ILLINOIS POLLUTION CONTROL BOARD February 21, 2013

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

OPINION AND 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, which is located on Bachmann Drive, north of the junction of North Dirksen Parkway and Peoria Road in Springfield Township, Sangamon County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1) and 21(p)(4) of the Act (415 ILCS 5/21(a), (d)(1), (d)(2), (e), (p)(1) and (p)(4) (2010)) and Section 812.101(a) of the Board's Waste Disposal 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.

Also on January 2, 2013, 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The State*

Journal-Register on January 12, 2013. The Board did not receive any request for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 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. *See* 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 respondent's 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) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondent admits to the violations alleged in the complaint. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of Five Thousand Dollars (\$5,000.00). The People and respondent 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. Info Corner Materials, Inc. (respondent) must pay a civil penalty of Five Thousand Dollars (\$5,000.00) no later than March 25, 2013, which is the first business day following 30th day after the date of this order. Respondent must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and respondent's federal tax identification number shall appear on the face of the certified check or money order.
- 3. Respondent must submit payment of the civil penalty by first class mail and delivered to:

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

Respondent must send a copy of the certified check or money order and any transmittal letter to:

Environmental Bureau Illinois Attorney General's Office

500 South Second Street Springfield, Illinois 62706

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
- 5. The respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the complaint.

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) (2010); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 21, 2013 by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

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