

ILLINOIS POLLUTION CONTROL BOARD

October 20, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 05-200
	)	(Enforcement - Water)
GREG RUDEEN, individually and d/b/a	)	
ROCK RIVER TOWNHOMES and d/b/a	)	
RUDEEN AND ASSOCIATES,	)	
	)	
Respondent.	)	

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

On May 23, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Greg Rudeen, individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Greg Rudeen's residential development at the intersection of Clifford Avenue and Park Ridge Road, Loves Park, Winnebago County. The parties now seek to settle. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Greg Rudeen violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2004)) and 35 Ill. Adm. Code 309.102(a) by (1) causing, threatening, or allowing water pollution; (2) creating a water pollution hazard; and (3) prematurely terminating coverage under the general National Pollutant Discharge Elimination System permit for storm water discharges from construction activities before soil and sediment were fully stabilized.

On September 9, 2005, the People and Greg Rudeen 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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Rockford Register Star* on September 21, 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 Greg Rudeen's 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)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

Greg Rudeen admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), which may mitigate or aggravate the civil penalty amount. Greg Rudeen agrees to pay a civil penalty of \$8,000.

The People and Greg Rudeen have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. This docket is now closed.

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. Greg Rudeen must pay a civil penalty of \$8,000 no later than November 21, 2005, which is the first business day after the 30th day after the date of this order. Greg Rudeen must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and Greg Rudeen's social security number or federal employer identification number must be included on the certified check or money order.
3. Greg Rudeen must send the certified check, money order, or electronic funds transfer to the following person at the indicated address:  
  
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Greg Rudeen must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following persons at the indicated addresses:

Jennifer A Thomas, Assistant Attorney General  
 Environmental Bureau  
 188 West Randolph Street, 20th Floor  
 Chicago, Illinois 60601

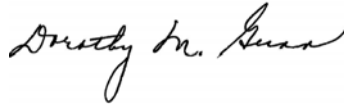
James Day, Assistant Counsel  
 Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

5. 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)).
6. Greg Rudeen 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 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board