## ILLINOIS POLLUTION CONTROL BOARD April 19, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 05-191
CASTLE RIDGE ESTATES	)	(Enforcement - Water)
INCORPORATED, an Illinois corporation,	)	
Respondent.	)	

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

On April 28, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Castle Ridge Estates Incorporated (Castle Ridge). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Castle Ridge violated Section 12(a), (c), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (c), and (f) (2004)) and 35 Ill. Adm. Code 309.202(a). The People further allege that Castle Ridge violated these provisions by: (1) undergoing construction at the site without first obtaining coverage under a National Pollutant Discharge Elimination System general stormwater discharge permit; (2) threatening or allowing the discharge of silt and other contaminants into waters of the State so as to cause or tend to cause water pollution; and (3) building a sewer collection system without a construction permit. The People ask the Board to order Castle Ridge to cease and desist from further violation and pay a civil penalty in accordance with the Act. The complaint concerns Castle Ridge's 140-acre residential development located two and a half miles south of Troy, in Madison County.

On March 7, 2007, the People and Castle Ridge 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Times-Tribune* on March 15, 2007. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 III. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Castle Ridge's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Castle Ridge have satisfied Section 103.302. Under the proposed stipulation, the Castle Ridge neither admits nor

denies the alleged violations but agrees to pay a civil penalty of \$5,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Castle Ridge Estates Incorporated (Castle Ridge) must pay a civil penalty of \$5,000 no later than May 21, 2007, which is the first business day after the 30th day from the date of this order. Castle Ridge must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Illinois Environmental Protection Agency and designated to the Environmental Protection Trust Fund. The case number, case name, and Castle Ridge's federal employer identification number (FEIN) must be included on the certified check.
- 3. Castle Ridge must send the certified check, money order, or electronic funds transfer to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

A copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter must be sent to:

P . Poitevint Environmental Bureau Office of the Attorney General 500 South Second Street Springfield, Illinois 62702

Thomas Andryk Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).

5. Castle Ridge must cease and desist from the alleged violations.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 19, 2007, by a vote of 3-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board