

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 04-218  
) (RCRA Enforcement - Land)  
BRICKYARD DISPOSAL AND )  
RECYCLING, INC. an Illinois corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by J.P. Novak):

On June 14, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Brickyard Disposal and Recycling, Inc. (Brickyard Disposal and Recycling). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Brickyard Disposal and Recycling violated Section 21(d)(1), (e), and (f)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(d)(1), (e), (f)(1), and (f)(2) (2002)) and 35 Ill. Adm. Code 703.121.

The People further allege that Brickyard Disposal and Recycling violated these provisions by (1) receiving hazardous waste for disposal at a facility that did not meet the requirements for a hazardous waste disposal facility; (2) conducting a waste storage, treatment, or disposal facility in violation of conditions I 9(33) and I 9(f) of the facility operating permit 1994-419-LFM Modification 29; and (3) conducting a hazardous waste treatment, storage, or disposal facility without a Resource Conservation and Recovery Act (RCRA) permit and in violation of RCRA regulations. The complaint concerns Brickyard Disposal and Recycling's municipal solid waste and special waste landfill facility at Danville, Vermilion County.

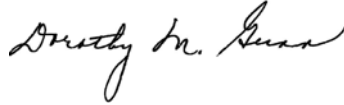
On June 14, 2004, the People and Brickyard Disposal and Recycling also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (Act) (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Brickyard Disposal and Recycling denies the alleged violations but, in lieu of a paying penalty, agrees to engage in a supplemental environmental project consisting of disposal and hauling costs of a total value of \$40,000 credited in amounts and at rates provided in the stipulation.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2003, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board