## ILLINOIS POLLUTION CONTROL BOARD December 7, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 07-1
	)	(Enforcement - Water)
KURT CARLSON,	)	
	)	
Respondent.	)	

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

On July 3, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Mr. Kurt Carlson. See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Mr. Carlson is the owner and developer of the residential subdivision known as Park Valley. The People allege that Mr. Carlson violated Section 12(a), 12(d), and 12(f), of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), and (f) (2004)) by: causing or allowing water pollution, failing to comply with the applicable National Pollutant Discharge Elimination System (NPDES) stormwater permit, and creating a water pollution hazard. The People further allege that Mr. Carlson failed to implement adequate erosion controls, failed to implement stormwater pollution prevention plans for the Park Valley site, and failed to submit required noncompliance reports from September 23, 2004, to at least February 2005. Park Valley is located along McFarland Road in the City of Loves Park, Winnebago County.

On November 20, 2006, the People and Mr. Carlson 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, Mr. Carlson neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$22,000.

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 December 7, 2006, by a vote of 4-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board