

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-98
)	(Enforcement - Air, Land, Water)
ONYX ENVIRONMENTAL SERVICES,)	
L.L.C., a Delaware limited liability company,)	
and AURA II, INC., a Wisconsin corporation,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J.P. Novak):

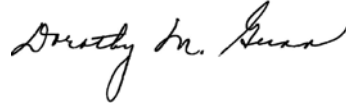
On December 18, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Onyx Environmental Services, L.L.C. (Onyx Environmental Services) and Aura II, Inc. (Aura II) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the respondents violated Sections 9(a), 12(a) and (d), and 21(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 12(a) and (d), and 21(a) and (b) (2002)). The People further allege that the respondents violated these provisions by causing or allowing the discharge of acid vapor and waste from a tanker truck in transport on Interstate 94 in Lake County so as to cause or allow air and water pollution, by creating a water pollution hazard, and by causing or allowing open dumping and abandonment of waste.

On May 26, 2004, the People and Onyx Environmental Services and the People and Aura II filed two separate stipulation and proposed settlements, each 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)). These filings are 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 between the People and Onyx Environmental Services, Onyx Environmental Services neither admits nor denies the alleged violation but agrees to pay a civil penalty of \$85,000. Under the proposed stipulation between the People and Aura II, Aura II neither admits nor denies the alleged violation but 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 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 June 3, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board