## ILLINOIS POLLUTION CONTROL BOARD November 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	) )	
v.	)	PCB 06-175 (Enforcement - Water)
TRES AMIGOS PROPERTIES, LLC, an	)	(Enforcement Water)
Illinois limited liability company,	)	
	)	
Respondent.	)	

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

On May 18, 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 complaint against Tres Amigos Properties, LLC (Tres Amigos Properties). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Tres Amigos Properties violated Sections 12(b) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(b) and (f) (2004)), and 35 Ill. Adm. Code 309.102(a) and 309.154. The People further allege that Tres Amigos Properties violated these provisions by: (1) violating its National Pollution Discharge Elimination System (NPDES) stormwater management permit; and (2) failing to obtain a sewer construction permit. The complaint concerns Tres Amigos Property's construction site at 3100 South Dirksen Parkway, in Springfield, Sangamon County.

On November 3, 2006, the People and Tres Amigos Properties 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, Tres Amigos Properties neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

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 November 16, 2006, by a vote of 4-0.

Drietly Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board