

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 22-
)	(Enforcement – Water)
WIL SON PALLET LLC, an Illinois limited)	
liability company,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached service list.

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk’s office, or an attorney.

NOTIFICATION – YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1 *et seq.*] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

BY: /s/ Kevin D. Bonin
KEVIN D. BONIN, #6294877
Assistant Attorney General
500 South 2nd Street
Springfield, Illinois 62706
(217) 782-5055
kevin.bonin@illinois.gov

Service List

For the Respondent:

Wil Son Pallet LLC
c/o Kenneth Crossman, Attorney for Respondent
crossmanlawoffice@gmail.com

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, WIL SON PALLET LLC, an Illinois limited liability company, as follows:

COUNT I
FAILURE TO OBTAIN A GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR INDUSTRIAL ACTIVITIES

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018), and is charged, *inter alia*, with the duty of enforcing the Act. Illinois EPA is further charged with the duty to abate violations of the National Pollutant Discharge Elimination System (“NPDES”) Permit Program under the Federal Clean Water Act (“CWA”), 33 U.S.C. §1342(b)(7).

3. Respondent, WIL SON PALLET LLC (“Wil Son”), is an Illinois limited liability

company in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent owned and operated a wood pallet manufacturing facility located at 1858 County Road 1300E, Sullivan, Moultrie County, Illinois (the "Facility").

5. The Facility is located adjacent to and upgradient of Twomile Branch.

6. The Facility is a wood pallet manufacturing and storage facility. As a wood pallet manufacturing and storage facility, Respondent is required to have coverage under the General National Pollutant Discharge Elimination System ("NPDES") Permit for Industrial Activities for discharge of stormwater to waters of the State of Illinois ("General NPDES Stormwater Permit").

7. The current iteration of the General NPDES Stormwater Permit was issued on April 5, 2017, and anyone seeking coverage under this iteration of the General NPDES Stormwater Permit must submit a Notice of Intent for Coverage ("NOI") and a Storm Water Pollution Prevention Plan ("SWPPP").

8. On June 13, 2019, Illinois EPA inspectors conducted an inspection of the Facility ("June 2019 Inspection").

9. At the time of the June 2019 inspection, Illinois EPA inspectors observed numerous stacks of wooden pallets and crates stored outdoors at the Facility.

10. At the time of the June 2019 inspection, Illinois EPA inspectors informed representatives of Respondent that the Facility requires coverage under the General NPDES Stormwater Permit.

11. Subsequent to the June 2019 inspection, Respondent failed to obtain coverage under the General NPDES Stormwater Permit, and, on October 15, 2019, Illinois EPA issued

Violation Notice No. W-2019-50182 to Respondent.

12. On or about April 10, 2020, Illinois EPA received a Stormwater Pollution Prevention Plan, NOI, and the applicable application fee from Respondent.

13. On May 12, 2020, Illinois EPA issued Notice of Coverage: General Storm Water Permit for Industrial Site Activities, NPDES Permit No. ILR007707 – Bureau ID W1398020002, which covers Respondent’s stormwater discharges from the Facility.

14. Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), provides, in pertinent part, as follows:

No person shall:

* * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

* * *

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

16. Respondent, a limited liability company, is a “person,” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), provides as follows:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

18. Stormwater discharges associated with industrial activity are a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), provides as follows:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

20. Watercourses downgradient of the Facility, including but not limited to Twomile Branch, are “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

21. Section 309.102(a) of the Board’s regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

22. The United States Environmental Protection Agency (“USEPA”) has authorized the State of Illinois to issue NPDES permits through Illinois EPA in compliance with federal regulations, including stormwater discharges regulated by 40 CFR § 122.26, which requires a person to obtain an NPDES permit to implement a stormwater pollution prevention plan for stormwater discharges associated with industrial activity.

23. Section 122.26 of the Code of Federal Regulations, 40 CFR § 122.26, provides, in pertinent part, as follows:

(a) Permit Requirement.

- (1) Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

* * *

- (ii) A discharge associated with industrial activity. . .

* * *

- (b) Definitions.

* * *

- (14) Storm water discharge associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. . . . The following categories of facilities are considered to be engaging in “industrial activity” for purposes of paragraph (b)(14):

* * *

- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);

24. The Facility is classified as Industry Group 2448: Wood Pallets and Skids.

25. The Facility is a facility considered to be engaging in “industrial activity” within the meaning of Section 122.26 of the Code of Federal Regulations, 40 CFR § 122.26.

26. Stormwater discharges from the Facility are associated with industrial activity and therefore require an NPDES permit.

27. On or before June 13, 2019, and on dates better known to Respondent, Respondent operated a wood pallet manufacturing and storage facility without obtaining coverage under the General NPDES Stormwater Permit.

28. By operating a wood pallet manufacturing and storage facility without obtaining coverage under the General NPDES Stormwater Permit, Respondent caused, threatened, or allowed the discharge of stormwater associated with industrial activity into waters of the State without an NPDES permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

29. At times better known to Respondent, Respondent discharged stormwater associated with industrial activity from the Facility into waters of the State without obtaining coverage under the General NPDES Stormwater Permit.

30. By discharging stormwater associated with industrial activity from the Facility into waters of the State without obtaining coverage under the General NPDES Stormwater Permit, Respondent discharged contaminants into waters of the State in violation of the Act, Board regulations, and the CWA, and thereby violated Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, WIL SON PALLET LLC, on Count I:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a);

D. Assessing against the Respondent a civil penalty of \$10,000.00 for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2018);

E. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

F. Ordering such other and further relief as the Board deems appropriate and just.

COUNT II
WATER POLLUTION

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through 13, 15 through 20, and 22 through 27 of Count I as paragraphs 1 through 25 of this Count II.

26. Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

27. Section 3.545 of the Act, 415 ILCS 5/3.545 (2018), provides as follows:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

28. The discharge of stormwater associated with industrial activities from the Facility into downgradient receiving waters, including but not limited to Twomile Creek, is “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2018).

29. At times better known to Respondent, Respondent caused, threatened, or allowed the discharge of stormwater associated with industrial activity from the Facility into waters of the State.

30. By causing, threatening, or allowing the discharge of stormwater associated with industrial activities from the Facility, Respondent caused, threatened, or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, WIL SON PALLET LLC, on Count II:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2018);

C. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018);

D. Assessing against the Respondent a civil penalty of \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

Kevin D. Bonin, #6294877
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62706
Ph: (217) 782-5055
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kevin.bonin@illinois.gov

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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and WIL SON PALLET LLC (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2018), and the Board’s regulations alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneously with the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of

Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Complaint, Respondent was and is an Illinois limited liability company that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a wood pallet manufacturing facility located at 1858 County Road 1300E, Sullivan, Moultrie County, Illinois (the "Facility").

5. On June 13, 2019, the Illinois EPA inspected the Facility and informed the Respondent that the Facility requires coverage under the General National Pollutant Discharge Elimination System ("NPDES") Permit for Industrial Activities.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Failure to Obtain a General NPDES Permit for Industrial Activities
Section 12(f) of the Act, 415 ILCS 5/12(f) (2018);
Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code
309.102(a).

Count II: Water Pollution
Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

1. On or about April 10, 2020, Illinois EPA received a Stormwater Pollution Prevention Plan, Notice of Intent for Coverage, and an application fee from the Respondent.

2. On May 12, 2020, Illinois EPA issued NPDES Permit No. ILR007707 to the Respondent (the "Permit").

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;

4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Obtaining coverage under the General NPDES Permit for Industrial Activities for the Facility and complying with its terms are both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a “supplemental environmental project”, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent operated an industrial facility without obtaining coverage under the General NPDES Permit for Industrial Activities. The violations began on or before June 13, 2019 and were resolved when the Permit was issued on May 12, 2020.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations, and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twelve Thousand Dollars (\$12,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant’s knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

The Respondent shall pay a civil penalty in the sum of Twelve Thousand Dollars (\$12,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin Bonin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. The Respondent shall comply with the terms and conditions of the Permit.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. The Respondent shall cease and desist from future violations of the Act and Board

Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$12,000.00 penalty, its commitment to comply with the terms and conditions of the Permit as contained in Section V.D.1 above, its commitment to cease and desist as contained in Section V.D.4 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives, and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), or entity other than the Respondent.

F. Enforcement and Modification of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order

is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Opportunity for Public Comment

Pursuant to 35 Ill. Adm. Code 103.306, the Board shall publish a notice of this Stipulation in the Environmental Register for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

H. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL
Attorney General of the
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
ANDREW ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

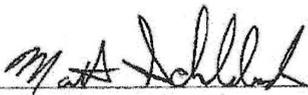
BY: 
CHARLES GUNNARSON
Chief Legal Counsel

DATE: 07/22/2021

DATE: 7/21/21

FOR THE DEFENDANT:

WIL SON PALLET LLC

BY: 
Its: President
[title of signatory]

DATE: 7.13.21

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Complainant,)	
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v.)	PCB No. 22-
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WIL SON PALLET LLC, an Illinois limited)	
liability company,)	
)	
Respondent.)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT
AND NOTICE OF ELECTRONIC SERVICE**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2018), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2018), and Section 309.102(a) of the Board’s Regulations, 35 Ill. Adm. Code 309.102(a).
2. Filed contemporaneously with the Complaint and this Motion is a Stipulation and Proposal for Settlement (“Stipulation”) executed between Complainant and Respondent, WIL SON PALLET LLC.
3. Respondent agrees to accept service of the Complaint via electronic mail.
4. The parties have reached agreement on all outstanding issues in this matter.

5. The parties agree that a hearing on the Stipulation is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

6. No hearing is scheduled in this matter.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Kevin D. Bonin
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CERTIFICATE OF SERVICE

I, Kevin Bonin, Assistant Attorney General, certify that on the 27th day of July, 2021, I caused to be served by Electronic Mail the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement and Notice of Electronic Service to the party listed below:

Wil Son Pallet LLC
c/o Kenneth Crossman, Attorney for Respondent
crossmanlawoffice@gmail.com

/s/ Kevin D. Bonin
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