ILLINOIS POLLUTION CONTROL BOARD August 22, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 14-16
C & M CONTRACTORS OF MISSOURI,)	(Enforcement - Water)
LLC, a Missouri limited liability company,)	
Respondent.)	

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

On August 19, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against C & M Contractors of Missouri, LLC (respondent). The complaint concerns respondent's work at a construction project located at County Road 1000 E. in Chalmers Township, McDonough 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2012)) by failing to provide adequate soil erosion and sediment control at the site. In Count II of the complaint, the People allege that respondent violated the National Pollutant Discharge Elimination System (NPDES) permit number ILR10N775 by failing to implement and maintain an adequate storm water pollution prevention plan as required by the NPDES 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 August 19, 2013, simultaneously with the People's complaint, the People and respondent 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, respondent does not affirmatively admit the alleged violations and 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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 22, 2013, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

In T. Therrian