June 16, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 10-107
ROCKFORD SAND AND GRAVEL, INC., a)	(Enforcement - Water)
division of Rockford Blacktop Construction Co., an Illinois corporation,)	
Respondent.)	

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

On June 21, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Rockford Sand and Gravel, Inc. The complaint concerns respondent's limestone quarry at 5300 Nimtz Road, Loves Park, Winnebago 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Rockford Sand and Gravel, Inc. violated Section 12(a) and 12(f) of the Act (415 ILCS 5/12(a) and (f) (2010)), and Section 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 309.102(a)) by: 1) causing or allowing the discharge of contaminants to waters of the State so as to cause water pollution in Illinois, and 2) causing or allowing the discharge of total suspended solids (TSS) in excess of its National Pollution Discharge Elimination System (NPDES) permit effluent limits.

On June 8, 2011, the People and Rockford Sand and Gravel, Inc. 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$8,000.00.

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) (2010); 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 June 16, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board