

ILLINOIS POLLUTION CONTROL BOARD

July 21, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 11-54
) (Enforcement – Air/Water)
STEWART SPEADING, INC., an Illinois)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by C.K. Zalewski):

On February 25, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Stewart Spreading, Inc. (Stewart Spreading). The complaint concerns Stewart Spreading's application of bulk biosolids generated by wastewater treatment plants to a farm field located east of the intersection of Douglas Road and Collins Road, in the west half of the west half of the northwest quarter of Section 26 in Oswego Township, Kendall 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Stewart Spreading violated the following provisions in the manner described: (1) Section 9(a) of the Act (415 ILCS 5/9(a) (2010)) by failing to properly land apply and incorporate bulk sewage sludge, thereby causing, threatening, or allowing air pollution; (2) Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by failing to properly land apply and incorporate bulk sewage sludge during ice and snow conditions, thereby causing, threatening, or allowing the discharge of contaminants into waters of the State and thereby causing, threatening, or allowing water pollution; (3) Section 12(b) of the Act (415 ILCS 5/12(b) (2010)) by applying sewage sludge in a manner that was capable of causing or contributing to water pollution without first obtaining a permit from the Illinois Environmental Protection Agency and in violation of Stewart Spreading's existing permit; (4) Section 12(d) of the Act (415 ILCS 5/12(d) (2010)) by stockpiling bulk sewage sludge in a place and manner that created a water pollution hazard; and (5) Sections 391.305(a) and (d) of the Board's water pollution regulations (35 Ill. Adm. Code 391.305(a), (d)) and thereby Section 12(a) of the Act by failing to ensure that stockpiled bulk sewage sludge was properly contained and runoff controlled, and Sections 391.403(b) and (d) of the Board's water pollution regulations (35 Ill. Adm. Code 391.403(b), (d)) and thereby Section 12(a) of the Act by applying sewage sludge to the land and failing to immediately incorporate the sludge at the site, which is located within 200 feet of surface waters, intermittent streams, and occupied dwellings.

On July 7, 2011, the People and Stewart Spreading 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Stewart Spreading neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$13,000.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 21, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board