

ILLINOIS POLLUTION CONTROL BOARD  
April 18, 2002

PEOPLE OF THE STATE OF ILLINOIS,     )  
   )  
          Complainant,                             )  
   )  
          v.   )     PCB 02-30  
   )     (Enforcement – Water)  
MERIDIAN DEVELOPMENT                         )  
CORPORATION, an Illinois corporation,     )  
   )  
          Respondent.                             )

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

On September 7, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against respondent Meridian Development Corporation (Meridian). See 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The complaint alleged that Meridian operated without a National Pollutant Discharge Elimination System (NPDES) permit, violated water quality standards, created a water pollution hazard, and violated NPDES permit conditions at a construction site in Beach Park, Lake County. These activities were in alleged violation of Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), and 12(f) (2000)), Sections 309.102(a) and 302.203 of the Board’s regulations (35 Ill. Adm. Code 309.102(a) and 302.203), and Sections IV.B.2., IV.D.2.c.i and IV.D.4.d of Meridian’s NPDES permit.

On March 7, 2002, the People and Meridian filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The News Sun* on March 9, 2002. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board’s procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Meridian’s operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Meridian have satisfied Section 103.302. Meridian admits the alleged violation(s) and agrees to pay a civil penalty of \$10,000. The Board accepts the stipulation and proposed settlement.

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

**ORDER**

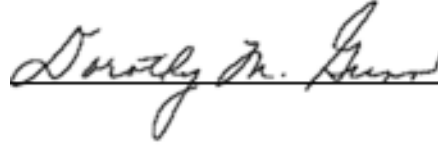
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Meridian must pay a civil penalty of \$10,000 no later than May 18, 2002, which is the 30th day after the date of this order. Meridian must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Meridian's federal employer identification number must be included on the certified check or money order.
3. Meridian must send the certified check or money order to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Meridian must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 18, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board