

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 10-107
	)	(Enforcement - Water)
ROCKFORD SAND AND GRAVEL, INC., a	)	
division of Rockford Blacktop Construction	)	
Co., an Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G. T. Girard):

On June 21, 2010, the Attorney General’s Office, on behalf of the People of the State of Illinois (People) filed a two-count complaint against Rockford Sand and Gravel, Inc. (Rockford). The complaint alleges that Rockford violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(f) (2008)), and Section 309.102(a) of the Board’s Water Pollution Regulations (35 Ill. Adm. Code 309.102(a)). The complaint further alleges that Rockford violated these provisions by causing and allowing the discharge of TSS in excess of the National Pollutant Discharge Elimination System (NPDES) permit effluent limits from the facility into the unnamed tributary of the Rock River so as to cause water pollution, and by discharging a contaminant into waters of the State in violation of a term or condition imposed by the NPDES permit.

On August 20, 2010, Rockford filed answers and affirmative defenses to the People’s complaint. In response, the People filed a motion to strike respondent’s affirmative defenses on September 17, 2010. On October 15, 2010, Rockford responded to the People’s motion to strike by filing leave to replace the original answers and affirmative defenses with an amended answer, effectively withdrawing their affirmative defenses.

The Board grants Rockford leave to file an amended answer and accepts their amended answer. The acceptance of the amended answer renders the People’s motion to strike affirmative defenses alleged in the answer moot.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 16, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board