ILLINOIS POLLUTION CONTROL BOARD July 8, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 03-223
)	(Enforcement – Land, Air)
ELYSIUM ENERGY, an Illinois limited)	
liability corporation,)	
)	
Respondent.)	

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

On June 9, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Elysium Energy, an Illinois limited liability corporation (Elysium). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns Elysium's operating oil field maintenance facility 0.4 miles west of the intersection of Routes 130 and 25, about three-quarters of a mile west of West Liberty and 9.5 miles south of Newton, Jasper County.

The People allege that Elysium violated Sections 9(a) and (c); 21(a), (e), (o)(4), (p)(1), (p)(3), and (p)(6); and 55(a)(1) and (a)(2) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (c); 21(a), (e), (o)(4), (p)(1), (p)(3), and (p)(6); and 55(a)(1) and (a)(2) (2002)) and 35 Ill. Adm. Code 722.111 and 808.121(a). The People allege that Elysium violated these provisions by causing or allowing the consolidation and crushing of approximately 20 drums or special waste; the consolidation and burning of wood, metal, and waste tires; the placement of a roll-off container of waste and a bucket leaking a liquid substance; and the existence and accumulation of drums containing crankcase oil at its facility.

On June 30, 2004, the People and Elysium 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) (2002). These filings are 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 stipulation, Elysium does not admit to the violations alleged in the complaint, but agrees to pay a civil penalty of \$25,000.

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 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 July 8, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board