ILLINOIS POLLUTION CONTROL BOARD April 2, 2015

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.)) PCB 15-114
•) (Enforcement - Water)
AMERICAN STEAMSHIP COMPANY, a New York corporation,)
Ton Ton corporation,)
Respondent.)

ORDER OF THE BOARD (by D. Glosser):

On December 19, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against American Steamship Company (respondent). The complaint concerns respondent's transportation of dry-bulk commodities to KCBX Terminals at 3529 East 100th Street, Chicago, Cook 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 respondent violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2012)) and Section 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 309.102(a)). The complaint alleges respondent violated these provisions by washing coal from the deck of a vessel into the Calumet River.

On March 26, 2015, the People and respondent 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, the respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,400.

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 April 2, 2015, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board