

ILLINOIS POLLUTION CONTROL BOARD
July 6, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-191
)	(Enforcement - Water)
LOUIE'S TRENCHING SERVICE, INC., an)	
Illinois corporation, and CITY OF GALENA,)	
an Illinois municipal corporation,)	
)	
Respondents.)	

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

On June 27, 2006, the Office of the Attorney General, on her own motion and at the request of the People of the State of Illinois (People), filed a two-count complaint against Louie's Trenching Service, Inc. and the City of Galena (respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns respondents' 2004 activities during the construction of the Galena Recreational Greenway bike path on 6.3 acres at just south of U.S. Route 20, along the east bank of the Galena River, in Galena, Jo Daviess County.

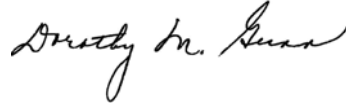
The People allege that respondents violated Section 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (f) (2004)) and 35 Ill. Adm. Code 309.102(a). The People further allege that respondents violated these provisions by failure to implement adequate erosion controls (1) discharging contaminants causing or tending to cause water pollution; and (2) causing, threatening, or allowing the discharge of silt-laden storm water into the Galena River in violation of the City of Galena's National Pollutant Discharge Elimination System permit ILR10B623.

On June 27, 2006, the People and respondents also 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 respondents admit the alleged violations and agree to pay a civil penalty of \$9,000.

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.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board