

ILLINOIS POLLUTION CONTROL BOARD  
July 9, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 15-72
	)	(Enforcement – Air, Water)
STARVED ROCK ADVENTURES, INC., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

On September 12, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Starved Rock Adventures, Inc. (SRA). The complaint concerns SRA’s parcel of land consisting of approximately 17 acres located at 1170 North 27th Road (also known as Dee Bennett Road), Ottawa, LaSalle County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General may bring actions before the Board on behalf of the People to enforce Illinois’ environmental requirements. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that SRA violated Sections 9(a), 9(c), 12(d), and 12(f) of the Act (415 ILCS 5/9(a), 9(c), 12(d), 12(f) (2014)), and Sections 201.141, 237.102, 305.102, and 309.102 of the Board’s regulations (35 Ill. Adm. Code 201.141, 237.102, 305.102, 309.102). According to the complaint, SRA violated these provisions by: causing or allowing air pollution; burning landscape waste and trade waste; depositing contaminants on the land in such a manner as to create a water pollution hazard; and violating conditions of SRA’s National Pollutant Discharge Elimination System permit.

On April 22, 2015, the People and SRA 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 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Times* on May 28, 2015. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2014); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of SRA's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2014)), which bears on the reasonableness of the circumstances surrounding the alleged violations. SRA does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2014)), which may mitigate or aggravate the civil penalty amount. SRA agrees to pay a civil penalty of \$8,000. The People and SRA have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Starved Rock Adventures, Inc. (SRA) must pay a civil penalty of \$8,000 no later than August 10, 2015, which is the first business day following the 30th day after the date of this order. SRA must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and SRA's federal tax identification number must appear on the face of the certified check or money order.
3. SRA must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

SRA must send a copy of the certified check or money order and any transmittal letter to:

Christopher J. Grant  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington, Suite 1800  
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate

set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).

5. SRA must cease and desist from future violations of the Act and Board regulations that were the subject matter of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2014); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 9, 2015 by a vote of 5-0



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John T. Therriault, Clerk  
Illinois Pollution Control Board