

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	
AUX SABLE LIQUID PRODUCTS, INC., a	)	(Enforcement- Land)
Delaware corporation, AUX SABLE LIQUID	)	
PRODUCTS LP, a Delaware limited partnership,	)	
CLEAN HARBORS ENVIRONMENTAL	)	
SERVICES, INC., a Massachusetts corporation,	)	
and WASTE MANAGEMENT OF	)	
ILLINOIS, INC., a Delaware corporation,	)	
	)	
Respondents.	)	
	)	
	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

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

By: /s/ Elizabeth Dubats  
ELIZABETH DUBATS  
Assistant Attorney General  
Environmental Bureau

Illinois Attorney General's Office  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(312) 814-2069  
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Date: 30 June 2020

Service List

For the Respondents

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AUX SABLE LIQUID PRODUCTS LP

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WASTE MANAGEMENT OF ILLINOIS

Molly Snittjer  
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**CERTIFICATE OF SERVICE**

I, Elizabeth Dubats, an Assistant Attorney General, certify that on the 30th day of June 30, I caused to be served by Certified Mail Return Receipt Requested the foregoing Notice of Filing and Complaint to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

/s/ Elizabeth Dubats  
Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-2069  
edubats@atg.state.il.us

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PEOPLE OF THE STATE OF ILLINOIS,	)	
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Complainant,	)	
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Delaware corporation, AUX SABLE LIQUID	)	
PRODUCTS LP, a Delaware limited partnership,	)	
CLEAN HARBORS ENVIRONMENTAL	)	
SERVICES, INC., a Massachusetts corporation,	)	
and WASTE MANAGEMENT OF	)	
ILLINOIS, INC., a Delaware corporation,	)	
	)	
Respondents.	)	
	)	
	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondents, AUX SABLE LIQUID PRODUCTS, INC., AUX SABLE LIQUID PRODUCTS LP, CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., and WASTE MANAGEMENT OF ILLINOIS, INC., as follows:

**COUNT I**  
**IMPROPER DISPOSAL OF HAZARDOUS WASTE (AS TO AUX SABLE LIQUID PRODUCTS, INC AND AUX SABLE LIQUID PRODUCTS LP)**

1. This Complaint is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS by KWAME RAOUL, Attorney General of the State of Illinois, on his 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 (2018).

2. Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2018), and is charged, *inter alia*, with the duty of enforcing the Act and regulations promulgated by the Illinois Pollution Control Board (“Board”).

3. At all times relevant to the Complaint, Respondent, AUX SABLE LIQUID PRODUCTS LP, was and is a Delaware limited partnership that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent, AUX SABLE LIQUID PRODUCTS LP, owned and operated a natural gas liquids extraction and fractionation facility located at 6155 East State Route 6, Morris, Grundy County, Illinois 60436 (“Aux Sable Facility”).

5. Respondent, AUX SABLE LIQUID PRODUCTS, INC., is a Delaware corporation, duly authorized to transact business in the State of Illinois.

6. At all times relevant to the Complaint, Respondent AUX SABLE LIQUID PRODUCTS, INC. was the managing general partner of Respondent AUX SABLE LIQUID PRODUCTS LP and, in that capacity, managed, controlled, administered, and operated the business and affairs of AUX SABLE LIQUID PRODUCTS LP (collectively “Aux Sable Respondents”).

7. In the course of their operations, Aux Sable Respondents generate molecular sieve material containing benzene (“contaminated molecular sieve material”).

8. Respondent, CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. (“Clean Harbors”), is a Massachusetts corporation, duly authorized to transact business in the State of Illinois.

9. Respondent Clean Harbors provides a range of environmental services such as hazardous waste management, emergency spill response, industrial cleaning and maintenance, and recycling services.

10. Respondent, WASTE MANAGEMENT OF ILLINOIS, INC. (“Waste Management”), is a Delaware corporation, duly authorized to transact business in the State of Illinois.

11. Respondent Waste Management owns and operates the Laraway Recycling and Disposal Facility located at 21233 West Laraway Road, Joliet, Will County, Illinois 60436 (“Laraway Facility”).

12. The Laraway Facility includes an active landfill permitted by Illinois EPA (Permit No. B-141R-M-126) to accept municipal solid waste and other non-hazardous waste.

13. A portion of the Laraway Facility, separate from the landfill, was at one time permitted by the Illinois EPA to accept hazardous waste. However, on September 10, 1992, the hazardous waste portion of the Laraway Facility was certified closed, and it is no longer permitted to accept hazardous waste.

14. On March 9, 2018, a roll-off box containing 4.38 tons of contaminated molecular sieve material generated by Aux Sable Respondents was present at the Aux Sable Facility. The material in the roll-off box had a benzene concentration of 1.06 milligrams per liter (“mg/l”) and was labeled as containing hazardous waste.

15. On March 9, 2018, Respondent Clean Harbors hauled the roll-off box containing the contaminated molecular sieve material to the Laraway Facility and deposited the material in a waste trench in the active solid waste portion of the Facility.

16. On March 9, 2018, or on a date better known to Respondents, Respondent Clean Harbors and Aux Sable Respondents contacted the Illinois EPA to report and discuss the disposal of the contaminated molecular sieve material and the measures necessary to remediate the contamination.

17. On April 3, 2018, Respondent Clean Harbors, Aux Sable Respondents, and Respondent Waste Management submitted to Illinois EPA, for review and approval, a work plan for the removal of the contaminated molecular sieve material from the Laraway Facility.

18. On April 18, 2018, Illinois EPA approved the work plan for removal of the contaminated molecular sieve material from the Laraway Facility.

19. On April 25 and 26, 2018, Respondent Clean Harbors, Aux Sable Respondents, and Respondent Waste Management excavated approximately 175 cubic yards of material mixed with the contaminated molecular sieve material from the Laraway Facility. The excavated material was then transported to a facility in Ontario, Canada that is authorized to receive hazardous waste.

20. Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), provides as follows:

No person shall:

\* \* \*

(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.

21. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

“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.



22. Aux Sable Respondents are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

23. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018) provides, in pertinent part, as follows:

“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, ....

24. The contaminated molecular sieve material was discarded by Aux Sable Respondents, and is therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2018).

25. Pursuant to authority granted under the Act, and in conformance with the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. 6901 *et seq.*, the Board has promulgated regulations applicable to the disposal of solid waste, codified at 35 Ill. Adm. Code Subtitle G, Chapter I (“Board Waste Disposal Regulations”).

26. Section 721.102 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part, as follows:

- (a) Solid waste.
  - 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
  - 2) A discarded material is any material that is described as follows:
    - A) Abandoned, as explained in subsection (b) of this Section;

\* \* \*

(b) A material is a solid waste if it is abandoned in one of the following ways:

1) It is disposed of;

\* \* \*

27. The contaminated molecular sieve material was abandoned through disposal in a waste trench at the Laraway Facility, and was therefore “discarded”. The contaminated molecular sieve material is therefore “solid waste” as that term is defined in the Board Waste Disposal Regulations.

28. Section 721.120 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.120, provides, in pertinent part, as follows:

(a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart C.

\* \* \*

29. Section 721.124 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.124, provides, in pertinent part, as follows:

(a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure (TCLP)...the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) of this Section at a concentration equal to or greater than the respective value given in that table....

(b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

<i>USEPA Hazardous Waste No.</i>	<i>Contaminant</i>	<i>CAS No.</i>	<i>Regulatory Level (mg/L)</i>
*		*	*
<i>D018</i>	<i>Benzene</i>	<i>71-43-2</i>	<i>0.5</i>
*		*	*

30. Aux Sable Respondents tested the contaminated molecular sieve material using the toxicity characteristic leaching procedure, and found benzene at a concentration of 1.06 mg/L, which exceeded the maximum benzene concentration listed in Section 721.124 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.124. The contaminated molecular sieve material was therefore “hazardous waste,” with the USEPA Hazardous Waste number of D018.

31. Section 3.185 of the Act, 415 ILCS 5/3.185 (2018), provides as follows:

"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.

32. Aux Sable Respondents’ arrangement for the transport of hazardous waste that was deposited at the Laraway Facility constituted “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2018).

33. Aux Sable Respondents disposed of hazardous waste at the Laraway Facility, a facility not permitted for the disposal of hazardous waste, and therefore not meeting the requirements of the Act. Aux Sable Respondents thereby violated Section 21(e) of the Act, 415

ILCS 5/21(e) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, AUX SABLE LIQUID PRODUCTS, INC. and AUX SABLE LIQUID PRODUCTS LP, for the following relief on Count I:

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

B. Finding that Aux Sable Respondents have violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018);

C. Ordering Aux Sable Respondents to cease and desist from any further violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2018);

D. Assessing against Aux Sable Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Aux Sable Respondents; and

F. Granting such other relief as the Board deems appropriate and just.

**COUNT II**  
**IMPROPER DISPOSAL OF HAZARDOUS WASTE (AS TO CLEAN HARBORS**  
**ENVIRONMENTAL SERVICES, INC.)**

1-31. Complainant hereby realleges and incorporates by reference herein paragraphs 1 through 31 of Count I as paragraphs 1 through 31 of this Count II.

32. Respondent Clean Harbors is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

33. Respondent Clean Harbors’ transportation and deposit of hazardous waste at the Laraway Facility constituted “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2018).

34. Respondent Clean Harbors disposed of hazardous waste at the Laraway Facility, a facility not permitted for the disposal of hazardous waste, and therefore not meeting the requirements of the Act. Respondent Clean Harbors thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., for the following relief on Count II:

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

B. Finding that Respondent Clean Harbors has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018);

C. Ordering Respondent Clean Harbors to cease and desist from any further violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2018);

D. Assessing against Respondent Clean Harbors a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent Clean Harbors; and

F. Granting such other relief as the Board deems appropriate and just.

**COUNT III**  
**FAILURE TO PREPARE A HAZARDOUS WASTE MANIFEST (AS TO AUX SABLE LIQUID PRODUCTS, INC. AND AUX SABLE LIQUID PRODUCTS LP)**

1-33. Complainant hereby realleges and incorporates by reference herein paragraphs 1 through 19 and 21 through 32 of Count I, and paragraphs 32 and 33 of Count II as paragraphs 1 through 33 of this Count III.

34. On March 9, 2018, Aux Sable Respondents offered the contaminated molecular sieve material to Respondent Clean Harbors for transportation for off-site disposal without preparing a manifest on United States Environmental Protection Agency (“USEPA”) Form 8700-22.

35. Section 720.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 720.110, provides, in pertinent part, as follows:

\* \* \*

“Generator” means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

\* \* \*

“Large quantity generator” or “LQG” means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;  
Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm.  
Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or  
other debris resulting from the cleanup of a spill, into or on any land or  
water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or  
721.133(e).

\* \* \*

“Small quantity generator” or “SQG” means a generator that generates the  
following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of  
non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35  
Ill Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil,  
water, or other debris resulting from the cleanup of a spill, into or on any  
land or water, of any acute hazardous waste listed in 35 Ill Adm. Code  
721.131 or 721.133(e).

\* \* \*

“Transporter” means a person engaged in the off-site transportation of  
hazardous waste by air, rail, highway, or water.

\* \* \*

36. Aux Sable Respondents’ natural gas processing activities produced the contaminated  
molecular sieve material, a hazardous waste. Aux Sable Respondents are therefore “generators” of  
hazardous waste as that term is defined in Section 720.110 of the Board Waste Disposal  
Regulations, 35 Ill. Adm. Code 720.110.

37. As of March 9, 2018, on dates better known to Aux Sable Respondents, Aux Sable  
Respondents generate greater than or equal to 1,000 kg (2,200 lbs) of hazardous waste in a calendar

month. Aux Sable Respondents are therefore “large quantity generators” of hazardous waste as that term is defined in Section 720.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 720.110.

38. On March 9, 2018, Respondent Clean Harbors picked up and transported a roll-off box containing the contaminated molecular sieve material from the Aux Sable Facility to the Laraway Facility. Respondent Clean Harbors is therefore a “transporter” of hazardous waste as that term is defined in Section 720.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 720.110.

39. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), provides, in pertinent part, as follows:

(a) Manifest Form Required

1) An SQG or LQG that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

40. Aux Sable Respondents offered a hazardous waste for transportation for off-site disposal without first preparing a manifest on USEPA Form 8700-22. Aux Sable Respondents thereby violated Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, AUX SABLE LIQUID PRODUCTS, INC. and AUX SABLE LIQUID PRODUCTS LP, for the following relief on Count III:



- A. Authorizing a hearing in this matter at which time Aux Sable Respondents will be required to answer the allegations herein;
- B. Finding that Aux Sable Respondents have violated Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a);
- C. Ordering Aux Sable Respondents to cease and desist from any further violation of Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a);
- D. Assessing against Aux Sable Respondents a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each day of violation of Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a);
- E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Aux Sable Respondents; and
- F. Granting such other relief as the Board deems appropriate and just.

**COUNT IV**  
**VIOLATION OF REGULATIONS APPLICABLE**  
**TO TRANSPORTERS OF HAZARDOUS WASTE (AS TO CLEAN HARBORS**  
**ENVIRONMENTAL SERVICES, INC.)**

1-39. Complainant hereby realleges and incorporates by reference herein, paragraphs 1 through 19 and 21 through 32 of Count I, paragraphs 32 and 33 of Count II, and paragraphs 34 through 39 of Count III as paragraphs 1 through 39 of this Count IV.

40. On March 9, 2018, Respondent Clean Harbors accepted a roll-off box containing contaminated molecular sieve material, a hazardous waste. However, Respondent Clean Harbors failed to obtain a manifest on USEPA Form 8700-22 prior to transporting and disposing of the waste at the Laraway Facility.

41. Section 21 of the Act, 415 ILCS 5/21 (2018), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(g) Conduct any hazardous waste-transportation operation:

\* \* \*

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

42. Section 723.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120(a), provides, in pertinent part, as follows:

(a) No acceptance without a manifest.

1) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722.120....

43. Respondent Clean Harbors, a transporter, accepted from Aux Sable Respondents, generators, and transported hazardous waste without a hazardous waste manifest, and thereby violated Section 723.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120(a).

44. By violating the Board's hazardous waste manifest requirement while conducting a hazardous waste-transportation operation, Respondent Clean Harbors violated Section 21(g)(2) of the Act, 415 ILCS 5/21(g)(2) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., for the following relief on Count IV:

- A. Authorizing a hearing in this matter at which time Respondent Clean Harbors will be required to answer the allegations herein;
- B. Finding that Respondent Clean Harbors has violated Section 21(g)(2) of the Act, 415 ILCS 5/21(g)(2) (2018), and Section 723.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120(a);
- C. Ordering Respondent Clean Harbors to cease and desist from any further violation of Section 21(g)(2) of the Act, 415 ILCS 5/21(g)(2) (2018), and Section 723.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120(a);
- D. Assessing against Respondent Clean Harbors a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each day of violation of the Act and Section 723.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120(a);
- E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent Clean Harbors; and
- F. Granting such other relief as the Board deems appropriate and just.

**COUNT V**  
**VIOLATION OF LANDFILL OPERATING PERMIT (AS TO WASTE MANAGEMENT OF ILLINOIS, INC.)**

1-33. Complainant hereby realleges and incorporates by reference herein paragraphs 1 through 19 and 21 through 32 of Count I, and paragraphs 32 and 33 of Count II, as paragraphs 1 through 33 of this Count V.

34. On May 17, 2010, the Illinois EPA issued the Laraway Facility RCRA Post-Closure Permit No. B-141R-M-126. Permit No. B-141R-M-126 consolidates design, construction, operation, maintenance, monitoring, and closure requirements for the solid waste landfills at the

Laraway Facility with the terms of post-closure care for the closed RCRA unit.

35. Permit No. B-141R-M-126 allows the disposal of municipal solid waste at the Laraway Facility, pursuant to enumerated conditions.

36. Permit No. B-141R-M-126 provides, in pertinent part, as follows:

III.

D. OPERATING CONDITIONS

\* \* \*

2. The operator of this solid waste facility shall not conduct the operation in a manner which results in any of the following:

\* \* \*

(g) acceptance of wastes without necessary permits;

\* \* \*

(j) acceptance of a special waste without a required manifest and identification record;

37. On March 9, 2018, or date better known to Respondents, contaminated molecular sieve material generated by Aux Sable Respondents was transported by Respondent Clean Harbors and deposited at the Laraway Facility where Respondent Waste Management accepted it for disposal.

38. At all times relevant to this Complaint, Permit No. B-141R-M-126 did not allow the disposal of hazardous waste at the Laraway Facility.

39. At all times relevant to this Complaint, Respondent Waste Management was not issued a RCRA permit allowing it to conduct a hazardous waste disposal operation in the solid waste landfill portion of the Facility.

40. By accepting the contaminated molecular sieve material, a hazardous waste, from the Aux Sable Facility and disposing of it at the Laraway Facility without the necessary permit, Respondent Waste Management violated Condition III.D.2.g of Permit No. B-141R-M-126.

41. Section 3.475 of the Act, 415 ILCS 5/3.475 (2018), provides, in pertinent part, as follows:

“Special waste” means any of the following:

- (a) potentially infectious medical waste;
- (b) hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in Section 722.111 of Title 35 of the Illinois Administrative Code, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with Section 726.212 of Title 35 of the Illinois Administrative Code and proven to be nonhazardous;

\* \* \*

42. As the contaminated molecular sieve material is a hazardous waste, it is also a “special waste” as that term is defined in Section 3.475(b) of the Act, 415 ILCS 5/3.475(b) (2018).

43. Respondent Waste Management accepted the contaminated molecular sieve material, a special waste, without a manifest and identification record, and thereby violated Condition III.D.2.j of Permit No. B-141R-M-126.

44. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- (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...

45. Respondent Waste Management is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

46. Respondent Waste Management’s acceptance and placement of the contaminated molecular sieve material in a solid waste trench at the Laraway Facility constituted “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 3.185 (2018).

47. Respondent Waste Management conducted a waste disposal operation in violation of Conditions III.D.2.g and III.D.2.j of Permit No. B-141R-M-126, and thereby violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, WASTE MANAGEMENT OF ILLINOIS, INC., for the following relief on Count V:

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

B. Finding that Respondent Waste Management has violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), and Conditions III.D.2.g and III.D.2.j of Permit No. B-141R-M-126;

C. Ordering Respondent Waste Management to cease and desist from any further violation of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), and Conditions III.D.2.g and III.D.2.j of Permit No. B-141R-M-126;

D. Assessing against Respondent Waste Management a civil penalty of Fifty

Thousand Dollars (\$50,000.00) for each violation of the Act and Conditions III.D.2.g and III.D.2.j of Permit No. B-141R-M-126, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent Waste Management; and

F. Granting such other relief as the Board deems appropriate and just.

**COUNT VI**  
**ACCEPTING HAZARDOUS WASTE**  
**WITHOUT A RCRA HAZARDOUS WASTE PERMIT (AS TO WASTE**  
**MANAGEMENT OF ILLINOIS, INC.)**

1-40. Complainant realleges and incorporates by reference herein paragraphs 1 through 19 and 21 through 32 of Count I, paragraphs 32 and 33 of Count II, and paragraphs 34, 35, 37 through 39, 45, and 46 of Count V as paragraphs 1 through 40 of this Count VI.

41. Section 21(f) of the Act, 415 ILCS 5/21(f) (2018), provides, in pertinent part, as follows:

No person shall:

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

- 1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition 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; or

\* \* \*

42. Section 703.121 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code

703.121, provides, in pertinent part, as follows:

(a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

1) Without a RCRA permit for the HWM (hazardous waste management) facility;

\* \* \*

43. On March 9, 2018, Respondent Waste Management disposed of the contaminated molecular sieve material, and therefore conducted a waste disposal operation, at the Laraway Facility, a sanitary landfill.

44. Because the contaminated molecular sieve material was hazardous waste, Respondent Waste Management also conducted a “hazardous waste disposal operation”.

45. By conducting a hazardous waste disposal operation without a RCRA permit, Respondent Waste Management violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1)(2018), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, WASTE MANAGEMENT OF ILLINOIS, INC., for the following relief on Count VI:

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

B. Finding that Respondent Waste Management has violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a);

C. Ordering Respondent Waste Management to cease and desist from any further



violation of Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a);

D. Assessing against Respondent Waste Management a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each day of violation of the Act and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a);

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent Waste Management; and

F. Granting such other relief as the Board deems appropriate and just.

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

MATTHEW J. DUNN, Chief, Environmental  
Enforcement / Asbestos Litigation Division

BY: /s/ Elizabeth Wallace  
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