

ILLINOIS POLLUTION CONTROL BOARD  
April 7, 2016

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 16-96  
) (Enforcement - Water)  
CHEROKEE WELL SERVICE LLC, an )  
Illinois limited liability company, )  
)  
Respondent. )

ORDER OF THE BOARD (by D. Glosser):

On March 16, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Cherokee Well Service LLC (Cherokee). The complaint concerns a site located at 1532 County Road 1175E, in Carmi, White County. The parties now seek to settle 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that Cherokee violated Sections 12(a) and (d), 21(a), (d)(1) and (2), (e), (p)(1), (4) and (6) of the Act (415 ILCS 5/12(a) and (d), 21(a), (d)(1) and (2), (e), (p)(1), (4) and (6) (2014)), and Sections 722.111, and 808.121(a), 812.101(a) of the Board's Solid Waste and Special Waste Hauling Regulations, (35 Ill. Adm. Code 722.111 and 808.121(a)). Cherokee allegedly committed these violations by causing or allowing open dumping, failing to obtain a permit for waste disposal, polluting waters, creating a water pollution hazard, and failing to perform a waste determination.

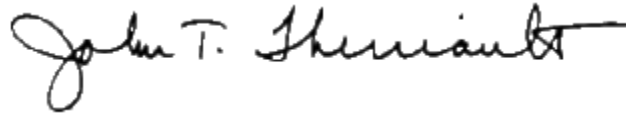
On March 16, 2016, simultaneously with the People's complaint the People and Cherokee filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, Cherokee admits the alleged violations and agrees to pay a civil penalty of \$12,500.

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) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 7, 2016 by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

---

John T. Therriault, Clerk  
Illinois Pollution Control Board