

ILLINOIS POLLUTION CONTROL BOARD

June 7, 2012

PEOPLE OF THE STATE OF ILLINOIS,                )  
  )  
  )  
Complainant,   )  
  )  
  )  
v.    ) PCB 12-93  
  ) (Enforcement - Water)  
PEOPLE OF THE STATE OF ILLINOIS V.                )  
KIMBLE SEPTINC, INC., an Illinois                )  
corporation, and CLEVELAND KIMBLE, an        )  
individual,    )  
  )  
  )  
Respondents.   )

ORDER OF THE BOARD (by C.K. Zalewski):

On December 6, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Kimble Septic, Inc. and Cleveland Kimble (respondents). The complaint concerns respondents' site located at 636 Patterson Road, Joliet, Will County, at which respondents operate a septic tank cleaning and repair service business (Site). For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General 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 respondents violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2010)) and Sections 302.203 and 309.102(a) of the Board's Water Pollution regulations (35 Ill. Adm. Code 302.203, 309.102(a)).

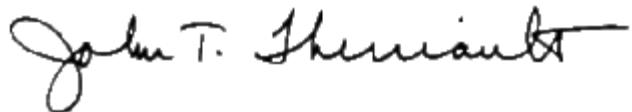
The People further allege that respondents violated these provisions, by: (1) causing, threatening and allowing the discharge of septic wastewater from the Site so as to cause water pollution; (2) discharging septic wastewater with a sewer odor into waters of the State; (3) depositing contaminants on the land so as to cause a water pollution hazard; (4) failing to submit a permit application for coverage under a National Pollutant Discharge Elimination system (NPDES) permit and to obtain an NPDES permit for point source discharges at the Site.

On May 16, 2012, the People and respondents 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, respondents do not affirmatively admit the alleged violations, but agree to pay a civil penalty of \$1,000.

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 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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 7, 2012, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board