

ILLINOIS POLLUTION CONTROL BOARD
May 20, 2021

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB 21-106
)	(Enforcement – Water-NPDES)
KNESS TRUCKING, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On April 30, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Kness Trucking, Inc. (Kness). The complaint concerns Kness’s freight shipping and hauling transportation operation at 113 West Third Street in Chadwick, Carroll County, Illinois (Facility). The parties seek to settle without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

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 Kness violated Section 12(f) of the Act, Section 309.102(a) of the Board Water Pollution Regulations, and Conditions No. E.2, K.1, and K.3 of Kness’s National Pollution Discharge Elimination System (NPDES) permit by failing to timely submit a Storm Water Pollution Prevention Plan (SWPPP) and Annual Reports for the years 2017, 2018, and 2019. 415 ILCS 5/12(f) (2018); 35 Ill. Admin. Code 309.102(a).

On April 30, 2021, concurrent with the complaint, the People and Kness filed a stipulation and proposal for 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, Kness does not admit to the alleged violations, but agrees to pay a civil penalty of \$9,000.00.

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 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 May 20, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a solid horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board