

ILLINOIS POLLUTION CONTROL BOARD  
April 17, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 03-12
	)	(Enforcement - Water)
RIVERSTONE GROUP, INC., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by N.J. Melas):

On July 31, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Riverstone Group, Inc. (Riverstone). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The complaint contains allegations of water pollution and creating offensive conditions at Riverstone's Troy Grove quarry, a limestone quarry, located at 539 Route 52, Utica, LaSalle County. The People allege that Riverstone violated the Environmental Protection Act (Act), and effluent discharge standards for total suspended solids (TSS) as set by the Board and the National Pollutant Discharge Elimination System (NPDES) permit issued to Riverstone by the Illinois Environmental Protection Agency (Agency). Riverstone's NPDES permit # ILG840049 allows it to discharge effluent in to the Little Vermillion River.

On March 25, 2003, the People and respondents 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *News-Tribune* on April 2, 2003. 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 Riverstone's 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)). The People and Riverstone have satisfied Section 103.302. Respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$38,000. 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. Riverstone must pay a civil penalty of \$38,000 no later than May 17, 2003, which is the 30th day after the date of this order, by certified check or money order, payable to the "Illinois Environmental Protection Agency" and designated to the Environmental Protection Trust Fund. The case number, case name, and respondent's federal employer identification number (36-1494955) must be included on the certified check or money order.
3. Riverstone must send the 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

A copy of the check shall be sent to:

Joel Sternstein  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street, 20th Floor  
Chicago, Illinois 60601

4. For the purposes of collection, inquiries can be addressed to Respondent's attorney at:

Mr. Cary Perlman  
Latham & Watkins  
Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 875-7700

5. 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) (2000)).
6. Riverstone must cease and desist from future violations of the Act and Board rules.

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 April 17, 2003, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board