

ILLINOIS POLLUTION CONTROL BOARD
July 25, 2013

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 13-11
)	(IEPA No. 206-12-AC)
HUGHES TIRE & BATTERY COMPANY,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. The Illinois Environmental Protection Agency (IEPA) timely filed an administrative citation on September 4, 2012, against Hughes Tire & Battery Company (Hughes). IEPA alleged that on July 27, 2012, Hughes violated Section 55(k)(1) of the Environmental Protection Act (Act) (415 ILCS 5/55(k)(1) (2010)) by causing or allowing water to accumulate in used tires. The violation allegedly took place at Hughes' facility located at 730 31st Avenue in Rock Island, Rock Island County.¹ The property is commonly known to IEPA as the "Hughes Tire-Brake & Retread" site and is designated with Site Code No. 1610656101.

The Board accepted Hughes' amended petition contesting the administrative citation on November 15, 2012. On July 16, 2013, the parties filed a "stipulation of settlement and dismissal of respondent's petition for administrative review" (Stip.). The stipulation relates to both this administrative citation and a related administrative citation docketed as IEPA v. Hughes Tire & Battery, AC 13-10. Under the terms of the stipulation, Hughes admits that it violated Section 55(k)(1) of the Act (415 ILCS 5/(k)(1) (2010)) by causing or allowing water to accumulate in used tires, and agrees to pay the statutory civil penalty of \$3,000 for a second adjudicated offense in the related AC 13-10 proceeding. Stip. at 2. Hughes also agrees to diligently comply with, and cease and desist from, further violations of the Act (415 ILCS 5/1 *et seq.* (2010)), and the Board's rules and regulations (35 Ill. Adm. Code Subtitles A through H). *Id.* The stipulation further states that the condition at the site that led to the issuance of this administrative citation has been remediated. *Id.* at 3. In addition, the Agency agrees not to refer the violations that are the subject of the administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority to initiate a civil enforcement action. *Id.*

¹ The Board notes that the location of the property was cited as being in Milan, Rock Island County in the administrative citation, whereas the settlement refers to the location as being in Rock Island, Rock Island County. The Board has determined the correct address to be Rock Island, as per the original inspection report attached to the administrative citation.

The Board accepts the stipulation and proposal for settlement. To effectuate the terms of the settlement, the Board dismisses this administrative citation and closes this docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 25, 2013, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault", enclosed in a thin black rectangular border.

John T. Therriault, Clerk
Illinois Pollution Control Board