ILLINOIS POLLUTION CONTROL BOARD August 19, 2004

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ORDER OF THE BOARD (by T.E. Johnson):

On October 17, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Royal Trucking Company (Royal Trucking). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Royal Trucking violated Section 12(a) and (d) of the Environmental Protection Act (415 ILCS 5/12(a) and (d) (2002)). The People further allege that Royal Trucking violated these provisions by threatening or causing water pollution when a truck overturned in transit releasing sodium bisulfite on the roadway and in swales along the roadway on Interstate 94 in Chicago, Cook County.

On July 28, 2004, the People and Royal Trucking 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). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Royal Trucking does not admit to the violations alleged in the complaint, but agrees to pay a civil penalty of \$5,000.

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) (2000); 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 August 19, 2004, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board