## ILLINOIS POLLUTION CONTROL BOARD March 19, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 15-165
TANK'S AUTO BODY L.L.C.,	)	(Enforcement - Land)
an Illinois limited liability company,	)	
Respondent.	)	

## ORDER OF THE BOARD (by D. Glosser):

On March 4, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a single-count complaint against Tank's Auto Body, L.L.C. (respondent). The complaint concerns respondent's property located at 113 West Sixth Street, Kewanee, Henry County. Accompanying the complaint was a stipulation, proposal for settlement, and 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 complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 21 and 21(f) of the Act (415 ILCS 5/21 and 21(f) (2012)) and Sections 703.121(a) and (b), 721.105(g), 722, 722.111, 722.112(c), 722.123(a), 722.134, 722.140(a), 725.131, 808.121, 808.122, and 809.301 of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 703.121(a) and (b), 721.105(g), 722, 722.111, 722.112(c), 722.120, 722.123(a), 722.134, 722.134, 722.140(a), 725.131, 808.121, 808.122, and 809.301).

The People allege the respondents violated these sections by: storing hazardous waste without a RCRA permit; failing to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste; generating solid waste without determining if that waste was a hazardous waste; generating waste without determining whether the waste was a special waste; transporting waste for disposal that had not received a United States Environmental Protection Agency (USEPA) identification number; generating hazardous waste and offering that hazardous waste for off-site disposal without having prepared a manifest on the requisite USEPA forms; generating special waste and offering that special waste for off-site disposal without preparing a manifest prior to shipment; generating special waste and delivering the waste for disposal within Illinois without the requisite manifest to a special waste; and disposing of hazardous waste in a dumpster for transportation to a facility that was not permitted for 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 March 4, 2015, simultaneously with the People's complaint, 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 respondent admits 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) (2012); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

Board Member G.M. Keenan voted present.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 19, 2015, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board