

ILLINOIS POLLUTION CONTROL BOARD

October 2, 2014

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 15-61
) (Enforcement - Land)
TAYLOR BROTHERS WELDING)
SERVICE, INC., an Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by D. Glosser):

On August 28, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Taylor Brothers Welding Service, Inc. (Taylor Brothers). The complaint concerns Taylor Brothers' business located at 234 E. Main Street, Tamaroa, Perry County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

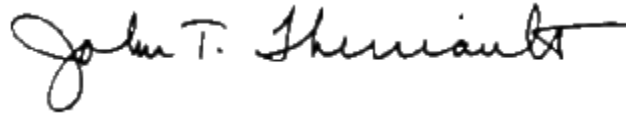
Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that Taylor Brothers violated Sections 21(a), 21(d)(1), 21(d)(2), and 21(e) of the Act (415 ILCS 5/21(a), (d)(1), (d)(2), and (e) (2012)) and Section 812.101(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 812.101(a)). The People allege that Taylor Brothers violated these provisions by causing or allowing the discharge, deposition, dumping, spilling or leaking of several fifty-five gallon drums containing waste oil, lubricant, or grease into or on land in a manner that exposed the waste to air, water, and to the environment; by disposing of drums containing waste oil, lubricant or grease, and waste liquids on the ground at its facility without a permit issued by the Illinois Environmental Protection Agency; and by conducting a landfill operation without applying for a permit to develop or operate a landfill.

On September 18, 2014, the People and Taylor Brothers 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, Taylor Brothers do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$7,839.

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 October 2, 2012, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board