

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
November 6, 2014

|  |   |                       |
|--|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS,       | ) |                       |
|  | ) |                       |
| Complainant,                           | ) |                       |
|  | ) |                       |
| v.                                     | ) | PCB 15-78             |
|  | ) | (Enforcement - Water) |
| SUN AG, INC., an Illinois Corporation. | ) |                       |
|  | ) |                       |
| Respondent.                            | ) |                       |

ORDER OF THE BOARD (by D. Glosser):

On October 23, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Sun Ag, Inc. (Sun Ag). The complaint concerns the overturning of an agricultural pesticide truck owned by Sun Ag and operated by one of its employees near 2301 Sheridan Road, Pekin, Tazewell County. Sun Ag operates an agricultural chemical retail operation located at 24480 Allentown Road, Tremont, Tazewell 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.

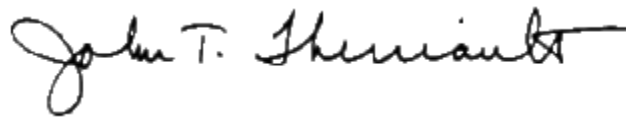
Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that Sun Ag violated Sections 12(a) and (d) of the Act (415 ILCS 5/12(a) and (d)(2012)); as well as Sections 302.203 and 302.210 of the Board's Water Pollution Regulations (35 Ill. Adm. Code Sections 302.203 and 302.210). The complaint alleges that Sun Ag violated these provisions by causing or allowing water pollution resulting in a water pollution hazard and offensive conditions. 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 October 23, 2014, simultaneously with the People's complaint, the People and Sun Ag 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, Sun Ag neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$6,000.

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 November 6, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

---

John T. Therriault, Clerk  
Illinois Pollution Control Board