

ILLINOIS POLLUTION CONTROL BOARD
January 24, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-38
)	(Enforcement)
KERRY ANDERSON, d/b/a BILL’S AUTO)	
REPAIR,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.A. Holbrook):

On January 18, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Kerry Anderson, d/b/a Bill’s Auto Repair (Bill’s Auto Repair), concerning Bill’s Auto Repair’s automotive body repair and paint shop at 115 E. College Street, Kewanee, Henry County, Illinois. Accompanying the complaint were a stipulation, a proposal for settlement, and a request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the People’s complaint and 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People in a four-count complaint allege that Bill’s Auto Repair violated: (1) Section 21(f) of the Act (415 ILCS 5/21(f) (2010)) and Section 703.121(a-b) of the Board’s regulations (35 Ill. Adm. Code 703.121(a-b)) by causing or allowing hazardous waste to be stored at the Facility without the necessary RCRA permits and violated Section 21(i) of the Act (415 ICLS 5/21(i) (2010)) by engaging in an act that produced hazardous waste in the form of still bottoms generated from the Sidewinder Solvent Recovery System; (2) Sections 722.111 and 808.121(a) of the Board’s regulations (35 Ill. Adm. Code 722.111 and 808.121(a)) by failing to make a hazardous waste and a special waste determination of the still bottoms generated by the sidewinder prior to transporting, storing, and disposing of the waste; (3) Section 21(e) of the Act (415 ILCS 5/21(e) (2010)) and Section 722.112(c) of the Board’s regulations (35 Ill. Adm. Code 722.112(c)) by sending the generated waste to facilities that did not have a permit to accept hazardous waste for storage or disposal; and by disposing of hazardous waste at facilities that did not meet the requirements of the Act and regulations; and (4) Sections 722.120(a), 722.123(a), 808.122, and 809.301 of the Boards Regulations (35 Ill. Adm. Code 722.120(a), 722.123(a), 808.122, and 809.301 (2010)) by failing to prepare a manifest prior to the shipment of hazardous or special waste, by failing to follow the procedures for manifests for the transportation of hazardous waste, and by not concurrently delivering a manifest to a special waste hauler for

shipments of hazardous waste. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 18, 2012, simultaneously with the People's complaint, the People and Bill's Auto Repair 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the Bill's Auto Repair admits to the alleged violations and agrees to pay a civil penalty of \$6,000.

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) (2010); 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 24, 2013, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board