

COMPLAINT AND PROPOSED SETTLEMENT

Under the Environmental Protection Act (Act) (415 ILCS 5 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People's complaint alleges that OEE violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Sections 302.203 and 304.106 of the Board's water pollution regulations (35 Ill. Adm. Code 302.203, 304.106). The People allege that OEE caused or allowed the accumulation of turbid and odorous storm water containing bottom sediment, settleable solids, and sludge from the facility. And the People allege OEE caused or allowed the discharge of this turbid and odorous storm water into Drummer Creek.

As noted, the People and OEE 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, the OEE does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$25,000.

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 30 days after receiving the notice. If anyone timely files a written comment or demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 30, 2019, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board