

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 19-113
) (Enforcement - Air)
BUILDERS SAND & CEMENT CO., INC.,)
an Iowa corporation,)
)
Respondent.)

ORDER OF THE BOARD (by B.K. Carter):

On June 10, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Builders Sand & Cement Co., Inc. (BSC). The complaint concerns Builder's concrete batch plant located at 1215 Ruth Street in East Moline, Rock Island 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that BSC violated Section 9(a) of the Act (415 ILCS 5/9(a) (2016)) and Section 201.302(a) of the Board's air pollution rules (35 Ill. Adm. Code 201.302(a)) by failing to submit a timely Annual Emissions Report (AER) for year 2017 to the Illinois Environmental Protection Agency by May 1, 2018. 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 June 10, 2019, simultaneously with the People's complaint, the People and BSC 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, BSC admits to the alleged violations and agrees to pay a civil penalty of \$5,000.00.

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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 20, 2019, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, looped initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board