

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 2012

PEOPLE OF THE STATE OF ILLINOIS,        )  
  )  
          Complainant,    )  
  )  
          v.    )     PCB 10-12  
  )     (Enforcement - Water)  
HICKS OILS & HICKSGAS,   )  
INCORPORATED, )  
an Indiana corporation,    )  
  
Respondent.

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

On July 31, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Hicks Oils & Hicksgas, Inc. (respondents). The complaint concerns the respondents' bulk petroleum storage and transfer facility located at 1118 Wesley Road, in Creve Coeur, Tazewell County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010))<sup>1</sup>, 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. Code 103. In this case, the People allege that the respondents violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)), and 35 Ill. Adm. Code 620.405 and 620.410 by causing or allowing the discharge of contaminants to groundwater so as to exceed the Board's Groundwater Quality Standards for a Class I resource groundwater, and to thereby render such water harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses.

On December 13, 2012, the People and respondents 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, the respondents do not affirmatively admit the alleged violation[s] and agrees to pay a civil penalty

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<sup>1</sup> All citations to the Act will be to the 2008 compiled statutes, unless the provision at issue has been substantively amended in the 2010 compiled statutes.

of \$5,000 and respondents agree to a supplemental environmental project valued at approximately \$75,000.

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) (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 December 20, 2012, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board