

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney General)
of the State of Illinois,)

Complainant,)

v.)

PCB 22-
(Enforcement – Water-NPDES)

BRELL, LLC, an Iowa limited liability)
company d/b/a Edwards Ready Mix,)
HAHN READY MIX COMPANY, an Iowa)
corporation, and BUILDER’S SAND AND)
CEMENT CO., INC., an Iowa corporation,)

Respondents.)

NOTICE OF FILING

To: Persons on Attached Service List

(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, true and correct copies of which are attached hereto and hereby served upon you.

KWAME RAOUL
Attorney General
State of Illinois

/s/ Nancy J. Tikalsky
Nancy J. Tikalsky , AAG
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington Street, Suite 1800
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(872) 272-0776
Primary e-mail address: Nancy.Tikalsky@ilag.gov

SERVICE LIST

Wayne Lawson
Vice-President of Operations
Hahn Ready Mix Company
3636 W. River Drive
Davenport, IA 52902
wlawson@hahnrmg.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of December 30, 2021, the attached Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon the persons listed on the foregoing Service List by depositing the document with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601 by the time of 5:00 p.m., with proper postage prepaid and via electronic mail.

/s/ Nancy J. Tikalsky

Nancy J. Tikalsky

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

69 W. Washington Street, Suite 1800

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(872) 272-0776

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney General)
 of the State of Illinois,)
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 Complainant,)
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 BRELL, LLC, an Iowa limited liability)
 company d/b/a Edwards Ready Mix,)
 HAHN READY MIX COMPANY, an Iowa)
 corporation, and BUILDER’S SAND AND)
 CEMENT CO., INC., an Iowa corporation,)
)
 Respondents.)

PCB 22-
 (Enforcement – Water-NPDES)

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), complains of Respondents, BRELL, LLC, d/b/a Edwards Ready Mix (“Brell”), HAHN READY MIX COMPANY (“Hahn”), and BUILDER’S SAND AND CEMENT CO., INC. (“BSCC”) as follows:

VIOLATIONS AT GENESEO SITE

COUNT I

FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA, against Brell and Hahn, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with the duty to abate violations of the general National Pollution Discharge Elimination System (“NPDES”) permit program under the Federal Clean Water Act (“CWA”), 33 U.S.C. § 1342(b)(7).

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2020), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act (“Board Regulations”).

4. Respondent, Brell, is an Iowa limited liability company registered and in good standing with the Illinois Secretary of State’s Office.

5. Respondent, Hahn, is an Iowa corporation registered and in good standing with the Illinois Secretary of State’s Office.

6. On April 5, 2017, the Illinois EPA issued a new iteration of the General NPDES Permit for Storm Water Discharges from Industrial Activity (“2017 General NPDES Permit”).

7. From July 1, 2012 through the date of filing this Complaint, Brell has owned and continues to own and Hahn has operated and continues to operate a ready mix concrete manufacturing facility located at 210 South Chicago Street, Geneseo, Henry County, Illinois. (“Geneseo Site”).

8. At all times relevant to this Complaint, ready-mix concrete industrial materials and equipment were stored at the Geneseo Site. The Geneseo Site has a ready-mix concrete plant, where concrete is manufactured and mixed, and has a concrete truck washout area.

9. At all times relevant to this Complaint, storm water from the Geneseo Site discharges into the Green River.

10. On or about April 9, 2013, Brell submitted to the Illinois EPA a change of ownership for the Geneseo Site for coverage under the General NPDES permit for Storm Water Discharges from Industrial Activity #ILR003629 with an April 30, 2014 expiration date (“Geneseo NPDES Permit”).

11. From November 2, 2013 through on or about April 7, 2021, or a date better known to Brell and Hahn, Brell and Hahn failed to submit a Notice of Intent (“NOI”) to renew the Geneseo NPDES Permit, which expired on April 30, 2014.

12. From December 5, 2017 through on or about April 7, 2021, or a date better known to Brell and Hahn, Brell and Hahn failed to submit a Storm Water Pollution Prevention Plan (“SWPPP”) to Illinois EPA for the Geneseo Site.

13. On March 27, 2019, an Illinois EPA inspector conducted a compliance inspection at the Geneseo Site.

14. At the time of the inspection, there were industrial materials including sand, gravel, concrete, and equipment exposed to storm water at the Geneseo Site.

15. The CWA regulates the discharge of pollutants from a point source into navigable waters and prohibits such point source discharges without an NPDES permit. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State.

16. The USEPA has authorized the State of Illinois to issue NPDES permits, through the Illinois EPA in compliance with NPDES federal regulations (“USEPA NPDES Regulations”), including storm water discharges regulated by 40 CFR 122.26, which requires a

person to obtain an NPDES permit and to implement a storm water pollution prevention plan for industrial activity including ready mix concrete manufacturing facilities.

17. Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), provides as follows:

No person shall:

Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

18. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

19. Standard Condition 2 of the General NPDES Permit for Storm Water Discharges from Industrial Activity that expired on April 30, 2014 provides as follows:

Duty to Reapply: If the permittee wishes to continue an activity regulated by this permit after the expiration of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

20. Paragraph D.1.b. of the 2017 General NPDES Permit provides as follows:

1. Any discharger of storm water associated with industrial activities seeking coverage under this general permit shall provide the Agency with the following information:

b. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP or plan) that has been prepared for the industrial site in accordance with Part E of this permit.

21. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“PERSON” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity, or their legal representative, agent or assigns.

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“CONTAMINANT” is any solid, liquid, or gaseous matter, any odor or any form of energy, from whatever source.

23. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), provides the following definition:

“WATERS” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

24. Brell, a limited liability company, and Hahn, a corporation, are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

25. The industrial materials including sand, gravel and concrete at the Geneseo Site are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

26. The Green River is a “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

27. From May 1, 2014 through on or about April 7, 2021, or a date better known to Brell and Hahn, Brell and Hahn failed to timely submit a NOI to renew the Geneseo NPDES Permit for the Geneseo Site in violation of Standard Condition 2 of the Geneseo NPDES Permit, and failed to timely submit a SWPPP for the Geneseo NPDES Permit pursuant to Paragraph D.1.b. of the 2017 General NPDES Permit, which was required to obtain coverage under the 2017 General NPDES Permit, and thereby, Brell and Hahn violated Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, BRELL, LLC, and HAHN READY MIX COMPANY, as follows:

1. Authorizing a hearing in this matter at which time the Respondents, Brell and Hahn, will be required to answer the allegations herein;
2. Finding that the Respondents, Brell and Hahn, have violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the Geneseo NPDES Permit;
3. Ordering the Respondents, Brell and Hahn, to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
4. Assessing against the Respondents, Brell and Hahn, a civil penalty of ten thousand dollars (\$10,000) for each day during which each violation continued for Section 12(f)

of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the Geneseo NPDES Permit;

5. Ordering the Respondents, Brell and Hahn, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;

6. Granting such other relief as the Board deems appropriate and just.

COUNT II

WATER POLLUTION

1-20. Complainant realleges and incorporates by reference herein paragraphs 1 through 14 and paragraphs 21 through 26 of Count I, as paragraphs 1 through 20 of this Count II.

21. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), provides as follows:

No person shall:

Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

22. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides the following definition:

“WATER POLLUTION” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

23. From May 1, 2014 and continuing through on or about April 7, 2021, or a date better known to Respondents, Brell and Hahn, by threatening the discharge of contaminants of sand, gravel and concrete from the Geneseo Site into waters of the State that would alter the physical, thermal, chemical, biological properties of said waters, Brell and Hahn, likely rendered such waters harmful or detrimental or injurious to (a) public health, safety or welfare, (b) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or (c) livestock, wild animals, birds, fish, or other aquatic life, which therefore constitutes “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

24. By their actions and omissions as alleged herein, Respondents, Brell and Hahn, caused, threatened, or allowed water pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, BRELL, LLC, and HAHN READY MIX COMPANY, as follows:

1. Authorizing a hearing in this matter at which time Respondents, Brell and Hahn, will be required to answer the allegations herein;
2. Finding that Respondents, Brell and Hahn, have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Respondents, Brell and Hahn, to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against the Respondents, Brell and Hahn, a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation and an additional penalty of ten

thousand dollars (\$10,000) for each day during which each violation continued of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

5. Ordering the Respondents, Brell and Hahn, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;

6. Granting such other relief as the Board deems appropriate and just.

VIOLATIONS AT KEWANEE SITE

COUNT III

FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA, against Hahn pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).

2-14. Complainant realleges and incorporates by reference herein paragraphs 2, 3, 5, 6 and 15 through 23 of Count I, as paragraphs 2 through 14 of this Count III.

15. From on or about 2012 through April 30, 2020,¹ or a date or dates better known to Hahn, Hahn owned and operated a ready-mix concrete manufacturing facility located at 1600 North East Street, Kewanee, Henry County, Illinois (“Kewanee Site”).

16. At all times relevant to this Complaint, ready-mix concrete industrial materials and equipment were stored at the Kewanee Site. The Kewanee Site had a ready-mix concrete plant, where concrete was manufactured and mixed.

¹ On May1, 2020, Brell and Hahn sold the Kewanee Site.

17. At all times relevant to this Complaint, storm water from the Kewanee Site discharges into the Mud Creek.

18. From on or about 2012, or a date better known to Hahn, Illinois EPA issued to Hahn for the Kewanee Site coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activity #ILR006471 with an April 30, 2014 expiration date (“Kewanee NPDES Permit”).

19. From November 2, 2013 through April 30, 2020, or a date or dates better known to Hahn, Hahn failed to submit a NOI to renew the Kewanee NPDES Permit, which expired on April 30, 2014.

20. From at least December 5, 2017 through April 30, 2020, or a date or dates better known to Hahn, Hahn failed to submit a SWPPP to Illinois EPA for the Kewanee Site.

21. On March 27, 2019, an Illinois EPA inspector conducted a compliance inspection at the Kewanee Site. At the time of the inspection, there were industrial materials, including sand, gravel, concrete, and equipment, exposed to storm water at the Kewanee Site.

22. Hahn, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

23. The Mud Creek is a “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. The industrial materials including sand, gravel, concrete and equipment at the Kewanee Site are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

25. From May 1, 2014 through April 30, 2020, Hahn failed to timely renew the Kewanee NPDES Permit pursuant to Standard Condition 2 of the Kewanee NPDES Permit and failed to timely submit a SWPPP pursuant to Paragraph D.1.b. of the 2017 General NPDES Permit, which was required to obtain coverage under the 2017 General NPDES Permit, and thereby, Hahn violated Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, HAHN READY MIX COMPANY, as follows:

1. Authorizing a hearing in this matter at which time the Respondent, Hahn, will be required to answer the allegations herein;
2. Finding that the Respondent, Hahn, has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the Kewanee NPDES Permit;
3. Ordering the Respondent, Hahn, to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
4. Assessing against the Respondent, Hahn, a civil penalty of ten thousand dollars (\$10,000) for each day during which each violation continued for Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the Kewanee NPDES Permit;

5. Ordering the Respondent, Hahn, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

WATER POLLUTION

1-20. Complainant realleges and incorporates by reference herein paragraphs 1 through 5, and 12 through 24 of Count III, and paragraphs 22 and 23 of Count II, as paragraphs 1 through 20 of this Count IV.

21. From at least May 1, 2014 and continuing through April 30, 2020, or a date or dates better known to Respondent, Hahn, by threatening the discharge of contaminants from sand, gravel, concrete and equipment from the Kewanee Site into waters of the State that would alter the physical, thermal, chemical, biological properties of said waters, Hahn likely rendered such waters harmful or detrimental or injurious to (a) public health, safety or welfare, (b) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or (c) livestock, wild animals, birds, fish, or other aquatic life, which constitutes “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

22. By its actions and omissions as alleged herein, Hahn caused, threatened, or allowed water pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, HAHN READY MIX COMPANY, as follows:

1. Authorizing a hearing in this matter at which time Respondent, Hahn, will be required to answer the allegations herein;
2. Finding that Respondent, Hahn, has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Respondent, Hahn, to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against the Respondent, Hahn, a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continued of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
5. Ordering the Respondent, Hahn, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;
6. Granting such other relief as the Board deems appropriate and just.

VIOLATIONS AT EAST MOLINE SITE

COUNT V

**FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION
DISCHARGE ELIMINATION SYSTEM**

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA, against Hahn and BSCC, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).
- 2-14. Complainant realleges and incorporates by reference herein paragraphs 2, 3, 5, 6, and 15 through 23 of Count I, as paragraphs 2 through 14 of this Count V.

15. Respondent, BSCC, is an Iowa corporation registered and in good standing with the Illinois Secretary of State's Office.

16. At all times relevant to this Complaint, Hahn has owned and continues to own and BSCC has operated and continues to operate a ready-mix concrete manufacturing facility located at 1215 158th Street NE, East Moline, Rock Island County, Illinois ("E. Moline Site").

17. At all times relevant to this Complaint, ready-mix concrete industrial materials and equipment are stored at the E. Moline Site. The E. Moline Site has a ready-mix concrete plant, where concrete is manufactured and mixed, and a concrete truck washout area.

18. At all times relevant to this Complaint, storm water from the E. Moline Site discharges into the Mississippi River.

19. Since 1998, or a date better known to BSCC, Illinois EPA issued to BSCC for the E. Moline Site coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activity #ILR003281 with an April 30, 2014 expiration date ("BSCC NPDES Permit").

20. From November 2, 2013 through on or about April 7, 2021, or a date better known to Hahn and BSCC, Hahn and BSCC failed to submit a NOI to renew the BSCC NPDES Permit.

21. From December 5, 2017 through on or about April 7, 2021, or a date better known to Hahn and BSCC, Hahn and BSCC failed to submit a SWPPP to the Illinois EPA for the E. Moline Site.

22. On April 10, 2019, an Illinois EPA inspector conducted a compliance inspection at the E. Moline Site.

23. At the time of the inspection, there were industrial materials, including sand, gravel, concrete, and equipment exposed to storm water at the E. Moline Site.

24. Hahn and BSCC are both corporations, and therefore they are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

25. The Mississippi River is a “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

26. The industrial materials including sand, gravel, concrete and equipment at the E. Moline Site are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

27. From May 1, 2014 through on or about April 7, 2021, or a date better known to Respondents, Hahn and BSCC, Hahn and BSCC failed to timely renew the BSCC NPDES Permit in violation of Standard Condition 2 of the E. Moline NPDES Permit and failed to timely submit a SWPPP pursuant to Paragraph D.1.b. of the 2017 General NPDES Permit, which was required to obtain coverage under the 2017 General NPDES Permit, and thereby, Hahn and BSCC violated Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, HAHN READY MIX COMPANY and BUILDER’S SAND AND CEMENT CO., INC, as follows:

1. Authorizing a hearing in this matter at which time the Respondents, Hahn and BSCC, will be required to answer the allegations herein;

2. Finding that the Respondents, Hahn and BSCC, have violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the E. Moline NPDES Permit;

3. Ordering the Respondents, Hahn and BSCC, to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing against the Respondents, Hahn and BSCC, a civil penalty of ten thousand dollars (\$10,000) for each day during which each violation continued for Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of the E. Moline NPDES Permit;

5. Ordering the Respondents, Hahn and BSCC, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;

6. Granting such other relief as the Board deems appropriate and just.

COUNT VI

WATER POLLUTION

1-22. Complainant realleges and incorporates by reference herein paragraphs 1 through 5, and 12 through 26 of Count V, and Paragraphs 22 and 23 of Count II, as paragraphs 1 through 22 of this Count VI.

23. From at least May 1, 2014 and continuing through on or about April 7, 2021, or a date better known to Respondents, Hahn and BSCC, by threatening the discharge of contaminants from the E. Moline Site into waters of the State that would alter the physical,

thermal, chemical, biological properties of said waters, Hahn and BSCC, likely rendered such waters harmful or detrimental or injurious to (a) public health, safety or welfare, (b) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or (c) livestock, wild animals, birds, fish, or other aquatic life, which constitutes “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

24. By their actions and omissions as alleged herein, Respondents, Hahn and BSCC, caused, threatened, or allowed water pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, HAHN READY MIX COMPANY and BUILDER’S SAND AND CEMENT CO., INC., as follows:

1. Authorizing a hearing in this matter at which time Respondents, Hahn and BSCC, will be required to answer the allegations herein;
2. Finding that Respondents, Hahn and BSCC, have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Respondents, Hahn and BSCC, to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against the Respondents, Hahn and BSCC, a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continued of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

5. Ordering the Respondents, Hahn and BSCC, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees;
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: /s/ Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney General)
of the State of Illinois,)
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Complainant,)
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v.) PCB 22-
) (Enforcement – Water-NPDES)
BRELL, LLC, an Iowa limited liability)
company d/b/a Edwards Ready Mix,)
HAHN READY MIX COMPANY, an Iowa)
corporation, and BUILDER’S SAND AND)
CEMENT CO., INC., an Iowa corporation,)
)
Respondents.)

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2020), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Standard Condition 2 of each of the Geneseo NPDES Permit, Kewanee NPDES Permit and E. Moline NPDES Permit.

2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ Nancy J. Tikalsky
NANCY J. TIKALSKY, AAG
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB 22-
)	(Enforcement – Water-NPDES)
BRELL, LLC, an Iowa limited liability)	
company d/b/a Edwards Ready Mix,)	
HAHN READY MIX COMPANY, an Iowa)	
corporation, and BUILDER’S SAND AND)	
CEMENT CO., INC., an Iowa corporation,)	
)	
Respondents.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and BRELL, LLC (“Brell”), HAHN READY MIX COMPANY (“Hahn”), and BUILDER’S SAND AND CEMENT CO., INC. (“BSSC”), (“Respondents”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, *et seq.* (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On December 30, 2021, a Complaint was filed on behalf of the People of the State of Illinois by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020) and charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with the duty to abate violations of the general National Pollution Discharge Elimination System (“NPDES”) permit program under the Federal Clean Water Act (“CWA”), 33 U.S.C. § 1342(b)(7).

3. Respondent Brell is an Iowa limited liability company registered and in good standing with the Illinois Secretary of State’s Office.

4. Respondent Hahn is an Iowa corporation registered and in good standing with the Illinois Secretary of State’s Office.

5. Respondent BSCC is an Iowa corporation registered and in good standing with the Illinois Secretary of State’s Office.

6. Respondent Brell has owned and continues to own and Respondent Hahn has operated and continues to operate a ready mix concrete manufacturing facility located at 210 South Chicago Street, Geneseo, Henry County, Illinois. (“Geneseo Site”).

7. Illinois EPA issued, for the Geneseo Site, coverage under the General NPDES permit for Storm Water Discharges from Industrial Activity #ILR003629 with an April 30, 2014 expiration date (“Geneseo NPDES Permit”).

8. Respondent Hahn owned and operated a ready-mix concrete manufacturing facility located at 1600 North East Street, Kewanee, Henry County, Illinois (“Kewanee Site”).

9. Illinois EPA issued, for the Kewanee Site, coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activity #ILR006471 with an April 30, 2014 expiration date (“Kewanee NPDES Permit”).

10. Hahn has owned and continues to own and BSCC has operated and continues to operate a ready-mix concrete manufacturing facility located at 1215 158th Street NE, East Moline, Rock Island County, Illinois (“E. Moline Site”).

11. Illinois EPA issued, for the E. Moline Site, coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activity #ILR003281 with an April 30, 2014 expiration date (“E. Moline NPDES Permit”).

B. Allegations of Non-Compliance

VIOLATIONS AT GENESEO SITE BY BRELL AND HAHN

COUNT I: FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

Violations of 415 ILCS 5/12(f) (2020), 35 Ill. Adm. Code 309.102(a), and Standard Condition No. 2 of the Geneseo NPDES Permit;

COUNT II: WATER POLLUTION

Violations of 415 ILCS 5/12(a) (2020);

VIOLATIONS AT KEWANEE SITE BY HAHN

COUNT III: FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

Violations of 415 ILCS 5/12(f) (2020), 35 Ill. Adm. Code 309.102(a), and Standard Condition No. 2 of the Kewanee NPDES Permit;

COUNT IV: WATER POLLUTION

Violations of 415 ILCS 5/12(a) (2020);

VIOLATIONS AT E. MOLINE SITE BY HAHN AND BSCC

COUNT V: FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

Violations of 415 ILCS 5/12(f) (2020), 35 Ill. Adm. Code 309.102(a), and Standard Condition No. 2 of the E. Moline NPDES Permit;

COUNT VI: WATER POLLUTION

Violations of 415 ILCS 5/12(a) (2020).

C. Non-Admission of Violations

The Respondents represent that they have entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondents do not affirmatively admit the allegations of violation within the Complaint, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. Hahn sold the Kewanee Site on May 1, 2020.
2. By March 15, 2021, Respondents, Brell and Hahn, submitted a NOI and SWPPP for the renewal of the Geneseo NPDES Permit. On April 8, 2021, the Illinois EPA found Respondents were in compliance with NPDES permits for the Geneseo Site and renewed the Geneseo NPDES Permit.
3. By March 23, 2021, Respondents, Hahn and BSCC, submitted a NOI and SWPPP for the renewal of the E. Moline NPDES Permit. On April 14, 2021, the Illinois EPA renewed the E. Moline NPDES Permit as # IL07766. ("2021 E. Moline NPDES Permit")
4. On March 10, 2021, the Illinois EPA received the annual report for 2019 submitted by Respondents, Brell and Hahn, for the Geneseo NPDES Permit.
5. On March 10, 2021, the Illinois EPA received annual report for 2019 submitted

by Respondents, Hahn and BSCC, for the E. Moline NPDES Permit.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act, Board Water Pollution Regulation, Geneseo NPDES Permit, Kewanee NPDES Permit and the E. Moline NPDES Permit for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Respondents threatened human health and the environment by their failure to timely renew the Geneseo NPDES Permit, Kewanee NPDES Permit and E. Moline NPDES Permit and by their failure to submit Annual Reports for the year 2019 as required by each of the aforementioned NPDES permits.

2. Respondents' Geneseo Site and E. Moline Site are currently operational and have both social and economic value.

3. Respondents' Geneseo Site, Kewanee Site and E. Moline Site were suitable for the activity as they were operated.

4. It is technically practicable and economically reasonable for Respondents to have maintained coverage under the Geneseo NPDES Permit, Kewanee NPDES Permit and E. Moline NPDES Permit at the Geneseo Site, Kewanee Site and E. Moline Site, respectively.

5. Respondents have undertaken measures to address and correct the permit violations and come into compliance with the Geneseo NPDES Permit, and E. Moline NPDES Permit for the Geneseo Site and E. Moline Site, respectively.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the Respondents in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the Respondents because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the Respondents and to otherwise aid in enhancing voluntary compliance with this Act by the Respondents and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the Respondents;
6. whether the Respondents voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the Respondents have agreed to undertake a “supplemental environmental project,” which means an environmentally beneficial project that Respondents agree to undertake in settlement of an enforcement action brought under this Act, but which the Respondents are not otherwise legally required to perform; and
8. whether the Respondents have successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. From at least May 1, 2014 and continuing through March 15, 2021, Respondents, Brell and Hahn, failed to correct violations of the Act, Board Water Pollution Regulation and Geneseo NPDES Permit. From at least May 1, 2014 and continuing through April 30, 2020, Respondent, Hahn, failed to correct violations of the Act, Board Water Pollution Regulation and Kewanee NPDES Permit. From at least May 1, 2014 and continuing through March 23, 2021, Respondents, Hahn and BSCC, failed to correct violations of the Act, Board Water Pollution Regulation and E. Moline NPDES Permit. By April 14, 2021, all of the violations were resolved for the Geneseo Site and E. Moline Site.

2. From at least May 1, 2014 and continuing through March 15, 2021, Respondents, Brell and Hahn, were not responsive to coming into compliance at the Geneseo Site with the Act, Board Water Pollution Regulation and Geneseo NPDES Permit. From at least May 1, 2014 and continuing through April 30, 2020, Respondent, Hahn, was not responsive to coming into

compliance at the Kewaunee Site with the Act, Board Water Pollution Regulation and Kewanee NPDES Permit. From at least May 1, 2014 and continuing through March 23, 2021, Respondents were not responsive to coming into compliance at the E. Moline Site with the Act, Board Water Pollution Regulation and E. Moline NPDES Permit.

3. The civil penalty takes into account any economic benefit realized by the Respondents as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter that a penalty of Thirty Thousand dollars (\$30,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act, Board Water Pollution Regulations and Geneseo NPDES Permit and 2021 E. Moline NPDES Permit.

5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not proposed by Respondents.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

The Respondents shall jointly and severally pay a civil penalty in the sum of Thirty Thousand dollars (\$30,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. **Stipulated Penalties, Interest, and Default**

1. If the fails to make any payment required by this Stipulation on or before the date

upon which the payment is due, the Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondents not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

3. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau North
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, IL 60602
nancy.tikalsky@ilag.gov

D. Future Compliance

1. Respondents shall timely submit Geneseo NPDES Permit and 2021 E. Moline NPDES Permit annual reports and permit renewals and otherwise shall comply with all terms and conditions of coverage under the Geneseo NPDES Permit, and 2021 E. Moline NPDES Permit.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondents' Geneseo Site and E. Moline Site, which are the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Water Pollution Regulations and the Geneseo NPDES Permit and 2021 E. Moline NPDES Permit.

4. The Respondents shall cease and desist from future violations of the Act, Board Water Pollution Regulation and the Geneseo NPDES Permit and 2021 E. Moline NPDES Permit.

E. Release from Liability

In consideration of the Respondents' payment of the \$30,000.00 penalty, its commitment to cease and desist as contained in Paragraph V.D.4 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondents from any further liability or penalties for the violations of the Act, Board Water Pollution Regulation and Geneseo NPDES Permit, Kewanee NPDES Permit and E. Moline NPDES Permit that were the subject matter of the Complaint. The release set forth above does not extend to any matters other than those expressly specified in the Complaint filed on December 30, 2021. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondents.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Opportunity for Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations, which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondents consent to the entry of this Stipulation without further notice and agree not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondents in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondents that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

H. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


FOR THE COMPLAINANT:

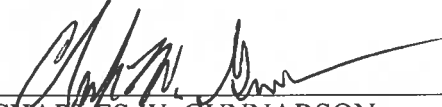
PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL
Attorney General of the
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General


BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 12/22/21

DATE: 12/30/21

FOR THE RESPONDENTS:

BRELL, LLC

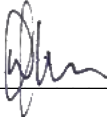


Wayne Lawson

Its: Senior Vice President
[Title of Signatory]

DATE: 12/14/2021

HAHN READY MIX COMPANY

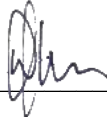


Wayne Lawson

Its: Senior Vice President
[Title of Signatory]

DATE: 12/14/2021

BUILDER'S SAND AND CEMENT CO.,
INC.



Wayne Lawson

Its: Senior Vice President
[Title of Signatory]

DATE: 12/14/2021