

ILLINOIS POLLUTION CONTROL BOARD
November 21, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 20-28
) (Enforcement - Land)
JANE COONEY, an individual, and JANE)
COONEY, D.D.S., P.C., an Illinois)
corporation,)
)
Respondents.)

ORDER OF THE BOARD (by B.F. Currie):

On November 11, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Jane Cooney (Cooney) and Jane Cooney, D.D.S., PC (Cooney P.C.). The complaint concerns Cooney's dental practice at 700 West Fairchild Street, Danville, Vermillion County and Cooney's rural property at 9737 East 2150 North Road, Oakwood, Vermillion County (Oakwood Site). The parties now seek to settle without a hearing. 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 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Cooney and Cooney P.C. violated the following sections of the Act and Board regulations:

Section 21(a) of the Act, 415 ILCS 5/21(a) (2018), for open dumping of waste by improperly disposing of medical waste from the dental practice at the Oakwood Site;

Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018), for open dumping resulting in litter by improperly disposing of hundreds of glass vials at the Oakwood Site;

Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), by conducting a waste disposal operation without a permit;

Sections 56.1(A)(a) and 21(d)(2) of the Act, 415 ILCS 5/56.1(A)(a), 21(d)(2) (2018), and Section 1420.104(a) of the Board regulations, 35 Ill. Adm. Code 1420.104(a), for disposal of potentially infectious medical waste by accumulating potentially infectious medical waste at the dental practice;

Sections 56.1(A)(b) of the Act, 415 ILCS 56.1(a)(B) (2018), and Sections 1420.104(b), 1421.121(a), 1421.131(a)(1)(a), and 1421.131(a)(1)(B) of the Board regulations, 35 Ill. Adm. Code 1420.104(b), 1421.121(a), 1421.131(a)(1)(a), 1421.131(a)(1)(B), for failing to identify potentially infectious medical waste packaging and labeling by storing waste needles in empty detergent bottles at the dental practice;

Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), for waste disposal at an improper site by storing, disposing and/or abandoning waste at the Oakwood Site;

Sections 9(a) and 9(c) of the Act, 415 ILCS 5/9(a), (c) (2018), for open burning of refuse at the Oakwood Site; and

Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2018), for open dumping resulting in open burning by burning medical waste at the Oakwood Site.

Also on November 11, 2019, the People, Cooney, and Cooney P.C. 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Cooney and Cooney P.C. do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$7,500.

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) (2018); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 21, 2019 by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board