ILLINOIS POLLUTION CONTROL BOARD July 20, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
)
v.) PCB 07-2
) (Enforcement - Water)
MEIJER STORES LIMITED PARTNERSHIP,)
a Michigan partnership, and ROCKFORD)
CONSTRUCTION COMPANY, a Michigan)
corporation,)
)
Respondents.)

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

On July 5, 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 three-count complaint against Meijer Stores Limited Partnership and Rockford Construction Company (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' construction in 2004 and 2005 of a new Meijer retail store on 32.29 acres at 130 South Gary Avenue, Bloomingdale, DuPage County.

The People allege that respondents violated Section 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), and (f) (2004)). The People further allege that respondents violated these provisions by (1) causing, threatening, or allowing water pollution by the discharge of storm water containing silt and eroded soil into the Bloomingdale sewer system; (2) failing to have and maintain adequate erosion and sediment control measures, so as to create a water pollution hazard; and (3) causing, threatening, or allowing the discharge of a contaminant into the environment in violation of conditions of its National Pollutant Discharge Elimination System stormwater discharge permit.

On July 5, 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 collectively agree to pay a total civil penalty of \$85,000, with \$60,000 to be paid by Meijer Stores Limited Partnership and \$25,000 to be paid by Rockford Construction Company.

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) (2000); 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 20, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board