

ILLINOIS POLLUTION CONTROL BOARD
April 21, 2005

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|--------------------------------------|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 04-225 |
| |) | (Enforcement - Water) |
| PRAIRIE LANE DEVELOPMENT, L.L.C., an |) | |
| Illinois corporation, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by J.P. Novak):

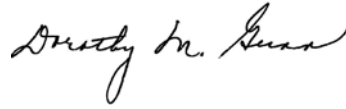
On June 23, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Prairie Lane Development, L.L.C. (Prairie Lane Development). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Prairie Lane Development violated Section 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/(a), (d), and (f) (2002)) and 35 Ill. Adm. Code 309.102(a), by allowing unstabilized areas to remain unprotected from erosion by runoff control structures, and thus causing, threatening, or allowing silt-laden stormwater runoff. The complaint concerns Prairie Lane Development's 72.6-acre Prairie Lane Subdivision residential subdivision at Dawson Lake Road and Caledonia Avenue, Timberlake, Boone County.

On April 12, 2005, the People and Prairie Lane 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, Prairie Lane Development admits the alleged violations and agrees to pay a civil penalty of \$11,000.

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) (2000); 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 April 21, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board