

ILLINOIS POLLUTION CONTROL BOARD

May 20,2004

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.)	

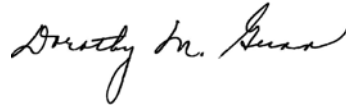
ORDER OF THE BOARD (by T.E. Johnson):

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. (respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. 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) (2002)) 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 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 complaint asserts that respondents violated these various provisions of the Act and Board regulations by failing to properly evaluate and comply with reporting and response requirements, as well as causing, threatening or allowing water pollution at a site located at 222 South Racine Avenue, Chicago, Cook County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if respondent fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider respondent to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 20, 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