

ILLINOIS POLLUTION CONTROL BOARD
June 7, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-215
)	PCB 06-103
FIRST ROCKFORD GROUP, INC., an Illinois)	(Enforcement - Land)
Corporation,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On June 15, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint with one count against First Rockford Group, Inc. (First Rockford), Heritage Engineering, Ltd., and Schlichting & Sons Excavating, Inc. (Schlichting) (collectively, respondents), and two-counts against the Village Of Cherry Valley (Cherry Valley). The Board accepted the complaint on July 7, 2005, and docketed the matter as PCB 05-215.¹

In the complaint of PCB 05-215, the People allege that First Rockford and the other respondents violated Section 15 of the Environmental Protection Act (Act) (415 ILCS 5/15 (2004)), and provisions of the Board's rules at 35 Ill. Adm. Code 602.101(a). In the second count of the complaint, the People allege that Cherry Valley violated Section 15 of the Act (415 ILCS 5/15 (2004)) and the rules at 35 Ill. Adm. Code 602.101(a) and 652.101(a). The People allege that respondents violated these provisions by constructing and installing potable water lines at the Golf Hill subdivision in Cherry Valley, Winnebago County.

On December 15, 2005, the People filed a complaint against First Rockford. The complaint concerns residential subdivisions developed by a corporation owned by First Rockford named Spring Creek Meadows L.L.C. (Spring Creek). Spring Creek was created in part to develop the residential subdivisions of Winchester Hills, Wexford Place, and Wyndridge in Machesney Park, Winnebago County that are the subject matter of this complaint. The Board

¹ The Board has accepted stipulation and settlement agreements filed by the People with Heritage Engineering, Ltd., Cherry Valley, and Schlichting by orders dated November 3, 2005, February 2, 2006, and August 4, 2006. *See People v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting & Sons Excavating, Inc.*, PCB 05-215 (Nov. 3, 2005); *People v. First Rockford Group, Inc., Village of Cherry Valley, and Schlichting & Sons Excavating, Inc.*, PCB 05-215 (Feb. 2, 2006); and *People v. First Rockford Group, Inc., and Schlichting & Sons Excavating, Inc.*, PCB 05-215 (Aug. 4, 2006). The caption in PCB 05-215 has been changed to reflect each of those orders.

docketed the complaint as PCB 06-103, and accepted the complaint for hearing on January 5, 2006. The Board consolidated PCB 05-215 with PCB 06-103 on February 2, 2006.

On May 18, 2007, the People and the sole remaining respondent, First Rockford, 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, First Rockford admits the violations alleged in the PCB 05-215 complaint. First Rockford neither admits nor denies the violations alleged in the PCB 06-103 complaint. First Rockford agrees to pay a civil penalty of \$35,000. In addition, First Rockford will perform a Supplemental Environmental Project (SEP) requiring a \$20,000 contribution to Rockford School District #205 for its use in retrofitting school bus emissions systems by installation of particulate filters on busses to reduce nitrogen oxide emissions.

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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 7, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board