## ILLINOIS POLLUTION CONTROL BOARD August 17, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 07-08 (Enforcement - Land)
THE CITY OF HARVEY,	)	(2.1.0100110110 24110)
Respondent.	,	

## ORDER OF THE BOARD (by G.T. Girard):

On August 4, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the City of Harvey (City). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns an undeveloped parcel of land owned by the City situated within the right-of-way of Myrtle Street, south of 148th Street and north of the B & O Railroad property in Harvey, Cook County.

The People allege that the City violated Section 21(a) and (p) of the Environmental Protection Act (Act) (415 ILCS 5/21(a) and (p) (2004)). The People further allege that the City violated these provisions by causing or allowing open dumping at an unpermitted site and by causing or allowing open dumping resulting in litter. The People ask the Board to order the City to cease and desist from further violation and to pay a civil penalty in accordance with statute.

In addition to the complaint, on August 4, 2006, the People and the City also 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 III. Adm. Code 103.300(a). Under the proposed stipulation, the City neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$10,000.

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) (2004); 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 17, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board