

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, D & L does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$8,500. The proposed settlement includes a supplemental environmental project (SEP), as authorized by Section 42(h)(7) of the Act (415 ILCS 5/42(h)(7) (2006)). The SEP consists of the provision of 1,300 tons of disposal capacity to be used by the People at any of three identified landfills. According to the proposed settlement, the SEP has a settlement value of \$45,500, which will offset penalties sought by the People and the Agency.

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); 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 September 16, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board