ILLINOIS POLLUTION CONTROL BOARD January 22, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 03-182
)	(RCRA Enforcement – Air, Water)
REILLY INDUSTRIES, INC.,)	,
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On April 17, 2003, the Board accepted a complaint in this matter filed by the Office of the Attorney General, on behalf of the People of the State of Illinois (People) against Reilly Industries, Inc. (Reilly). The complaint concerns Reilly Industries' coal tar distillation process facility at 1450 Edwardsville Road, Granite City, Madison County.

On November 26, 2003, the People filed a motion to file a supplemental complaint. The People assert that in the interests of administrative efficiency, an amended complaint is necessary to address violations alleged to have occurred subsequent to the filing of the initial complaint. The People further contend that Reilly has waived the requirements of Section 31 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/31 (2002). To date, Reilly has filed no response to the motion.

The People allege two additional counts in the amended complaint. The remainder of the complaint is substantially the same as accepted on April 17, 2003. The new counts contain allegations that Reilly violated Section 12(d) of the Act (415 ILCS 5/12(d) (2002)) and 35 III. Adm. Code 725.131 (2002) by causing or allowing contaminants to be deposited upon the land to create a water pollution hazard through proximity to groundwater, and by failing to maintain and operate a tank car so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste which could threaten human health.

As previously stated, Reilly has filed no response to the motion. If a party files no response to a motion within 14 days the party will be deemed to have waived objection to the granting of the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board finds that the People have met the requirements of the Board's procedural rules for filing an amended complaint (*see* 35 Ill. Adm. Code 103.204 and 103.206), and grants the motion to file an amended complaint. The Board accepts the amended complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Reilly fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of a material allegation in the complaint, the Board will consider Reilly to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January $22,\,2004$, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board