

ILLINOIS POLLUTION CONTROL BOARD
May 4, 2023

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 23-110
)	(Enforcement - Water)
CJ MASONRY BRICK LLC, an Illinois)	
limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Van Wie):

On April 12, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against CJ Masonry Brick LLC (CJ Masonry). The complaint concerns a diesel spill caused when a pickup truck belonging to CJ Masonry was involved in a traffic accident and drove to a restaurant parking lot located at 100 Lageschulte Street in Barrington, Lake County (spill site). The complaint also concerns the discharge of diesel fuel from the ground at the spill site into a catch basin that drains to the Village of Barrington sewer system, which discharges into a tributary to Flint Creek (discharge site). Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

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 CJ Masonry violated Sections 12(a) and 12(d) of the Act (415 ILCS 5/12(a), (d) (2020)) and Sections 302.203 and 304.106 of the Board Water Pollution Regulations (35 Ill. Adm. Code 302.203, 304.106). The People allege that CJ Masonry committed these violations by causing, threatening, or allowing the discharge of a contaminant into the environment causing or tending to cause water pollution in Illinois; allowing diesel fuel to be deposited upon the land at the spill site in such a manner that the fuel could and did enter the storm sewer and tributary to Flint Creek, a water of the State of Illinois, creating a water pollution hazard; causing or allowing an offensive discharge in violation of the Board Water Pollution Regulations; and creating offensive conditions in a water of the State of Illinois. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

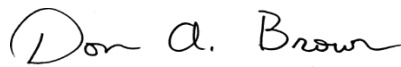
On April 12, 2023, simultaneously with the People’s complaint, the People and CJ Masonry filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing

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, CJ Masonry does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$7,500.

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 May 4, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board