

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 12-122
)	(Enforcement – Water, Land)
DOUGLAS SCHROEDER,)	
)	
Respondent.)	

ORDER OF THE BOARD (T.A. Holbrook):

On April 23, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Douglas Schroeder (Schroeder). The complaint concerns a site located north of the intersection of 100 N Road and 4100 E Road in McLean County. 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Schroeder violated Sections 12(a), 12(d), 21(a), 21(d)(1), 21(e), and 21(p)(1) of the Act (415 ILCS 5/12(a), 12(d), 21(a), 21(d)(1), 21(e), and 21(p)(1) (2010)) by: 1) causing or allowing the discharge of a contaminant into waters of the State so as to cause water pollution, 2) depositing contaminants upon the land in such place and manner so as to create a water pollution hazard; 3) disposing waste without a permit issued by the Agency; 4) disposing waste at a location that was not authorized pursuant to the Board's regulations as a site that may receive such waste; 5) causing or allowing the open dumping of refuse and waste, and 6) causing or allowing the open dumping of waste in a manner that has resulted in litter. 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 23, 2012, simultaneously with the People's complaint, the People and Schroeder 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Schroeder does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$3,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

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 May 3, 2012, by a vote of 5-0.

A handwritten signature in cursive script that reads "John T. Therriault". The signature is written in black ink and is positioned above a horizontal line.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board