

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2006

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 06-182 |
| |) | (Enforcement - Water) |
| KIRSEA BUILDERS, INC. an Illinois |) | |
| corporation, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by N.J. Melas):

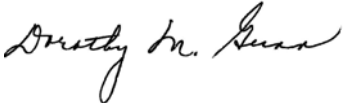
On June 2, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Kirsea Builders, Inc. (Kirsea). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Kirsea violated Section 12(b) of the Environmental Protection Act (415 ILCS 5/12(b) (2004)) and 35 Ill. Adm. Code 309.202(a) of the Board’s water pollution regulations by constructing a sewer at the Eagle Fair Subdivision without the required permit. The complaint concerns Kirsea’s installation of sewers at a residential development known as Eagle Fair Subdivision, located at Monee, Will County.

On July 24, 2006, the People and Kirsea 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, Kirsea admits the alleged violations and agrees to pay a civil penalty of \$3,200.

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 August 4, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board