

ILLINOIS POLLUTION CONTROL BOARD  
September 2, 2004

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 04-67  
) (Enforcement - Water)  
ROYAL TRUCKING COMPANY, a )  
Mississippi corporation, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On October 17, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Royal Trucking Company (Royal Trucking). See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Royal Trucking violated Section 12(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (d) (2002)). The People further allege that Royal Trucking violated these provisions by threatening or causing water pollution when a truck overturned in transit releasing sodium bisulfite on the roadway and in swales along the roadway on Interstate 94 in Chicago, Cook County. On July 28, 2004, the People and Royal Trucking filed a stipulation and proposed settlement. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the (Act) (415 ILCS 5/1 *et seq.* (2002)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. See 415 ILCS 5/31 (2002); 35 Ill. Adm. Code 103. The July 28, 2004 stipulation and proposed settlement was 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). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Royal Trucking does not admit to the violations alleged in the complaint, but agrees to pay a civil penalty of \$5,000.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Chicago Sun-Times* on August 4, 2004. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of the respondents' operations. Section 103.302 also requires that the parties stipulate to facts called

for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

As previously stated, Royal Trucking does not admit to the violations alleged in the complaint, but agrees to pay a civil penalty of \$5,000. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2002), *as amended by* P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount.

The People and the respondents have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

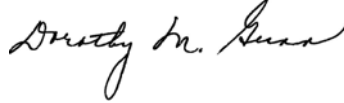
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Royal Trucking Company (Royal Trucking) must pay a civil penalty of \$5,000 no later than September 23, 2004, which is the 21st day after the date of this order. Royal Trucking must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Royal Trucking's federal employer identification number must be included on the certified check or money order.
3. Royal Trucking must send its certified check or money order to:  
  
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2002).
5. Royal Trucking must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois

Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 2, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board