ILLINOIS POLLUTION CONTROL BOARD December 6, 2012

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)	PCB 13-5 (Enforcement - Land)
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ORDER OF THE BOARD (by J. A. Burke):

On July 26, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Daniel Lee Szafranski, individually and as Trustee of the Daniel Lee Szafranski Trust (collectively, respondent). The complaint concerns the respondent's property at 901 West Marquette, Ottawa, LaSalle County. 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that the respondent violated Sections 21(a), (d)(1), (d)(2), (e), (p)(1), (p)(7) and Sections 55(a)(1), (c), (e) of the Act (415 ILCS 5/21(a), (d)(1), (d)(2), (e), (p)(1), (p)(7), 55(a)(1), (c), (e) (2010)) and 35 Ill. Admin. Code 722.111, 808.121(a), 812.101(a) and 848.202(b)(4), (5). According to the complaint, the respondent violated these provisions by causing or allowing open dumping resulting in litter and in deposition of general construction or demolition debris and clean construction or demolition debris, conducting a waste disposal operation without a permit to develop or operate a landfill, failure to determine whether waste was hazardous or special waste, causing or allowing the open dumping of used or waste tires, failure to notify the Agency that respondent was operating a used tire disposal site, disposing of and failing to prevent accumulation of water in used or waste tires at the site, and by failing to alter, reprocess, convert or cover used tires.

On November 29, 2012, the People and the respondent 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondent admits the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2012 by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board