ILLINOIS POLLUTION CONTROL BOARD September 5, 2013

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
WALSH CONSTRUCTION COMPANY, an)
Illinois Corporation,)
)
Respondent.)

PCB 14-19 (Enforcement –Water)

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

On August 29, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Walsh Construction Company (respondent). The complaint concerns respondent's work at a construction site located at the Chain of Rocks canal in Granite City, Madison 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 Count I, the People allege that respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012) and Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203 by discharging drill slurry mix into the Chain of Rocks Canal in such a manner to cause or tend to cause water pollution. In Count II, the People allege that respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012) by discharging drill slurry mix down the bank of the Chain of Rocks Canal in such a manner as to create a thick, sticky fluid on the bank of the canal and a water pollution hazard. In Count III, the People allege that respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2012) by discharging drill slurry mix down the bank and into the Chain of Rocks Canal without a National Pollutant Discharge Elimination System 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 29, 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, the Walsh Construction Company does not affirmatively admit to the alleged violations and agrees to pay a civil penalty of \$15,000.00.

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) (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 September 5, 2013, by a vote of 4-0.

In T. Therrian

John T. Therriault, Clerk Illinois Pollution Control Board