ILLINOIS POLLUTION CONTROL BOARD June 19, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
- <i>·</i>))
V.)
ELYSIUM ENERGY, an Illinois limited liability corporation,))
Respondent.))

PCB 03-223 (Enforcement – Land, Air)

ORDER OF THE BOARD (by T.E. Johnson):

On June 9, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Elysium Energy. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Elysium Energy violated Sections 9(a) and (c); 21(a), (e), (o)(4), (p)(1), (p)(3), and (p)(6); and 55(a)(1) and (a)(2) of the Environmental Protection Act (415 ILCS 5/9(a) and (c); 21(a), (e), (o)(4), (p)(1), (p)(3), and (p)(6); and 55(a)(1) and (a)(2) (2002)) and 35 Ill. Adm. Code 722.111 and 808.121(a). The People further allege that Elysium Energy violated these provisions by causing or allowing the consolidation and crushing of approximately 20 drums or special waste; the consolidation and burning of wood, metal, and waste tires; the placement of a roll-off container of waste and a bucket leaking a liquid substance; and the existence and accumulation of drums containing crankcase oil at its facility. The complaint concerns Elysium Energy's operating oil field maintenance facility 0.4 miles west of the intersection of Routes 130 and 25, about three-quarter mile west of West Liberty and 9.5 miles south of Newton, Jasper County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Elysium Energy fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Elysium Energy to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 19, 2003, by a vote of 6-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board