ILLINOIS POLLUTION CONTROL BOARD July 24, 2003

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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 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)(1), (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 a natural gas-fired power generation engine at Valley Run Stone's quarry located in Lisbon, Kendall County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Valley Stone Run fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Valley Run Stone to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 24, 2003, by a vote of 6-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board