

ILLINOIS POLLUTION CONTROL BOARD
February 19, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-181
)	(Enforcement – Air, Land, Water)
QUAD-COUNTY READY MIX)	
CORPORATION, an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.L. Blankenship):

On June 2, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Quad-County Ready Mix Corporation. The complaint concerns Quad County Read Mix Corporation’s concrete ready mix plant at 3000 Old Fullerton, Swansea, St. Clair County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Quad-County Ready Mix Corporation violated Sections 9(a) and (c); 9.1(d); 9.13(b); 12(a) (d), and (f); and 21(a), (e), and (p) of the Act (415 ILCS 5/9(a) and (c); 9.1(d); 9.13(b); 12(a) (d), and (f); and 21(a), (e), and (p) (2004)); 35 Ill. Adm. Code 201.141; and federal regulations on National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos 40 C.F.R. §61.145(a), (b), and (c) and 61.150¹. The People allege that Quad-County Ready Mix Corporation violated these provisions by (1) violating asbestos-handling notification and fee payment requirements; (2) failing to follow applicable asbestos emission control procedures; (3) improperly disposing or regulated asbestos-containing materials; (4) causing or tending to cause air pollution; (5) open dumping of tires; (6) open burning; (7) causing, threatening, or allowing water pollution; and (8) causing, threatening, or allowing the discharge of a contaminant into the waters of the State without a National Pollutant Discharge Elimination System permit.

On February 11, 2009, the People and Quad-County Ready Mix Corporation filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing

¹ Section 9.1(d)(1) of the Act prohibits persons from violating any provisions of Section 111, 112, 165 or 173 of the federal Clean Air Act (CAA) or federal regulations adopted thereunder. [415 ILCS 5/9.1\(d\)\(1\)](#) (2006). Under Section 112 of the CAA ([42 U.S.C. §7412](#)), the United States Environmental Protection Agency adopted NESHAP regulations for **asbestos**.

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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Quad-County Ready Mix Corporation neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$30,000.00.

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 February 19, 2009, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board