

ILLINOIS POLLUTION CONTROL BOARD
October 7, 2021

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 21-46
) (Enforcement - Land)
WESTERN WATERPROOFING COMPANY,))
d/b/a WESTERN SPECIALTY)
CONTRACTORS, a Missouri corporation; and)
SPRINGFIELD BRANCH, LLC, a Missouri)
corporation,)
)
Respondents.)

ORDER OF THE BOARD (by C.M. Santos):

On December 28, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Western Waterproofing Company, d/b/a Western Specialty Contractors (Western Waterproofing) and Springfield Branch, LLC (Springfield Branch) (collectively, respondents). The complaint concerns Western Waterproofing's masonry and concrete restoration and preservation operation, which conducts business at a facility owned by Springfield Branch located at 2501 Colt Road in Springfield, Sangamon 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103.

In this case, the People allege that respondents violated Sections 21(f)(1) and (f)(2) of the Act (415 ILCS 5/21(f)(1), (f)(2) (2020)) and Sections 703.121(a) and (b) of the Board's waste disposal regulations (35 Ill. Adm. Code 703.121(a), (b)) by conducting a hazardous waste storage operation without a Resource Conservation and Recovery Act (RCRA) permit.


The People further allege that Western Waterproofing violated Section 21(i) of the Act (415 ILCS 5/21(i) (2020)) and Section 722.111 of the Board's regulations (35 Ill. Adm. Code 722.111) by failing to conduct hazardous waste determinations and violated Section 21(e) of the Act (415 ILCS 5/21(e) (2020)) and Section 808.121(a) of the Board's regulations (35 Ill. Adm. Code 808.121(a)) by failing to conduct special waste determinations.

On October 1, 2021, 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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 violations and agree to jointly and severally pay a civil penalty of \$26,500.

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. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 7, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board