

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 00-93
) (Enforcement - Water)
 WASTE PROFESSIONALS, INC., an Illinois corporation)
 d/b/a PEKIN LANDFILL,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On December 6, 1999, the People of the State of Illinois (People) filed a three-count complaint against Waste Professionals, Inc. d/b/a Pekin Landfill (Waste Professionals). On August 9, 2000, the People filed an amended four-count complaint against Waste Professionals in order to include violations that occurred or continued subsequent to the filing of the initial complaint. The amended complaint alleges Waste Professionals committed groundwater contamination violations, permit notification requirement violations, groundwater contingency plan violations, and failed to submit annual groundwater collection system reports at its waste disposal facility near Pekin, Tazewell County, Illinois, in violation of Sections 12(a), 21(d), 21(d)(1), 21(e), and 21(o)(1) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 21(d), 21(d)(1), 21(e), 21(o)(1) (1998)), and 35 Ill. Adm. Code 811.326(e).

Also on August 9, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Pekin Daily Times* on August 14, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Waste Professionals admits the violations as alleged in counts II and IV, but does not admit the violations as alleged in counts I and III. Waste Professionals agrees to pay a civil penalty of \$20,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Waste Professionals must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Waste Professionals, Inc., concerning its waste disposal facility near Pekin, Tazewell County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$20,000 in two installments. The first installment of \$10,000 is due within 30 days of the date of this order, that is, on or before October 21, 2000. The second

installment of \$10,000 is due within 90 days of the date of this order, that is, on or before December 21, 2000. Such payments shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's federal employer identification number 363968449 shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check or money order shall be sent by first class mail to:

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

A copy of the payment transmittal and check shall be simultaneously submitted to:

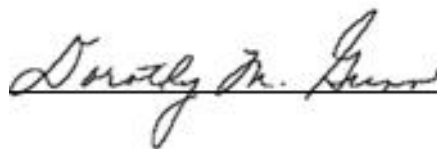
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
Attn: Ms. Donna Lutes

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 21st day of September 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board