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JAN 15 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
CRAIG LINTON, an individual, )  
and RANDY ROWE, an individual, )  
)  
Respondents. )

PCB 98-80  
(Tire Cost Recovery)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE THAT we have today filed **Complainant's Motion Requesting Relief From Hearing Requirement** and Certificate Of Service, copies of which are attached hereto and served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General  
State of Illinois

By: Gerald T. Karr

Gerald T. Karr  
Assistant Attorney General  
188 West Randolph Street, 20th  
Environmental Bureau  
Chicago, Illinois 60601  
(312) 814-3369

Dated: January 15, 2004

**SERVICE LIST**

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Mr. Craig Linton  
P.O. Box 84  
Marseilles, Illinois 61341

Mr. Randy Rowe  
2900 El Camino Avenue  
Las Vegas, Nevada 89102

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 15 2004

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STATE OF ILLINOIS  
Pollution Control Board

PCB 98-80  
(Tire Cost Recovery)

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in this case pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2002), and Section 103.300 of the Illinois Pollution Control Board ("Board") Procedural Rules, 35 Ill. Adm. Code 103.300. In support thereof, the Complainant states as follows:

1. Section 31(c)(2) of the Act allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties submit to the Board a Stipulation and Proposal for Settlement. Section 31(c)(2) provides as follows:

Notice; complaint; hearing.

\* \* \*

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice

shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

2. Board Procedural Rule 103.300 provides, in relevant part, as follows (emphasis in original):

Request for Relief from Hearing Requirement in State Enforcement Proceeding.

*(a) Whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a proposed stipulation and settlement accompanied by a request for relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act [415 ILCS 5/31(c)(2)].*


3. On January 15, 2004, the same date as this Request, a Stipulation and Proposal for Settlement with Respondents was filed with the Board.

4. No hearing is currently scheduled in this case.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

BY:   
GERALD T. KARR  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street, Suite 2001  
Chicago, Illinois 60601  
(312)814-3369

**CERTIFICATE OF SERVICE**

I, GERALD T. KARR , an Assistant Attorney General in this case, do certify that on this 15th day of January, 2004, I caused to be served by U.S. Mail the following documents upon the persons listed on the attached Service List by depositing same in the U.S. Mail depository located at 100 West Randolph Street, Chicago, Illinois, in an envelope with sufficient postage prepaid.

- 1) **Notice of Filing**
- 2) **Complainant's Motion Requesting Relief  
From Hearing Requirement**

  
Gerald T. Karr