ILLINOIS POLLUTION CONTROL BOARD December 6, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
-)	
V.)	PCB 13-14
)	(Enforcement - Land)
DONALD J. SHERMAN and JAMES A.)	
SHERMAN, as Trustees of the First)	
Restatement of the Suzann M. Jennings Trust)	
Agreement, dated December 19, 1997,)	
)	
Respondents.)	
-		

ORDER OF THE BOARD (by T.A. Holbrook):

On September 28, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Donald J. Sherman and James A. Sherman, as trustees of the first restatement of the Suzann M. Jennings Trust Agreement, dated December 19, 1997 (respondents). The complaint concerns a site held in the Suzann M. Jennings Trust located at 42W5002 Jericho Road, Sugar Grove, Kane Country. 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 respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2010) by causing or allowing the open dumping of waste.

On November 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 admit to the alleged violation and agree to pay a civil penalty of \$8,500.00.

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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2012 by a vote of 5-0.

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John T. Therriault, Assistant Clerk Illinois Pollution Control Board