

## **Settlement of State Enforcement Action Alleging Clean Construction & Demolition Debris Violations**

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The Illinois Pollution Control Board recently accepted the parties' settlement in *People v. Stark Excavating Inc., Case No. PCB 09-65*, which concerned the defendant's construction and demolition debris disposal site located immediately north of Interstate 74 in Section 5 of Downs Township, McLean County, Illinois.

The State alleged that the defendant violated the Illinois Environmental Protection Act by (1) allowing for the accumulation and use of clean construction and demolition debris on the site without following the requisite inspection and record-keeping practices, and (2) failing to inspect incoming loads of clean construction and demolition debris with a photo ionization detector device.

Under the terms of the settlement, the defendant admitted the alleged violations and performed a supplemental environmental project ("SEP") with a settlement value of \$11,133.70, which the State agreed to accept in lieu of a civil penalty payment. The SEP consisted of the defendant providing material, labor, and equipment to demolish two dilapidated structures at 4000 North Peoria Road in Springfield, Sangamon County for the Illinois State Police Heritage Foundation, as well as the defendant paying to remove and dispose of the demolition debris.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.