ILLINOIS POLLUTION CONTROL BOARD August 17, 2006

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

OPINION AND 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Daily Ledger* of Canton on July 14, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Webb Ag's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Webb Ag have satisfied Section 103.302. Webb Ag neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$15,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Webb Ag must pay a civil penalty of \$15,000 no later than September 18, 2006, which is the first business day after the 30th day after the date of this order. Webb Ag must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Agency and designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and Webb Ag's social security number or federal employer identification number must be included on the certified check or money order.
 - 3. Webb Ag must send the certified check or money order to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276.

4. Webb Ag must send a copy of the certified check or money order or a record of the electronic funds transfer and any transmittal letter to the following:

Kristen Laughridge Gale Assistant Attorney General Environmental Bureau 500 S. 2nd St. Springfield, IL 62702

Thomas Andryk Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Ave. E. P.O. Box 19276 Springfield, IL 62794-9276.

- 5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
 - 6. Webb Ag must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme

Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 17, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board