

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-119
)	(Enforcement – UST)
STRATA GEOLOGIC SERVICES, INC.,)	
)	
Respondent.)	

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

On December 29, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint alleging violations stemming from an August 2000 release from an underground storage tank (UST) system owned by Strata Geologic Services, Inc. (Strata) at 3801 14th Avenue, Rock Island, Rock Island County, and a June 2003 release from a UST system also owned by Strata at 210 East 1st Street, Milan, Rock Island County. Specifically, the complaint “plead four counts, Count I – Reporting Violations – August 2000 Release, Count II – Failure to Investigate and Remediate Site – August 2000 Release, Count III – Reporting Violations June 2003 Release, and Count IV – Failure to Investigate and Remediate Site – June 2003 Release.” Mot. at 1-2. The People state that “[n]o Answer or responsive pleading to the Complaint has been filed by Strata.” *Id.* at 1.

On April 27, 2007, the People filed a motion for leave to file an amended complaint (Mot.), accompanied by an amended complaint. The People state that they have now determined that, although late, Strata filed “a 20-Day Certification, 45 Day Report and Site Classification Complete Report regarding the August 2000 release.” Mot. at 2. Strata has not completed remediation at that site. *Id.* With regard to the June 2003 release, the People state that Strata filed a Corrective Action Completion Report and received a No Further Remediation Letter but never submitted a 20 Day Certification or 45 Day Report. The People state that their “Amended Complaint pleads two counts, Count I – August 2000 Release and Count II – June 2003 Release.” *Id.*

The Board’s procedural rules provide that, “[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion.” 35 Ill. Adm. Code 101.500(d). Strata has not filed a response to the People’s motion.

The Board grants the People’s motion for leave to file an amended complaint and accepts the People’s amended complaint. A respondent’s failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Strata fails within that deadline to file an answer specifically denying, or asserting insufficient knowledge to

form a belief of, a material allegation in the complaint, the Board will consider Strata to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing on the amended complaint.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 17, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board