## ILLINOIS POLLUTION CONTROL BOARD April 6, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 05-168
HOME DEPOT U.S.A., INC., a Delaware corporation,	)	(Enforcement - Public Water Supply)
Respondent.	)	

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

On March 15, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Home Depot U.S.A., Inc. (Home Depot). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Home Depot's construction of a water main during construction of retail store number 1989 at 143rd and Bell Road, Homer Township, Will County.<sup>1</sup>

The People allege that Home Depot violated Section 15(a) of the Environmental Protection Act (Act) (415 ILCS 5/15(a) (2004)) and 35 Ill. Adm. Code 602.101(a). The People further allege that Home Depot violated these provisions by failing to obtain a construction permit prior to construction of a water main.

On March 14, 2006, the People and Home Depot 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). Under the proposed stipulation, the Home Depot neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$15,000.

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.

<sup>&</sup>lt;sup>1</sup> This same installation is or was the subject of other pending or settled enforcement actions: People v. STS Consultants, Ltd., PCB 05-48 (settlement accepted by an order dated April 6, 2006); People v. Illinois-American Water Company, PCB 06-15 (settlement accepted by an order dated March 16, 2006); and People v. Weis Builders, Inc., PCB 06-44 (settlement accepted by an order dated January 5, 2006).

## 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 6, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board