ILLINOIS POLLUTION CONTROL BOARD October 6, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 04-84 (Enforcement - Water)
PARAMOUNT DEVELOPERS, INC., an Illinois corporation,)	(Emorement - water)
Respondent.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On November 24, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Paramount Developers, Inc. (Paramount Developers). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Paramount Developers violated Section 12(a), (d) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d) and (f) (2004)) and 35 Ill. Adm. Code 306.102(a) and 309.146(a)(1) and (a)(2). The People further allege that Paramount Developers violated these provisions by: (1) causing, threatening, or allowing erosion of loose dirt, and silt into storm sewers that discharge into a pond and wetland area and the DuPage River; (2) causing or allowing the deposition of contaminants on the land so as to create a water pollution hazard; (3) failing to monitor its site, failing to improve and install adequate storm water controls, and failing to submit required incident of noncompliance reports in compliance with general National Pollutant Discharge Elimination System permit for storm water discharges from construction activities; and (4) failing to construct and operate erosion control measures so as to minimize violations of applicable standards during contingencies like flooding or adverse weather. The complaint concerns Paramount Developers' residential home development in Section 15, Township 38 North, Range 10 East in Lisle, DuPage County.

On July 27, 2005, the People and Paramount Developers 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 III. Adm. Code 103.300(a).

The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Lisle Sun* on September 2, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of

Paramount Developers' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Paramount Developers have satisfied Section 103.302. Under the proposed stipulation, the Paramount Developers neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$12,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Paramount Developers, Inc. (Paramount Developers) must pay a civil penalty of \$12,000 no later than November 5, 2005, which is the 30th day after the date of this order. Paramount Developers must pay the civil penalty by certified check, money order, or electronic funds, payable to Environmental Protection Trust Fund. The case number, case name, and Paramount Developers' social security number or federal employer identification number must be included on the certified check, money order, or record of electronic funds.
- 3. Paramount Developers must send the certified check, money order, or record of electronic funds transfer and any transmittal letter to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

A copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter must be sent to:

George Theophilos Assistant Attorney General Environmental Bureau 188 W. Randolph St., 20th Floor Chicago, Illinois 60601

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
- 5. Paramount Developers must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 6, 2005, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board