

ILLINOIS POLLUTION CONTROL BOARD
February 2, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-35
) (Enforcement - Water)
SIX M. CORPORATION INC., an Illinois)
corporation, and THOMAS MAXWELL,)
)
Respondents,)
)
and)
)
JAMES MCILVAIN,)
)
Necessary Party.)

ORDER OF THE BOARD (by M. Gibson):

On August 25, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Six M. Corporation (Six M.), William Maxwell, and Marilyn Maxwell. On October 6, 2011, the Board granted the People's motion to join James McIlvain as a necessary party. On November 17, 2011, the Board dismissed decedent Marilyn Maxwell from the case. On July 2, 2018, the People filed a motion to amend the complaint to add two new counts and replace William Maxwell with Thomas Maxwell. On September 20, 2018, the Board granted the motion to amend the complaint and accepted the amended complaint. The amended complaint concerns Six M.'s gasoline service station located at 430 West Clinton Avenue in Farmer City, DeWitt County. 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 (2020); 35 Ill. Adm. Code 103.

In this case, the People allege that:

Count I: Six M. caused water pollution, in violation of Section 12(a) of the Act (415 ILCS 5/12(a) (2020)) and Sections 620.301(a), 620.405, and 620.410(d) of the Board's Groundwater Quality Regulations (35 Ill. Adm. Code Sections 620.301(a), 620.405, 620.410(d));

Count II: Thomas Maxwell caused water pollution, in violation of Section 12(a) of the Act (415 ILCS 5/12(a) (2020)) and Sections 620.301(a), 620.405, and 620.410(d) of the Board's Groundwater Quality Regulations (35 Ill. Adm. Code Sections 620.301(a), 620.405, 620.410(d));

Count III: Six M. failed to complete site investigation, in violation of Sections 57.6, 57.7(a)(4), and 57.7(a)(5) of the Act (415 ILCS 5/57.6, 57.7(a)(4), 57.7(a)(5) (2020)); and

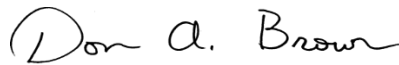
Count IV: Six M. and Thomas Maxwell (respondents) failed to take corrective action, in violation of Sections 57.6(a), 57.7(a)(4), and 57.7(a)(5) of the Act (415 ILCS 5/57.6(a), 57.7(a)(4), 57.7(a)(5) (2020)) and Section 734.100(d) of the Board's Underground Storage Tank Regulations (35 Ill. Adm. Code Section 734.100(d)).

On January 24, 2023, the People and the 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 and agree to pay a civil penalty of \$15,436.

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 February 2, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board