ILLINOIS POLLUTION CONTROL BOARD June 19, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 99-92 (Enforcement Lond)
HARTZ CONSTRUCTION CO., INC., an Illinois corporation,)	(Enforcement - Land)
Respondent.))	

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

On December 29, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Hartz Construction Co., Inc. (Hartz). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Hartz violated Section 21(a) of the Environmental Protection Act (Act) (415 ILCS 5/21(a) (2002)). The People further allege that Hartz violated these provisions by open dumping of waste. The complaint concerns Hartz's 77-acre property referred to as Eagle Ridge subdivision located on 107th Street, 109th Street, Central Avenue, and the Wolfe Wildlife Refuge in Oak Lawn, Cook County.

On June 6, 2003, the People and Hartz 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, Hartz denies the alleged violations and agrees to pay a civil penalty of \$31,500.00.

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. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

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.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board