## ILLINOIS POLLUTION CONTROL BOARD June 15, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	) 1	PCB 23-125
K. D. CRAIN AND SONS, INC., an Illinois corporation,	) (	(Enforcement - Water)
Respondent.	)	

ORDER OF THE BOARD (by M. Gibson):

On June 7, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against K. D. Crain and Sons, Inc. (Crain and Sons). The complaint concerns Crain and Sons' Southern Delta Mine located 12 miles east of Marion in Williamson and Saline Counties. 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 Crain and Sons violated Section 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2020)), Sections 305.102(b) and 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 305.102(b) and 309.102(a)), and Special Conditions 3 and 4 of the NPDES Permit by causing, threatening, or allowing discharges from the facility into waters of the State in violation of its NPDES Permit.

On June 7, 2023, simultaneously with the People's complaint, the People and Crain and Sons 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, Crain and Sons admits the alleged violations and agrees to pay a civil penalty of \$6,500.

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. 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 June 15, 2023, by a vote of 3-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown