

ILLINOIS POLLUTION CONTROL BOARD
December 19, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 14-60
)	(Enforcement-Land)
WILLIAM BLANKENSHIP,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On December 5, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against William Blankenship (respondent). The complaint concerns respondent's property located 4010 Moake School Road, Marion, Williamson County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 21(a), (e), (p)(1), and 55(a)(1), (5), (6) and 55(c) and (e), of the Environmental Protection Act (415 ILCS 5/21(a), (e), (p)(1), 5/55(a)(1), (5), (6), 5/55(c), (e) (2012)), Sections 848.202(b)(6), 848.202(c)(1-3), 848.302(a)(1-2), 848.303(a-b), 848.304(a-c), and 848.305, 848.404, of the Board's waste regulations, (35 Ill. Adm. Code 848.202(b)(6), 848.202(c)(1-3), 848.302(a)(1-2), 848.303(a-b), 848.304(a-c), and 848.305, 848.404. According to the complaint, respondent violated these provisions by:

- 1) causing or allowing waste tire violations,
- 2) causing or allowing notice and financial violations,
- 3) causing or allowing recordkeeping and reporting violations, and,
- 4) causing or allowing open dumping violations.

The People ask the Board to issue an order requiring respondent to cease and desist from further violations and pay civil penalties of not more than the statutory maximum. 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 December 5, 2013, simultaneously with the People's complaint, the People and respondent 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, respondent admits the alleged violations, but no penalty is imposed in this matter.

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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 19, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board