

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	PCB 04-138
PINNACLE CORPORATION d/b/a	)	(Enforcement - Water)
TOWN & COUNTRY HOMES,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On February 2, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against the Pinnacle Corporation d/b/a Town & Country Homes (respondent). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that respondent violated Sections 12(a), (c), (f), 15(a), and 18(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (c), (f), 15(a), and 18(a) (2002)) and 35 Ill. Adm. Code 309.102(a), 309.202(a), 602.101(a), and 652.101(a). The People further allege that respondent violated these provisions by disturbing wetlands, providing inadequate erosion control, pumping stormwater into the wetlands, and failing to obtain requisite sewer and public water supply permits. The complaint concerns respondent's residential construction site at Gilmer Road in Wauconda, Lake County.

On February 22, 2005, the People filed a motion to amend the complaint and indicated that the respondent does not object to the filing of the amended complaint. Mot. at 3. The amended complaint adds violations, which have occurred since the filing of the original complaint. The Board accepts the amended complaint. The amended complaint is a nine-count complaint which alleges that respondent violated Sections 12(a), (b), (c), (d), (f), 15(a), and 18(a) of the Act (415 ILCS 12(a), (b), (c), (d), (f), 15(a), and 18(a) (2002)) and 35 Ill. Adm. Code 302.203, 304.106, 309.102(a), 309.202(a), 602.101(a), and 652.101(a).

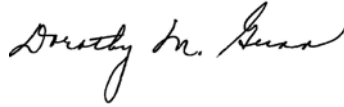
Also on February 22, 2005, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$80,000.

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 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 March 3, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board