

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 2012

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 12-52  
) (Enforcement - Land)  
RELIABLE MATERIALS LYONS, LLC, an )  
Illinois limited liability company, GSG )  
CONSULTANTS, INC., an Illinois )  
corporation, O.C.A. CONSTRUCTION, INC., )  
an Illinois corporation, SPEEDY GONZALEZ )  
LANDSCAPING, INC., an Illinois )  
corporation, PUBLIC BUILDING )  
COMMISSION OF CHICAGO, an Illinois )  
municipal corporation, BOARD OF )  
EDUCATION OF THE CITY OF CHICAGO, )  
a body politic and corporate, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by T.A. Holbrook):

On September 26, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Reliable Materials Lyons, LLC, (Reliable), GSG Consultants, Inc., (GSG), O.C.A. Construction, Inc., (OCA), Speedy Gonzalez Landscaping, Inc., (SGL), Public Building Commission of Chicago, (PBC), and the Board of Education of the City of Chicago (CPS), (collectively, respondents)<sup>1</sup>. The complaint concerns the site where the Westinghouse Vocational High School was being constructed, a 7.5 acre parcel of land located at 401 North Sawyer Avenue, Chicago, Cook County.

The Board recently received two separate stipulations and proposals for settlement, along with requests for relief from the hearing requirement concerning both stipulations. In the first, the People and GSG seek to settle without a hearing. In the second, the People and OCA seek to settle without a hearing. Reliable is not party to either stipulation. For the reasons stated below, the Board directs the Clerk to provide public notice of the two stipulations, proposed settlements, and requests for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm.

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<sup>1</sup> On December 2, 2011, the Board accepted stipulations and settlements from PBC and CPS, as well as SGL. *See* People v. Reliable Materials Lyons, LLC et al., PCB 12-52 (Dec. 2, 2011).

Code 103. In this case, the People alleged that all respondents violated Section 21(a) of the Act (415 ILCS 5/21(a) (2010)) by improperly disposing of contaminated soil (count I). The People also alleged that SGL and CPS violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2010)) by failing to comply with the Board regulations for special wastes (count II). The People also alleged that Reliable violated the following provisions in the manner described: Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2010)) by conducting a waste disposal operation without a permit (count III), and Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2010)) by accepting special waste from haulers without manifests (count IV).

On May 16, 2012, the People and GSG 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)). Under the proposed stipulation, GSG neither admits nor denies the alleged violation and agrees to pay a civil penalty of \$25,000.

On May 29, 2012, the People and OCA 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)). Under the proposed stipulation, OCA neither admits nor denies the alleged violation and agrees to pay a civil penalty of \$15,000.

These filings are 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). Unless the Board determines that hearings are needed, the Board must cause notice of the stipulations, proposed settlements, and requests 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 of the stipulations, proposed settlements, and requests for relief from the hearing requirement.

Member Burke Abstained

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 7, 2012 by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board