

ILLINOIS POLLUTION CONTROL BOARD
May 7, 2015

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 15-64
) (Enforcement - Land)
SURDYKE CYCLE OF ILLINOIS, INC.,)
an Illinois Corporation, d/b/a DALE'S)
HARLEY-DAVIDSON and WATERKOTT)
HARLEY-DAVIDSON)
)
Respondent.)

ORDER OF THE BOARD (by G.M. Keenan):

On September 5, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Surdyke Cycle of Illinois, Inc., d/b/a/ Dale's Harley-Davidson and Waterkott Harley-Davidson (respondent). The complaint concerns respondent's commercial motorcycle dealership and repair facility located at 305 North 44th Street, Mount Vernon, Jefferson 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 (2012)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 31(a)(7.6), 55(c), 55.8(a)(1) and (1.5), 55.8(b) and 55.9 of the Act (415 ILCS 5/31(a)(7.6), 55(c), 55.8(a)(1) and (1.5), 55.8(b), and 55.9 (2012)). According to the complaint, respondents violated these provisions by 1) failing to timely dispose of used tires; 2) failing to collect retail fees from customers; 3) failing to notify the Illinois Environmental Protection Agency of tire retail activity; and 4) violating a Compliance Commitment Agreement.

On April 16, 2015, the People and 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 does not affirmatively admit to the alleged violations and agrees to pay a civil penalty of \$5,600.

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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 7, 2015, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board