

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 by KWAME RAOUL, Attorney General )  
 of the State of Illinois, )  
 )  
 Complainant, )  
 )  
 -vs- )  
 )  
 R & H FARM & HOME, INC., )  
 an Illinois corporation, )  
 d/b/a R & H Service Center, )  
 )  
 Respondent. )

PCB No. 2020-  
(Enforcement)

**NOTICE OF FILING**

TO: See attached service list

PLEASE TAKE NOTICE that I did on March 17, 2020, file with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies of which are attached and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney. NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL, ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Raymond J. Callery  
Raymond J. Callery, #6193579  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
217/782-9031  
[rcallery@atg.state.il.us](mailto:rcallery@atg.state.il.us)  
[ebs@atg.state.il.us](mailto:ebs@atg.state.il.us)

Dated: March 17, 2020

**Service List**

For the Respondent

Harold O. Humphres  
13 Ballycastle Road  
Petersburg, IL 62675

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	<b>(Enforcement - Land)</b>
<b>R &amp; H FARM &amp; HOME, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
<b>d/b/a R &amp; H Service Center,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, R & H FARM & HOME, INC., an Illinois corporation, d/b/a R & H Service Center, as follows:

**COUNT I**  
**CAUSING OR ALLOWING WATER**  
**TO ACCUMULATE IN USED OR WASTE TIRES**

1. This Count is brought by the Attorney General on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2018).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board ("Board") is an independent board created by the General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2018), and charged, *inter alia*, with the duty of determining standards and adopting regulations.

4. This Count is brought after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018).

5. At all times relevant to this Complaint, Respondent owned and operated the R & H Service Center located at 18460 State Highway 97, Petersburg, Menard County, Illinois ("Facility").

6. The Facility sells tires and provides vehicle maintenance services.

7. The Illinois EPA inspected the Facility on December 4, 2018 and on May 6, 2019.

8. On December 4, 2018, the Illinois EPA inspected the site. The Illinois EPA inspector observed approximately 1,800 used or waste tires at the Facility. Approximately 800 used or waste tires were located outside. Almost all were off-rim. Additional used or waste tires were located inside a box trailer. Water accumulation was present in a number of the used or waste tires located outside. The Facility was advised that all used or waste tires must be covered or otherwise prevented from accumulating water.

9. On May 6, 2019, the Illinois EPA re-inspected the site. Approximately 55 used or waste tires were located at the Facility. No off-rim tires were located outside. Respondent provided tire tracking receipts documenting that all used or waste tires from the previous inspection had been removed from the Facility. Used or waste tires were now being picked up and removed from the Facility by LWS Tire Disposal every two to four weeks.

10. Section 54.09 of the Act, 415 ILCS 5/54.09 (2018), provides the following definition

"Storage" means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tires in the regular course of business.

11. Section 54.13 of the Act, 415 ILCS 5/54.13 (2018), provides the following definition:

“Tire storage site” means a site where used tires are stored or processed, other than (1) the site at which the tires were separated from the vehicle wheel rim, (2) the site where the used tires were accepted in trade as part of a sale of new tires, or (3) a site at which tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time or (4) a facility at which tires are sold at retail provided that the facility maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building or so that they are prevented from accumulating water.

12. Section 54.13 of the Act, 415 ILCS 5/54.13 (2018), provides the following definition:

“Used tire” means a worn, damaged, or defective tire that is not mounted on a vehicle.”

13. Section 54.16 of the Act, 415 ILCS 5/54.16 (2018), provides the following definition:

“Waste tire” means a used tire that has been disposed of.

14. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2018), provides as follows:

(k) No person shall:

- (1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 4 used or waste tires at the site are covered and kept dry.

\* \* \*

15. By causing or allowing water to accumulate in the used or waste tires at the Facility, Respondent violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2018).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully

requests that the Board enter an order against the Respondent, R & H FARM & HOME, INC., as follows:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2018), as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018), assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continued thereafter;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**IMPROPER USED TIRE STORAGE**

1-13. Complainant realleges and incorporates herein by reference paragraphs 1 through 13 of Count I as paragraphs 1 through 13 of this Count II.

14. On December 4, 2018, Respondent was operating as a "tire storage site" as defined by Section 54.13 of the Act, 415 ILCS 5/54.13 (2018).

15. Section 55(e) of the Act, 415 ILCS 5/55(e) (2018), provides as follows:

No person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

16. Section 848.202 of the Board Used and Waste Tires Regulations, 35 Ill.

Adm. Code 848.202, provides, in pertinent part, as follows:

- a) Owners and operators of any site at which more than 50 used or waste tires are located at any one time must comply with the following requirements:

\* \* \*

- 3) No used or waste tires shall be placed or accumulated on site unless they are drained of water and prevented from accumulating water thereafter.

\* \* \*

17. By failing to drained used or waste tires stored at the Facility of water and preventing them from accumulating water, Respondent violated Section 848.202(a)(3) of the Board Used and Waste Tires Regulations, 35 Ill. Adm. Code 848.202(a)(3).

22. By violating Section 848.202(a)(3) of the Board Used and Waste Tires Regulations, 35 Ill. Adm. Code 848.202(a)(3), Respondent further violated Section 55(e) of the Act, 415 ILCS 55(e) (2018).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, R & H FARM & HOME, INC., as follows:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 848.202(a)(3) of the Board Used and Waste Tires Regulations, 35 Ill. Adm. Code 848.202(a)(3), and Section 55(e) of the Act, 415 ILCS 55(e) (2018), as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and Board Regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018), assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act and Board Regulations, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continued thereafter;

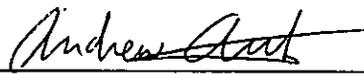
E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
ANDREW ARMSTRONG, # 6282447  
Assistant Attorney General

Of Counsel  
Raymond J. Callery  
ARDC# 6193579  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
[rcallery@atg.state.il.us](mailto:rcallery@atg.state.il.us)  
[ebs@atg.state.il.us](mailto:ebs@atg.state.il.us)

Dated: March 16, 2020

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 20-</b>
	)	<b>(Enforcement - Land)</b>
<b>R &amp; H FARM &amp; HOME, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
<b>d/b/a R &amp; H Service Center,</b>	)	
	)	
<b>Respondent.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

The Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and R & H FARM & HOME, INC., an Illinois corporation, d/b/a R & H Service Center ("Respondent"), (collectively "Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1, et seq. (2018), and the Board's regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On March 16, 2020, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon

the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Complaint, the Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to this Complaint, the Respondent owned and operated the R & H Service Center located at 18460 State Highway 97, Petersburg, Menard County, Illinois ("Facility").

5. The Facility sells tires and provides vehicle maintenance services.

6. On December 4, 2018, the Illinois EPA inspected the site. The Illinois EPA inspector observed approximately 1,800 used or waste tires at the Facility. Approximately 800 used or waste tires were located outside. Almost all were off-rim. Additional used or waste tires were located inside a box trailer. Water accumulation was present in a number of the used or waste tires located outside. The Facility was advised that all used or waste tires must be covered or otherwise prevented from accumulating water.

**B. Allegations of Non-Compliance**

The Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: CAUSING OR ALLOWING WATER  
TO ACCUMULATE IN USED OR WASTE TIRES  
415 ILCS 5/55(k)(1) (2018)

Count II: IMPROPER USED TIRE STORAGE  
35 Ill. Adm. Code 848.202(a)(3),  
415 ILCS 55(e) (2018)

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

On May 6, 2019, the Illinois EPA re-inspected the site. Approximately 55 used or waste tires were located at the Facility. No off-rim tires were located outside. The Respondent provided tire tracking receipts documenting that all used or waste tires from the previous inspection had been removed from the Facility. Used or waste tires were then being picked up and removed from the Facility by LWS Tire Disposal every two to four weeks.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened by the improper storage of used and waste tires at the Facility.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Properly storing used and waste tires at the Facility and compliance with the tire storage regulations is both technically practicable and economically reasonable.
5. The Respondent has subsequently complied with the Act and the Board regulations.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent improperly stored used and waste tires at the Facility. The violations were first observed during the December 4, 2018 inspection and the Respondent began removing tires shortly thereafter.
2. The Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.

3. Any economic benefit attributable to the noncompliance would be minimal.
4. The Complainant has determined, based upon the specific facts of this matter, that a penalty of Three Thousand Five Hundred Dollars (\$3,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, the Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was proposed by the Respondent, but rejected by the Illinois EPA.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Three Thousand Five Hundred Dollars (\$3,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.
2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount

owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Raymond J. Callery  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701

**D. Future Compliance**

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In

conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$3,500.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on March 16, 2020. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Enforcement**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

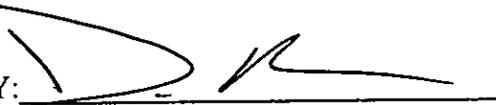
BY: \_\_\_\_\_  
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau

BY: \_\_\_\_\_  
DANA VETTERHOFFER,  
Acting Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

R & H FARM & HOME, INC.,

BY:   
DARREN M. HUMPHES  
Its: Corporate Secretary

DATE: 2/28/2020

WHEREFORE; the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY: Andrew Armstrong  
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau

BY: Charles W. Gunnarson  
CHARLES W. GUNNARSON,  
Acting Chief Legal Counsel

DATE: 03/09/2020

DATE: 3/5/2020

R & H FARM & HOME, INC.,

BY: \_\_\_\_\_  
DARREN M. HUMPHES  
Its: Corporate Secretary

DATE: \_\_\_\_\_

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
-vs-	)	PCB No. 2020-
	)	(Enforcement)
R & H FARM & HOME, INC.,	)	
an Illinois corporation,	)	
d/b/a R & H Service Center,	)	
	)	
Respondent.	)	

**MOTION FOR RELIEF FROM HEARING**

NOW COMES Complainant, People of the State of Illinois, by KWAME RAOUL, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, Complainant states as follows:

1. Simultaneously with the filing of this motion, Complainant is filing the initial Complaint in this matter as well as a Stipulation and Proposal for Settlement executed between Complainant and Respondent, R & H FARM AND HOME, INC.

2. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018), provides as follows:

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely

written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is scheduled in this matter.
4. Complainant hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL, ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Raymond J. Callery  
Raymond J. Callery, #6193579  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
217/782-9031  
rcallery@atg.state.il.us  
ebs@atg.state.il.us

Dated: March 17, 2020

**CERTIFICATE OF SERVICE**

I, Raymond J. Callery, an Assistant Attorney General, certify that on the 17th day of March 2020, I caused to be served by placing same in the United States Mail with postage fully prepaid, copy of the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to the following:

Harold O. Humphres  
13 Ballycastle Road  
Petersburg, IL 62675

s/Raymond J. Callery  
Raymond J. Callery  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62701  
217/782-9031  
rcallery@atg.state.il.us  
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