ILLINOIS POLLUTION CONTROL BOARD April 21, 2022

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)	(Enforcement – Land, Water)
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ORDER OF THE BOARD (by M. Gibson):

On April 6, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Caterpillar, Inc. (Caterpillar). The complaint concerns Caterpillar's manufacturing facility located at 1300 4H Park Road in Pontiac, Livingston 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 Caterpillar violated Sections 12(a), 12(d), 21(a), and 21(e) of the Act, 415 ILCS 5/12(a) (2020), 12(d) (2020), 21(a) (2020), 21(e) (2020).

The People allege that Caterpillar committed these violations by causing, threatening, or allowing the discharge of contaminants into waters of the State so as to cause or tend to cause water pollution in Illinois; depositing contaminants upon the land in such place and manner so as to create a water pollution hazard; causing or allowing the open dumping of waste; and disposing of, treating, storing, or abandoning wastes at a facility that does not meet the requirements of the Act and Board regulations. 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 April 6, 2022, simultaneously with the People's complaint, the People and Caterpillar 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, Caterpillar neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$33,000.

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 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) (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