

ILLINOIS POLLUTION CONTROL BOARD

August 26, 2021

PEOPLE OF THE STATE OF ILLINOIS,                )  
  )  
  )  
Complainant,   )  
  )  
  )  
v.    ) PCB 22-002  
  ) (Enforcement - Water)  
WIL SON PALLET LLC, an Illinois limited        )  
liability company,                                    )  
  )  
  )  
Respondent.    )

ORDER OF THE BOARD (by A. Palivos):

On July 27, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Wil Son Pallet LLC (Wil Son). The complaint concerns Wil Son's property located at 1858 County Road 1300E in Sullivan, Moultrie 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Wil Son violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2020)) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)) by causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution; and causing, threatening, or allowing the discharge of stormwater associated with industrial activity into waters of the State without an NPDES permit. 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 July 27, 2021, simultaneously with the People's complaint, the People and Wil Son 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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, Wil Son admits the alleged violations and agrees to pay a civil penalty of \$12,000.00.

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 comment or demand for hearing within 30 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) (2020); 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 August 26, 2021, by a vote of 4-0.

  
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Don A. Brown, Clerk  
Illinois Pollution Control Board