

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-9
)	(UST Enforcement)
BRAKE'S ENTERPRISES, INC. d/b/a)	
BRAKE'S AMOCO,)	
)	
Respondent.)	

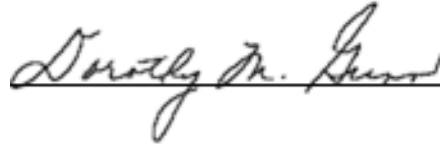
ORDER OF THE BOARD (by C.A. Manning):

On July 21, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Brake's Enterprises, Inc. d/b/a Brake's Amoco (Brake's). See 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Brake's failed to comply with 35 Ill. Adm. Code 732.202(a)-(d). The People further allege that Brake's violated these provisions by failing to perform initial abatement measures with respect to a release of gasoline from an underground storage tank; failing to perform initial response actions; and failing to submit required reports. The complaint concerns Brake's service station in Fisher, Champaign County.

On November 16, 2001, the People and Brake's filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a).

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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2001, 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