

According to the proposed stipulation, Prairie Material is now known as Southfield Corporation, an Illinois corporation (Southfield). Stipulation at 1. Further, on February 1, 2008, VCNA Prairie Illinois Building Materials, LLC, a Delaware limited liability company (VCNA), purchased certain assets of Southfield, including the Facility. *Id.* at 1-2. The stipulation states that VCNA currently engages in the batching of aggregate and cementitious materials to produce ready-mix concrete at the Facility. *Id.* Southfield formerly engaged in that activity at the Facility. *Id.* Under the proposed stipulation, the People contend that based on an April 25, 2008 inspection of the Facility by the Illinois Environmental Protection Agency (Agency), Southfield has violated Section 12(f) of the Act (415 ILCS 5/12(f) (2006)) and 35 Ill. Adm. Code 309.102(a) by failing to comply with the terms of NPDES Permit ILR005566 and failing to employ site stabilization practices as required by NPDES Permit ILR10H169. *Id.* at 3. The stipulation and proposal for settlement has been executed by the People, the Agency, Southfield, and VCNA. *Id.* at 12. Under the proposed stipulation, Southfield neither admits nor denies the violations alleged in the complaint or observed by the Agency on April 25, 2008. *Id.* at 4. The terms of the proposed settlement require Southfield and VCNA to jointly and severally pay a civil penalty of \$55,000. *Id.* at 7.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 16, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board