

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-178
)	(Enforcement - Water)
GALENA HILLSIDE HOMES, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

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

On May 24, 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 Galena Hillside Homes. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Galena Hillside Homes' excavation and harvesting of topsoil from 3.6 acres of land off Posey Road in the east half of Section 36, Township 29 North, Range 1 East, in Jo Daviess County. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

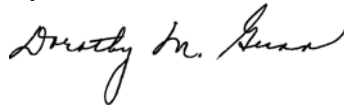
Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Galena Hillside Homes violated Section 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2004)) and 35 Ill. Adm. Code 309.102(a). The People further allege that Galena Hillside Homes violated these provisions by (1) causing, threatening, or allowing water pollution; (2) creating a water pollution hazard; and (3) failing to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit.

On September 25, 2006, the People and the Galena Hillside Homes 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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Galena Hillside Homes admits the alleged violations and agrees to pay a civil penalty of \$10,000.

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. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk 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 October 5, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board