

ILLINOIS POLLUTION CONTROL BOARD
September 4, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-24
)	(Enforcement - Water)
TRI-K DEVELOPMENT, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

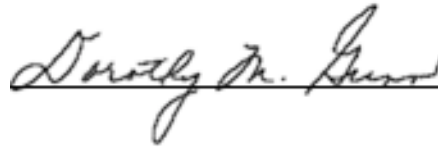
ORDER OF THE BOARD (by T.E. Johnson):

On August 29, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Tri-K Development, Inc. (Tri-K Development). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Tri-K Development violated Section 12(a) and (f) of the Environmental Protection Act (415 ILCS 5/12(a) and (f) (2002)); 35 Ill. Adm. Code 302.203, 306.102, and 309.146; and NPDES permit number ILR104445. The People further allege that Tri-K Development violated these provisions by engaging in construction activities without using adequate measures to control silt and erosion controls to prevent sediment from entering storm sewers that discharge into Prentiss Creek and the DuPage River. The complaint concerns Tri-K Development's construction activities at a six-acre development near the intersection of 59th Street and Interstate 355 in Lisle, DuPage County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Tri-K Development fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Tri-K Development to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 4, 2003, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board