

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 00-190
) (Enforcement – RCRA)
 TRUSERV CORPORATION,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On May 11, 2000, the People of the State of Illinois (People) filed a five-count complaint against respondent TruServ Corporation (TruServ). The complaint alleges violation of Sections 21(d-f) and 21(i) of the Environmental Protection Act (Act) (415 ILCS 5/21(d-f), 21(i) (1998)), and the Board's regulations at 35 Ill. Adm. Code 722.111, 807.201, and 807.202(a). TruServ allegedly failed to make hazardous or special waste determinations, failed to obtain development or operating permits, and transported waste into the State for disposal at a facility not in compliance with Section 21 of the Act, located at 201 East Brink Street, Harvard, McHenry County, Illinois.

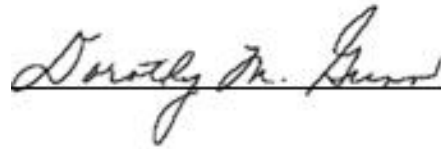
Also on May 10, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). TruServ neither admits nor denies the alleged violations in the complaint, but proposes to pay a \$10,000 penalty.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (1998). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of May 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board