

ILLINOIS POLLUTION CONTROL BOARD

February 7, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-177
	)	(Enforcement – Land)
SHERIDAN SAND & GRAVEL CO., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On May 22, 2006, the People of the State of Illinois (People), on the motion of the Illinois Attorney General and at the request of the Illinois Environmental Protection Agency, filed a five-count complaint against Sheridan Sand & Gravel Co., an Illinois corporation (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns the respondent's sand and gravel mine located at 2679 North 4201 Road, Sheridan, LaSalle 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.

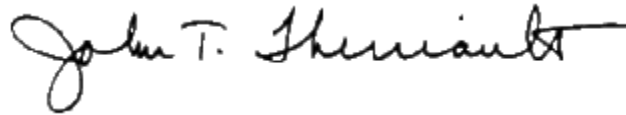
Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 21(k), 55(d)(1), 55(e), 55(g) and 55.6(b) of the Act (415 ILCS 5/21(k), 55(d)(1), 55(e), 55(g), 55.6(b) (2006)), and Sections 848.202(b)(4) and (5), 848.304(a), 848.304(c), 848.305, and 848.601(a)(1) and (2) of the Board's regulations on the management of used and waste tires (35 Ill. Adm. Code 848.202(b)(4), (5), 848.304(a), 848.304(c), 848.305, 848.601(a)(1), (2)). The People further allege that respondent violated these provisions by failing to register as a tire storage site, improper storage of used or waste tires, failing to comply with tire storage notification and recordkeeping requirements, failing to pay the registration fee, and failing to comply with tire transporter requirements.

On January 22, 2008, 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) (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, respondent does not affirmatively admit the alleged violations, and agrees to pay a civil penalty of \$10,000.

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 February 7, 2008, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board