

ILLINOIS POLLUTION CONTROL BOARD  
August 6, 2015

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 16-036  
) (Enforcement - Land)  
FRANCISCO RAMIREZ and KIM RAMIREZ, )  
individually and doing business as ELIZABETH )  
USED TIRES AND FLEET SERVICE, )  
an unincorporated entity, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by D. Glosser):

On July 30, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Kim Ramirez and Francisco Ramirez, individually and d/b/a Elizabeth Used Tires and Fleet Service, an unincorporated entity (respondents). The complaint concerns respondents' tire retail and repair shop located at 3588 South Eby's Mill Road in Elizabeth, Jo Daviess 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 55(a)(4), (e), (g), and 55.8(b) of the Act (415 ILCS 5/55(a)(4), (e), (g), and 55.8(b) (2014)) and Sections 848.202(b)(2), (b)(4), (b)(5), (c)(2), (c)(3), 848.204(c)(3), 848.302(a), 848.304(c), 848.305, 848.601(a)(2), and 848.606(a) of Board tire regulations (35 Ill. Adm. Code 848.202(b)(2), (b)(4), (b)(5), (c)(2), (c)(3), 848.204(c)(3), 848.302(a), 848.304(c), 848.305, 848.601(a)(2), and 848.606(a)). The People allege that respondents violated these provisions by failing to adhere to the tire management standard; the tire transportation standard, the record keeping and reporting obligation; and by allowing the accumulation of used tires beyond the statutory timeframe. 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 July 30, 2015, simultaneously with the People's complaint, the People and respondents 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 respondents neither admit nor deny the violations alleged and agree to pay a civil penalty of \$1,500.

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) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 6, 2015, by a vote of 5-0.



---

John T. Therriault, Clerk  
Illinois Pollution Control Board