

ILLINOIS POLLUTION CONTROL BOARD  
April 12, 2017

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 17-58
	)	(Enforcement - Land)
THE CARLE FOUNDATION HOSPITAL,	)	
an Illinois not-for-profit corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.M. Keenan):

On April 3, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against the Carle Foundation Hospital (respondent). The complaint concerns respondent’s hospital facility located at 611 West Park in Urbana, Champaign County. Accompanying the 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent:

Count I—Violated permit requirements in Section 703.121(a) and (b) of the Board’s Waste Regulations (35 Ill. Adm. Code 703.121(a), (b)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2014)) by failing to have a Resource Conservation and Recovery Act (RCRA) permit for the hospital without being eligible for a permit exemption under Section 722.134(a) of the Board’s Waste Regulations (35 Ill. Adm. Code 722.134(a));

Count II—Violated Sections 703.121(a), 703.121(b), and 725.277(c) of the Board’s Waste Regulations (35 Ill. Adm. Code 703.121(a), 703.121(b), 725.277(c)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2014)) by storing incompatible wastes together;

Count III—Violated Section 722.141(a) of the Board’s Waste Regulations (35 Ill. Adm. Code 722.141(a)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2014)) by shipping hazardous waste off-site to a disposal facility and not submitting an annual report for 2013;

Count IV—Violated Sections 703.121(a), 703.121(b), 725.152(d), and 725.152(e) of the Board’s Waste Regulations (35 Ill. Adm. Code 703.121(a)–(b), 725.152(d), 725.152(e)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2014)) by failing to document names and phone numbers for the emergency coordinators in the hospital’s contingency plan and by failing to document in the hospital’s contingency plan the emergency equipment, capabilities of such equipment, and their respective locations;

Count V—Violated Sections 725.116(a) of the Board’s Waste Regulations (35 Ill. Adm. Code 725.116(a)) and Section 21(f) of the Act (415 ILCS 5/21(f) (2014)) by failing to provide hazardous waste handling training to relevant hospital personnel, and;

Count VI—Violated Section 31(a)(7.6) of the Act (415 ILCS 5/31(a)(7.6) (2014)), by failing to immediately label and date all containers of hazardous waste in accordance with paragraph III.5 of a Compliance Commitment Agreement entered into on October 30, 2014 to resolve previous violations.

The Board finds that the 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 April 3, 2017, 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 to the alleged violations and agrees to pay a civil penalty of \$2,000. The respondent also agrees to perform a supplemental environmental project concerning collection and disposal of needles with a value of \$35,000 for a period of up to ten years, as specified by 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. *See* 415 ILCS 5/31(c)(2) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 12, 2017, by a vote of 5-0.



Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board