

ILLINOIS POLLUTION CONTROL BOARD
January 22, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-08
)	(Enforcement - Land)
GREG PREY, individually and d/b/a KING)	
TIRE,)	
)	
Respondents.)	

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

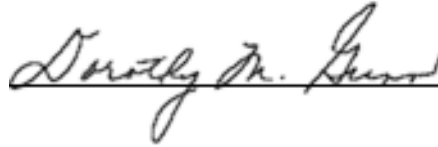
On July 14, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Greg Prey, individually and doing business as King Tire (Prey). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Prey violated Sections 21(k); 55(a)(4), (d)(1), (e), and (g); and 55.6(b) of the Environmental Protection Act (415 ILCS 5/ (2002)) and 35 Ill. Adm. Code 848.202(b)(1), (b)(2), (b)(4), (b)(5) and 848.601(a). The People further allege that Prey violated these provisions by storing more than 50 used tires and up to 2,400 new, used, and waste tires without registering as a tire storage site and paying the annual fee, by storing used tires in violation of established standards for storage of used tires, and by transporting used tires in a vehicle bearing expired transported placards. The complaint concerns Prey's tire retail facility located at 237 First Street, LaSalle, LaSalle County.

On January 12, 2004, the People and the respondents 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 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Prey admits the violations as alleged in the complaint, and agrees to pay a civil penalty of \$5,000.

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. 415 ILCS 5/31(c)(2) (2000); 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 January 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board