

ILLINOIS POLLUTION CONTROL BOARD

November 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-192
)	(Enforcement – Land,Water)
SMITHFIELD PROPERTIES, L.L.C., an)	
Illinois limited liability company, WOOTON)	
CONSTRUCTION, LTD., an Illinois)	
corporation, and CHICAGO SUN-TIMES,)	
INC., a Delaware corporation,)	
)	
Respondents.)	

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

On May 5, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Smithfield Properties, L.L.C., Wooton Construction, LTD., and *Chicago Sun-Times, Inc.* The complaint alleges that *Chicago Sun-Times* (*Sun-Times*) violated Sections 12(a) and (d); and 57.6(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (d); 57.6(a) (2002)) and 35 Ill. Adm. Code 732.202(e). The eleven-count complaint alleges that Smithfield Properties, L.L.C. (Smithfield) and Wooton Construction LTD (Wooton) violated Sections 12(a), 57.6(a), 57.7(a)(1) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 57.6(a), 57.7(a)(1) (2004)) and 35 Ill. Adm. Code 732.200; 732.202(a),(b),(d) and (e); 732.300(a); and 732.307(a).

The complaint alleges that the respondents failed to properly evaluate and comply with reporting and response requirements, and caused, threatened or allowed water pollution at a site located at 222 South Racine Avenue, Chicago, Cook County. The Board accepted the complaint for hearing on May 20, 2004.

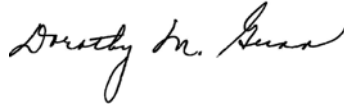
On October 26, 2005, the People and the *Sun-Times* filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2004). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Respondents Smithfield Properties, L.L.C and Wooton Construction, LTD are not party to the stipulation. Under the proposed stipulation, the *Sun-Times* does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$40,000.

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. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 3, 2005, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board