

- Count III: Failing to evaluate or characterize the waste generated on or about July 17, 2019 to determine whether it was special waste in violation of Section 808.121(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 808.121(a)) and Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2022)).
- Count IV: Creating a water pollution hazard by depositing up to 20,000 pounds of powdered calcium peroxide upon the land throughout the Site, failing to immediately remove the calcium peroxide from the ground at the Site, and maintaining a pile of calcium peroxide on the ground at the Site from at least July 17, 2019, to December 4, 2020, in violation of Section 12(d) of the Act (415 ILCS 5/12(d) (2022)).
- Count V: Causing and allowing litter by causing or allowing the dumping and discarding of calcium peroxide at the Site, and failing to remove the waste until compelled to by the Village of Park Ridge's ordinance enforcement, in violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)).

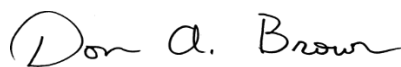
On May 4, 2023, the Board accepted the complaint for hearing. IFI has since filed a motion to dismiss the complaint against it (IFI Mtn.). The IFI motion is currently pending with the Board.

On December 19, 2023, the People and 969 LLC 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, 969 LLC does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$8,800.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice. Respondent IFI is not party to the stipulation and proposed settlement, and the People's case against it continues.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 4, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board