

ILLINOIS POLLUTION CONTROL BOARD  
January 24, 2002

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 02-73
	)	(Enforcement - Water)
BERNIE C. MORRIS,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M.E. Tristano):

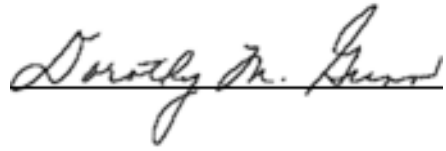
On December 11, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Bernie C. Morris (Morris). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. Morris is the developer of Wood Ridge Subdivision, a residential development north of the City of Chrisman, Edgar County. In count I of the complaint, the People allege that Morris violated Sections 12(a), (b), and (c) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (b), (c) (2000)) and Section 309.202(a) of the Board's regulations (35 Ill. Adm. Code 309.202(a)) by building a sewer extension from the City of Chrisman to Wood Ridge Subdivision without the required construction permit. In count II of the complaint, the People allege that Morris violated Section 12(f) of the Act (415 ILCS 5/12(f) (2000)) and Section 304.141(b) of the Board's regulations (35 Ill. Adm. Code 304.141(b)) by engaging in construction activities at Wood Ridge Subdivision that threatened or allowed the off-site discharge of contaminants without a National Pollutant Discharge Elimination System (NPDES) permit.

On January 8, 2002, the People and Morris 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 stipulation and proposed settlement, Morris admits the alleged violations and agrees to pay a civil penalty of \$2,500.

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. 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 January 24, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board