ILLINOIS POLLUTION CONTROL BOARD April 16, 2020

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.) PCB 20-64) (Enforcement - Land)
R & H FARM & HOME, INC., an Illinois corporation, d/b/a R & H SERVICE CENTER))
Respondent.)

ORDER OF THE BOARD (by A. Palivos):

On March 17, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against R & H Farm & Home, Inc. (R&H). The complaint concerns R&H's property located at 18460 State Highway 97 in Petersburg, Menard County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that R&H violated:

Count I—Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2018)) by causing or allowing water to accumulate in the used or waste tires at the facility; and

Count II—Section 848.202 of the Board's used and waste tires regulations (35 Ill. Adm. Code 848.202)) by failing to drain used or waste tires stored at the facility of water and preventing them from accumulating water. Further, R&H also violated Section 55(e) of the Act (415 ILCS 5/55(e) (2018)) by violating the Board's regulations.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On March 17, 2020, simultaneously with the People's complaint, the People and R&H 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, R&H does not affirmatively admit the allegations and agrees to pay a civil penalty of \$3,500.

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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 16, 2020 by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown