

ILLINOIS POLLUTION CONTROL BOARD
September 18, 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):

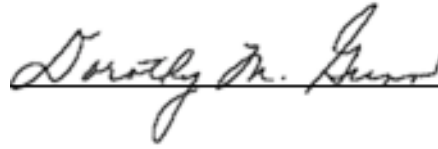
On August 29, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Tri-K Development, Inc. (Tri-K Development). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Tri-K Development violated Section 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (f) (2002)); 35 Ill. Adm. Code 302.203, 306.102, and 309.146; and National Pollutant Discharge Elimination System (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 accepted that complaint for hearing by an order dated September 4, 2003.

On September 5, 2003, the People and Tri-K Development 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) (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 stipulation, the Tri-K Development neither admits nor denies the alleged violation(s) and agrees to pay a civil penalty of \$7,500.

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) (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 September 18, 2003, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board