

3/31/2020

To whom it may concern:

PLEASE TAKE NOTICE that this communication serves as a response to the Motion for Relief from Hearing Requirement filed with the Illinois Pollution Control Board regarding:

PEOPLE OF THE STATE OF
ILLINOIS, by KWAME RAOUL,
Attorney General of the State of Illinois,
Complainant,

v.

LANDFILL 33 LTD., an Illinois
Corporation, and WENDT FAMILY
TRUST, an Illinois trust,
Respondents.

PCB 20-32

WE THE PEOPLE, of Effingham County, and the state of Illinois., hereby request that the Public Hearing Requirement be honored in this case. Upon review of the STIPULATION AND PROPOSAL FOR SETTLEMENT, in the electronically filed document on 2/24/2020, we hereby believe there to be untrue representations and/or do not agree with the following sections:

I. STATEMENT OF FACTS

- C. Non-Admission of Violations
- D. Compliance Activities to Date

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

The following response statements by the Parties to the Stipulation:

- 3. Operation of the Facility as currently permitted was and is suitable for the area in which it is located.
- 4. The installation of measures to prevent further equipment failures from occurring that result in leachate releases from the Facility was both technically practicable and economically reasonable.
- 5. Respondents have subsequently complied with the Act and the Board Regulations.

IV. CONSIDERATION OF SECTION 42(H) FACTORS

The following response statements by the Parties to the Stipulation:

- 2. Respondents were diligent in attempting to come back into compliance, respondents removing released leachate that had collected in the unnamed tributary to Salt Creek within 24 hours of being notified of the leachate release.
- 4. Complainant has determined that a penalty of \$18,000.00 will serve to deter further violations and aid in future voluntary compliance with the Act and board regulations.

V. TERMS OF SETTLEMENT

E. **RELEASE FROM LIABILITY**

To include:

- 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
- d. liability or claims based on the Respondent's failure to satisfy the requirements of the Stipulation.

In closing: WE THE PEOPLE, of Effingham County, and the state of Illinois., hereby request that the Public Hearing Requirement be honored in this case. We will provide our account on details of untrue representations and disagreements in each section listed above in this document when a public hearing occurs.

This document is being emailed to the Clerk of the Illinois Pollution Control Board on 3/31/2020. Email address being sent to: don.brown@il.gov.

We will also be mailing a copy of this letter to:
Clerk of the Illinois Pollution Control Board,
100 West Randolph Street,
Suite 11-500,
Chicago, Illinois, 60601

Point of Contact for hearing request:
Dan Borries
15497 E 1300th Ave
Teutopolis, IL
62467
Email: danborries@gmail.com
Phone: 217-857-3692

Electronic Filing: Received, Clerk's Office 04/01/2020

From: [Dan Borries](#)
To: [Brown, Don](#)
Subject: [External] Public Comment & Hearing Demand
Date: Tuesday, March 31, 2020 5:59:22 PM
Attachments: [PCB20-32 Public Hearing Request.pdf](#)

Hello Don,

Please see attached. Please let me know if anything additional is needed from me.

Dan Borries