

ILLINOIS POLLUTION CONTROL BOARD
January 24, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-80
)	(Enforcement – Water)
FULFORD CONSTRUCTION, INC.,)	
)	
Respondent.)	

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

On November 21, 2005, the Attorney General, on her own motion and at the request of the Illinois Environmental Protection Agency (People), filed a two-count complaint against Fulford Construction, Inc. (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns a residential subdivision developed by respondent and known as Woodfield Estates Subdivision, located in the Village of Shiloh, St. Clair County. The parties now seek to settle without a 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 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(b) and 12(f) of the Act (415 ILCS 5/12(b), 12(f) (2006)) and 35 Ill. Adm. Code 309.102(a) and 309.202(a) of the Board's regulations. The People further allege that respondent violated these provisions by causing or allowing or threatening the discharge of contaminants into waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit and failing to obtain a construction permit from the Illinois Environmental Protection Agency prior to connecting single family lot aeration units to a storm sewer system.

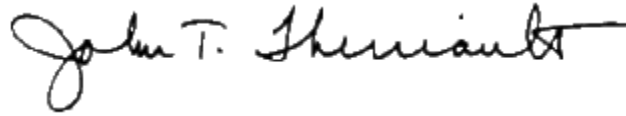
On January 9, 2008, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, respondent does not affirmatively admit the alleged violations, and agrees to pay a civil penalty of \$2,000.

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) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 24, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board