ILLINOIS POLLUTION CONTROL BOARD September 4, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 14-13 (Enforcement Water)
BINGHAM COMMERCIAL)	(Enforcement - Water)
CONSTRUCTION, INC., an Illinois corporation,)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On July 30, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Bingham Commercial Construction, Inc. (Bingham). The complaint concerns Bingham's property located at 238 North Main Street, Rochelle, Ogle 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that Bingham violated Sections 12(a) and 12(f) and of the Act (415 ILCS 5/12(a) and 12(f) (2012) and Section 307.110(a) of the Board's water pollution regulations (35 Ill. Adm. Code 307.110(a)) by causing or allowing wash water containing diammonium phosphate (DAP) to enter the sanitary sewer and the publicly owned treatment works thereby causing or threatening the pass through of DAP, or other wastewater contaminants, into the Kyte River.

On August 21 and 22, 2014, the People and Bingham 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, Bingham does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$6,000.

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) (2012); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 4, 2014, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board