ILLINOIS POLLUTION CONTROL BOARD July 10, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 03-117
)	(Enforcement - Land)
BI STATE TIRE, INC., an Illinois corporati	ion,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D.C. Karpiel):

On February 5, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Bi State Tire, Inc. (Bi State Tire). The People alleged that Bi State Tire violated the Environmental Protection Act (Act) (415 ILCS 5/55(a)(4), (e) (2002)) and Board regulations (35 Ill. Adm. Code 848.202(b)(1), (4), (5), (c)(5)) by creating used or waste tire piles outside without adequate aisle space, by failing to timely drain water from and prevent water from accumulating in used or waste tires, and, for a site with more than 500 used or waste tires, by improperly placing or accumulating used or waste tires. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns Bi State Tire's tire business facility located at 730 31st Avenue in Rock Island, Rock Island County.

On July 3, 2003, the People filed a stipulation and proposed settlement with Bi State Tire, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the proposed settlement, Bi State Tire does not admit the alleged violations and agrees to pay a civil penalty of \$6,000.

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 request for relief and hold a hearing. See 415 ILCS 5/31(c)(2) (2002); 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 July 10, 2003, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board