ILLINOIS POLLUTION CONTROL BOARD January 7, 2010

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB 10-19
MARATHON TIRE SERVICE OF OLNEY,) (Enforcement - Land)
INC., an Illinois corporation,)
Respondent.)

ORDER OF THE BOARD (by G.L. Blankenship):

On September 8, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Marathon Tire Service of Olney, Inc. (Marathon). The complaint concerns Marathon's retail tire business and general automotive repair shop located at 220 N. West Street in Olney, Richland County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Marathon violated Sections 21(k), 55(a)(4), 55(d), 55(e), and 55.6(b) of the Act (415 ILCS 5/21(k), 55(a)(4), 55(d), 55(e), 55.6(b) (2008)) and Sections 848.202(b), 848.202(c), 848.302(a), and 848.303 of the Board's regulations for managing used and waste tires (35 Ill. Adm. Code 848.202(b), 848.202(c), 848.302(a), and 848.303). The People further allege that Marathon violated these provisions by (1) storing used or waste tires on the site for more than 14 days without altering, reprocessing, converting, covering, or otherwise preventing the tires from accumulating water; (2) failing to properly prepare a contingency plan, daily tire records, and an annual tire summary and by conducting a tire storage operation in violation of the Board's recordkeeping and reporting requirements; and (3) failing to pay the annual fees for a tire storage site.

On December 28, 2009, the People and Marathon 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Marathon admits the alleged violations and agrees to pay a civil penalty of \$7,000.

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. See 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 7, 2010, by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board