ILLINOIS POLLUTION CONTROL BOARD April 2, 2015

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
,)	
v.)	PCB 15-172
)	(Enforcement - Air, Water)
QUALITY SAND PRODUCTS, LLC, an)	
Illinois limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On March 19, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Quality Sand Products (respondent). The complaint concerns respondent's property located at 727 North 3029th Road, LaSalle, LaSalle 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 9(b), 9.1(d), and 9.12 of the Act (415 ILCS 5/9(b), 9.1(d), and 9.12 (2014)), Sections 201.142 of the Board rules (35 Ill. Adm. Code 201.142), and 40 C.F. R. §60.7(a) by failing to obtain a construction permit before constructing a pollution source or equipment. In addition, the People allege respondent violated Sections 12(a), (d) and (f) of the Act (415 ILCS 5/12(a), (d) and (f) (2014)) and Sections 309.102(a) and 404.101 of the Board's rules (35 Ill. Adm. Code 309.102(a) and 404.101) by causing or allowing water pollution, creating a water pollution hazard, and failing to obtain a 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 March 19, 2015, 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) (2014)). This filing

¹ Although the Board generally does not have jurisdiction over federal Clean Air Act (CAA) regulations, Section 9.1(d) of the Act prohibits any person from violating the provisions of Section 111, 112, 165, or 173 of the CAA, "or federal regulations adopted pursuant thereto". Thus a violation of certain CAA regulations is also a violation of Section 9.1(d) of the Act.

is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$38,400.

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) (2014); 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 2, 2015, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

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