ILLINOIS POLLUTION CONTROL BOARD November 5, 2008

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
DR. CHARLES R. BOYCE, d/b/a CHATHAM	1)
VETERINARY CLINIC,)
)
Respondent.)

PCB 08-52 (Enforcement – Land, Air, PIMW)

ORDER OF THE BOARD (by N.J. Melas):

On March 13, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Dr. Charles R. Boyce, doing business as Chatham Veterinary Clinic (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns respondent's facilities located at 1300 North Main Street and 1500 North Main Street in Chatham, Sangamon County. The People and respondent now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 1420.104, 1420.105, 1421.111, 1421.121, and 1421.131 of the Board biological materials regulations (35 Ill. Adm. Code 1420.104, 1420.105, 1421.111, 1421.121, 1421.131) and Sections 9(a), 9(c), 21(a), 21(p)(1), 21(p)(3), 56.1, of the Act (415 ILCS 5/9(a), 9(c), 21(a), 21(p)(1), 21(p)(3), 56.1 (2006)). The People further allege that respondent violated these provisions by (1) causing or allowing the open dumping of waste in a manner resulting in litter and open burning; (2) causing, threatening, or allowing the emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois or so as to violate regulations or standards adopted by the Board; (3) causing or allowing the open burning of refuse; (4) causing or allowing the open dumping, storage, and disposal of potentially infectious medical waste (PIMW), including used sharps, vials, scalpels, and other miscellaneous PIMW; (5) failing to segregate, contain, and label the PIMW; and (6) conducting a PIMW treatment, storage, or transfer operation without a permit.

On October 16, 2008, the People and respondent 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a

public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$7,100.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2008, by a vote of 4-0.

John T. Theriaut

John Therriault, Assistant Clerk Illinois Pollution Control Board