

ILLINOIS POLLUTION CONTROL BOARD
March 20, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 14-39
)	(Enforcement - Water)
BRADLEY PROPERTY, LLC, an Illinois)	
limited liability company, BRADLEY AUTO)	
SPA, LLC, an Illinois limited liability)	
company, and A-K UNDERGROUND, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. O’Leary):

On November 26, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Bradley Property, LLC (Bradley Property), Bradley Auto Spa, LLC, (Bradley Auto Spa), and A-K Underground, Inc. (A-K Underground). The complaint concerns A-K Underground’s waste removal services performed at a former oil change and car wash business located at 900 North Kinzie Avenue, Bradley, Kankakee County (site). In a stipulation and proposed settlement, the People and A-K Underground now seek to settle without a hearing. Neither Bradley Property nor Bradley Auto Spa is a party to this stipulation and proposed settlement. 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 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a), (d) and (f) of the Act and Sections 302.203 and 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 302.203, 309.102(a)) by causing, allowing or threatening the release of contaminants into the waters of the State without a National Pollutant Discharge Elimination System permit. The People alleged that A-K Underground released waste water from the site to a Village of Bradley storm sewer and to a culvert to the east of that location.

On March 14, 2014, the People and A-K Underground 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, A-K

Underground does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$10,000.

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) (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 March 20, 2014 by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board