ILLINOIS POLLUTION CONTROL BOARD February 21, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 06-173 (Enforcement - Water)
FIRST COUNTRY HOMES, LLC, an Illinois)	(Emoreement water)
limited liability company,)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On May 16, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against First Country Homes, LLC (respondent). The complaint concerns respondent's residential development known as "Country-Meadows – Phase 8" in Monee, Will 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(a), (b), and (f) of Act (415 ILCS 5/12(a), (b), (f) (2006)) and 35 Ill. Adm. Code 309.102(a) and 309.202(a) by (1) failing to obtain a sewer construction permit before installing a sanitary sewer system; and (2) threatening to allow or allowing stormwater discharges without first obtaining a National Pollutant Discharge Elimination System (NPDES) stormwater permit.

On February 11, 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, the respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of thirty thousand dollars (\$30,000.00).

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 III. 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 February 21, 2008 by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board