## ILLINOIS POLLUTION CONTROL BOARD June 5, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 03-147 (Enforcement - Water)
WESTFIELD HOMES OF ILLINOIS, an	)	(Emoreement water)
Illinois corporation,	)	
Respondent.	)	

## ORDER OF THE BOARD (by L.P. Padovan):

On March 13, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Westfield Homes of Illinois (Westfield Homes) alleging water pollution and National Pollutant Discharge Elimination System (NPDES) permit violations. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. Westfield Homes is a home sales and building company located in Buffalo Grove, Lake County. The complaint concerns Westfield Home's residential development called Tiffany Farms, Phase II, Units 3 and 4, in Antioch, Lake County.

Specifically, the People allege in the complaint that Westfield Homes violated Section 12(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) (2002)) and Section 302.203 of the Board's regulations (35 Ill. Adm. Code 302.203) by causing or allowing silt-laden storm water from its construction site to flow into a wetland, which caused, threatened, or allowed water pollution. The People further allege that Westfield Homes violated Section 12(d) of the Act (415 ILCS 5/12(d) (2002)) by allowing dirt stockpiles to remain on the construction site without adequate erosion controls such that storm water containing dirt and silt contaminants flowed into the wetland, creating a water pollution hazard. In addition, the People allege that Westfield Homes violated Section 12(f) of the Act (415 ILCS 5/12(f) (2002)) and Section 309.146(a) of the Board's regulations (35 Ill. Adm. Code 309.146(a)) by failing to implement adequate storm water pollution controls as required by the general NPDES permit for construction activities and failing to submit "Incidence of Noncompliance" reports to the Illinois Environmental Protection Agency.

On May 29, 2003, the People filed a stipulation and proposed settlement with Westfield Homes, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the proposed settlement, Westfield Homes neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$15,000.

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 request for relief and hold a hearing. See 415 ILCS 5/31(c)(2) (2002); 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 June 5, 2003, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board