

ILLINOIS POLLUTION CONTROL BOARD
July 1, 2010

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 10-87
) (Enforcement - Land)
MARK PICKETT, d/b/a MARK's AUTO)
SALES, an Illinois corporation,)
)
Respondent.

ORDER OF THE BOARD (by G.T. Girard):

On April 26, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Mark Pickett, d/b/a Mark's Auto Sales (Mark's Auto). The complaint concerns Mark's Auto's used car lot at 1401 Broadway, Rockford, Winnebago 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 Mark's Auto violated Sections 55(c), (d)(1), 21(k), and 55.6(b) of the Act (415 ILCS 5/55(c), (d)(1), 21(k), 55.6(b) (2008)) by (1) failing to provide notice to the Agency that it was operating a tire storage site within thirty days of commencing operation of such site, (2) operating a tire storage site without registering such site with the Illinois Environmental Protection Agency, (3) failing to certify that said tire storage site complies with applicable standards adopted by the Board pursuant to Section 55.2, and (4) failing to pay the annual fee as required by Section 55.6.

On June 16, 2010, the People and Mark's Auto 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, Mark's Auto admits the alleged violations and agrees to pay a civil penalty of \$1,340.

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 Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 1, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board