

hazardous waste. By violating Section 722.11 of the Board's regulations, Pitchford also violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2018));

Count VI—Pitchford violated Section 21(e) of the Act (415 ILCS 5/21(e) (2018)) by disposing, storing, and/or abandoning wastes at the Site;

Count VII—Pitchford violated Section 55(a)(1) of the Act (415 ILCS 5/55(a)(1) (2018)) by causing or allowing open dumping of used or waste tires at the Site;

Count VIII—Pitchford violated Section 9(a) of the Act (415 ILCS 5/9(a) (2018)) by causing, threatening, or allowing the discharge of emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois. Pitchford also violated Section 9(c) of the Act (415 ILCS 5/9(c) (2018)) by causing or allowing the open burning of refuse in a manner that was not approved by the Agency or the Board; and

Count IX—Pitchford violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2018)) by causing or allowing open dumping at the Site that resulted in open burning.

On February 14, 2020, the People and Pitchford filed a stipulation and proposed settlement (Stip.), accompanied by a motion to request relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Pitchford does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$40,000.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 20, 2020 by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board