

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2019

PEOPLE OF THE STATE OF ILLINOIS, by)
KWAME RAOUL, Attorney General of the)
State of Illinois,)
)
Complainant,)
)
v.) PCB 19-92
) (Enforcement - Water)
SOTO'S PALLET COMPANY, an Illinois)
corporation,)
)
Respondent.)

OPINION AND 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. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' 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 on behalf of the People to enforce Illinois' environmental requirements. *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 rules (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.

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *Northwest Herald* on April 30, 2019. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Soto's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2016)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Soto does not affirmatively admit the alleged violations within the complaint. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2016)), which may mitigate or aggravate the civil penalty amount. Soto agrees to pay a civil penalty of \$5,000.00. The People and Soto have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Soto's Pallet Company must pay a civil penalty of \$5,000.00 no later than July 22, 2019, which is the first business day following the 30th day after the date of this order. Soto's Pallet Company must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund (EPTF). The case name and case number must appear on the face of the certified check or money order.
3. Soto's Pallet Company must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Soto's Pallet Company must send a copy of the certified check or money order and any transmittal letter to:

Ellen F. O'Laughlin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate

set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).

5. Soto's Pallet Company must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

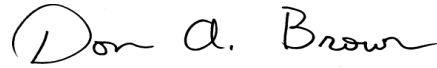
IT IS SO ORDERED.

Board Member B.K. Carter abstained.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Environmental Bureau Attn: Ellen F. O'Laughlin 69 West Washington Street, Suite 1800 Chicago, Illinois 60602 eolaughlin@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Soto's Pallet Company Attn: Raul Soto 1150 North Rose Farm Road Woodstock, Illinois 60098 sotospallet@sbcglobal.net	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 20, 2019, by a vote of 4-0.


Don A. Brown, Clerk
Illinois Pollution Control Board