

ILLINOIS POLLUTION CONTROL BOARD
July 25, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 14-08
)	(Enforcement - Land)
ISAAC CAPPS,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On July 17, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Isaac Capps (Respondent). The complaint concerns Respondent's property located at 4804 East Dundas Lane, Dundas, Effingham County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Respondent violated the Sections 9(a), 9(c), 21(a), 21(p)(1), 21(p)(3), 55(a), 55(a)(4), 55(c), 55(d), 55(e) and 55.6 of the Act (415 ILCS 5/9(a), (c), 21(a), (p)(1), (p)(3), 55(a)(4), (c), (d)(1), (e) (2010)) and Section 848.202(b)(2), 848.202(b)(5), 848.202(c)(1)-(3) of the Board's Regulations (35 Ill. Adm. Code 848.202(b)(2), (b)(5), (c)(1)-(3)) by:

1. causing or allowing used or waste tires to be stored at a distance of less than 25 feet from any building and 50 feet from vegetative growth;
2. causing or allowing tires to be stored in a manner that did not prevent water from accumulating in the tires;
3. failing to maintain a contingency plan for the site which contains at least 500 used tires;
4. failing to maintain proper record keeping and reporting requirements;
5. causing or allowing the operating of a tire storage site in a manner not in compliance with Board regulations;

6. causing or allowing the operation of a tire storage site without recording and submitting the required registration and notification information to the IEPA;
7. causing or allowing the storage, disposal, treatment, or processing of any used or waste tire in violation of any regulations or standard adopted by the Board;
8. failing to timely pay to the IEPA the annual tire storage fee;
9. failing or refusing to timely pay a fee imposed under the Act; and
10. causing or allowing the open dumping of waste in a manner which has resulted in litter and open burning at the site.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On July 17, 2013, simultaneously with the People's complaint, 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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 admits the alleged violations and agrees to pay a civil penalty of two thousand dollars (\$2,000).

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) (2010); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 25, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board