

ILLINOIS POLLUTION CONTROL BOARD  
August 7, 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
C & S RECYCLING, INC., an Illinois ) PCB 97-9  
corporation, FLOOD BROTHERS DISPOSAL ) (Enforcement - Land)  
COMPANY, INC., an Illinois corporation, )  
WILLIAM FLOOD, individually and as )  
treasurer of C & S Recycling, and BRIAN )  
FLOOD, individually and as president of C & )  
S Recycling, )  
)  
Respondents. )

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

On July 11, 1996, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against C & S Recycling, Inc. (C & S), Flood Brothers Disposal Company, Inc. (Flood Brothers), William Flood, and Brian Flood (collectively respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that respondents violated Section 21(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/21(a) and (d) (2002)) and 35 Ill. Adm. Code 807.201 and 807.202. The People further allege that respondents violated these provisions by causing or allowing the open dumping of waste, developing a solid waste management facility without a permit, and operating a solid waste management facility without a permit. The complaint concerns respondents' solid waste sorting and transfer facility at 4009 West Taylor Street, Chicago, Cook County.

On July 30, 2003, the People and 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, C & S and Flood Brothers admit the alleged violations and agree to pay a civil penalty of \$45,000.<sup>1</sup>

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

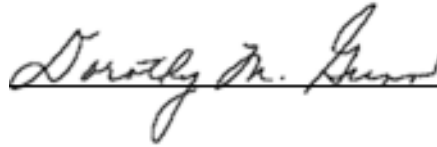
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<sup>1</sup> Respondents William Flood and Brian Flood did not agree to or sign the stipulation and proposal for settlement.

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 August 7, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board