ILLINOIS POLLUTION CONTROL BOARD September 19, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB 19-51
SE TRANSPORT, INC., an Illinois corporation,) (Enforcement - Land))
Respondent.))

ORDER OF THE BOARD (by C.M. Santos):

On August 17, 2018, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against SE Transport, Inc. (SE Transport). The complaint concerns SE Transport's waste transportation facility located at 1950 Westgate Drive in Columbia, Monroe County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that SE Transport violated Sections 21(e), 21(f)(1), 21(f)(2), 21(g)(2), and 21(j) of the Environmental Protection Act (Act) (415 ILCS 5/21(e), 21(f)(1), 21(f)(2), 21(g)(2), 21(j) (2018)); Sections 703.121(a), 703.121(b), 723.121(a), 725.131, 725.135, 725.212(a), 725.242(a), 725.243, 725.271, 725.273(a), 725.274, and 728.150(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 703.121(a), 703.121(b), 723.121(a), 725.115(a), 725.131, 725.135, 725.212(a), 725.242(a), 725.243, 725.271, 725.273(a), 725.274, 728.150(a)); and Standard Conditions 3, 8, and 13 of its Special Waste Hauling Permit No. 5285.

The People alleged in Count I that SE Transport violated these provisions by failing to deliver shipments of hazardous waste from a generator to the facility designated on the shipment's manifest or other authorized destination; storing shipments of special waste at its facility, which was not the designated recipient and not permitted for such storage; conducting special waste hauling in vehicles not enumerated in its permit and without requesting modification of the permit; and conducting special waste hauling in violation of the Act and Board regulations.

The People allege in Count II that SE Transport violated these provisions by conducting a hazardous waste storage operation and hazardous waste management unit at its facility without a Resource Conservation and Recovery Act (RCRA) permit.

The People allege in Count III that SE Transport violated these provisions by failing to conduct inspections of the facility where hazardous waste was stored; failing to maintain its facility so as to minimize the possibility of an unplanned release of the hazardous waste or hazardous waste constituents; failing to maintain aisle space in trailers where hazardous waste was stored; failing to transfer hazardous waste from containers that were in poor condition to containers that were in good condition; storing hazardous waste in a container that was not closed; failing to conduct weekly inspections of area where hazardous waste was stored to look for leaking or deteriorated containers; and storing hazardous waste in drums and boxes that did not have labels and/or accumulation start dates on the container.

The People allege in Count IV that SE Transport violated these provisions by failing to maintain a written closure plan for its facility; failing to maintain a detailed written estimate of the cost of closing its facility; and failing to maintain documentation of financial assurance for closure of its facility.

On September 10, 2019, the People and SE Transport 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, SE Transport does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$400.

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, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 19, 2019 by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown