

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-89
)	(Enforcement - Water)
WEITZ INDUSTRIAL, LLC,)	
)	
Respondents.)	

ORDER OF THE BOARD (by A.S. Moore):

On April 27, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Freeport Area Economic Development Foundation, doing business as Northwest Illinois Development Alliance, a not-for-profit corporation (FAEDF), and Weitz Industrial, LLC, a foreign corporation (Wietz), (collectively, respondents). The complaint concerns a site known as Mill Race Industrial Park, a 145-acre property located east of Springfield Road, north of Hiveley Road, and south of Business 20, in Freeport, Stephenson County. The People and FAEDF previously executed a separate stipulation and settlement agreement, which the Board has recently accepted.¹

The People and Weitz now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Wietz violated the following provisions in the manner described: (1) Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) by failing to maintain storm water controls at the site, thus causing or allowing contaminants to discharge into a water of the State, causing water pollution; (2) Sections 302.203 and 304.106 of the Board's water pollution regulations (35 Ill. Adm. Code 302.203, 304.106) and Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) by allowing discharges containing color and turbidity of other than natural origin and causing bottom deposits in Silver Creek; and (3) Section 12(d) of the Act (415 ILCS 5/12(d) (2008)) by depositing sediment onto the land in such a place and manner so as to create a water pollution hazard.

¹ People of the State of Illinois v. Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance, an Illinois not-for-profit corporation, and Weitz Industrial, LLC, PCB 10-89 (December 2, 2010)

On December 15, 2010, the People and Wietz 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Wietz denies the alleged violations, but agrees to pay a civil penalty of \$13,900.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board