

SERVICE LIST

CJ Masonry Brick LLC
Attn: Christian J. Garcia
521 Union Street
St. Charles, Illinois 60174

Christian J. Garcia
106 E Briarwood Drive
Streamwood, Illinois 60107

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the 12th day of April, 2023, the attached Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon the persons listed on the foregoing Service List by deposition envelope with the United States Postal Service by certified mail at 100 W. Randolph Street, Chicago, IL 60601.

/s/ Molly Kordas
Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7047
Molly.Kordas@ilag.gov

Dated: April 12, 2023

4. At all times relevant to this Complaint, Respondent owned and operated, and continues to own and operate, a brick and mason contracting business located at 106 East Briarwood Drive, Streamwood, Cook County, Illinois.

5. On July 3, 2021, at approximately 11:18 a.m., a worker driving a pickup truck belonging to CJ Masonry was involved in a traffic accident, causing the truck's diesel tank to leak or burst.

6. The CJ Masonry worker discovered the leak and drove to a restaurant parking lot, located at 100 Lageschulte Street, Barrington, Lake County, Illinois ("Spill Site").

7. While the truck was parked, an estimated twenty-two gallons of diesel fuel spilled onto the ground at the Spill Site and into a catch basin that drains to the Village of Barrington storm sewer system, which discharges into a tributary to Flint Creek ("Discharge Site").

8. The Village of Barrington Fire Department ("Fire Department") responded to the incident, and the Barrington Public Works Department ("Public Works") placed containment booms and approximately thirty (30) bags of oil dry absorbent in the tributary at the Discharge Site.

9. The Fire Department informed CJ Masonry that it would need to engage a hazardous materials company to collect and dispose of all waste materials and provide additional containment booms to the Discharge Site.

10. On July 3, 2021, CJ Masonry hired Hazchem, a chemical waste clean-up and disposal company.

11. On July 3, 2021, at approximately 4:50 p.m., Hazchem arrived at the Spill Site and used a drum vacuum to clean out the catch basin in the parking lot, but did not remove any materials from the tributary.

12. On July 6, 2021, Public Works informed Hazchem that the first containment booms were saturated with diesel fuel and that materials had collected behind the booms.

13. Hazchem replaced the containment booms, but stated that it did not plan to remove any material yet.

14. On July 7, 2021, an Illinois EPA inspector visited the Spill Site (“July 7, 2021 Illinois EPA Inspection”).

15. At the time of the July 7, 2021 Illinois EPA Inspection, there was staining on both the pavement where the truck was parked and surrounding the storm sewer where material entered the sewer system. There was also a containment boom inside the catch basin.

16. At the time of the July 7, 2021 Illinois EPA Inspection, the following conditions were present at the Discharge Site:

- a. A large amount of diesel mixed with algae in the tributary behind each set of containment booms;
- b. A very strong diesel odor near the tributary to Flint Creek;
- c. Staining attributed to diesel on rocks along the tributary banks;
- d. A noticeable sheen on pooled water upstream of the discharge point;
- e. A large amount of contaminated material requiring removal from the tributary; and
- f. Possible contamination of rocks and the tributary banks, with contamination contained in that area.

17. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), provides as follows:

No person shall:

- a. Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter

from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

18. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

19. CJ Masonry, a limited liability company, is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2020).

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides as follows:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

21. The diesel fuel leaked onto the ground at the Spill Site, and released into the tributary to Flint Creek is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

22. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), provides as follows:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

23. The tributary to Flint Creek is a “water” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides as follows:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

25. The discharge of stormwater containing diesel fuel into waters of the State rendered such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, and therefore constitutes “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

26. CJ Masonry caused, threatened, or allowed the discharge of a contaminant into the environment causing or tending to cause water pollution in Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CJ MASONRY BRICK LLC:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and
6. Granting other such relief as the Board deems appropriate and just.

COUNT II
CREATING A WATER POLLUTION HAZARD

1-24. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 16 and paragraphs 18 through 25 of Count I as paragraphs 1 through 24 of this Count II.

25. Section 12(d) of the Act, 415 ILCS 5/12(d) (2020), provides as follows:

No person shall:

- d. Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

26. CJ Masonry deposited diesel fuel onto the ground at the Spill Site in such place and manner that the fuel could and did enter the storm sewer and the tributary to Flint Creek.

27. By allowing diesel fuel to be deposited upon the land at the Spill Site, CJ Masonry created a water pollution hazard, and thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CJ MASONRY BRICK LLC:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

3. Ordering Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020), with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT III
OFFENSIVE DISCHARGES

1-24. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 24 of Count I as paragraphs 1 through 24 of this Count III.

25. Pursuant to the authority granted in Sections 13 and 27 of the Act, 415 ILCS 5/13 and 5/27 (2020), the Board has promulgated rules and regulations to control water pollution in Illinois, codified at 35 Ill. Adm. Code, Subtitle C, Chapter 1 (“Board Water Pollution Regulations”).

26. Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, provides as follows:

Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

27. Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.275, provides as follows:

“Effluent” means any wastewater discharged, directly or indirectly, to the waters of the State or to any storm sewer, and the runoff from land used for the disposition of wastewater or sludges, but does not otherwise include nonpoint source discharges such as runoff from land or any livestock management facility or livestock wastehandling facility subject to regulation under Subtitle E.

28. On July 3, 2021, CJ Masonry caused or allowed the discharge of diesel fuel into the stormwater sewer at the Spill Site.

29. The stormwater containing diesel fuel which discharged into the tributary to Flint Creek is “effluent,” as that term is defined by Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.275.

30. CJ Masonry’s discharge of effluent containing diesel fuel is an “offensive discharge” into waters of the State, in violation of Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

31. By causing or allowing an offensive discharge in violation of Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, CJ Masonry thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CJ MASONRY BRICK LLC:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106;

3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106;

4. Assessing a civil penalty against Respondent of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of such violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
OFFENSIVE CONDITIONS

1-26. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 24 of Count I, and paragraphs 25 and 28 of Count III, as paragraphs 1 through 26 of this Count IV.

27. Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 (2020), provides as follows:

Offensive Conditions

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. . . .

28. The discharge of stormwater containing diesel fuel into the tributary to Flint Creek created “offensive conditions” in waters of the State, in violation of Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

29. By violating Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, CJ Masonry thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CJ MASONRY BRICK LLC:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

4. Assessing a civil penalty against Respondent of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of such violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois
MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: */s/ Stephen J. Sylvester*
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Molly Kordas
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(773) 590-7047
Primary: Molly.Kordas@ilag.gov
Secondary: Maria.Cacaccio@ilag.gov

of the Act, 415 ILCS 5/31(c)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General of the State of Illinois

BY: /s/ Molly Kordas
Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7047
Primary: Molly.Kordas@ilag.gov
Secondary: Maria.Cacaccio@ilag.gov

DATE: April 12, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement – Water)
CJ MASONRY BRICK LLC, an Illinois)	
limited liability company,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and CJ MASONRY BRICK LLC (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On April 12, 2023, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31

(2020), against Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020).

3. At all times relevant to the Complaint, Respondent was and is an Illinois limited liability company that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a brick and mason contracting business located at 106 East Briarwood Drive, Streamwood, Cook County, Illinois.

5. On July 3, 2021, at approximately 11:18 a.m., a worker driving a pickup truck belonging to Respondent was involved in a traffic accident, causing the truck's diesel tank to leak or burst.

6. The CJ Masonry worker discovered the leak and drove to a restaurant parking lot, located at 100 Lageschulte Street, Barrington, Lake County, Illinois ("Spill Site").

7. While the truck was parked, an estimated twenty-two gallons of diesel fuel spilled onto the ground at the Spill Site and into a catch basin that drains to the Village of Barrington storm sewer system, which discharges into a tributary to Flint Creek ("Discharge Site").

8. On July 3, 2021, CJ Masonry hired Hazchem, a chemical waste clean-up and disposal company. Hazchem returned to the Discharge Site on July 6, 2021, July 8, 2021, July 14, 2021 and July 21, 2021 to complete cleanup and removal of materials.

9. On July 7, 2021, an Illinois EPA inspector visited the Spill Site ("July 7, 2021 Illinois EPA Inspection").

10. At the time of the July 7, 2021 Illinois EPA Inspection, there was staining at the Spill Site on both the pavement where the truck was parked and surrounding the storm sewer

where material entered the sewer system. There was also a containment boom inside the catch basin.

11. At the time of the July 7, 2021 Illinois EPA Inspection, the following conditions were present at the Discharge Site:

- a. A large amount of diesel mixed with algae in the tributary behind each set of containment booms;
- b. A very strong diesel odor near the tributary to Flint Creek;
- c. Staining attributed to diesel on rocks along the tributary banks;
- d. A noticeable sheen on pooled water upstream of the discharge point;
- e. A large amount of contaminated material requiring removal from the tributary; and
- f. Possible contamination of rocks and the tributary banks, with contamination contained in that area.

12. On January 4, 2022, Illinois EPA confirmed with the Village of Barrington that cleanup of the spill was complete and no further action was required.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board Regulations:

- Count I: Water Pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).
- Count II: Creating a Water Pollution Hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).
- Count III: Causing or Allowing Offensive Discharges in violation of Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.
- Count IV: Causing or Allowing Offensive Conditions in Waters of the State in violation of Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

C. Non-Admission of Violations

Respondent represents that Respondent has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. In July 2021, Respondent's contractor conducted a cleanup of the Discharge Site.
2. On July 21, 2021, Respondent's contractor completed cleanup activities of the Discharge Site.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened by Respondent's violations.
2. There is social and economic benefit to Respondent's business.
3. Operation of the business was and is suitable for the area in which it is located.
4. Compliance with the Act and Board Regulations is both technically practicable

and economically reasonable.

5. Respondent has subsequently complied with the Act and the Board Regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall

be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent's release of an estimated twenty-two gallons of diesel fuel into waters of the State caused water pollution. The violations began on or around July 3, 2021, and were resolved on July 21, 2021.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board Regulations, hiring a contractor to begin cleanup activities the same day the release occurred.
3. The civil penalty takes into account any economic benefit realized by Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

The Respondent shall pay a civil penalty in the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest, and Default

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

3. The stipulated penalties shall be enforceable by Complainant and shall be in

addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondent's payment of the \$7,500.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on April 12, 2023. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than Respondent.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

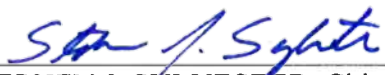
PEOPLE OF THE STATE OF ILLINOIS

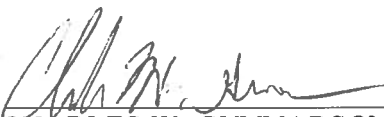
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency


BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 4/6/23

DATE: 4/6/23

RESPONDENT
CJ MASONRY BRICK LLC

BY: 

ITS: _____

DATE: 3/23/2023