## ILLINOIS POLLUTION CONTROL BOARD October 20, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)
	)
Complainant,	)
	)
V.	
P & J SUPER AUTO BODY SHOP, INC., an	)
Illinois corporation, and JULIO GALLEGOS,	)
	)
Respondents.	)

PCB 04-226 (Enforcement - Land)

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

On June 29, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against P & J Super Auto Body Shop, Inc., and Julio Gallegos (respondents). The complaint concerns respondents' automotive repair services and new and used tire retail facility at 6809 North Clark Street, Chicago, Cook County. The Board accepted the complaint for hearing on July 8, 2004.

In the complaint, the People allege that the respondents violated Sections 55(c) and 55.8 (a)(3) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/55(c), 55.8(a)(3), (b) (2004)) by (1) failing to notify the Agency of used tire storage activity within 30 days of commencing business; (2) selling tires at retail or offering tires for retail sale and failing to post the statutory written notice with the universal recycling symbol and informing consumers of the proper method for disposing of used tires; and (3) by storing used tires on the site for more than 90 days.

On October 11, 2005, the People and the respondents 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) (2004)). These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondents admit the violations alleged in the complaint, and agree to pay a civil penalty of \$10,000.

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) (2004); 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 October 20, 2005, by a vote of 5-0.

Driverty Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board