

ILLINOIS POLLUTION CONTROL BOARD  
July 9, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 15-217
	)	(Enforcement - Air)
WALSH CONSTRUCTION COMPANY,	)	
an Illinois corporation,	)	
TERRELL MATERIALS CORPORATION,	)	
an Illinois corporation, and	)	
WALSH/TERRELL JOINT VENTURE,	)	
an unincorporated entity	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by D. Glosser):

On June 30, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Walsh Construction Company, Terrell Materials Corporation, and Walsh/Terrell Joint Venture (respondents). The complaint concerns respondents' portable concrete crushing plants initially located at 10510 Cargo Road in Chicago, Cook County. Accompanying the complaint was a stipulation, proposal for settlement, and request 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 respondents violated Section 9(a) of the Act (415 ILCS 5/9(a) (2014)) and Sections 201.302 and 254.132 of the air pollution regulations (35 Ill. Adm. Code 201.302 and 254.132). According to the complaint, respondents violated these provisions by failing to timely submit Annual Emission Reports for their portable concrete crushing plants for the years 2011 through 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 30, 2015, simultaneously with the People's complaint, the People and respondents 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) (2014)). This filing is 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, respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$12,000.

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.



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John T. Therriault, Clerk  
Illinois Pollution Control Board