

ILLINOIS POLLUTION CONTROL BOARD
April 15, 2021

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 21-43
)	(Enforcement - Water)
DENIS MUNIE, an individual, d/b/a MUNIE)	
TRUCKING AND GRAVEL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A. Palivos):

On December 18, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Denis Munie d/b/a Munie Trucking and Gravel (Munie). The complaint concerns Munie’s excavation trucking business located at 3000 Cally Lane in Highland, Madison 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.

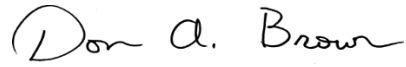
Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Munie violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2018)) and Section 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a)). The People allege that Munie committed the alleged violations by discharging stormwater associated with industrial activity into Bargetzi’s Lake without a National Pollutant Discharge Elimination System permit and by causing, threatening, or allowing the discharge of contaminants into the Highland Silver Lake Watershed.

On April 1, 2020, the People and Munie 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Munie admits the alleged violations and agrees to pay a civil penalty of \$7,250.

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 comment or demand for hearing within 30 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) (2018); 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 April 15, 2021, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink on a white background.

Don A. Brown, Clerk
Illinois Pollution Control Board