

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2013

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 13-34
) (Enforcement - Land)
INFO CORNER MATERIALS, INCS., an)
Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by T.A. Holbrook):

On January 2, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Info Corner Materials, Inc. (respondent). The complaint concerns respondent's facility located on Bachmann Drive, north of the junction of North Dirksen Parkway and Peoria Road in Springfield Township, Sangamon County. The facility is used for the storage of clean construction or demolition debris, chiefly broken concrete. Accompanying the People's complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), and 21(p)(4) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(4) (2010)) and Section 812.101(a) of the Board's land pollution regulations (35 Ill. Adm. Code 812.101(a)).

The People allege that respondent committed these alleged violations by causing or allowing the open dumping of waste; conducting a waste-storage or waste-disposal operation at their facility without a permit issued by the Illinois Environmental Protection Agency; disposing of or storing waste at a site, or transporting waste for disposal or storage to a site when such site does not meet the requirements of the Act and regulations; causing or allowing the open dumping of waste resulting in litter; and causing or allowing the open dumping of waste resulting in the deposition of waste in standing or flowing waters. The Board finds that the People's complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 2, 2013, simultaneously with the People's complaint, the People and respondent 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondent admits the alleged violations and agrees to pay a civil penalty of \$5,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2013, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board