ILLINOIS POLLUTION CONTROL BOARD August 4, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-7
)	(Enforcement - Water)
CITY OF BELVIDERE, an Illinois municipal)	
corporation, and CES, INC., an Illinois)	
corporation,)	
)	
Respondents.)	

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

On August 1, 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 one-count complaint against City of Belvidere and CES, Inc. (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 of 1,750 feet of 8-inch sewer line between the addresses 298 and 544 Appleton Road in Belvidere, Boone County.

The People allege that respondents violated Section 12(b) of the Environmental Protection Act (Act) (415 ILCS 5/12(b) (2004)) and 35 Ill. Adm. Code 309.202(a). The People further allege that respondents violated these provisions by construction of a sewer line without first obtaining a construction permit.

On August 1, 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 III. Adm. Code 103.300(a). Under the proposed stipulation, the respondents admit the alleged violations and agree 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.

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