

fill material at a CCDD fill operation; 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; 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; 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; 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; failing to ensure that the site had an inspector to institute and conduct a load checking program; failing to make available for inspection and copying documentation required under a load checking program; and failing to institute and conduct a load checking program and make documentation required thereunder available for inspection and copying.

In Count II, the People allege that respondents violated Section 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), (f)(2)(D), (f)(3) (2014)); 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's regulations (35 Ill. Adm. Code 1100.203, 1100.210, 1100.211, 1150.110, 1150.200(a), 1150.200(b), 1150.200(c), 1150.200(d), 1150.200(e), 1150.205(a), 1150.210(a), 1150.210(b), 1150.215(a), 1150.215(b), 1150.300(a); and Condition IV.1 of Permit No. CCDD2008-010-DE/OP issued to respondents by IEPA for the site by not having for all soil accepted at the site certification from an engineer or geologist that it was uncontaminated soil; not having documentation, including laboratory results, for the certification of all soil accepted at the site; not maintaining, for a minimum of three years, all documentation related to the certification of all soil accepted at the site; failing to submit to IEPA an annual facility map for calendar year 2012; failing to have and make available for inspection and copying the operating report for the site; failing to submit to the IEPA an annual report for calendar year 2012; not maintaining a daily record of the CCDD and uncontaminated soil accepted for use as fill material at the site; not maintaining a daily fill record for the site that included the IEPA designated site number and site name; failing to prepare a monthly fill record and a quarterly fill summary for the second and third quarters of calendar year 2013; failing to submit to IEPA each monthly fill record, each quarterly summary, and each fee payment for the second and third quarters of calendar year 2013; failing to submit to IEPA each monthly fill record and each quarterly fill summary in the format prescribed by IEPA for the second and third quarters of calendar year 2013; 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; not maintaining monthly fill records for the site that included the IEPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for fill; failing to submit to IEPA the monthly fill records on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months; not maintaining quarterly fill summaries for the site that included the IEPA-designated site number, site name, and total quantity of CCDD and uncontaminated soil used for fill; failing to submit to IEPA the quarterly fill summaries on or before April 15, 2013 and July 15, 2013 for the preceding three calendar months; failing to submit to IEPA with the quarterly fill summaries the required fee payments for the site due on or before April 15, 2013 and July 15, 2013; 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; and 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).

In Count III, the People allege that respondents violated Section 12(a) of the Act (415 ILCS 5/12(a) (2014)) 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. The People also allege that respondents violated Section 12(d) of the Act (415 ILCS 5/12(d) (2014)) 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.

In Count IV, the People allege that respondents violated Section 21(a) of the Act (415 ILCS 5/21(a) (2014)) by causing or allowing 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.

In Count V, the People allege that respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014), by causing or allowing the open dumping of waste resulting in litter 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.

In Count VI, the People allege that respondents violated Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2014)) by causing or allowing the open dumping of waste resulting in deposition of general construction or demolition debris 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.

In Count VII, the People allege that Respondents violated Sections 21(d)(1), (d)(2), and (e) of the Act (415 ILCS 5/21(d)(1), (d)(2), and (e) (2014)) and Section 812.101(a) of the Board's regulations (35 Ill. Adm. Code 812.101(a)) by conducting a waste-disposal operation at the site without a permit granted by IEPA; conducting a waste-disposal operation at the site in violation of requirements of the Act and regulations adopted thereunder; and failing to submit an application for a permit to develop and operate a landfill to IEPA.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On September 7, 2016, simultaneously with the People's complaint, the People and respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), which requires that

the public have an opportunity to request a hearing whenever the State and respondents propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Respondents admit the alleged violations and agree to pay a civil penalty of \$13,100.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 22, 2016, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Clerk
Illinois Pollution Control Board