ILLINOIS POLLUTION CONTROL BOARD April 4, 2024

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.)
ALL AMERICAN READY MIX, INC.,)
Respondent.)

PCB 24-54 (Enforcement – Water, NPDES)

ORDER OF THE BOARD (by M.D. Mankowski):

On February 7, 2024, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against All American Ready Mix, Inc. (All American). The complaint concerns All American's ready mixed concrete facility located at 4599 Conover Road in Virginia, Cass 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that All American violated Sections 12(a) 12(d), and 12(f) of the Act (415 ILS 5/12(a), 12(d), 12(f) (2022) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)) by causing, threatening, or allowing the discharge of stormwater associated with industrial activity into waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit and in violation of Board regulations; causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois; depositing contaminants upon land in a place and manner so as to create a water pollution hazard; and discharging contaminants into waters of the State in violation of the Act.

On March 29, 2024, the People and All American filed a stipulation and proposed settlement. On April 2, 2024, the People filed a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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 All American neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$9,000.00.

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) (2022); 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 4, 2024, by a vote of 4-0.

Don a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board