## ILLINOIS POLLUTION CONTROL BOARD June 9, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
V.	) PCB 22-31
BEL-ROCK ASPHALT PAVING, INC., an Illinois corporation,	) (Enforcement - Water) )
Respondent.	)

ORDER OF THE BOARD (by A. Palivos):

On January 7, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Bel-Rock Asphalt Paving, Inc. (Bel-Rock). The complaint concerns Bel-Rock's asphalt paving, sealcoating, pavement stripping, and pothole repair facility located at 5095 Irene Road in Belvidere, Boone County. On February 17, 2022, the Board accepted the complaint. The parties now seek to settle without a hearing. 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 (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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Bel-Rock 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 engaging in industrial activities without first obtaining a National Pollutant Discharge Elimination System (NPDES) permit and threatening to discharge contaminants into the environment so as to cause or tend to cause water pollution.

On May 23, 2022, the People and Bel-Rock 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, Bel-Rock neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,000.00.

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.

Board Member M. Gibson abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 9, 2022, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown