## ILLINOIS POLLUTION CONTROL BOARD April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 22-11
UNITED READY MIX, INC.,	)	(Enforcement - Water)
a Delaware corporation,	)	
Respondent.	)	

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

On October 13, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against United Ready Mix, Inc. (Ready Mix). The complaint concerns Ready Mix's two manufacturing locations, one located at 2101 S. Second Street, Pekin, Illinois (Pekin site) and one located at 1 Leland Street, Peoria, Illinois (Peoria site). The parties have filed a stipulation and proposed settlement, and now seek to settle the complaint without a hearing. For the reasons below, the Board 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 Ready Mix 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)) at both the Pekin and Peoria sites. The People allege that Ready Mix committed these violations by operating the concrete manufacturing facilities at the Pekin and Peoria sites without NPDES permit coverage for such operations and by causing, threatening, or allowing the discharge of stormwater from the Pekin and Peoria sites so as to violate Board regulations. On November 4, 2021, the Board accepted the complaint for hearing.

On March 22, 2022, the parties 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) (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, Ready Mix affirmatively admits the alleged violations and agrees to pay a civil penalty of \$13,140.1

<sup>&</sup>lt;sup>1</sup> The Stipulation and Proposal for Settlement states the "settlement of this matter does not include a supplemental environmental project." However, it also states that the release from

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. 35 Ill. Adm. Code 103.300(b)(2). 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 April 7, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown

liability is "[i]n consideration of the Respondent's completion of the environmentally beneficial project," which is not defined in the stipulation.