Scott Marsik
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by LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
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LANGMAN CONSTRUCTION, INC.,)	
an Iowa corporation, and RICHARD)	
LANGMAN,)	
)	
Respondents.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN, as follows:

COUNT I
CCDD FILL OPERATING VIOLATIONS

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 Respondents, Langman Construction, Inc. and Richard Langman, with notice and the opportunity for a meeting with the Illinois EPA.

5. Respondent Langman Construction is an Iowa corporation authorized to do business in Illinois by the Illinois Secretary of State.

6. Langman Construction, Inc. operates an uncontaminated soil/clean construction and demolition debris fill business located at 220 34th Avenue, Rock Island, Rock Island County, Illinois (the "site" or the "facility").

7. Respondent Richard Langman owns the site.

8. Respondents hold Permit No. CCDD2008-010-DE/OP issued by the Illinois EPA on January 9, 2012 to develop and operate an existing clean construction or demolition debris ("CCDD") fill operation.

9. On April 25, 2012, August 16, 2012, November 2, 2012, March 22, 2013, November 7, 2013, and March 9, 2016, the Illinois EPA conducted compliance evaluation inspections of the site.

10. The Illinois EPA reviewed Respondents' records during each of the inspections.

11. At the time of the April 25, 2012 inspection, Respondents' records indicated that 105 truckloads of CCDD (soil and concrete) had been accepted thus far in the second quarter of calendar year 2012 from excavation work along 26th Avenue in Moline, Illinois.

12. At the time of the April 25, 2012 inspection, the 105 truckloads accepted from the 26th Avenue excavation work were not certified as uncontaminated soil by a licensed professional engineer on the applicable Illinois EPA form.

13. On April 25, 2012, the Illinois EPA issued to Respondents violation notices for violations observed during the compliance evaluation inspection.

14. On August 7, 2012, a meeting pursuant to Section 31(a) of the Act was held between Respondents and the Illinois EPA.

15. At the time of the August 16, 2012 inspection, the Illinois EPA visually inspected the active fill area at the site.

16. At the time of the August 16, 2012 inspection, there was material in the active fill area that did not meet the definition of CCDD.

17. At the time of the August 16, 2012 inspection, the material in the active fill area that did not meet the definition of CCDD included cardboard, adhesive, rebar, steel cable, steel pipe, caution tape, wood, a saw blade, plastic containers, a railroad tie, and a used or waste tire.

18. On August 24, 2012, Respondents submitted to the Illinois EPA a Compliance Commitment Agreement ("CCA").

19. On September 17, 2012, the Illinois EPA rejected the CCA.

20. During the November 2, 2012 inspection, two incoming truckloads of fill material to the site bypassed the CCDD inspector trailer and proceeded directly to the active fill area and deposited their contents along the working face.

21. At the time the two truckloads of fill material bypassed the CCDD inspector trailer during the November 2, 2012 inspection, the site's designated CCDD inspector was not present on-site to conduct required load checking and subsequent documentation.

22. On December 4, 2012, the Illinois EPA issued to Respondents additional violation notices.

23. On January 9, 2013, the Illinois EPA issued to Respondents notices of intent to pursue legal action.

24. On January 30, 2013, a meeting pursuant to Section 31(b) of the Act was held between Respondents and the Illinois EPA.

25. On March 4, 2013, the Illinois EPA issued to Respondents additional notices of intent to pursue legal action.

26. At the time of the March 22, 2013 inspection, the site had returned to compliance with respect to the violations observed during the previous inspections.

27. During the November 7, 2013 inspection, four incoming truckloads of fill material to the site entered through an unsecured west entrance, bypassed the CCDD inspector trailer, and proceeded directly to the active fill area and deposited their contents along the working face.

28. At the time the four truckloads of fill material bypassed the CCDD inspector trailer during the November 7, 2013 inspection, the site's designated CCDD inspector was not present on-site to conduct required load checking and subsequent documentation.

29. On December 4, 2013, the Illinois EPA issued to Respondents additional violation notices.

30. On January 20, 2014, Respondents, in a written response to the Illinois EPA, waived the balance of the Section 31 process.

31. At the time of the March 9, 2016 inspection, the site was in the process of closure activities.

32. At the time of the March 9, 2016 inspection, there were no facility personnel present on-site.

33. At the time of the March 9, 2016 inspection, the gates at the entrances leading to the permitted fill area were closed and secured with a chain and padlock.

34. At the time of the March 9, 2016 inspection, the permitted fill area had been graded, seeded, and covered with straw.

35. At the time of the March 9, 2016 inspection, no soil had been accepted and deposited as fill material in the permitted area since November 19, 2014.

36. Sections 22.51(a), (b)(3), (g)(1), and (g)(2) of the Act, 415 ILCS 5/22.51(a), (b)(3), and (g)(1)–(2) (2014), provide:

(a) No person shall conduct any clean construction or demolition debris fill operation in violation of this Act or any regulations or standards adopted by the Board.

* * *

(b) (3) On and after July 1, 2008, no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation

(i) without a permit granted by the Agency for the clean construction or demolition debris fill operation or in violation of any conditions 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 Board regulations and standards adopted under this Act or

(ii) in violation of any regulations or standards adopted by the Board under this Act.

* * *

(g) (1) No person shall use soil other than uncontaminated soil as fill material at a clean construction or demolition debris fill operation.

- (2) No person shall use construction or demolition debris other than clean construction or demolition debris as fill material at a clean construction or demolition debris fill operation.

37. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

38. Section 3.160 of the Act, 415 ILCS 5/3.160 (2014), provides, in pertinent part, the following definitions:

- (a) “General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

* * *

- (b) “Clean construction or demolition debris” means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

39. Sections 1100.201(a), (b), (d), (e), and (g) of the Board regulations, 35 Ill. Adm. Code 1100.201(a)–(b), (d)–(e), and (g), provide:

(a) No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board.

(b) CCDD fill operations must not accept waste for use as fill.

* * *

(d) No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation.

(e) No person shall use construction or demolition debris other than CCDD as fill material at a CCDD fill operation.

* * *

(g) CCDD fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0.

40. Sections 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c),

35 Ill. Adm. Code 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), provide:

(a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:

(1) For all soil, including soil mixed with CCDD, obtain:

(A) a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or

(B) a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A

certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part, and the soil pH is within the range of 6.25 to 9.0.

* * *

(b) The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:

(1) Routine Inspections

(A) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

* * *

(2) Random Inspections

(A) In addition to the inspections required under subsection (b)(1), an inspector designated by the facility must conduct a discharge

inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection (b) (A). All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

* * *

- (3) Documentation of Inspection Results: The documentation for each inspection must include, at a minimum, the following:
 - (A) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil;
 - (B) The results of the routine inspection required under subsection (b)(1) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;

(C) The results of any random inspection required under subsection (b)(2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and

(D) The name of the inspector.

* * *

(7) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD or uncontaminated soil.

* * *

(c) Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit for CCDD facility, or approved by the Agency in writing for an uncontaminated soil fill operation. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours.

41. Section 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.207(a), provides:

(a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.

42. Condition I.1 of Permit No. CCDD2008-010-DE/OP issued to Respondents by Illinois EPA for the site provides:

The operator must implement the load checking program proposed in the application for Permit No. CCDD2008-010-DE/OP (Log No. CCDD2008-010). If materials other than CCDD are discovered

the load checker must prepare a report describing the results of each inspection. Documentation of the records for the facility must be kept for a minimum of three years at the facility or in some alternative location specified in the Illinois EPA permit. The documentation must be available for inspection and copying by the Illinois EPA upon request during normal business hours. Also, before the end of the operating day the operator must, by facsimile to 217-524-1991, or another method approved by the Illinois EPA, notify the Manager of the BOL Field Operations Section and provide the information described in Special Condition I.2.c.

43. Condition 2 of the STANDARD CONDITIONS FOR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS PERMITS ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY BUREAU OF LAND attached to Respondents' Permit No. CCDD2008-010-DE/OP provides:

The Clean Construction or Demolition Debris fill operation covered by this permit must comply with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.

44. Respondents are "persons" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2014).

45. Respondents used soil that was not certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation.

46. By using soil that was not certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation, Respondents violated Section 22.51(g)(1) of the Act, 415 ILCS 5/22.51(g)(1) (2014).

47. By using soil that was not certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation, Respondents violated Section 1100.201(d) of the Board regulations, 35 Ill. Adm. Code 1100.201(d), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

48. By using soil that was not certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation, Respondents violated Section 1100.201(g) of the Board regulations, 35 Ill. Adm. Code 1100.201(g), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

49. By using soil that was not, by the source site owner or operator, certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation, Respondent violated Section 1100.205(a)(1)(A) of the Board regulations, 35 Ill. Adm. Code 1100.205(a)(1)(A), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

50. By using soil that was not, by an engineer or geologist, certified as uncontaminated and within the required pH range as fill material at a CCDD fill operation, Respondent violated Section 1100.205(a)(1)(B) of the Board regulations, 35 Ill. Adm. Code 1100.205(a)(1)(B), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

51. Respondents used construction or demolition debris other than CCDD as fill material at a CCDD fill operation.

52. By using construction or demolition debris other than CCDD as fill material at a CCDD fill operation, Respondents violated Section 22.51(g)(2) of the Act, 415 ILCS 5/22.51(g)(2) (2014).

53. By using construction or demolition debris other than CCDD as fill material at a CCDD fill operation, Respondents violated Section 1100.201(e) of the Board regulations, 35 Ill. Adm. Code 1100.201(e), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

54. Respondents failed to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD, and, thereby, accepted waste for use as fill.

55. By failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD, and, thereby, accepting waste for use as fill, Respondents violated Section 1100.201(b) of the Board regulations, 35 Ill. Adm. Code 1100.201(b), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

56. Respondents failed to conduct and institute a load checking program at the facility consisting of routine inspections prior to a truckload being accepted at the facility.

57. By failing to conduct and institute a load checking program at the facility consisting of routine inspections prior to a truckload being accepted at the facility, Respondents violated Section 1100.205(b)(1)(A) of the Board regulations, 35 Ill. Adm. Code 1100.205(b)(1)(A), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

58. Respondents failed to conduct and institute a load checking program at the facility consisting of random inspections prior to a truckload being accepted at the facility.

59. By failing to conduct and institute a load checking program at the facility consisting of random inspections prior to a truckload being accepted at the facility, Respondents violated Section 1100.205(b)(2)(A) of the Board regulations, 35 Ill. Adm. Code 1100.205(b)(2)(A), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

60. Respondents failed to conduct and institute a load checking program at the facility consisting of documenting inspection results prior to a truckload being accepted at the facility.

61. By failing to conduct and institute a load checking program at the facility consisting of documenting inspection results prior to a truckload being accepted at the facility, Respondents violated Section 1100.205(b)(3) of the Board regulations, 35 Ill. Adm. Code 1100.205(b)(3), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

62. Respondents failed to ensure that the site had an inspector to institute and conduct a load checking program.

63. By failing to ensure that the site had an inspector to institute and conduct a load checking program, Respondents violated Section 1100.205(b)(7) of the Board regulations, 35 Ill. Adm. Code 1100.205(b)(7), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

64. Respondents failed to make available for inspection and copying documentation required under a load checking program.

65. By failing to make available for inspection and copying documentation required under a load checking program, Respondents violated Section 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.207(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

66. By failing to institute and conduct a load checking program and make documentation required thereunder available for inspection and copying, Respondents violated Condition I.1 of Permit No. CCDD2008-010-DE/OP issued to Respondents by the Illinois EPA for the site and, thereby, Section 22.51(b)(3) of the Act, 415 ILCS 5/22.51(b)(3) (2014).

67. Respondents violated Sections 22.51(g)(1) and (g)(2) of the Act, 415 ILCS 5/22.51 (g)(1)–(2) (2014), and Sections 1100.201(b), (d), (e), and (g), 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c), and 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.201(b), (d)–(e), and (g), 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), and 1100.207(a).

68. By violating Sections 22.51(g)(1) and (g)(2) of the Act, 415 ILCS 5/22.51(g)(1)–(2) (2014), and Sections 1100.201(b), (d), (e), and (g), 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c), and 1100.207(a) of the Board regulations, 35 Ill. Adm. Code

1100.201(b), (d)–(e), and (g), 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), and 1100.207(a), Respondents violated Section 1100.201(a) of the Board regulations, 35 Ill. Adm. Code 1100.201(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

69. By violating Sections 22.51(g)(1) and (g)(2) of the Act, 415 ILCS 5/22.51(g)(1)–(2) (2014), and Sections 1100.201(b), (d), (e), and (g), 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c), and 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.201(b), (d)–(e), and (g), 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), and 1100.207(a), Respondents violated Condition 2 of the STANDARD CONDITIONS FOR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS PERMITS ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY BUREAU OF LAND attached to Respondents' Permit No. CCDD2008-010-DE/OP and, thereby, Section 22.51(b)(3) of the Act, 415 ILCS 5/22.51(b)(3) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Sections 22.51(a), (b)(3), (g)(1), and (g)(2) of the Act, 415 ILCS 5/22.51(a), (b)(3), and (g)(1)–(2) (2014), and Sections 1100.201(a), (b), (d), (e), and (g), 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c), and 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.201(a)–(b), (d)–(e), and (g), 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), and 1100.207(a);

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

D. Imposing upon Respondents 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, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

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
CCDD FILL RECORDKEEPING, REPORTING & FEE VIOLATIONS

1-39. Complainant adopts and incorporates by reference herein paragraphs 1 through 38 and 44 of Count I as paragraphs 1 through 39 of this Count II.

40. Sections 22.51(f)(2)(B), (f)(2)(D), and (f)(3) of the Act, 415 ILCS 5/22.51(f)(2)(B) and (D) and (3) (2014), provide:

(f) (2) Until the effective date of the Board rules adopted under subdivision (f)(1) of this Section, and in addition to any other requirements, owners and operators of clean construction or demolition debris fill operations must do all of the following in subdivisions (f)(2)(A) through (f)(2)(D) of this Section for all clean construction or demolition debris and uncontaminated soil accepted for use as fill material. The requirements in subdivisions (f)(2)(A) through (f)(2)(D) of this Section shall not limit any rules adopted by the Board.

* * *

(B) For all soil, obtain either (i) a certification from the owner or operator of the site from which the soil was removed that the site has never been used for commercial or industrial purposes and is presumed to be

uncontaminated soil or (ii) a certification from a licensed Professional Engineer or licensed Professional Geologist that the soil is uncontaminated soil. Certifications required under this subdivision (f)(2)(B) must be on forms and in a format prescribed by the Agency.

* * *

(D) Document all activities required under subdivision (f)(2) of this Section. Documentation of any chemical analysis must include, but is not limited to, (i) a copy of the lab analysis, (ii) accreditation status of the laboratory performing the analysis, and (iii) certification by an authorized agent of the laboratory that the analysis has been performed in accordance with the Agency's rules for the accreditation of environmental laboratories and the scope of accreditation.

(3) Owners and operators of clean construction or demolition debris fill operations must maintain all documentation required under subdivision (f)(2) of this Section for a minimum of 3 years following the receipt of each load of clean construction or demolition debris or uncontaminated soil, except that documentation relating to an appeal, litigation, or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. Copies of the documentation must be made available to the Agency and to units of local government for inspection and copying during normal business hours. The Agency may prescribe forms and formats for the documentation required under subdivision (f)(2) of this Section.

41. The Board regulations adopted under Section 22.51(f)(1) of the Act, 415 ILCS 5/22.51(f)(1), became effective August 27, 2012.

42. Section 1100.203 of the Board regulations, 35 Ill. Adm. Code 1100.203, provides:

The owner or operator must submit an annual facility map with the annual report required under Section 1100.211 to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under Sections 1100.305(a) through (d).

43. Section 1100.210 of the Board regulations, 35 Ill. Adm. Code 1100.210, provides in pertinent part:

The owner or operator must maintain an operating record at the facility or in some alternative location specified in the Agency permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours.

* * *

44. Section 1100.211 of the Board regulations, 35 Ill. Adm. Code 1100.211, provides in pertinent part:

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. For an uncontaminated soil fill operation, the first annual report shall be filed on the first of January that follows the year in which the facility is registered in accordance with this Part.

* * *

45. Section 1150.110 of the Board regulations, 35 Ill. Adm. Code 1150.110, provides:

Copies of all records required to be kept under this Part shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

46. Sections 1150.200(a), (b), (c), (d), and (e) of the Board regulations, 35 Ill. Adm. Code 1150.200(a)–(e), provide:

- (a) The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation.

- (b) For purposes of reporting and submitting fees, the operator shall prepare the following records from the Daily Record:
 - (1) Monthly Fill Record; and
 - (2) Quarterly Fill Summary.
- (c) Operators of CCDD fill operations shall submit each Monthly Fill Record, each Quarterly Fill Summary, and each fee payment:
 - (1) on the basis of weight, in tons, when the operator has weighed the CCDD and the uncontaminated soil received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470]; or
 - (2) on the basis of volume, as measured in cubic yards, when the measurement of the CCDD and the uncontaminated soil received is based on volume.
- (d) Each Monthly Fill Record and Quarterly Fill Summary submitted to the Agency must be on forms and in a format prescribed and provided by the Agency.
- (e) The Monthly Fill Record and Quarterly Fill Summary must be kept in accordance with Section 1150.110 of this Part.

47. Section 1150.205(a) of the Board regulations, 35 Ill. Adm. Code 1150.205(a), provides:

- (a) The Daily Fill Records must be maintained at the site of the CCDD fill operation and must include the Agency designated site number and the site name.

48. Sections 1150.210(a) and (b) of the Board regulations, 35 Ill. Adm. Code 1150.210(a)-(b), provide:

- (a) Monthly Fill Records must be maintained at the site of the CCDD fill operation and must include the following information:

- (1) The Agency designated site number, the site name, and the calendar month for which the record applies.
 - (2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, for each day of the calendar month.
- (b) On or before April 15, July 15, October 15 and January 15, the owner or operator of the CCDD fill operation shall submit to the Agency the Monthly Fill Records for the preceding three calendar months. The Monthly Fill Records must be submitted to the address in Section 1150.305.

49. Sections 1150.215(a) and (b) of the Board regulations, 35 Ill. Adm. Code 1150.215(a)-(b), provide:

- (a) The Quarterly Fill Summary must be maintained at the site of the CCDD fill operation and must include the following information:
- (1) The Agency designated site number, the site name, and the calendar quarter for which the summary applies.
 - (2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material in tons weighed or cubic yards measured:
 - (A) for each month of the calendar quarter;
 - (B) for the entire calendar quarter; and
 - (C) for the calendar year-to-date.
 - (3) The fee rate applicable under Section 22.51b of the Act.
- (b) The Quarterly Fill Summary must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. The Quarterly Fill Summary must be submitted to the address in Section 1150.305.

50. Section 1150.300(a) of the Board regulations, 35 Ill. Adm. Code 1150.300(a), provides:

- (a) Payment of the fee due under Section 22.51b of the Act must be made on a quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months.

51. Condition IV.1 of Permit No. CCDD2008-010-DE/OP issued to Respondent by Illinois EPA for the site provides in pertinent part:

By April 1 of each year, the annual report for the previous calendar year must be submitted to the Illinois EPA pursuant to [35 Ill. Adm. Code 1100.211 and 1100.203].

* * *

52. At the time of the April 25, 2012 inspection, Respondents did not have, for all soil accepted at the site, certification from an engineer or geologist that it was uncontaminated soil.

53. By not having, for all soil accepted at the site, certification from an engineer or geologist that it was uncontaminated soil, Respondents violated Section 22.51(f)(2)(B) of the Act, 415 ILCS 5/22.51(f)(2)(B) (2014).

54. At the time of the April 25, 2012 inspection, Respondents did not have documentation, including laboratory results, for the certification of all soil accepted at the site.

55. By not having documentation, including laboratory results, for the certification of all soil accepted at the site, Respondents violated Section 22.51(f)(2)(D) of the Act, 415 ILCS 5/21(f)(2)(D) (2014).

56. At the time of the April 25, 2012 inspection, Respondents had not maintained, for a minimum of three years, all documentation related to the certification of all soil accepted at the site.

57. By not maintaining, for a minimum of three years, all documentation related to the certification of all soil accepted at the site, Respondents violated Section 22.51(f)(3) of the Act, 415 ILCS 22.51(f)(3) (2014).

58. Respondents failed to submit to the Illinois EPA an annual facility map for calendar year 2012.

59. By failing to submit to the Illinois EPA an annual facility map for calendar year 2012, Respondents violated Section 1100.203 of the Board regulations, 35 Ill. Adm. Code 1100.203, and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

60. At the time of the November 7, 2013 inspection, Respondents failed to have and make available for inspection and copying the operating report for the site.

61. By failing to have and make available for inspection and copying the operating report for the site, Respondents violated Section 1100.210 of the Board regulations, 35 Ill. Adm. Code 1100.210, and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

62. Respondents failed to submit to the Illinois EPA an annual report for calendar year 2012.

63. By failing to submit to the Illinois EPA an annual report for calendar year 2012, Respondents violated Section 1100.211 of the Board regulations, 35 Ill. Adm. Code 1100.211, and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

64. By failing to submit to the Illinois EPA an annual report for calendar year 2012, Respondents violated Condition IV.1 of Permit No. CCDD2008-010-DE/OP issued to Respondents by the Illinois EPA for the site and, thereby, Section 22.51(b)(3) of the Act, 415 ILCS 5/22.51(b)(3) (2014).

65. At the time of the November 7, 2013 inspection, Respondents were not maintaining a daily record of the CCDD and uncontaminated soil accepted for use as fill material at the site.

66. By not maintaining a daily record of the CCDD and uncontaminated soil accepted for use as fill material at the site, Respondents violated Section 1150.200(a) of the Board regulations, 35 Ill. Adm. Code 1150.200(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

67. By not maintaining a daily fill record for the site that included the Illinois EPA designates site number and site name, Respondents violated Section 1150.205(a) of the Board regulations, 35 Ill. Adm. Code 1150.205(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

68. Respondents failed to prepare a monthly fill record and a quarterly fill summary for the second and third quarters of calendar year 2013.

69. By failing to prepare a monthly fill record and a quarterly fill summary for the second and third quarters of calendar year 2013, Respondents violated Section 1150.200(b) of the Board regulations, 35 Ill. Adm. Code 1150.200(b), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

70. Respondents failed to submit to the Illinois EPA each monthly fill record, each quarterly summary, and each fee payment for the second and third quarters of calendar year 2013.

71. By failing to submit to the Illinois EPA each monthly fill record, each quarterly summary, and each fee payment for the second and third quarters of calendar year 2013,

Respondents violated Section 1150.200(c) of the Board regulations, 35 Ill. Adm. Code 1150.200(c), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

72. Respondents failed to submit to the Illinois EPA each monthly fill record and each quarterly fill summary in the format prescribed by the Illinois EPA for the second and third quarters of calendar year 2013.

73. By failing to submit to the Illinois EPA each monthly fill record and each quarterly fill summary in the format prescribed by the Illinois EPA for the second and third quarters of calendar year 2013, Respondents violated Section 1150.200(d) of the Board regulations, 35 Ill. Adm. Code 1150.200(d), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

74. At the time of the November 7, 2013 inspection, Respondents were not maintaining monthly fill records and quarterly fill summaries for a minimum of three years and in a manner such that they were available for inspection and copying.

75. By not maintaining monthly fill records and quarterly fill summaries for a minimum of three years and in a manner such that they were available for inspection and copying, Respondents violated Section 1150.200(e) of the Board regulations, 35 Ill. Adm. Code 1150.200(e), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

76. At the time of the November 7, 2013 inspection, Respondents were not maintaining monthly fill records for the site that included the Illinois EPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for fill.

77. By not maintaining monthly fill records for the site that included the Illinois EPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for

fill, Respondents violated Section 1150.210(a) of the Board regulations, 35 Ill. Adm. Code 1150.210(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

78. Respondents failed to submit to the Illinois EPA the monthly fill records on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months.

79. By failing to submit to the Illinois EPA the monthly fill records on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months, Respondents violated Section 1150.210(b) of the Board regulations, 35 Ill. Adm. Code 1150.210(b), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

80. At the time of the November 7, 2013 inspection, Respondents were not maintaining quarterly fill summaries for the site that included the Illinois EPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for fill.

81. By not maintaining quarterly fill summaries for the site that included the Illinois EPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for fill, Respondents violated Section 1150.215(a) of the Board regulations, 35 Ill. Adm. Code 1150.215(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

82. Respondents failed to submit to the Illinois EPA the quarterly fill summaries on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months.

83. By failing to submit to the Illinois EPA the quarterly fill summaries on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months, Respondents violated Section 1150.215(b) of the Board regulations, 35 Ill. Adm. Code 1150.215(b), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

84. Respondents failed to submit to the Illinois EPA with the quarterly fill summaries the required fee payments for the site due on or before April 15, 2013 and July 15, 2013.

85. By failing to submit to the Illinois EPA with the quarterly fill summaries the required fee payments for the site due on or before April 15, 2013 and July 15, 2013, Respondents violated Section 1150.300(a) of the Board regulations, 35 Ill. Adm. Code 1150.300(a), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

86. By failing to retain all records required to be kept under the Board regulations, and to make those records available during normal hours for inspection and copying, Respondent violated Section 1150.110 of the Board regulations, 35 Ill. Adm. Code 1150.110, and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

87. At the time of the November 2, 2012 inspection, the monthly fill records, quarterly fill summary, and fee payment for the site were based on weight and determined without using a device certified under the Weights and Measures Act, 225 ILCS 470/1 *et seq.* (2014).

88. By basing the monthly fill records, quarterly fill summary, and fee payment for the site on weight determined without using a device certified under the Weights and Measures Act, 225 ILCS 470/1 *et seq.* (2014), Respondents violated Section 1150.200(c) of the Board regulations, 35 Ill. Adm. Code 1150.200(c), and Section 22.51(a) of the Act, 415 ILCS 5/22.51(a) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Sections 22.51(a), (b)(3), (f)(2)(B), (f)(2)(D), and (f)(3) of the Act, 415 ILCS 5/22.51(a), (b)(3), (f)(2)(B) and (D), and (f)(3) (2014), and Sections 1100.203, 1100.210, 1100.211, 1150.110, 1150.200(a), (b), (c), (d), and (e), 1150.205(a), 1150.210(a) and (b), 1150.215(a) and (b), and 1150.300(a) of the Board regulations, 35 Ill. Adm. Code 1100.203, 1100.210, 1100.211, 1150.110, 1150.200(a)–(e), 1150.205(a), 1150.210(a)–(b), 1150.215(a)–(b), and 1150.300(a);

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

D. Imposing upon Respondents 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, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

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
WATER POLLUTION

1–39. Complainant adopts and incorporates by reference herein paragraphs 1 through 38 and 44 of Count I as paragraphs 1 through 39 of this Count III.

40. Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2014), provide:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

* * *

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

41. Section 3.545 of the Act, 415 ILCS 5/3.545 (2014), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

42. Section 3.550 of the Act, 415 ILCS 5/3.550 (2014), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

43. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

44. Fill material, utilized at the site as alleged herein, is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

45. The groundwater into which contaminants have been discharged or threatened to be discharged is a “water” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2014).

46. The discharge of contaminants into groundwater at the site constitutes “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2014).

47. Respondents caused, threatened, or allowed the discharge of contaminants into the environment so as to tend to cause water pollution in Illinois by failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD.

48. By causing, threatening, or allowing the discharge of contaminants into the environment so as to tend to cause water pollution in Illinois by failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD, Respondents violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

49. Respondents deposited fill material upon the land at the site while failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD so as to create a water pollution hazard.

50. By depositing fill material upon the land at the site while failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD so as to create a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION,

INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2014);

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

D. Imposing upon Respondents for violating provisions of the Act 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, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

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
OPEN DUMPING

1-45. Complainant adopts and incorporates by reference herein paragraphs 1 through 38 and 44 of Count I and paragraphs 45 through 50 of Count III as paragraphs 1 through 45 of this Count IV.

46. Section 21(a) of the Act, 415 ILCS 5/21(a) (2014), provides:

No person shall:

(a) Cause or allow the open dumping of any waste.

47. Section 3.305 of the Act, 415 ILCS 5/3.305 (2014), provides the following definition:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

48. Section 3.535 of the Act, 415 ILCS 5/3.535 (2014), provides, in pertinent part, the following definition:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities

* * *

49. Section 3.445 of the Act, 415 ILCS 5/3.445 (2014), provides the following definition:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

50. At all times relevant to this Complaint, Respondents' facility was not a “sanitary landfill” as that term is defined by Section 3.445 of the Act, 415 ILCS 5/3.445 (2014).

51. Fill material, utilized at the site as alleged herein, is a “waste” as that term is defined by Section 3.305 of the Act, 415 ILCS 5/3.305 (2014).

52. The consolidation of waste at the site at times relevant to this Complaint is “open dumping” as that term is defined by Section 3.305 of the Act, 415 ILCS 5/3.305 (2014).

53. Respondents caused or allowed the open dumping of waste at the site by failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source

site that the soil accepted was not contaminated, and institute a load checking program for CCDD.

54. By causing or allowing the open dumping of waste at the site, Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2014);

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

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

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

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

COUNT V
OPEN DUMPING RESULTING IN LITTER

1-49. Complainant adopts and incorporates by reference herein paragraphs 1 through 38 and 44 of Count I, paragraphs 45 through 50 of Count III, and paragraphs 50 through 54 of Count IV as paragraphs 1 through 49 of this Count V.

50. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014), provides:

No person shall:

* * *

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(l) litter

51. Respondents caused or allowed the open dumping of waste at the site resulting in litter by failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD.

52. By causing or allowing the open dumping of waste at the site resulting in litter, Respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Section 21(p)(1) of the Act, 415 ILCS

5/21(p)(1) (2014);

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

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

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

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

COUNT VI
OPEN DUMPING RESULTING IN DEPOSITION OF GENERAL CONSTRUCTION OR
DEMOLITION DEBRIS

1-49. Complainant adopts and incorporates by reference herein paragraphs 1 through 38 and 44 of Count I, paragraphs 45 through 50 of Count III, and paragraphs 50 through 54 of Count IV as paragraphs 1 through 49 of this Count VI.

50. Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014), provides in pertinent part:

No person shall:

* * *

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

* * *

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act

* * *

51. Respondents caused or allowed the open dumping of waste at the site resulting in deposition of general construction or demolition debris by failing to restrict access to the active area by truckloads of fill material, obtain certifications from a source site that the soil accepted was not contaminated, and institute a load checking program for CCDD.

52. By causing or allowing the open dumping of waste at the site resulting in deposition of general construction or demolition debris, Respondents violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014).

PRAAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014).

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

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

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

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

COUNT VII
WASTE STORAGE, TREATMENT OR DISPOSAL OPERATING VIOLATIONS

1-113. Complainant adopts and incorporates by reference herein paragraphs 1 through 35 and 44 through 69 of Count I, paragraphs 52 through 88 of Count II, paragraphs 44 through 50 of Count III, paragraphs 50 through 54 of Count IV, paragraphs 51 through 52 of Count V, and paragraphs 51 through 52 of Count VI as paragraphs 1 through 113 of this Count VII.

114. Sections 21(d)(1), (d)(2), and (e), 415 ILCS 5/21(d)(1)-(2) and (e) (2014), provide in pertinent part:

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

(1) without a permit granted by the Agency or in violation of any conditions 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;

* * *

(2) in violation of any regulations or standards adopted by the Board under this Act;

* * *

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

115. Section 3.540 of the Act, 415 ILCS 5/3.540 (2014), provides the following definition:

“Waste disposal site” is a site on which solid waste is disposed.

116. Section 3.185 of the Act, 415 ILCS 5/3.185 (2014), provides the following definition:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

117. Section 812.101(a) of the Board regulations, 35 Ill. Adm. Code 812.101(a), provides:

- (a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

118. At all times relevant to this Complaint, Respondents did not have a permit to conduct a disposal operation at the site.

119. Respondents conducted a waste-disposal operation at the site without a permit granted by the Illinois EPA.

120. By conducting a waste-disposal operation at the site without a permit granted by the Illinois EPA, Respondents violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2014).

121. Respondents conducted a waste-disposal operation at the site in violation of requirements of the Act and regulations adopted thereunder.

122. By conducting a waste-disposal operation at the site in violation of requirements of the Act and regulations adopted thereunder, Respondents violated Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014).

123. Respondents failed to submit to the Illinois EPA an application for a permit to develop and operate a landfill.

124. By failing to submit to the Illinois EPA an application for a permit to develop and operate a landfill, Respondents violated Section 812.101(a) of the Board regulations, 35 Ill. Adm. Code 812.101(a), and Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN:

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

B. Finding that Respondents violated Sections 21(d)(1), (d)(2), and (e) of the Act, 415 ILCS 5/21(d)(1)–(2) and (e) (2014) and Section 812.101(a) of the Board regulations, 35 Ill. Adm. Code 812.101(a);

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

D. Imposing upon Respondents 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, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

- 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: 
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Environmental Bureau
Assistant Attorney General

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney General)
of the State of Illinois,)
Complainant,)
v.) PCB No.
LANGMAN CONSTRUCTION, INC.,)
an Iowa corporation, and RICHARD)
LANGMAN,)
Respondents.)

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 LANGMAN CONSTRUCTION, INC. and RICHARD LANGMAN ("Respondents"), (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 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 Respondents.

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 Langman Construction is an Iowa corporation authorized to do business in Illinois by the Illinois Secretary of State.

4. Langman Construction, Inc. operates an uncontaminated soil/clean construction and demolition debris fill business located at 220 34th Avenue, Rock Island, Rock Island County, Illinois (the "site" or the "facility").

5. Respondent Richard Langman owns the site.

6. Respondents hold Permit No. CCDD2008-010-DE/OP issued by the Illinois EPA on January 9, 2012 to develop and operate an existing clean construction or demolition debris ("CCDD") fill operation.

7. The Illinois EPA conducted compliance evaluation inspections of the site on April 25, 2012, August 16, 2012, November 2, 2012, March 22, 2013, November 7, 2013, and March 9, 2016.

B. Allegations of Non-Compliance

Complainant contends that Respondents have violated the following provisions of the Act and Board regulations:

Count I: CCDD Fill Operating Violations – Sections 22.51(a), (b)(3), (g)(1), and (g)(2) of the Act, 415 ILCS 5/22.51(a), (b)(3), and (g)(1)–(2) (2014), and Sections 1100.201(a), (b), (d), (e), and (g), 1100.205(a)(1)(A), (a)(1)(B), (b)(1)(A), (b)(2)(A), (b)(3), (b)(7), and (c), and 1100.207(a) of the Board regulations, 35 Ill. Adm. Code 1100.201(a)–(b), (d)–(e), and (g), 1100.205(a)(1)(A)–(B), (b)(1)(A), (2)(A), (3), and (7), and (c), and

1100.207(a).

- Count II: CCDD Fill Recordkeeping, Reporting & Fee Violations – Sections 22.51(a), (b)(3), (f)(2)(B), (f)(2)(D), and (f)(3) of the Act, 415 ILCS 5/22.51(a), (b)(3), (f)(2)(B) and (D), and (f)(3) (2014), and Sections 1100.203, 1100.210, 1100.211, 1150.110, 1150.200(a), (b), (c), (d), and (e), 1150.205(a), 1150.210(a) and (b), 1150.215(a) and (b), and 1150.300(a) of the Board regulations, 35 Ill. Adm. Code 1100.203, 1100.210, 1100.211, 1150.110, 1150.200(a)–(e), 1150.205(a), 1150.210(a)–(b), 1150.215(a)–(b), and 1150.300(a).
- Count III: Water Pollution – Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2014).
- Count IV: Open Dumping – Section 21(a) of the Act, 415 ILCS 5/21(a) (2014).
- Count V: Open Dumping Resulting In Litter – Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014).
- Count VI: Open Dumping Resulting In Deposition Of General Construction Or Demolition Debris – Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014).
- Count VII: Waste Storage, Treatment Or Disposal Operating Violations – Sections 21(d)(1), (d)(2), and (e) of the Act, 415 ILCS 5/21(d)(1)–(2) and (e) (2014) and Section 812.101(a) of the Board regulations, 35 Ill. Adm. Code 812.101(a).

C. Admission of Violations

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

D. Compliance Activities to Date

Respondents are in the process of resolving all violations by closing the facility per the closure process set forth in the facility's permit.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondents shall not raise as a defense to any enforcement action taken pursuant to this

Stipulation the failure of the individual respondent or any of the officers, directors, agents, employees or successors or assigns of the corporate respondent to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondents 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 Respondents under this Stipulation. In the event that either respondent proposes to sell or transfer any real property or operations subject to this Stipulation, Respondents 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. The transferring respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondents site access and all cooperation necessary for Respondents to perform to completion any compliance obligation(s) required by this Stipulation. Respondents shall provide a copy of this Stipulation to any such successor in interest and Respondents shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, Respondents 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, Respondents. This provision does not relieve Respondents 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 Respondents cited in the Complaint.
2. At the time of the inspections and violations, the facility was operating as a CCDD fill. Such a facility carries both social and economic value.
3. Because Respondents have initiated the closure process, suitability is not a factor.
4. It is technically practicable and economically reasonable for Respondents to maintain compliance with applicable regulations.
5. Respondents have undertaken measures to resolve the violations and will maintain this resolution.

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 posed a moderate potential for harm as they presented an adverse effect on the regulatory purposes of the CCDD fill program. The violations have existed since, at the latest, April 25, 2012, and will continue until the closure

process is complete.

2. Respondents demonstrated diligence by initiating the closure process after the violations were brought to their attention.

3. The civil penalty takes into account any economic benefit realized by Respondents as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of \$13,100.00 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 Respondents.

6. Respondents did not voluntarily disclose the non-compliance to Illinois EPA.

7. The settlement of this matter does not include a supplemental environmental project.

8. Respondents did not enter into a Compliance Commitment Agreement.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

1. Respondents shall jointly and severally pay a civil penalty in the sum of \$13,100.00 within thirty days of the date the Board adopts and accepts this Stipulation.

B. **Interest and Default**

1. If Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondents 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 Respondents 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. By August 1, 2016, Respondents shall close the facility according to the closure procedure set forth in the facility's permit, issued on January 9, 2012.

2. By September 1, 2016, Respondents shall submit all documentation required under the closure procedure set forth in the facility's permit to the Illinois EPA.

3. 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 Respondents' 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.

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

5. Respondents 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 Respondents' payment of the \$13,100.00 penalty, their commitment to cease and desist as contained in Paragraph V.D.5 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, Complainant releases, waives, and discharges Respondents 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 Respondents 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 Respondents' 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 Respondents.

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

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

As to Respondents

William Stengel
Stengel, Bailey & Robertson

100 17th Street, Suite 405
Rock Island, Illinois 61201

Name
Name
Address
Address

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

ALEC MESSINA, Acting Director
Illinois Environmental Protection Agency

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

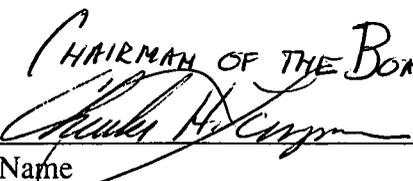
BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 09/01/2016

DATE: 8/29/16

LANGMAN CONSTRUCTION, INC.

RICHARD LANGMAN

BY: 
Name

CHAIRMAN OF THE BOARD OF DIRECTORS
BY: _____
Name

DATE: July 24, 2016

DATE: _____

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

ALEC MESSINA, Acting Director
Illinois Environmental Protection Agency

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

BY: _____
JOHN J. KIM
Chief Legal Counsel

DATE: _____

DATE: _____

LANGMAN CONSTRUCTION, INC.

RICHARD LANGMAN

BY:  _____
Name

BY:  _____
Name

DATE: _____

DATE: July 24, 2016

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by LISA MADIGAN, Attorney General)
 of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 LANGMAN CONSTRUCTION, INC.,)
 an Iowa corporation, and RICHARD)
 LANGMAN,)
)
 Respondents.)

PCB No.

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. Simultaneously with the filing of this motion, Complainant is filing the initial Complaint in this matter as well as a Stipulation and Proposal for Settlement executed between Complainant and Respondents, Langman Construction, Inc. and Richard Langman.

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:



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Environmental Bureau
Assistant Attorney General

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