

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-162
) (Enforcement - Land)
JUDY DAVIS,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On April 17, 2000, the complainant filed a stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)).

Pursuant to Section 31(c)(2) of the Act, the Board, by order of April 20, 2000, caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. In its complaint, the complainant alleged that the respondent violated Sections 21(d), (e), and (p) of the Act (415 ILCS 5/21(d), (e), and (p) (1998)) and Sections 807.201 and 807.202(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 807.201 and 807.202(a)). Complainant alleges that the respondent committed these violations by causing or allowing open dumping, by conducting a waste disposal operation without a permit, and by causing or allowing litter at a site located in Colona Township, Henry County, Illinois.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent neither admits nor denies the alleged violations in the complaint and agrees to pay a total civil penalty of \$2,000. Respondent also agreed to remove and properly dispose of all waste, including, but not limited to, wood pallet waste, by April 15, 2000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and proposal for settlement executed by the People of the State of Illinois and Judy Davis, regarding a facility located in Henry County, Illinois. The stipulation and proposal for settlement is incorporated by reference as if fully set forth herein.
2. Respondent shall pay the sum of \$2,000 within 180 days of the date of this order. Such payment shall be made by certified check payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and respondent's social security number shall also be included on the check.
3. The check shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

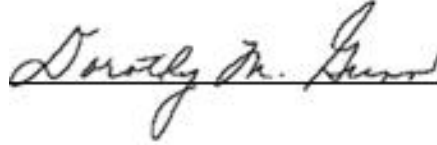
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 18th day of May 2000 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board