



Waste Disposal Regulations (35 Ill. Adm. Code 812.101(a) and 815.201);

- Count VI: Conducting a Waste Disposal Operation at a Site Not Meeting the Requirements of the Act and Board Regulations, in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2020));
- Count VII: Open Dumping Resulting in the Deposition of Waste in Standing or Flowing Waters, in violation of Section 21(p)(4) of the Act (415 ILCS 5/21(p)(4) (2020));
- Count VIII: Open Dumping Resulting in the Deposition of General Construction or Demolition Debris, in violation of Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7)(i) (2020));
- Count IX: Failure to Conduct Hazardous Waste and Special Waste Determinations, in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2020), and Sections 722.111 and 808.121(a) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 722.111 and 808.121(a)); and
- Count X: Transporting Special Waste Without a Permit, in violation of Section 21(j) of the Act (415 ILCS 5/21(j) (2020)), and Section 809.201 of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 809.201).

On July 18, 2022, 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Hancock County Journal-Pilot* on August 3, 2022. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of the Respondents' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondents do not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, the Respondents agree to pay a civil penalty of \$20,500.00 within 30 days after the date of this order. The People and the Respondents have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

**ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Respondents must jointly and severally pay a civil penalty of \$20,500.00 no later than October 24, 2022, which is the first business day following the 30th day after the date of this order. Respondents must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number and Respondents' respective Federal Employer Identification Number (FEIN) must appear on the certified check or money order.
3. Respondents must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Respondents must send a copy of the certified check or money order, and any transmittal letter to:

Raymond J. Callery  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
[Raymond.Callery@ilag.gov](mailto:Raymond.Callery@ilag.gov)

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Respondents must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the

order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Robert G. Harmon – Registered Agent 160 Industrial Park Hamilton, IL 62341 <a href="mailto:bobh@pftooling.com">bobh@pftooling.com</a>	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Raymond J. Callery Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 500 South Second Street Springfield, Illinois 62706 <a href="mailto:Raymond.Callery@ilag.gov">Raymond.Callery@ilag.gov</a>	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 22, 2022, by a vote of 5-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board