ILLINOIS POLLUTION CONTROL BOARD July 21, 2016

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 16-107
JONES HYDROBLAST, INC., an Illinois)	(Enforcement – Land RCRA)
corporation,)	
Respondent.		

OPINION AND ORDER OF THE BOARD (by G.M. Keenan):

On May 31, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois, filed a four-count complaint against Jones Hydroblast, Inc. The complaint concerns Jones Hydroblast's cleaning facility located at 111 S. Main Street in Royalton, Franklin 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 and the State's Attorneys 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 Jones Hydroblast violated Sections 21(f)(1), (2) and 31(a)(7.6) of the Act¹ and many provisions in Sections 703, 722, 725, and 733 of the Board's waste disposal regulations.² The People further allege that Jones Hydroblast violated these provisions by generating and disposing waste paint outside of the scope and characteristics of the facility's designation as a Small Quantity Generator.

On May 31, 2016, the People and Jones Hydroblast 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 Benton Evening News* on June 17, 2016. 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).

¹ 415 ILCS 5/21(f)(1), (2) and 31(a)(7.6) (2014).

² 35 Ill. Adm. Code 703.121(a), (b), 722.127, 722.131, 722.134(a)(2),(3) and (c), 722.140(b),(c), 722.141(a),(b), 725.116(a),(e), 725.131, 132, 133, 134, 135, 725.137, 725.151(a),(b), 725.152(a), (c), (d), (e), (f), 725.153. 154, 155, 725.273(a) 733.111(a), 733.113(d)(1), (2), and 733.116.

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 III. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Jones Hydroblast'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. Jones Hydroblast admits 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. Jones Hydroblast agrees to pay a civil penalty of \$7,500. The People and Jones Hydroblast 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. Jones Hydroblast, Inc. (Jones Hydroblast) must pay a civil penalty of \$7,500 no later than August 22, 2016, which is the first business day following the 30th day after the date of this order. Jones must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency. The case name and case number must appear on the face of the certified check or money order.
- 3. Jones Hydroblast 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

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

Scott M. Marsik Assistant Attorney General Environmental Bureau South Illinois Attorney General's Office 500 South 2nd Street Springfield, IL 62701

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. Jones Hydroblast must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject 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 order on July 21, 2016, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board