

ILLINOIS POLLUTION CONTROL BOARD
January 21, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-129
)	(Enforcement - Land)
)	
RELIABLE SAND AND GRAVEL CO.,)	
INC., an Illinois corporation,)	
)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On June 17, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Reliable Sand and Gravel Co., Inc. (Reliable). The complaint concerns Reliable's clean construction and demolition debris (CCDD) fill operation at 2121 South River Road in McHenry, McHenry County. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008))¹, the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Reliable violated Sections 21(a), (d)(1), (d)(2), and (e), 22(a) and (b)(3), and 22.51(a) of the Act (415 ILCS 5/21(a), (d)(1), (d)(2), and (e), 22(a) and (b)(3), 22.51(a) (2008))¹, and 35 Ill. Adm. Code 1100.201(a), 1100.205(a)(1), (b)(1), (c), (g), and (h), 1100.207(a) and (b), and 1100.210 by failing to: (1) conduct and maintain records of routine inspections of incoming loads and at least one discharge load by failing to both visually inspect the loads and use a PID utilizing lamp or other IEPA-approved monitoring device, (2) demonstrate that site personnel are trained to identify non-CCDD material, (3) conduct field measurements in accordance with permitted operating procedures, (4) keep records of training reports, written procedures for load checking, and load rejection notifications, and (5) obtain an interim authorization for operating the facility. In addition, the People allege that Reliable violated the Act and the Board's CCDD Regulations by dumping, depositing, or placing approximately 100 cubic yards of non-CCDD landscape waste at the face of the fill area, without a permit, and failing to restrict vehicular access to the working face of the area or post a sign excluding non-CCDD waste.

¹ All citations to the Act will be to the 2008 compiled statutes because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

On January 12, 2009, the People and Reliable 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Reliable neither admits or denies the alleged violations and agrees to pay a civil penalty of \$15,000.

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. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 21, 2010, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board