

ILLINOIS POLLUTION CONTROL BOARD

June 15, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-2
	)	(Enforcement – Land)
LAIDLAW CORPORATION, an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On July 6, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Laidlaw Corporation, an Illinois Corporation (Laidlaw). The complaint alleges that Laidlaw violated Sections 21(f)(1), (f)(2), and (i) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(f)(1), (f)(2), and (i) (2004)); and 35 Ill. Adm. Code 703.121(a), 722.111, 722.134(a)(4), 722.140(c), and 725.116 by not maintaining records of test results for the waste paint liquid for at least three years; by determining that the waste paint liquid was non-hazardous without supporting documentation; by storing hazardous waste in violation of regulations adopted by the Board; by conducting a process which produces hazardous waste in violation of regulations or standards adopted by the Board; by not conducting employee training on updated hazardous waste management procedures; and by storing hazardous waste without a permit.

The People allege that the violations occurred at Laidlaw's manufacturing facility located at 5326 Industrial Park Road, Metropolis, Massac County. The Board accepted the complaint for hearing on July 21, 2005.

On April 28, 2006, the People and Laidlaw 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) (2004). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Laidlaw admits the violations alleged in the complaint, and agrees to pay a civil penalty of \$25,000.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Metropolis Planet* on May 10, 2006. 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) (2004); 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. 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) (2004)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

As previously stated, Laidlaw admits the violations alleged in the complaint, and agrees to pay a civil penalty of \$25,000. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004), *as amended* by P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. The People determined that a civil penalty of \$25,000 was appropriate.

The People and Laidlaw 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. Laidlaw Corporation, an Illinois Corporation (Laidlaw) must pay a civil penalty of \$25,000 within 10 days from the date of this order.
3. Laidlaw must pay the civil penalty by certified check, money order or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to respondents.
4. Laidlaw must submit the certified check, money order or electronic funds transfer to:

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

5. A copy of the certified check, money order or record of the electronic funds transfer and any transmittal letter must be sent to the following:

Ms. Kristen Laughridge Gale  
 Assistant Attorney General  
 Environmental Bureau  
 500 South Second Street  
 Springfield, Illinois 62702

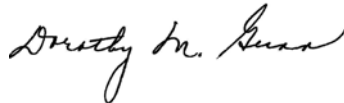
Mr. James Kropid  
 Assistant Counsel  
 Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2004).
7. Laidlaw must cease and desist from the alleged violations.

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) (2004); *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 15, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board