

ILLINOIS POLLUTION CONTROL BOARD
July 9, 2015

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 15-213
) (Enforcement - Land)
WHITE OAK RESOURCES, LLC,)
a Delaware limited liability company,)
)
Respondent.)

ORDER OF THE BOARD (by D. Glosser):

On June 25, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against White Oak Resources, LLC (respondent). The complaint concerns respondent's coal mining facility located at the corner of County Road 500E and County Road 1800N, southeast of Dahlgren, in Hamilton County. Accompanying the complaint was a stipulation and proposal for settlement. On July 6, 2015, the People filed their motion for relief from the hearing requirement. The parties therefore 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 12(g) of the Act (415 ILCS 5/12(g) (2014)) and Section 704.121 of the Board's waste disposal regulations (35 Ill. Adm. Code 704.121). According to the complaint, respondent violated these provisions by: constructing an underground injection control (UIC) well without having a UIC permit; and injecting contaminants underground into the well without having a UIC permit or authorization by rule during a 12-day injection test that occurred from late July 2013 until early August 2013. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 25, 2015, simultaneously with the People's complaint, the People and respondent filed a stipulation and proposed settlement. On July 6, 2015, the People filed a motion for relief from hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). These filings together are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$40,000.

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) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 9, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board