

ILLINOIS POLLUTION CONTROL BOARD

April 20, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-46
)	(Enforcement - Water)
OSBORNE HOMES, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

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

On October 3, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Osborne Homes, Inc. (Osborne Homes). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Osborne Homes' Parkside Commons Development multi-family residential development at Sir Lancelot Drive east of Keebler Road, in Collinsville, Madison County.

The People allege that Osborn Development Company violated Section 12(c) of the Environmental Protection Act (Act) (415 ILCS 5/12(c) (2004)) and 35 Ill. Adm. Code 309.202(a). The People further allege that Osborne Homes violated these provisions by constructing a sanitary sewer system without a permit.

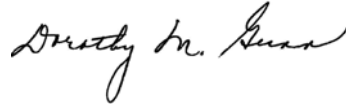
On April 13, 2006, the People and Osborn Development Company filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Osborn Development Company neither admits nor denies the alleged violation but agrees to pay a civil penalty of \$15,000.¹

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.

IT IS SO ORDERED.

¹ The People point out that earlier adjudicated violations involving Osborn Development Corporation were before the Board. *See People of the State of Illinois v. Village of Maryville and Osborn Homes, Inc.*, PCB 00-32 (Feb. 1, 2001).

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 20, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board