ILLINOIS POLLUTION CONTROL BOARD July 25, 2013

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
A.C. PAVEMENT STRIPING CO.,)
an Illinois corporation,)
)
Respondent.)

PCB 14-05 (Enforcement - Water)

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

On July 11, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against A.C. Pavement Striping Co (A.C. Pavement). The complaint concerns A.C. Pavement's business facility located at 695 Church Road in Elgin, Kane County and alleged water pollution in Tyler Creek located adjacent to the business facility at Illinois Route 31 in Elgin, Kane 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 (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 A.C. Pavement violated Section 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), (d) and (f) (2010)) and Sections 302.203 and 309.102(a) of the Board's water pollution rules (35 Ill. Adm. Code 302.203 and 309.102(a)). The People allege that A.C. Pavement violated these provisions by: 1) causing, threatening, or allowing the discharge of paint into waters of the State and causing or tending to cause water pollution; 2) depositing contaminants onto a parking lot in a place and manner that created a water pollution hazard; 3) depositing paint onto a parking lot with a storm sewer that connected the Creek to the facility and thereby causing offensive conditions in waters of the State; and, 4) failing to obtain an NPDES permit for the discharge of contaminants into the storm sewer in the parking lot of the facility and the creek. 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 July 11, 2013, simultaneously with the People's complaint, the People and A.C. Pavement 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, A.C. Pavement neither admits nor denies the alleged violations and agrees to pay a civil penalty of fifteen thousand dollars (\$15,000).

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) (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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 25, 2013, by a vote of 4-0.

phu T. Therian

John T. Therriault, Clerk Illinois Pollution Control Board