

ILLINOIS POLLUTION CONTROL BOARD

April 4, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 02-161
) (Enforcement – Water)
HOME DEPOT U.S.A., INC., a Delaware)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

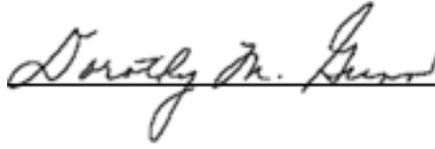
On March 25, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Home Depot U.S.A., Inc. (Home Depot). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Home Depot violated Sections 12(a), (c), (d), and (f) of the Environmental Protection Act (Act), various Board regulations pertaining to water pollution, and provisions in its National Pollutant Discharge Elimination System permit. The People further allege that Home Depot violated these provisions by failing to implement appropriate soil erosion control measures at its construction site, installing a sewer line without a construction permit, and failing to conduct site inspections and submit reports. The complaint concerns the construction of a new Home Depot store located south of Route 12 and Hartigan Road in the Village of Volo, Lake County.

Additionally on March 25, 2002, the People and Home Depot 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Home Depot denies the alleged violations and agrees to pay a civil penalty of \$50,000 to the Environmental Protection Trust Fund and to make a one time payment of \$30,000 to the Redhead Lake Rehabilitation Fund #230.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 4, 2002, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board