

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 2012

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 12-48  
) (Enforcement – Water)  
PHOENIX CORPORATION OF THE QUAD )  
CITIES, an Illinois corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by C.K. Zalewski):

On September 9, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against the Phoenix Corporation of the Quad Cities (Phoenix). The complaint concerns Phoenix' excavation and grading services on a road construction project at the intersection of Illinois Route 78 and Illinois Route 64/United States Route 52 in Mount Carroll, Carroll County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

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 Phoenix violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), (f) (2010)), and Section 302.203 of the Board's water pollution regulations, 35 Ill. Adm. Code 302.203, by causing or allowing water pollution by pumping soil, sediment, and sediment-laden storm water into the drainage ditches, storm sewer, and the ravine leading to Carroll Creek which resulted in unnatural sludge and bottom deposits, by creating a water pollution hazard by depositing soil and sediment onto land in an uncontrolled manner so as to allow the soil and sediment to migrate into the storm sewer, water-filled ravine, and Carroll Creek, and by discharging sediment-laden storm water into the storm sewer without first applying for an obtaining a National Pollutant Discharge Elimination System (NPDES) permit.

On May 24, 2012, the People and Phoenix, 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, Phoenix neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$20,000.00.

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 June 7, 2012 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 stroke at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board