ILLINOIS POLLUTION CONTROL BOARD April 3, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.))	PCB 14-39 (Enforcement - Water)
BRADLEY PROPERTY, LLC, an Illinois limited liability company, BRADLEY AUTO SPA, LLC, an Illinois limited liability company, and A-K UNDERGROUND, INC., an Illinois corporation,))))	(
Respondent.))	

ORDER OF THE BOARD (by J.D. O'Leary):

On November 26, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Bradley Property, LLC (Bradley Property), Bradley Auto Spa, LLC, (Bradley Auto Spa), and A-K Underground, Inc. (A-K Underground)¹. The complaint concerns A-K Underground's waste removal services performed at a former oil change and car wash business located at 900 North Kinzie Avenue, Bradley, Kankakee County (site). The People allege that Bradley Property owns the site and that Bradley Auto Spa managed waste water removal from it. In a stipulation and proposed settlement filed March 19, 2014, the People and Bradley Property and Bradley Auto Spa 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 (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 respondents violated Sections 12(a), (d) and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2012)) and Sections 302.203 and 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 302.203, 309.102(a)) by causing, allowing or threatening the release of contaminants into the waters of the State without a National Pollutant Discharge Elimination System permit.

¹ On March 14, 2014, the People and A-K Underground filed a stipulation and proposal for settlement and a motion for relief from the hearing requirement with the Board. On March 20, 2014, the Board directed the Clerk to publish notice of the stipulation and proposal for settlement and the motion for relief from the hearing requirements. <u>People v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground</u>, PCB 14-039 (Mar. 20, 2014).

On March 19, 2014, the People and Bradley Property and Bradley Auto Spa 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, Bradley Property and Bradley Auto Spa do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$5,300.

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 April 3, 2014 by a vote of 4-0.

In T. Thereian

John T. Therriault, Clerk Illinois Pollution Control Board