

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 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. )

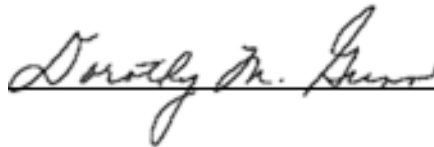
ORDER OF THE BOARD (by J.P. Novak):

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. and Aura II, Inc. (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 (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.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if the respondents fail within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider the respondents to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

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.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board