## ILLINOIS POLLUTION CONTROL BOARD November 15, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 00-67 (RCRA Enforcement)
AMERICAN DISPOSAL COMPANY and	)	,
CONSOLIDATED RAIL CORPORATION,	)	
	)	
Respondents.	)	

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

On October 7, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the American Disposal Company (American) and Consolidated Rail Corporation (Conrail). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Conrail violated Section 21(a) of the Environmental Protection Act (Act) 415 ILCS 5/21(a) (2000)). The People further allege that Conrail violated this provision by causing or allowing open dumping. The complaint concerns a waste disposal company located on a parcel of land owned by Conrail in Cook County.

On October 30, 2001, the People and Conrail 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) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 III. Adm. Code 103.300(a). The filing applies only to Conrail and does not apply to American.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2001, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board