



directed that either the People file an amended complaint or the People and Champion file an amended stipulation and proposed settlement, accompanied by another request for relief from the hearing requirement.

On June 24, 2010, the People filed an amended stipulation and proposed settlement, accompanied by a second request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The second request for relief states that the amendment to the stipulation “seeks to correct the mistake [of including count III of the complaint in a stipulation with Champion] and delete the allegation . . . as this allegation does not relate to Champion.” Second Request at 1. The amended stipulation does not include count III of the complaint, that is, the alleged violation by Swinson of Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2008)) or Sections 807.201 and 807.202(a) of the Board’s waste disposal regulations (35 Ill. Adm. Code 807.201, 807.202(a)). All of the violations alleged against Champion, as set forth in counts I, II, IV, and V of the complaint, are included in the amended stipulation.<sup>1</sup> Under the amended stipulation, Champion does not affirmatively admit the violations alleged against it, but agrees to pay a civil penalty of \$2,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the amended stipulation and proposed settlement and accompanying 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. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 1, 2010, by a vote of 5-0.



---

John Therriault, Assistant Clerk

---

<sup>1</sup> The amended stipulation lists Champion’s alleged violations of Section 21(e) of the Act (415 ILCS 5/21(e) (2008)), which concerns count IV of the complaint, and Section 21(p)(1) of the Act, which pertains to count V of the complaint. Through apparent inadvertence, however, the amended stipulation incorrectly identifies these alleged violations as having been pled under count III and count IV, respectively. The Board construes this as mere scrivener’s error to effectuate the plain intent of the People and Champion.

Illinois Pollution Control Board