

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 01-8
) (Enforcement – Land, Tires)
LARRY BARRY, INC. d/b/a LARRY’S)
MARATHON WAREHOUSE,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On July 17, 2000, the People of the State of Illinois (complainant) filed a two-count complaint against respondent Larry Barry, Inc. d/b/a Larry’s Marathon Warehouse (Barry). The complaint alleges Barry stored used or waste tires capable of accumulating water at its facilities located at 1109 North Webster Street and 401 North Webster Street, Taylorville, Christian County, Illinois. These activities were in alleged violation of Sections 21(d) and (e), and 55(a)(4) and (e) of the Environmental Protection Act (Act) (415 ILCS 5/21(d), (e), 55(a)(4), (e) (1998)), the Board’s waste disposal regulations at 35 Ill. Adm. Code 848.202(b)(5). The complaint also alleges that Barry accumulated tires outside a building within 25 feet of the its facility at 401 North Webster Street. This activity was in alleged violation of 35 Ill. Adm. Code 848.202(b)(5).

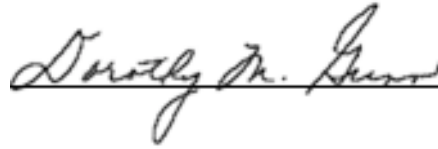
On January 11, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Barry admits all the violations contained in the complaint except the violation of 35 Ill. Adm. Code 848.202(b)(5). Barry proposes to pay a \$2,500 penalty.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (1998). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties’ request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board