ILLINOIS POLLUTION CONTROL BOARD September 6, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.) PCB 00-4
AMERICAN WOOD RECYCLING, INC., an Illinois corporation,) (Enforcement - Land))
Respondent.)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On July 9, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against American Wood Recycling Inc. *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that American Wood Recycling Inc. violated Section 21(a), (p)(1), (d)(1), (d)(2), and (e) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), (p)(1), (d)(1), (d)(2), and (e) (2000)), and the Board's waste disposal regulations at 35 Ill. Adm. Code 812.101(a).

On July 12, 2001, the People and American Wood Recycling Inc. 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) (2000)). This filing is authorized by Section 31(c)(2) (2000)). See 35 III. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief, including published notice in the Hoffman Estate Review. The Board did not receive any requests for hearing. The board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 III. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of American Wood Recycling Inc. operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and American Wood Recycling Inc. have satisfied Section 103.302. American Wood Recycling Inc. admits the alleged violations and agrees to pay a civil penalty of \$4,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

OR<u>DER</u>

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.

- 2. American Wood Recycling Inc. must pay a civil penalty of \$4,000 no later than October 6, 2001, which is the 30th day after the date of this order. American Wood Recycling Inc. must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and American Wood Recycling Inc.'s social security number or federal employer identification number must be included on the certified check or money order.
- 3. American Wood Recycling Inc. must send the certified check or money order by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Zemeheret Bereket-Ab Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 188 W. Randolph St., 20th Floor Chicago, Illinois 60601

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
- 5. American Wood Recycling Inc. must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above opinion and order on September 6, 2001, by a vote of 7-0.

Dorothy Mr. Gun

Dorothy M. Gunn, Clerk Illinois Pollution Control Board