ILLINOIS POLLUTION CONTROL BOARD December 1, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)))
V.)
SOUTH SIDE EQUIPMENT, INC., an Illinois corporation, and ILLINOIS TIRE RECYCLING CORPORATION, an Illinois corporation,	,))))))
Respondents.)

PCB 22-65 (Enforcement – Land, Water_)

ORDER OF THE BOARD (by J. Van Wie):

On April 25, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against South Side Equipment, Inc. and Illinois Tire Recycling Corporation (respondents). The complaint concerns property located at 4845 West Ogden Avenue, in Cicero, Cook County (Site). 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated:

Count I	Sections 55(a)(4) and (e) of the Act (415 ILCS 5/55(a)(4) and (e) (2020)), and Section 848.202(a)(1)(B) and (C) of the Board Tire Regulations (35 Ill. Adm. Code 848.202(a)(1)(B) and (C));
Count II	Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2020)), and Section 848.202(a)(3) of the Board Tire Regulations (35 Ill. Adm. Code 848.202(a)(3)); and
Count III	Section 31(a)(7.6) of the Act (415 ILCS 5/31(a)(7.6) (2020)).

The People allege respondents violated these provisions through the mismanagement of used tires at the Site.

On November 21, 2022, 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act

(415 ILCS 5/31(c)(2) (2020)), 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 respondents do not affirmatively admit the allegations and agree to jointly and severally 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) (2020); 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 December 1, 2022, by a vote of 4-0.

(1)on a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board