

ILLINOIS POLLUTION CONTROL BOARD

July 20, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-54
)	(Enforcement - Land)
WEBB AG, INC., an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

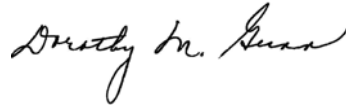
On November 2, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Webb Ag, Inc. (Webb Ag). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Webb Ag violated Sections 12(d) and 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/12(d), 21(e) (2004)). The People further allege that Webb Ag violated these provisions by depositing a contaminant within one-quarter mile of a water of the State so as to create a water pollution hazard and by abandoning waste at an improper site. According to the complaint, Webb Ag owns an agrichemical sales and distribution facility in Fairview, Fulton County. The complaint concerns an alleged spill of fertilizer solution in Duncan Mills, Fulton County, from an overturned flatbed truck owned by Webb Ag.

On July 5, 2006, the People and Webb Ag 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Webb Ag neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$15,000.

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) (2004); 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 July 20, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board