## ILLINOIS POLLUTION CONTROL BOARD June 6, 2013

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 11-88
	)	(Enforcement - Water)
SUPER MIX INC., an Illinois corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by T.A. Holbrook):

On May 31, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Super Mix, Inc. (Super Mix). The complaint concerns Super Mix's operations at its facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County (Site). The parties now seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

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 Super Mix violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2010)), Section 309.204(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 309.204(a)); and Conditions C.1(a) and (b)(i) of Super Mix's National Pollutant Discharge Elimination System (NPDES) permit No. ILR006479 by failing to properly control wash water and industrial waste storm water discharges from its site and allowing the discharge of wash water and industrial storm water; causing, threatening, or allowing the discharge of contaminants without a site-specific NPDES permit for the discharges; failing to develop and implement a Storm Water Pollution Prevention Plan in conformance with its NPDES permit; and by causing or allowing the use or operation of a treatment works without an operating permit issued by the Agency.

On May 24, 2013, the People and Super Mix 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, Super Mix neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,000.

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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2013, by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board