## ILLINOIS POLLUTION CONTROL BOARD November 1, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 08-29
GATEWAY BOBCAT OF HEBERER EQUIPMENT CO., INC. d/b/a BOBCAT OF	)	(Enforcement – Water, Land)
ST. LOUIS, a Missouri corporation,	)	
Respondent.	)	

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

On October 3, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against the Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis (Gateway Bobcat). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204.

The People allege that Gateway Bobcat violated Sections 9(c), 12(a), 12(b), 12(d), 12(f), 21(a), 21(d)(2), 21(e), 21(p)(1), and 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/9(c), 12(a), 12(b), 12(d), 12(f), 21(a), 21(d)(2), 21(e), 21(p)(1), 21(p)(3) (2006)) and Sections 302.203, 304.106, 309.102(a), 309.103, 309.243, 722.111, 739.122(d), and 808.121 of the Board's regulations (35 Ill. Adm. Code 302.203, 304.106, 309.102(a), 309.103, 309.243, 722.111, 739.122(d), 808.121).

The People further allege that Gateway Bobcat violated these provisions by (1) causing, threatening or allowing water pollution; (2) causing or tending to cause offensive conditions in the unnamed tributary of Schoenberger Creek; (3) violating the Board's water quality standards; (4) operating equipment capable of contributing to water pollution without a permit granted by the Illinois Environmental Protection Agency (Agency); (5) depositing a contaminant upon the land in such place and manner so as to create a water pollution hazard; (6) causing, allowing, or threatening the discharge of contaminants into waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit; (7) failing to apply for an NPDES permit; (8) discharging effluent that contained settleable solids and turbidity; (9) causing or allowing the open dumping of waste in a manner resulting in litter and in open burning; (10) disposing, abandoning, or storing or transporting waste at or to a site which does not meet the requirements of the Act and the Board's standards and regulations; (11) causing or allowing the open burning of refuse; (12) failing to make a hazardous waste determination; (13) failing to make a special waste determination; and (14) failing to perform the proper clean-up steps after releasing used oil into the environment and allowing used oil to remain on and in the soil. The complaint concerns the wash bay at Gateway Bobcat's facility located at 9801 W. State Route 161 in Fairview Heights, St. Clair County.

On October 26, 2007, the People and Gateway Bobcat 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, Gateway Bobcat does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$30,000.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 1, 2007, by a vote of 4-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board