ILLINOIS POLLUTION CONTROL BOARD April 25,2019

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,))
v.)
SOTO'S PALLET COMPANY, an Illinois corporation,)
Respondent.))

PCB 19-92 (Enforcement - Water)

ORDER OF THE BOARD (by C.M. Santos):

On March 29, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Soto's Pallet Company (Soto). The complaint concerns Soto's manufacturing and storage facility located at 1150 North Rose Farm Road in Woodstock, McHenry County. On April 18, 2019, the parties filed a stipulation, proposal for settlement, and request for relief from the hearing requirement. 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Soto violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2016)) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)). The People further allege that Soto violated these provisions by operating a facility without first obtaining coverage under a National Pollutant Discharge Elimination System (NPDES) permit; causing, threatening, or allowing the discharge of contaminated stormwater so as to cause water pollution; and depositing contaminants on land in a manner that created a water pollution hazard. 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 April 18, 2019, the People and Soto 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, Soto does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,000.

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 comment or demand for hearing within 30 days after receiving the notice. If anyone timely files a demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Members and B.K. Carter and A. Palivos abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 25, 2019, by a vote of 3-0.

Don a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board