ILLINOIS POLLUTION CONTROL BOARD June 6, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB 96-137
v.)	(Enforcement - Water)
)	
KIMBALL HILL, INC., an Illinois)	
Corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J. Yi):

This matter comes before the Board upon a one count complaint filed December 22, 1995, by James Ryan, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Kimball Hill, Inc., an Illinois Corporation doing business in Bright Meadows Subdivision, in the Village of Round Lake, Lake County, Illinois. The complaint alleges that Kimball Hill, Inc., has violated Section 12(a) of the Environmental Protection Act (Act), 415 ILCS 5/12(a) and 35 Ill. Adm. Code 309.202(a) by causing or threatening to cause water pollution.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint Motion requesting relief from the Act's hearing requirements on April 23,1996. The Board published a Notice of the waiver on April 26, 1996; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on April 23, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Kimball Hill Inc. neither admits nor denies the alleged violations and agrees to pay a civil penalty of fifteen thousand dollars (\$15,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Kimball Hill, Inc., concerning its facility located in Lake County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Kimball Hill, Inc., shall pay the sum of fifteen thousand dollars (\$15,000.00) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 2200 Churchill Road P.O. Box 19276 Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face Kimball Hill Inc.'s Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3) Kimball Hill Inc. shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the the above opinion and order was adopted of		3
of	,	· · ·
	Dorothy M. Gunn, Clerk Illinois Pollution Control Board	