ILLINOIS POLLUTION CONTROL BOARD November 17, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 12-60
WAHL CLIPPER CORPORATION, an)	(Enforcement - Land)
Illinois corporation,)	
Respondent.)	

ORDER OF THE BOARD (by T.A. Holbrook):

On November 14, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Wahl Clipper Corporation (Wahl). The complaint concerns Wahl's appliance manufacturing facility located at 2900 North Locust Street in Sterling, Whiteside County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Wahl improperly stored hazardous waste and used oil at its facility. In storing hazardous waste without a permit, without adhering to hazardous waste manifest regulations, and by failing to perform a hazardous waste determination, the People allege that Wahl violated Section 21(f) of the Act (415 ILCS 5/21(f) (2010)) and Sections 703.121, 722.111, 722.142(b) of the of the Board's Waste Regulations (35 Ill. Adm. Code 703.121, 722.111, 722.142(b)). By improperly storing used oil at its facility and failing to perform a special waste determination, the People allege that Wahl violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2010)) and Sections 739.122(c)(1) and 808.121 of the Board's Waste Regulations (35 Ill. Adm. Code 739.222(c)(1) and 808.121). The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On November 14, 2011, simultaneously with the People's complaint, the People and Wahl 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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).

Under the proposed stipulation, Wahl does not affirmatively admit to the alleged violations and agrees to pay a civil penalty of \$15,000.00.

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. See 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 17, 2011, by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board