

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 2020

PEOPLE OF THE STATE OF ILLINOIS	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 21-27
	)	(Enforcement – Land)
SURFACE MAINTENANCE SERVICES,	)	
INC., an Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Van Wie):

On September 29, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Surface Maintenance Services, Inc. (Surface). The complaint concerns a cleaning and painting facility owned and operated by Surface located at 420 Buckbee Street in Rockford, Winnebago County, Illinois (Facility). For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Surface violated:

1. Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018), and Section 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a) and (b), by conducting a hazardous waste storage operation without a Resource Conservation and Recovery Act ("RCRA") permit.
2. Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), by storing hazardous waste at a facility that does not meet the requirements of the Act.

On December 16, 2020, the People and Surface filed a stipulation and proposal for 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Surface does not admit to the alleged violations, but agrees to pay a civil penalty of \$11,725.00.

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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 7, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board