ILLINOIS POLLUTION CONTROL BOARD August 23, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 08-15
FOUR S, LLC,)	(Enforcement - Water)
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 20, 2007, the Office of the Attorney General, on her own motion and at the request of the Illinois Environmental Protection Agency (People), filed a two-count complaint against Four S, LLC (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns respondent's facility at Highway 159 and Glenwood Drive, Madison County. The parties now seek to settle. For the reasons below, the Board accepts the complaint and directs the Clerk to publish notice of the proposed settlement.

The People allege that respondent violated Sections 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (f) (2006)) and 35 III. Adm. Code 309.102(a). The People further allege that respondent violated these provisions by failing to maintain proper erosion control. The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint for hearing. *See* 35 III. Adm. Code 103.204(c), (f), 103.212(c).

On August 20, 2007, the People and respondent also 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). Under the proposed stipulation, the respondent neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$2,500.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 23, 2007, by a vote of 4-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board