ILLINOIS POLLUTION CONTROL BOARD November 4, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 11-18
)	(Enforcement - RCRA)
SUB SOURCE, INC., an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On October 27, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Sub Source, Inc. (Sub Source). The complaint concerns Sub Source's metal finishing and coating facility located at 600 18th Avenue in Rockford, Winnebago County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Sub Source violated Sections 21(f)(1) and (f)(2) of the Act (415 ILCS 5/21(f)(1), (f)(2) (2008)) and Sections 703.121(a)(1) and (b) of the Board waste disposal regulations (35 Ill. Adm. Code 703.121(a)(1), (b)) by conducting a hazardous waste storage operation without a Resource Conservation and Recovery Act (RCRA) permit. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On October 27, 2010, simultaneously with the People's complaint, the People and Sub Source 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Sub Source does not affirmatively admit the alleged violations, but agrees to pay a civil penalty of \$10,000.

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. *See* 415 ILCS 5/31(c)(2) (2008); 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 November 4, 2010, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board