ILLINOIS POLLUTION CONTROL BOARD November 6, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 04-6
VALLEY RUN STONE, a Division of)	(Enforcement - Air)
AVERY GRAVEL CO., an Illinois corporation,)	
•)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On July 11, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Valley Run Stone, a Division of Avery Gravel Co., Inc. (Valley Run Stone). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Valley Run Stone violated Sections 9(b), 9.1(d), and 39.5(6)(b) of the Environmental Protection Act (Act), Sections 201.142 and 201.143 of the Board's regulations, and several federal regulations implementing the federal Clean Air Act, which are enforceable under the Section 9.1(d) of the Act. 415 ILCS 5/9(b), 9.1(d), and 39.5(6)(b) (2002); 35 Ill. Adm. Code 201.142 and 201.143; 40 C.F.R. 52.21(i)(l), (k), (m), and (n). The People further allege that Valley Run Stone violated these provisions by failing to obtain a construction permit, failing to comply with preconstruction prevention of significant deterioration standards, failure to obtain an operating permit, and failing to obtain a Clean Air Act permit. The complaint concerns Valley Run Stone's construction of a natural gas-fired power generation engine at its quarry located in Lisbon, Kendall County.

On October 14, 2003, the People and Valley Run Stone 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, Valley Run Stone neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$24,500.

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. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2003, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board