

ILLINOIS POLLUTION CONTROL BOARD
November 6, 2014

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 06-115
) (Enforcement - Land, Water)
NATIONAL CITY ENVIRONMENTAL,)
LLC, an Illinois limited liability corporation,)
and NATIONAL CITY RECYCLING, LLC,)
an Illinois limited liability corporation,)
)
Respondent.)

ORDER OF THE BOARD (by C.K. Zalewski):

On December 27, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against National City Environmental, LLC and National City Recycling, LLC (respondents). *See* 415 ILCS 5/31(c)(1) (2012); 35 Ill. Adm. Code 103.204. The complaint concerns respondents' automobile and white goods shredding, recycling, and disposal facility in National City, St. Clair 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 (2012)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People alleged the following violations in the December 2005 complaint:

- Count I: By conducting waste-disposal operations without a permit, failing to timely remove waste, failing to install groundwater monitoring wells, and failing to make proper submittals to Illinois EPA, respondents violated Section 21(d)(1) of the Act and Conditions II.14, V.3c, V.3d, V.10, V.12(d), V.14, V.17, and V.21 of Permit 1994-065 LFM (as modified), 415 ILCS 5/21(d)(1) (2012);
- Count II: By failing to submit groundwater sampling data and a groundwater assessment monitoring plan to the Illinois EPA, respondents violated Section 21(d)(1) of the Act and conditions 6.b and 8.b of Permit 1996-293-SP Attachment A, 415 ILCS 5/21(d)(1) (2012);
- Count III: By disposing of waste at an unpermitted site respondents violated Sections 21(d)(2) and 21(e) of the Act, 415 ILCS 5/21(d)(2), (e) (2012);

Count IV: By depositing contaminants upon the land in such a way as to create a water pollution hazard and causing, threatening, or allowing the discharge of contaminants into the environment and into the groundwater so as to cause water pollution and violation of groundwater quality standards, respondents violated Sections 12(a), 12(d), and 21(d)(2) of the Act and Sections 620.405 and 620.410 of the Board's Groundwater Quality Standards, 415 ILCS 12(a), (d), 21(d)(2) (2012), 35 Ill. Adm. Code 620.405, 620.410;

Count V: By causing or allowing the open dumping of waste in a manner that resulted in litter and illegally disposing, storing, or transporting waste, respondents violated Sections 21(a), 21(e), and 21(p)(1) of the Act, 415 ILCS 21(a), (e), (p)(1) (2012).

In the stipulation and proposal for settlement, the parties agreed to include the following, additional alleged violations:

Sections 12(a), 21(d)(1), (d)(2), (e), and (p)(1) of the Act (415 ILCS 5/12(a), 21(d)(1), (d)(2), (e), and (p)(1) (2012)) and Conditions V.6, V.11, V.12, V.14, V.15, V.17, VI.7.a, and VI.9 of Permit 1994-065 LFM, and Conditions 1, 8a, and 8b of Permit 1996-293-SP Attachment A.

On October 21, 2014, the People and the respondents 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 of violation and agree to pay a civil penalty of \$75,000.

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) (2012); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board