

ILLINOIS POLLUTION CONTROL BOARD  
March 5, 2020

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 20-32  
) (Enforcement – Water, NPDES, Land)  
LANDFILL 33 LTD., an Illinois corporation, )  
and WENDT FAMILY TRUST, an Illinois )  
trust, )  
)  
Respondents.

ORDER OF THE BOARD (by A. Palivos):

On November 27, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Landfill 33 Ltd. and the Wendt Family Trust (collectively, respondents). The complaint concerns the Respondent’s municipal solid waste landfill at 1713 South Willow Street, Effingham, Effingham 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 the following:

**Count I**—Respondents violated Section 12(a) of the Act (415 ILCS 5/12(a) (2018)) by causing, threatening, or allowing the discharge of leachate into the environment so as to cause water pollution;

**Count II**—Respondents violated Section 304.106 of the Board water pollution regulations (35 Ill. Adm. Code 304.106) by causing or allowing “offensive discharges” thereby creating water pollution. By violating Section 304.106 of the Board’s regulations, respondents also violated Section 12(d) of the Act (415 ILCS 5/12(d) (2018)) by depositing contaminants on the land so as to create water pollution;

**Count III**—Respondents violated Section 302.203 of the Board’s water pollution regulations (35 Ill. Adm. Code 302.203) by causing or allowing the discharge of contaminants from its operating system to enter Salt Creek. By violating Section 302.203 of the Board’s regulations, respondents also violated Section 12(a) of the Act (415 ILCS 5/12(a) (2018)) by causing, threatening, or allowing the discharge of leachate into the environment so as to cause water pollution;

**Count IV**—Respondents violated Sections 304.120(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 304.120(a)) by exceeding applicable effluent standards for five day biochemical oxygen demand. Respondents also thereby violated the board’s applicable water quality standards (35 Ill. Adm. Code 304.105) by exceeding applicable effluent standards. In turn, by violating Sections 304.120(a) and 304.105 of the Board’s regulations, respondents also violated Section 12(a) of the Act (415 ILCS 5/12(a) (2018)) by causing, threatening, or allowing the discharge of leachate into the environment so as to cause water pollution;

**Count V**—Respondents violated Section 12(d) of the Act (415 ILCS 5/12(d) (2018)) by depositing contaminants upon the land, specifically leachate, in a place and manner so as to create water pollution;

**Count VI**—Respondents violated Section 309.102(a) of the Board’s regulations (35 Ill. Adm. Code 309.102(a)) and Section 12(f) of the Act (415 ILCS 5/12(f) (2018)) by causing, threatening, or allowing the discharge of contaminants into waters of the State from a point source without a National Pollutant Discharge Elimination System (NPDES) permit;

**Count VII**—Respondents violated Conditions II.2.b and II.2.c of permit modification No. 80 for conducting operations such that leachate flows entered waters of the State and exited landfill confines. By violating Conditions II.2.b. and II.2.c., respondents also violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2018)) by conducting waste-storage, waste-treatment, or waste-disposal operations in violation of permitted conditions;

**Count VIII**—Respondents violated Sections 21(o)(2) and (3) of the Act (415 ILCS 5/21(o)(2) and (3) (2018)) by allowing leachate flows from the facility to exit the confines thereof and enter the waters of the state; and

**Count IX**—Respondents, by violating the Act and causing the death of fish, are liable under Section 42(c) of the Act (415 ILCS 5/42(c) (2018)) for the reasonable value of the fish that were killed.

On February 24, 2020, the People and the Respondent’s 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, the Respondents do not affirmatively admit the allegations and agree to pay a civil penalty of \$18,000.00.

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 comment or demand for hearing within 30 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) (2018); 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 March 5, 2020 by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board