ILLINOIS POLLUTION CONTROL BOARD June 5, 2003

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ORDER OF THE BOARD (by N.J. Melas):

On March 18, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against C & F Packing Co., Inc. (C & F Packing). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that C & F Packing violated Section 12(a), (b), (d), (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) (2002)) and 35 Ill. Adm. Code 302.203, 309.102(a), 309,202(a). The People further allege that C & F Packing violated these provisions by failing to maintain a construction site in a way that prevented stormwater runoff from entering a wetland, located in the Squaw Creek subbasin in the Fox River watershed. The complaint concerns the construction site of a C & F Packing production facility located at Park Place Business Center along Illinois Route 83, in Lake Villa, Lake County.

On May 13, 2003, the People and C & F Packing 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, C & F Packing neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$11,000.

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. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5 2003, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board