

ILLINOIS POLLUTION CONTROL BOARD

April 7, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 05-64
) (Enforcement - Land)
AUTO RECYCLERS-C & D ENTERPRISES,)
INC., an Illinois corporation,)
)
Respondent.)

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

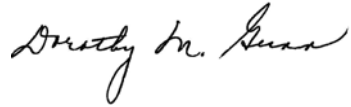
On October 8, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Auto Recyclers-C & D Enterprises, Inc. (Auto Recyclers). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Auto Recyclers violated Section 21(a), (d)(2), and (e) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), (d)(2), and (e) (2002)) and 35 Ill. Adm. Code 722.111 and 808.121 by (1) causing or allowing the open dumping of waste fluids from automobiles and (2) failing to determine whether contaminated soils from the spillage was a hazardous waste or special waste. The complaint concerns Auto Recyclers' automotive salvage facility at 920 East Phillips Street, Springfield, Sangamon County.

On March 15, 2005, the People and Auto Recyclers 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, the Auto Recyclers admits the alleged violations 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 April 7, 2005, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board