

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 00-32
) (Enforcement – Public Water Supply)
 OSBORN HOMES, INC., an Illinois)
 corporation,)
)
 Respondents.)
)

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

On August 19, 1999, the People of the State of Illinois (People) filed a four-count complaint against respondents Village of Maryville (Village) and Osborn Homes, Inc. (Osborn Homes) regarding construction of sanitary sewers along Stonebridge Golf Drive in the Village of Maryville, Madison County, Illinois.

The complaint alleges that Osborn Homes violated Sections 12(c) and (f), 15 and 18 of the Environmental Protection Act (Act) (415 ILCS 5/12(c), 12(f), 18 (1998)); Section 309.202(a) of the Board's Construction Permit Rules (35 Ill. Adm. Code 309.202(a)); and Section 602.101 of the Board's Public Water Supply Rules (35 Ill. Adm. Code 602.101) by constructing sanitary sewers and water main extensions without permits.¹ Additional violations were alleged against the Village.

On November 2, 2000, the Board accepted a stipulation and settlement agreement between the People and the Village, resolving the action against the Village. The Village is not a party to this proposed settlement.

On December 19, 2000, the Illinois Environmental Protection Agency (Agency), along with Osborn Homes, filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). In the proposed stipulation Osborn Homes neither admits nor denies the allegations contained in the complaint. Osborn Homes proposes to pay a \$7,500 penalty.

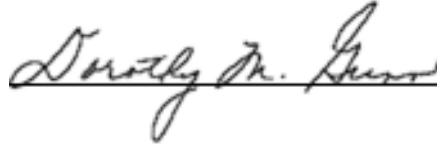
¹ The stipulation alleges Osborn Homes violated Section 15 of the Act, 415 ILCS 5/15. A violation of Section 15 is not alleged against Osborn Homes in the complaint. Given this inconsistency, the Board addresses only those violations alleged in the complaint.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (1998). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of January 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board