

Count IV—GDB violated Section 722.111 of the Board’s regulations (35 Ill. Adm. Code 722.111) by failing to determine whether waste generated at the site was a hazardous waste. Further, GDB violated Section 808.121(a) of the Board’s regulations (35 Ill. Adm. Code 808.121(a)) by failing to determine whether the waste generated at the site was a special waste. Because GDB violated Sections 722.111 and 808.121(a) of the Board’s regulations, GDB also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018)) by conducting a waste-storage operation in violation of Board regulations.

Count V—GDB violated Section 21(e) of the Act (415 ILCS 5/21(e) (2018)) by disposing, storing, or abandoning wastes at the site

On December 4, 2019, simultaneously with the People’s complaint, the People and GDB 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *DuQuoin Call* on December 24, 2019. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2018); 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 GDB’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) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. GDB does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, GDB agrees to pay a civil penalty of \$22,000 within 30 days after the date of this order. The People and GDB 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. GDP must pay a civil penalty of \$22,000 no later than March 9, 2020, which is the first business day following the 30th day after the date of this order. GDB 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 and case number must appear on the face of the certified check or money order.

3. GDB must submit payment of the civil penalty by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services #2
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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

Christina L. Nannini
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

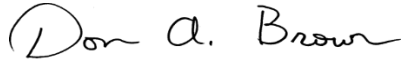
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. GDB must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject 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) (2018); *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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
People of the State of Illinois Christina L. Nannini 500 South Second Street Springfield, Illinois 62706 cnannini@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
GDB Registered Agent: Illinois Corporation Service Company 801 Adlai Stevenson Drive Springfield, Illinois 62703	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 6, 2020 by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board