

ILLINOIS POLLUTION CONTROL BOARD  
September 4, 2008

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 08-26  
) (Enforcement – Land)  
GARY CATES, d/b/a CHERRY STREET )  
AUTOMOTIVE, CALVIN BOOTH, d/b/a )  
AUTO SALVAGE ILLINOIS, and S.I. )  
PROMOTION FLORA, INC., )  
)  
Respondents. )

ORDER OF THE BOARD (by T.E. Johnson):

On October 1, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Gary Cates, doing business as Cherry Street Automotive, and against Calvin Booth, doing business as Auto Salvage Illinois, an assumed name for S.I. Promotion Flora, Inc. (collectively respondents). The complaint concerns alleged auto salvage operations at 810 Elm Street in Carmi, White County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 21(a) and 55(a)(1) of the Act (415 ILCS 5/21(a), 55(a)(1) (2006)) by causing or allowing the open dumping of, respectively, waste and used or waste tires.

On August 20, 2008, the People and respondents 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, respondents neither admit nor deny the alleged violations but agree to pay a civil penalty of \$8,000.

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); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 4, 2008, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk  
Illinois Pollution Control Board