

Count V—Section 809.201 of the Board’s waste disposal regulations (35 Ill. Adm. Code 809.201) by transporting the petroleum-contaminated soil from the source site to the disposal site without a special hauling permit. By violating Section 809.201 of the Board’s waste disposal regulations, Buening also violated Section 21(j) of the Act (415 ILCS 21(j) (2018)).

On May 17, 2021, the People and Buening 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, Buening does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$21,000.

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) (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 May 20, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board