

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-193  
) (Enforcement - Land)  
The PURDY COMPANY, an Illinois )  
corporation, and INDIANA HARBOR BELT )  
RAILROAD, an Indiana corporation, )  
)  
Respondents. )

ORDER OF THE BOARD (by N.J. Melas):

On June 30, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against The Purdy Company (Purdy) and Indiana Harbor Belt Railroad (IHB RR). *See* 415 ILCS 5/31(d) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that Purdy and IHB RR violated Sections 21(a), 21(p)(1), and 21(e) of the Environmental Protection Act (Act). 415 ILCS 5/21(a), 21(p)(1), and 21(e) (1998) *amended by* P.A. 92-0574, eff. June 26, 2002. The People further allege that Purdy and IHB RR violated these provisions by open dumping, and by causing or allowing litter and waste disposal at an unpermitted site. The complaint concerns respondents' railroad freight car wheel reconditioning operation located at 13830 Brainard Avenue, Burnham, Cook County, on property which respondent Purdy leased from respondent IHR RR, owner of the site.

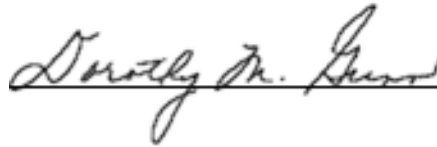
On July 22, 2002, the People and Purdy and IHB RR filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Purdy and IHB RR neither admit nor deny the alleged violations. Respondent Purdy agrees to pay a civil penalty of \$10,000. Respondent IHB RR shall pay no civil penalty. Notwithstanding, respondents shall remain jointly and severally liable for the penalty.

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. 415 ILCS 5/31(c)(2) (2000) *amended by* P.A. 92-0574, eff.

June 26, 2002; 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board