

ILLINOIS POLLUTION CONTROL BOARD

November 17, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-44
)	(Enforcement - Public Water Supply)
WEIS BUILDERS, INC.,)	
)	
Respondent.)	

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

On September 20, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Weis Builders, Inc. (Weis Builders). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Weis Builders violated Section 18(a)(3) of the Environmental Protection Act (Act) (415 ILCS 5/18(a)(3) (2004)) and 35 Ill. Adm. Code 602.101(a). The People further allege that Weis Builders violated these provisions by construction of a public water supply without a construction permit. The complaint concerns Weis Builders' Summer 2003 installation of a water main to serve a new Home Depot store at 143rd Street and Bell Road, Homer Township, Will County.¹

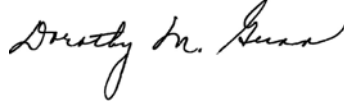
On November 7, 2005, the People and Weis Builders filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Weis Builders neither admits nor denies the alleged violation but agrees to pay a civil penalty of \$10,000.

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) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

¹ The same installation is the subject of two other pending enforcement actions: People v. Home Depot, PCB 05-168, and People v. STS Consultants, PCB 6-48.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 17, 2005, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board