

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-28
) (Enforcement – Water)
BRELL, LLC, an Iowa limited liability)
company d/b/a Edwards Ready Mix; HAHN)
READY MIX COMPANY, an Iowa)
corporation; and BUILDER’S SAND AND)
CEMENT CO., INC., an Iowa corporation,)
)
Respondents.)

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

On December 30, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against three respondents: Brell, LLC d/b/a Edwards Ready Mix (Brell), Hahn Ready Mix Company (Hahn), and Builder’s Sand and Cement Com., Inc. (BSCC) (collectively, respondents). The complaint concerns three ready-mix concrete manufacturing facilities, the first owned by Brell and operated by Hahn at 210 South Chicago Street, Geneseo, Henry County (Geneseo site); the second owned and operated by Hahn at 1600 North East Street, Kewanee, Henry County (Kewanee Site); and the third owned by Hahn and operated by BSCC at 1215 158th Street NE, East Moline, Rock Island County (E. Moline Site).

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:

Count I: Brell and Hahn violated Section 12(f) of the Act (415 ILCS 5/12(f) (2020)), Section 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a)), and Standard Condition No. 2 of the NPDES Permit for the Geneseo site. The People allege that Brell and Hahn violated these provisions by failing to timely submit a Notice of Intent (NOI) to renew the general National Pollutant Discharge Elimination

System (NPDES) permit and a Storm Water Pollution Prevention Plan (SWPPP) for the Geneseo Site;

- Count II:** Brell and Hahn violated Section 12(a) of the Act (415 ILCS 5/12(a) (2020)) by threatening the discharge of contaminants so as to cause or tend to cause water pollution from the Geneseo Site;
- Count III:** Hahn violated Section 12(f) of the Act (415 ILCS 5/12(f) (2020)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and Standard Condition No. 2 of the Kewanee NPDES Permit. The People allege that Hahn violated these provisions by failing to timely renew the Kewanee NPDES permit and submit a SWPPP;
- Count IV:** Hahn violated Section 12(a) of the Act (415 ILCS 5/12(a) (2020)) by threatening the discharge of contaminants so as to cause or tend to cause water pollution from the Kewanee Site;
- Count V:** Hahn and BSCC violated Section 12(f) of the Act (415 ILCS 5/12(f) (2020)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and Standard Condition No. 2 of the E. Moline NPDES Permit. The People allege that Hahn and BSCC violated these provisions by failing to timely renew the BSCC NPDES permit and submit a SWPPP for the E. Moline Site;
- Count VI:** Hahn and BSCC violated Section 12(a) of the Act (415 ILCS 5/12(a) (2020)) by threatening the discharge of contaminants so as to cause or tend to cause water pollution from the E. Moline Site.


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 December 30, 2021, 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) (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, the respondents do not affirmatively admit the alleged violations but agree to pay a civil penalty of \$30,000.

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 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 January 6, 2022, by a vote of 5-0.

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