## ILLINOIS POLLUTION CONTROL BOARD December 20, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 08-8
	)	(Enforcement – Water, Land)
ARONA CORPORATION, an Iowa	)	
corporation d/b/a AARON'S SALES &	)	
LEASE OWNERSHIP,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by N.J. Melas):

On July 18, 2007, the Attorney General, on her own motion and at the request of the Illinois Environmental Protection Agency (People), filed a four-count complaint against Arona Corporation, an Iowa corporation, d/b/a, Aaron's Sales & Lease Ownership (Arona or respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns the August 16, 2006 discharge of between 2 and 20 gallons of gasoline into a storm sewer and onto the ground of respondent's facility at 3730 East State Street, 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.* (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a), 12(d), 21(a), and 21(e) of the Act (415 ILCS 5/12(a), 12(d), 21(a), and 21(e) (2006)). The People further allege that respondent violated these provisions by causing or tending to cause water pollution, depositing any contaminant upon land so as to create a water hazard, causing or allowing open dumping, and the improper disposal of waste.

On November 14, 2007, the People and Arona 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, Arona 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) (2006); 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 December 20, 2007, by a vote of 4-0.

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John Therriault, Assistant Clerk Illinois Pollution Control Board