

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2014

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 14-100
) (Enforcement - Water)

WESS WHITTAKER, d/b/a WHITTAKER)
AUTO SALVAGE, an unincorporated entity,)
)
 Respondent.)

ORDER OF THE BOARD (by J. A. Burke):

On January 14, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Wess Whittaker, d/b/a Whittaker Auto Salvage (respondent). The complaint concerns respondent’s automobile salvage facility located at 1365 N. 45th Road, Earlville, LaSalle 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 (2012)), the Attorney General may bring an action before the Board to enforce Illinois’ environmental requirements on behalf of the People. See 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People allege, in Count I, that respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Section 309.102(a) of the Board’s water pollution regulations, 35 Ill. Adm. Code 309.102(a), by operating without an NPDES permit; and in Count II that respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), by exposing automotive fluids to stormwater without controls sufficient to prevent stormwater from discharging into Indian Creek.

On May 7, 2014, the People and respondent 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,200.

Unless the Board determines that a hearing is needed, the Board must give 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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2014 by a vote of 4-0.

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

John T. Therriault, Clerk
Illinois Pollution Control Board