ILLINOIS POLLUTION CONTROL BOARD March 17, 2016

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	DGD 14.04
V.)	PCB 16-94 (Enforcement - Water)
THE ARNOLD ENGINEERING CO., an)	(20101000000000000000000000000000000000
Illinois corporation,)	
Respondent.)	

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

On March 11, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against The Arnold Engineering Co. (Arnold). The complaint concerns Arnold's magnetic alloys production facility located at 300 North West Street in Marengo, McHenry County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties 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 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 Arnold violated Sections 12(a), 12(b), and 12(f) of the Act, Section 309.102(a) of the Board's water pollution regulations, special condition 2 of Arnold's water pollution control permit, and Sections E.1 and 5 of Arnold's National Pollutant Discharge Elimination System (NPDES) permit. Arnold allegedly violated these sections by: (1) threatening, causing or allowing the discharge of process wastewater and storm water into an unnamed drainage ditch; (2) causing or allowing surface discharges of process wastewater and storm water from the site in violation of its water pollution control permit; (3) causing, threatening or allowing the discharge of contaminants from a point source into a water of the State without a NPDES permit; and (4) causing or allowing four storm water pollution prevention plan failures. 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 11, 2016, simultaneously with the People's complaint, the People and Arnold 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).

Under the proposed stipulation, Arnold does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$20,000.

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) (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 March 17, 2016, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board