

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2012

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-64
) (Enforcement - Water)
CORDRAY BROTHERS, INC., an Illinois)
Corporation)
)
Respondent.

ORDER OF THE BOARD (by C.K. Zalewski):

On November 23, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Cordray Brothers, Inc. (Cordray Bros.). The complaint concerns Cordray Bros.' 42-acre limestone quarry, located at 11085 Leaf River Road, Leaf River, Ogle County. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.


Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Cordray Bros. violated 1) Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by pumping water containing sediment and gravel from its quarry so that the water with its contaminants could and did enter a tributary of Otter Creek, thereby causing, threatening, or allowing water pollution; 2) Section 12(b) of the Act (415 ILCS 5/12(b)) (2010) by constructing, installing and operating a pump capable of causing or contributing to water pollution in violation of Special Condition 1 of respondent's Mining Permit; and 3) Section 12(f) of the Act (415 ILCS 5/12(f) (2010)), and Section 309.102(a) of the Board Water Pollution Regulations (35 Ill. Adm. Code 309.102(a)) by causing, threatening, or allowing the discharge of contaminants from a point source into waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit.

On March 8, 2012, the People and Cordray Bros. 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$7,700.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 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, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 15, 2012, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board